

**CITY OF GONZALES  
CITY COUNCIL MEETING  
JANUARY 9, 2020 MINUTES**

The City Council convened the Council meeting at 6:04 p.m., January 9, 2020, 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 Attorney-T. Daniel Santee, City Secretary- Kristina Vega

Staff Present: Genora Young, Laura Zella, Anne Dollery, Micaela Estrada, Nick Deleon, Ashley Simper, Tim Crow, Keith Schmidt, Barbara Friedrich

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

**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

Mayor Kacir invited the community to San Antonio on Sunday, March 1<sup>st</sup> at 10:30 at the Alamo. We have been asked to be honored again this year in honor of the Immortal 32.

I would like to start a Coffee with the Mayor to invite the public at large to sit down and present their questions in an informal format where we can have time to answer any questions of the citizenry. Discuss current capital projects that we have going on and any other matters of interest that our citizens may have. Please place that as a resolution on our next agenda to have our Council's approval before moving forward on that.

**HEARING OF RESIDENTS**

Valorie Daniel, Cost, Texas expressed her concerns regarding the administration of the City and encouraged the Council to attend local events to see the effort of the local volunteers and sit down to visit about topics of concern.

Dale Schellenberg, 1410 St. Vincent, discussed his concerns with the previous Mayoral Election and requested the Council to consider the County's electronic voting machines.

## **OTHER BUSINESS**

Chief Crow thanked the Council for allowing and supporting their efforts to hire officers and getting them to the academy. The program is very effective and successful.

1.1, 1.2, 1.3 & 1.4, Mayor Kacir swore in Police Officers-Christopher Rodriguez, Eric A. Long, Caesar Martinez, & Darrance James

## **PRESENTATION**

2.1, Ashley Simper, as Tourism Director for City of Gonzales, my position entails more than destination marketing, it also includes the promotion and development of business with the JB Wells Expo. To do so effectively, it is only wise to be both strategic and thoughtfully realistic in our approach to this facility and its potential. Currently the expo is 15k square feet of inviting space that is in high demand for various weekend events, but this same space holds much promise for events during the week as well. However, an initial analysis of the facility does reveal that there is great need for enhancements to make it a viable player within the very competitive groups and meetings industry. Our goal within the Tourism department is to secure small conferences, regional meetings, trade shows and corporate retreats with various associations within the industries of agribusiness, oil & gas, leisure & outdoors and tourism & hospitality. The JB Wells Expo does not currently meet the needs of our prospective clients. Meeting planners and event organizers at a minimum are looking for flexibility within a space, ability to create private meeting spaces, rooms for break-out sessions and events, as well as digital equipment such as screens, projectors, video conferencing, etc. Again, these are minimum amenities. However, it is my opinion that steps can be taken to improve the facilities offerings and increase its competitive edge by investing in the facility both in the short and long term, I believe the JB Wells expo can be an even more productive facility for the City of Gonzales. Any effort taken now could yield an increase in bookings over the current rate. I have researched options that would begin to move us forward down this path. Our most immediate needs would be to provide AV and some sort of viable space for meetings and/or break out sessions. Though the facility would greatly benefit from the construction of permanent structures for meeting space, that is something to potentially work towards in the future. In the meantime, I think we can begin to make progress in the short term with alternative options that are available. I respectfully request your consideration for the City of Gonzales to formally solicit proposals for the purchase and installation of audio and visual equipment as well as portable dividing walls at the JB Wells Expo that will begin to meet some of the technological and logistical needs of our prospective clients. Based on research, we can expect to reach both of these needs in the range of \$60-90k. If council approves, any formal proposals will be vetted by the Convention and Visitor's Bureau and a recommendation will be presented to City Council at a later date for funding consideration and advisement.

Councilman O'Neal asked if there was a budgeted amount for this year.

Mayor Kacir stated that this is not budgeted but what was requested was, should Council elect to pursue the RFP for that equipment, that then we would identify that funding.

Councilman Blakemore asked if with the portable dividers, if it would require any change in present lighting or air conditioning.

Ms. Simper stated no sir, they would not be floor to ceiling, they could be moved in and out. We would be able to configure spaces as the client would need and it would not require any changes to lighting or anything within the actual facility. We would be able to roll them in and out and when we are not using them, they would just fold up and we would store them away.

Mayor Kacir asked, the \$60-90k realizing that is an estimate, is that an aggregate amount for both the portable dividers and the AV. On the portable room dividers, are there different levels of acoustics?

Ms. Simper stated they will not be noise canceling completely, as they are not floor to ceiling of course, but the material that the dividers are made out of would have measures in there that would help reduce outside noise, as well as maintain the noise that is going on within the space so you would have a semi-private meeting space.

Councilman Schroeder expressed he was reluctant to spend \$60-90k with the current situation with the JB Wells litigation.

2.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action regarding proposed upgrades, improvements, soliciting formal bids or budgeting of funds and funding sources for the JB Wells Park Expo. The Mayor asked for a motion. Councilman O'Neal made a motion to authorize the City Manager and Tourism Director to solicit proposals for the proposed upgrades and improvements for the JB Wells Park Expo. Councilman Blakemore seconded the motion. The Mayor called for discussion. Councilman Schroeder again stated that he is reluctant with that with the ongoing litigation. Mayor Kacir commended Ms. Simper, this is something we have looked at for the last couple of years, being able to utilize that facility at a higher level. I think this would position us with a minimum investment to allow those types of small conferences that we can accommodate in Gonzales. Increasing the economic impact on our city, both the sales tax and HOT Tax. I think funding sources we could consider both EDC and HOT funds as well should the motion pass. The Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye". Councilman Schroeder voted "nay".

### **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:

3.1, Minutes - Approval of the minutes for the Regular Meeting of December 12, 2019

3.2, Discuss, Consider & Possible Action on **Resolution #2020-1** Authorizing the Purchase of two Chevrolet Tahoe PPV for the Police Department in an amount not to exceed \$81,188.00

3.3, Discuss, Consider & Possible Action on **Resolution #2020-2** Approving the Tax Resale of the Property Located at 1019 Church Street

3.4, Discuss, Consider & Possible Action Approving **Resolution #2020-3** Authorizing the City Manager to Execute a Program Agreement Distribution Construction Services Contract with the Lower Colorado River Authority to provide access to LCRA's distribution services contract with Techline Construction

3.5, Discuss, Consider & Possible Action on **Resolution #2020-4** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League

3.6, Discuss, Consider & Possible Action on **Resolution #2020-5** Authorizing the City Manager to Execute a License Agreement with the Gonzales Youth Sports League

3.7, Discuss, Consider & Possible Action Approving **Resolution #2020-6** Approving a Type B Economic Development Project And Performance Agreement, By and Between the Gonzales Economic Development Corporation and Livestock Nutrition Center, LLC, a Texas Limited Liability Company, Regarding Improvements authorized pursuant to Sections 501.101 and 501.103 of the Texas Local Government Code-Second Reading

The Mayor asked for a motion to approve the consent agenda items. Councilman O'Neal made a motion to approve consent items 3.1, 3.2, 3.3, 3.7 and removing items 3.4, 3.5 & 3.6 for further discussion. Councilman Schurig seconded the motion. The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

## **RESOLUTIONS**

3.4, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-3** Authorizing the City Manager to Execute a Program Agreement Distribution Construction Services Contract with the Lower Colorado River Authority to provide access to LCRA's distribution services contract with Techline Construction. Council the only thought I have on that particular agenda item. I would like for transparency in regard to other vendor options outside of LCRA, that staff add language to this agreement reserving the right to participate in a competitive bidding process with other vendors for system improvement projects. In other words, that the City always do what is most advantageous to us, should we have pricing that is improved from the LCRA pricing. Councilman Blakemore made a motion to approve on **Resolution #2020-3** Authorizing the City Manager to Execute a Program Agreement Distribution Construction Services Contract

with the Lower Colorado River Authority to provide access to LCRA's distribution services contract with Techline Construction with the language as stated. 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".

3.5, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-4** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League and 3.6, Discuss, Consider & Possible Action on **Resolution #2020-5** Authorizing the City Manager to Execute a License Agreement with the Gonzales Youth Sports League. Council I did have conversation with Ms. Jennifer Almaguer today and she has asked that we postpone adopting the contract to the February meeting. I also had conversation with Pastor Jesse and asked that the contract be placed on the February agenda, as well.

City Attorney, Dan Santee addressed the City Council regarding the necessity of the license agreements for the use of the City's facilities. He further explained the provision in the Texas Constitution that is implicated by any use of public facilities by a private entity. Any governmental entity cannot give anything or provide anything of value to any private party or entity. The predominant purpose of a statute requiring a public expenditure must be to accomplish a public purpose, not to benefit private parties, and the statute must retain public control over the funds to ensure that the public purpose is accomplished and to protect the public's investment and ensure that the political subdivision receives a return benefit. It is our opinion that City Council could find that the provision of adult and youth baseball and softball programs is a municipal public purpose, but the question could be at what cost to the community. He explained in further detail regarding AG opinions regarding the expenditure of funds serving as a valid public purpose.

4.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-7** Accepting the Proposals for Solid Waste Collection and Disposal Services and Authorizing the City Manager to Negotiate the Final Terms of an Agreement for Consideration of the City Council. Council I had and called and directed staff to compile some aggregate numbers and I would like to call on Tim and Laura to review that recap. City Manager, Tim Patek stated that we compiled the RFP and you have those numbers in front of you. If you were to go with Frontier there would be a savings on just the carts of \$181,943.64 to the City and the residents. The largest savings is the residential carts. Councilman O'Neal made a motion to approve on **Resolution #2020-7** Accepting the Proposals for Solid Waste Collection and Disposal Services and Authorizing the City Manager to Negotiate the Final Terms of an Agreement with Frontier Waste Solutions for Consideration of the City Council. 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".

4.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-8** Discuss, Consider & Possible Action on Resolution #2020-8 Authorizing the Appointments to the Roger M. Dreyer Memorial Airport Advisory Board. Council at the last meeting we did authorize the organizing of an Airport Advisory Board, and I am pleased to state we have seven applicants in our packet. I would ask that when you place the motion on the floor for those individuals that you would name the term since it is a new board. Councilman O'Neal made a motion to approve **Resolution #2020-** Authorizing the Appointments for the term effective January 9, 2020 ending September 30, 2020 John Coale, John Langhoff, Steve Dixson and for the term January 9, 2020 ending September 30, 2021 Alfred O'Donnell, Michael Touch, John Sample and Commie Hisey to the Roger M. Dreyer Memorial Airport Advisory Board. 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**

5.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2020-1** Authorizing Budget Amendments to the 2019-2020 Fiscal Year Budget. Finance Director, Laura Zella explained that Budget Amendment #1, a lot of these amendments are expenditures that we didn't get to pay for in last year's budget that rolled over to this year, Budget Amendment #2 is for the Gonzales Visitor Information Center, Budget Amendment #3 and #4 are both projects that didn't get finished last year and we are asking that you allow us to finish the projects and pay for it out of this budget, Budget Amendment #5 is because our insurance increased. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Ordinance #2020-1** Authorizing Budget Amendments to the 2019-2020 Fiscal Year Budget. Councilman Schurig seconded the motion. The Mayor called for discussion. The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

5.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2020-2** Amending Section 3.602 Findings of Fact, 3.606 Lands to Which this Article Applies, 3.607 Basis for Establishing the Areas of Special Flood Hazard, Section 3.652 Specific Standards, 3.654 Standards for Areas of Shallow Flooding (AO/AH Zones) and Section 3.655 Floodways of the City of Gonzales Code of Ordinances. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Ordinance #2020-2** Amending Section 3.602 Findings of Fact, 3.606 Lands to Which this Article Applies, 3.607 Basis for Establishing the Areas of Special Flood Hazard, Section 3.652 Specific Standards, 3.654 Standards for Areas of Shallow Flooding (AO/AH Zones) and Section 3.655 Floodways of the City of Gonzales Code of Ordinances. Councilman Schroeder

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**

6.1, Mayor Kacir stated the Financial Report for the Month of December 2019 is available for review.

6.2, City Manager, Tim Patek gave the City Council an update regarding the 2019-2020 Fiscal Year Street & Drainage Improvements and Harvey CDBG-DR Status.

### **CLOSED SESSION**

At 7:27 p.m. the City Council moved into Closed Session.

7.1 (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. A Guerra Enterprise LLC D/B/A Holiday Inn Express & Suites Cause No. 27,591

### **RETURN TO OPEN SESSION**

At 7:51 p.m. the Council returned to Open Session

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

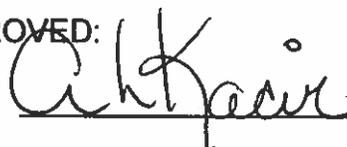
No action was taken regarding closed session.

### **ADJOURN**

The Mayor asked for a motion to adjourn. Councilman O'Neal made a motion to adjourn and Councilman Schurig seconded the motion and the meeting adjourned at 7:51 p.m.

  
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Kristina Vega, City Secretary

APPROVED:

  
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