

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –DECEMBER 10, 2020**

A Special Meeting of the City Council was held on **December 10, 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.

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.

CALL TO ORDER, INVOCATION AND PLEDGE

Mayor Kacir called the meeting to order at 6:00 p.m. and a quorum was certified.

Attendee Name	Title	Status
Connie L. Kacir	Mayor	Present in person
Gary Schroeder	Council Member, District 1	Present in person
Tommy Schurig	Council Member, District 2	Present in person
Bobby O’Neal	Council Member, District 3	Present in person
Robert R. Brown, Jr.	Council Member, District 4	Present by phone

STAFF PARTICIPATING:

City Attorney Dan Santee, City Manager Tim Patek, Administrative Services Director/City Secretary Kristi Gilbert, Finance Director Laura Zella (via phone), Economic Development

Director Jennifer Kolbe, JB Wells Park Arena Manager Anne Dollery, Tourism Director Ashley Simper, Main Street Manager Liz Reiley, City Engineer 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 recognized the Main Street Board and Liz Reiley for the Winterfest.
- Recognition of actions by City employees
- Recognition of actions by community volunteers

HEARING OF RESIDENTS

The following individuals were present in person and spoke:

Reverend Charles Roaches spoke regarding street sweeping needed in District 1 and lack of enforcement at the new stop sign.

Joe Solanski spoke regarding misinformation by GBRA and a resolution the Gonzales County Commissioners Court recently approved. Mr. Solanski asked that there be a future agenda item for the issue.

Mayor Kacir asked that the item be placed on the next Council agenda.

City Manager Tim Patek thanked the Council and the community for their support for him and his family.

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.

ACTION: 1.1

APPROVED

Council Member Schurig moved to approve **Resolution #2020-130** appointing Bobby O'Neal as Mayor Pro Tem. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

PRESENTATION

- 2.1 Receive an Annual Update from Victoria College
Mr. Vince Ortiz presented the City Council with an annual update on 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

ACTION: Items 3.1 to 3.3

APPROVED

Council Member Schurig moved to approve the consent agenda as presented. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

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

Mayor Kacir opened the hearing to public comment at 6:37 p.m.

No one was signed in to speak.

Mayor Kacir stated that staff and the Planning and Zoning Commission recommended denial.

Council Member Brown stated he would like the applicant to reapply and resubmit for an

ACTION: Item 4.1

DENIED

Council Member Brown moved to deny the request. Council Member Schroeder seconded the motion.

Council Member Brown asked that the applicant reapply for something more neighborhood friendly.

Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

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.

ACTION: Items 5.1

APPROVED

Council Member Schurig moved to approve 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. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

The Mayor moved the order of the agenda to consider Item 5.3.

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

Mayor Kacir stated that the amendment was to bring the Articles of Incorporation into compliance with state law.

ACTION: Items 5.3

APPROVED

Council Member O'Neal moved to approve **Ordinance #2020-27** Amending the Articles of Incorporation of Gonzales Economic Development Corporation. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

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

ACTION: Items 5.2

APPOINTMENTS

Council Member Brown moved to appoint Pamela Jackson to the Main Street Advisory Board. Council Member Schurig second the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

Council Member Schurig moved to appoint Dan Blakemore to the Gonzales Economic Development Corporation. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Schurig, O'Neal and Kacir. Against: Brown and Schroeder. The motion passed 3 to 2.

Both appointments are reflected in **Resolution #2020-134**.

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

ACTION: Items 5.4

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-135** Approving the Job Description and Position Classification for a Communication Manager. Council Member Schurig seconded the motion.

Council Member Brown stated numerous individuals had reached out to him with the suggestion to work with Victoria College to hire an intern to serve in that position.

Council Member Brown made a motion to table the item. Council Member Schroeder seconded the motion to table. For: Brown and Schroeder. Against: Schurig, O'Neal and Kacir.

Mayor Kacir called for a roll call vote on the motion to approve **Resolution #2020-135**. For: Schurig, O'Neal and Kacir. Against: Brown and Schroeder. The motion passed 3 to 2.

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

Council Member O'Neal asked if issues with the previous individual could be worked out. Ms. Dollery stated she felt confident they could.

ACTION: Items 5.5

APPROVED

Council Member O'Neal moved to approve Sandra Banes to run the concession stand operations. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 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.

ACTION: Items 5.6

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-136** Authorizing the City Manager to Enter into an Agreement for Professional Engineering Services for the CDBG-DR Grant with Doucet & Associates. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

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

The Mayor asked to move the item to a future agenda.

ACTION: Items 5.7

NO ACTION

No action was taken.

STAFF/BOARD REPORTS

- 3.1 Financial Report for the month of October 2020.

Finance Director Laura Zella stated the City Manager asked to determine the lost amount due to COVID-19. Ms. Zella stated she felt comfortable with amount of \$329,061 which

considered decreased sales tax, HOT funds, municipal court fines and waivers of late fees for utility payments.

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

CONVENE INTO CLOSED SESSION:

The Council convened into closed session at 7:11 p.m. to discuss all items except the personnel items including the City Manager and Municipal Court Judge.

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

(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

The Council convened into open session at 7:49 p.m.

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.

No action was taken.

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

No action was taken.

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

On a motion by Council Member Schurig, the meeting was adjourned at 7:41 p.m.

Approved this 10th day of December 2020.



City Secretary



Connie Kacir, Mayor