

**CITY OF GONZALES
CITY COUNCIL MEETING
FEBRUARY 13, 2020 MINUTES**

The City Council convened the Council meeting at 6:00 p.m., February 13, 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: Micaela Estrada, Laura Zella, Gary Schurig, Anne Dollery, Keith Schmidt, Nick DeLeon, Barbara Friedrich, Tim Crow, Ashley Simper

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

Police Chief, Tim Crow stated that the two officers that were being sworn in tonight have been with the City for a while, however they were overlooked for their swearing in.

Mayor Kacir stated that the first Q&A with the Mayor on Tuesday night and it was a great success and had approximately 75 in attendance. We did have our auditor present and he gave projections for this year's audit. The next Q&A with the Mayor will be announced for next month. BYK Ribbon Cutting was today and it is amazing to have a global company in Gonzales that has invested \$50 plus million.

HEARING OF RESIDENTS

Gary Schurig, Museum Director, formally invited the City Council to attend the Changing of the Command of the 71st Exploratory Intelligence Brigade on February 29th at 3:00 p.m. at the Amphitheater at the Museum.

James Dickerson, 1130 E. Linden, Rockport, Texas, Rockport Warriors United invited the City Council to be part of the cause for the Coast 2 Capital Bike Rider raising awareness of Veteran suicide and explained that part of the team will be at the Museum on March 22nd at noon.

OTHER BUSINESS

1.1, Mayor Kacir swore in Police Officers-Alejandro Gonzalez and Cody Thomas

1.2, Mayor Kacir read Discuss, Consider & Possible Action on a Resolution directing staff regarding the disposition of the old library structure located at 415 St. Matthew. In 2017 we had directed staff to go out for quotes being that the aggregate repair cost was a minimum of \$80,000. We received those quotes ranging from \$19k to \$40k and though this is under the aggregate amount requiring procurement and for it to come to Council for approval. However, for transparency purposes we did want to have this on the agenda for approval. The Mayor asked for a motion. Councilman Schurig made a motion to award the bid to Fred's Contract Services, LLC out of Yoakum, Texas. Councilman Schroeder seconded the motion. The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

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 January 9, 2020 and Special Called Meeting of January 23, 2020

2.2, Acknowledging Receipt of the 2019 Annual Racial Profiling Report

2.3, Discuss, Consider & Possible Action on **Resolution #2020-10** Declaring Certain City Property Surplus and Authorizing the Sale of Said Property in the manner most advantageous to the City of Gonzales

2.4, Discuss, Consider & Possible Action on **Resolution #2020-11** Authorizing the City Manager or his designee to enter into an agreement with the Texas Department of Public Safety "DPS"

2.5, Discuss, Consider & Possible Action on **Resolution #2020-12** Authorizing the purchase of two Chevrolet Trucks for the Electric Department in an amount not to exceed \$48,757.00

2.6, Discuss, Consider & Possible Action on **Resolution #2020-13** Authorizing the City Manager to Execute a Contract between the City of Gonzales and the Gonzales County Mental Health Advisory Board

2.7, Discuss, Consider & Possible Action on **Resolution #2020-14** Authorizing Gonzales Main Street's Use of Confederate Square including the Parking Lot, Designated Street Closures, Closure of the Brickyard Area at Independence Park, and Sale and Consumption of Alcoholic Beverages for the Annual Main Street Concert Series and Star Spangled Spectacular on June 5, 12, 19, 26, and July 4, 2020

2.8, Discuss, Consider & Possible Action on **Resolution #2020-15** Authorizing the City Manager to Execute an Agreement with Jay Hilscher DBA Lone Star Relays, LLC. for the Street Closures, Consumption of Alcohol on Public Property and the Recommendation for Funding from the Gonzales Convention and Visitor Bureau in the amount of \$2,500.00 for the Texas Independence Relay on March 27-28, 2020

2.9, Discuss, Consider & Possible Action on **Resolution #2020-16** Authorizing the City Manager or designee to Submit, and Accept if Awarded, an Application and Associated Documents to the Homeland Security Grant Program (HSGP) for \$40,000.00 in HSGP grant funds for Equipment

2.10, Discuss, Consider & Possible Action on **Resolution #2020-17** Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Edward Byrnes Memorial Justice Assistance Grant (JAG) for \$14,000.00 in JAG grant funds for Software

2.11, Discuss, Consider & Possible Action on **Resolution #2020-18** Authorizing the Use of Texas Heroes Square Including the Parking Lot for the Gonzales Master Gardener's Annual Spring Plant Sale on March 28, 2020

The Mayor asked for a motion to approve the consent agenda items. Councilman O'Neal made a motion to approve consent items 2.1 through 2.11. 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".

RESOLUTIONS

3.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-19** Approving a First Amendment to Loan Agreement by and Between the Gonzales Economic Development Corporation and Come and Take It Properties, LLC, A Texas Limited Liability Company and Historic Hospitality Management, LLC, A Texas Limited Liability Company. Council we have that brief and basically the current debtor will continue to be responsible for the debt service by signing a guarantee. GEDC did approve this by unanimous action at the last meeting. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2020-19** Approving a First Amendment to Loan Agreement by and Between the Gonzales Economic Development Corporation and Come and Take It Properties, LLC, A Texas Limited Liability Company

and Historic Hospitality Management, LLC, A Texas Limited Liability Company. Councilman Schroeder seconded the motion. The Mayor called for discussion. The Mayor stated that the Title Company is saying that the City does not have a deed of trust, there are two loan agreements that are recorded of record. The lien position will not be affected by the lease to own agreement, but the City should require a copy for the City's review. 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 #2020-20** Approving a Second Amendment to Loan Agreement by and Between the Gonzales Economic Development Corporation and Come and Take It Properties, LLC, A Texas Limited Liability Company and Historic Hospitality Management, LLC, A Texas Limited Liability Company. Again, same scenario, we have three loans with the borrower. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2020-20** Approving a Second Amendment to Loan Agreement by and Between the Gonzales Economic Development Corporation and Come and Take It Properties, LLC, A Texas Limited Liability Company and Historic Hospitality Management, LLC, A Texas Limited Liability Company. Councilman Schroeder seconded the motion. 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 #2020-21** Authorizing the City Manager to Extend the Depository Agreement for an additional two years with Sage Capital Bank. We did verify that the bank is desirous of our continued business. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2020-21** Authorizing the City Manager to Extend the Depository Agreement for an additional two years with Sage Capital Bank. 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".

3.4, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-22** Authorizing approval of the proposal from Mark Metzler Welding, LLC and to provide direction as to funding of the project. Council we had requested that staff go out for additional proposals. They were able to come up with some proposals that actually gave us a larger staff at half the price and that proposal has been secured from Mark Metzler LLC at the cost of \$43,500. He has agreed to give us specs, operating instructions, weight limits and so forth that we would need for insurance requirements and a warranty. He has noted that he will provide a five-year warranty on the materials and labor. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2020-22** Authorizing approval of the proposal from Mark Metzler Welding, LLC and to provide direction as to funding of project. Mayor Kacir requested clarification

on the direction of funding and added that she would like to look at restricted funds to have that entertained by the CVB board, or other restricted funds as a recommendation to come to Council. Councilman Schurig stated yes that is correct. Councilman Schroeder seconded the motion. The Mayor called for discussion. Councilman O'Neal asked if there was a time frame. Mayor Kacir stated in order to have it for the Summer Concert Series, it looks like we need to have it for the 1st of March so we can have that go into production. 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 #2020-23** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League. I know staff has worked really hard on these license agreements. They were proposed last year, and we did not end up getting one negotiated, however we have progress and this year we have come into agreement. The electricity, they were asking to be billed at the end of the season. They could do monthly billing or at the end of the season and either way was fine with them. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2020-23** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League. Councilman Schurig seconded the motion. The Mayor called for discussion. The Mayor added to direct staff to get with the Little League organization to look at some additional dirt, in the way of maintenance and updating the restrooms, backstops and things of that nature. If staff could have that well in advance of budget so we can look at that moving forward. The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye.

3.6, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-24** Authorizing the City Manager to Execute a License Agreement with the Gonzales Youth Sports League. Again, staff and the Soccer League sat down and drafted a contract. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2020-24** Authorizing the City Manager to Execute a License Agreement with the Gonzales Youth Sports League. 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.

3.7, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-25** Adopting the Gonzales County Election Voting System And Software as Required by Chapter 123 of the Texas Election Code; Approving Express Vote Universal Voting System, Election Day Voting And Provisional Ballots In All Future Elections; Approving the Mayor's Execution of any Documents Necessary to use the Designated Voting System and take any additional actions reasonably necessary therewith. We have in our brief, for clarification, in the brief it shows that the County adopted the new voting

system on August 12, 2019. City Secretary, Kristina Vega stated yes. Mayor Kacir asked if we had the opportunity to use this voting system during the last Mayoral Election. Ms. Vega stated no ma'am. They had to be approved by the Secretary of State first and that was done on August 1st of last year, but then the Commissioners approved it on August 12th. The Mayor asked for a motion. Councilman Blakemore made a motion to approve **Resolution #2020-25** Adopting the Gonzales County Election Voting System And Software as Required by Chapter 123 of the Texas Election Code; Approving Express Vote Universal Voting System, Election Day Voting And Provisional Ballots In All Future Elections; Approving the Mayor's Execution of any Documents Necessary to use the Designated Voting System and take any additional actions reasonably necessary therewith. Councilman Schroeder seconded the motion. The Mayor called for discussion. The Mayor just added that this was a budgeted item, we were anticipating this in last year's budget. Councilman Schurig stated he believed that this was what the public wanted, so they are going to get it. Ms. Vega stated we actually have \$6,000 budgeted every year, last year we had much more budgeted because we had so many things, we had to publish with the Charter Amendments, but this is well within the budgeted amount that we will use. 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 #2020-3** Ordering a General Municipal Election to be Held on May 2, 2020, for the Purpose of Electing One City Councilmember for Single Member District No. 3 and One City Councilmember for Single Member District No. 4; providing for early voting; providing for other matters relating to the election. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Ordinance #2020-3** Ordering a General Municipal Election to be Held on May 2, 2020, for the Purpose of Electing One City Councilmember for Single Member District No. 3 and One City Councilmember for Single Member District No. 4; providing for early voting; providing for other matters relating to the election. Councilman Blakemore 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".

4.2, Mayor, Connie Kacir asked to move **Ordinance #2020-4** Amending Sections 9.416 General Order and 9.418 Agenda Officer of the City of Gonzales Code of Ordinances to a future agenda.

4.3, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2020-5** Amending Chapter 6, Health and Sanitation, Article 6.100 Garbage and Trash; and Amending the Rates and Fees for the Collection Services Contemplated Therein. We negotiated a contract on Solid Waste Collection services and saved \$181k in the best interest of our citizenly. We are asking that this amendment repeal the existing code

provisions and make it more in line with the new contract for solid waste collection and bring the ordinance up to date. City Attorney, Dan Santee stated that every City does their ordinances different when it comes to Solid Waste. Some are very basic and do not incorporate any terms and conditions from the contract that they have with the provider. You see that often when a city does their own service, there is no need to take in account a provider. Until you had a provider selected it was unknown, what, if any changes needed to be made to your code. One of the unique things about your code and I do not recommend moving forward is it actually puts all of the rates in the code itself. Once a city is codified you should be mindful when you put any rates in an ordinance because it gets put in the code. The other thing that has to be done is you need to conform the definitions and terms in your code that your provider prefers to use at that given time. It was a very short timing for the turn around on this and I have been in close contact with Legal Counsel for Frontier and we have worked collaboratively on both the agreement, as well as this ordinance and I spoke with her today and she has not had time to complete the review to the extent that she would like to. What she and I discussed today was that she understands the need to get this adopted because they start March 1st and I want the Council to take action on this today, as does Frontier because this will get all of the basics in place. I do want full disclosure; I will be back in front of you next month with further tweaks to this. Nothing major but I want Frontier to have opportunity to have input on this. Councilman Schurig asked if this ordinance was good as it is stated? Mr. Santee stated it is but at the same time it will need further amendments, nothing major. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Ordinance #2020-5** Amending Chapter 6, Health and Sanitation, Article 6.100 Garbage and Trash; and Amending the Rates and Fees for the Collection Services Contemplated Therein. Councilman Schroeder seconded the motion. Councilman Blakemore asked if there are more changes than what you are anticipated then our action would be to do an ordinance replacing this one? City Attorney Santee stated what will come back next month will be this same ordinance with any changes lined as you are accustomed to seeing in an exhibit. If they are major changes then you will be a full explanation as to why those changes were necessary. 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

5.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2020-26** Authorizing the City Manager to Execute an Agreement with Frontier Access, LLC (Frontier Waste Solutions) for Solid Waste Collection and Disposal Services. The Mayor asked for a motion. Councilman O'Neal made a motion to approve on **Resolution #2020-26** Authorizing the City Manager to Execute an Agreement with Frontier Access, LLC (Frontier Waste Solutions) for Solid Waste Collection and Disposal Services. Councilman Blakemore seconded the motion. The Mayor called for discussion.

Councilman Schurig stated it would be kind of silly of us to turn this one down at a savings of \$181k. 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 January 2020& Quarterly Investment Report for 12/31/2019 is available for review.

6.2, City Manager, Tim Patek gave the City Council an update Tank #2 Rehab Project; Streambank Protection Independence Park Project; CDBG / GLO Grant Project; Hydro Plant Ribbon Cutting Ceremony; Certified Public Management Class at Texas State; Texas City Manager's Association Clinic.

CLOSED SESSION

At 7:00 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

(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. Farming & Grazing Lease
- b. Unopened City Streets

RETURN TO OPEN SESSION

At 7:20 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 Blakemore made a motion to adjourn and Councilman Schurig seconded the motion and the meeting adjourned at 7:20 p.m.

APPROVED:





Attested by: Kristi Gilbert, Interim City Secretary
Prepared by: Kristina Vega, City Secretary