GONZALES HEALTHCARE SYSTEMS
Feel the Difference
Caring for You, Like Never Before.
GonzalesHealthcare.com

Vol. 169, No. 3
Thursday, June 17, 2021
The Gonzales Inquirer
OUR 169TH YEAR SERVING GONZALES COUNTY $1.00
GONZALESINQUIRER.COM • /GonzalesInquirer • @GonzInquirer • ESTABLISHED IN 1853 • GONZALES, TEXAS: HOME OF JANIE CARLETON

# City settles J.B. Wells lawsuit for $1.825 million

By STEVE FOUNTAIN
Inquirer Publisher

The Gonzales City Council approved a $1.825 million settlement in the lawsuit brought in 2017 by the Austin Presbyterian Theological Seminary against the city over its handling of property it received from the estate of J.B. Wells.

The settlement avoids more legal fees and the city's possible loss of the land that now houses the J.B. Wells Park, Expo and Arena. It also leaves the city to find a way to come up with the money.

The decision came on a 5-0 vote of the council at its regular meeting on Thursday, June 10. The vote included newly sworn-in District 2 councilwoman Sherry Tumlinson-Koepp, Mayor Connie Kacir, newly elected Mayor Pro Tem Rob Brown, Bobby O'Neal, and Joseph "Poochy" Kridler.

**CITY COUNCIL MEETING**

Please see page 12 for more on the Thursday, June 10 meeting of the Gonzales City Council.

The city council will now have to decide how to pay for settlement.

City Manager Tim Patek said a certificate of obligation bond is a likely option.

"The council will be looking at all possibilities," Patek told The Inquirer the morning after the meeting.

The next step will likely be a special called meeting where the council can discuss options, Brown said.

"I'm not sure what all of the options are," Brown said. "We have to explore all – and that is the key, 'all' – of the options to see which will have the minimum impact on taxpayers. We as a collective group and the staff have to explore all possible options at our disposal.

See **SETTLEMENT,** page 13

# Juneteenth celebration Saturday

STAFF REPORT

The Edwards Association will hold a Juneteenth Parade followed by a Love Luncheon on Saturday, June 19.

The parade will start at 10 a.m. at the Edwards Community Center, 1427 Fly St. The parade will end at Independence Square. Starting at 11 a.m., a Juneteenth programs will be held on the square. The program will include the revealing of interpretive panels on the square.

The luncheon will follow at 1 p.m. back at the Edwards Community Center.

Juneteenth, a holiday commemorating the emancipation of slaves after the Civil War, was made a city holiday at the Gonzales City Council back in October.

Juneteenth is an annual celebration on June 19 commemorating arrival of word in Galveston in 1865 that the Civil War had ended and all slaves were free. The news arrived two months after war's end and two-and-a-half years after President Abraham Lincoln signed the Emancipation Proclamation.

The Edwards Association is open to all members of the community. The Edwards Community Center is located on the site of the Edwards School, which was used by black students from 1914 until 1965 when the Gonzales Independent School District desegregated its schools in 1965.

It was built on land donated by W.M. Fly and Josephine K. Peck and was named George Edwards High School in 1922.

Graduates of the Edwards School included teachers who taught in the integrated Gonzales schools.

0 94922 91882 6

# ALL-STATE BASEBALL 1ST TEAM

Xavier Arias bats against Blanco during the 2021 UIL 3A baseball playoffs. Arias batted .542 in his senior season. (Steve Fountain)

# Mustang's Arias earns top honor

By STEVE FOUNTAIN
Inquirer Publisher

Nixon-Smiley High School's Xavier Arias was selected as the 3A 1st Team All-State shortstop by the Texas High School Baseball Coaches Association.

While Xavier was always prepared for what came at him at the plate, being named to the all-state team came out of left field.

"I had no idea until my dad told me yesterday morning," Xavier said.

Xavier, a multi-sport standout during his time at the school, completed his senior season with a .542 batting average with five home runs, 24 runs scored, 26 RBI, and 29 stolen bases. He had a .986 slugging percentage, a .616 on-base percentage, for a OPS of 1.602.

His senior season ended with the 3A District 26 No. 4 seed Mustangs being swept in two games by 3A District 25 No. 1 seed Blanco – a series in which Nixon-Smiley was poised to pull the upset.

Xavier Arias

Coupled with the 2020 season being cancelled due to COVID-19 restrictions, the all-state honor put an upbeat end to his high school career.

"There's a lot of mixed emotions – a heartbreaking loss fresh out of the playoffs, a great team last year (2020) and then having the season cancelled due to COVID," Xavier said. "At the same time,

See **ARIAS,** page 13

# GPD Officer healing after being hit by car

## *Driver faces two assault charges*

By STEVE FOUNTAIN
Inquirer Publisher

Gonzales Police Officer Marisol Sanchez is recovering from injuries sustained when she was struck by a car while diverting traffic from an accident on I-10 near Waelder on Monday, June 14.

Pavel Antonio Ramirez

The driver of the car, Pavel Antonio Ramirez, 45, was arrested at the scene by the Texas Department of Public Safety and charged with Aggravated Assault on a Public Servant (bond set at $75,000) and Intoxication Assault (bond set at $25,000). He was booked into the Gonzales County Jail, according to DPS Sgt. Kenny Mata.

Marisol was airlifted to Ascension Seton Hays Hospital in Kyle. She remains there under observation with non-life threatening injuries, according to Gonzales Police Chief Tim Crow.

See **OFFICER,** page 13

Gonzales Police Officer Marisol Sanchez was struck by a car while diverting traffic from an accident on I-10 near Waelder on June 14. (File Photo)

PRIME PICKS
Your ad could be here every week!
Contact Steve Fountain
steve.fountain@gonzalesinquirer.com
(830) 672-2861

Title Express, Inc.
3586 Hwy. 181 N.
Floresville, TX 78114
830-393-6496
830-393-9426 (fax)
Email: tei@title-express.com
Land Title Insurance for Gonzales County. Closings offered in our Floresville office or by mail.

ST. JOSEPH FOOD MART
NOW OPEN!
Niki V's Kitchen
COME AND EAT IT
CALL IN YOUR ORDER
830.672.3355
DELIVERY/ TAKE OUT AVAILABLE
All deliveries will be charged over the phone prior to delivery
Free Delivery with minimum purchase of $10.00
1817 N. Saint Joseph St. Gonzales Tx (old Texaco)
KRISPY KRUNCHY CHICKEN NOW AVAILABLE
Clip and Bring this ad • 8 Piece Dark for $6.99
MONDAY – SATURDAY 5 A.M – 10 P.M
SUNDAY 7 A.M – 7 P.M

NOW INTRODUCING THE JR. BURGER AND CHICKEN STRIP SANDWICH

Marisol Sanchez gained Facebook fame in January 2019 when a video of her in police uniform singing with a mariachi band gained more than 3.8 million views. (Screenshot from Gonzales Police Department Facebook page)

# OFFICER

CONTINUED FROM PAGE 1

Gonzales County Sheriff Robert Ynclan said that Sheriff's Deputies responded to a collision between two 18-wheelers on eastbound I-10 by milemarker 655 Monday morning.

Deputies requested assistance from the Gonzales Police. Sanchez arrived at the scene and was helping to divert traffic off I-10 to Exit 653 and onto Highway 90 in Waelder when she was hit.

Mata said the investigation is ongoing and no more details are available this time.

According Crow, Sanchez suffered cuts – including one to her head – and is experiencing swelling and bruises. None of the injuries are considered life-threatening.

Sanchez, according to Crow, was admitted for observation after being airlifted from the accident scene.

"We really appreciate the community support we have seen," Crow said.

**Joined force in 2018**

Marisol was a May 2018 graduate of the Basic Peace Officer Certification Program at Victoria College. She was hired by the Gonzales Police shortly after graduation.

She gained some social media fame in January 2019 when a video of her in full uniform singing with a mariachi band was posted to the Facebook page of the Gonzales Police Department. The video gained more than 3.8 million views on Facebook.

According to a story in The Inquirer: "Sanchez has years of experience in music as she sang and played violin in her high school's mariachi band."

In the story, she said: "I honestly don't know what drove me to it, but I am really glad that I chose this, because there is nothing I could possibly be doing that makes me happier. I love my job here. And I think a lot has to do with who I work with, who I work for — this is an amazing city to work for. I'm really happy to work here."

In April of this year, Sanchez was among the officers who helped locate a 12-year-old boy who was the subject of an Amber Alert issued in Gonzales County.

Marisol Sanchez, second row, far right, graduated in 2018 from Victoria College's Basic Peace Officer Certification Program. (Courtesy Photo)

# NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The WAELDER INDEPENDENT SCHOOL DISTRICT will hold a public meeting at 6:00 PM ON Monday, June 28, 2021 in Waelder ISD Cafeteria, 109 N Ave C, Waelder, TX. The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

| | |
|---|---|
| **Maintenance Tax** | $0.9664/$100 (proposed rate for maintenance and operations) |
| **School Debt Service Tax Approved by Local Voters** | $0.0125/$100 (proposed rate to pay bonded indebtedness) |

**Comparison of Proposed Budget with Last Year's Budget**

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax rate is indicated for each of the following expenditure categories.

| | | | |
|---|---|---|---|
| Maintenance and operations | % increase | or | 4% (decrease) |
| Debt service | 01% increase | or | (decrease) |
| Total expenditures | % increase | or | 3.8% (decrease) |

**Total Appraised Value and Total Taxable Value**
**(as calculated under Tax Code Section 26.04)**

| | Preceding Tax Year | Current Tax Year* |
|---|---|---|
| Total appraised value* of all property | $691,278,612 | $829,619,758 |
| Total appraised value* of new property** | $1,900,120 | $3,045,910 |
| Total taxable value*** of all property | $215,835,890 | $275,643,280 |
| Total taxable value*** of new property** | $1,900,120 | $3,042,040 |

* "Appraised value" is the amount shown on the appraisal roll and defined by Tax Code Section 1.04(8).
*** "New property" is defined by Tax Code Section 26.012(17).
**** "Taxable value" is defined by Tax Code Section 1.04(10).

**Bonded Indebtedness**

Total amount of outstanding and unpaid bonded indebtedness* $3,616,975
*Outstanding principal.

**Comparison of Proposed Rates with Last Year's Rates**

| | Maintenance & Operations | Interest & Sinking Fund* | Total | Local Revenue Per Student | State Revenue Per Student |
|---|---|---|---|---|---|
| **Last Year's Rate** | $ 0.9664 | $ 0.1033* | $ 1.0697 | $ 7,983 | $ 5,991 |
| **Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service** | $ 0.8106 | $ 0.0129* | $ 0.8235 | $ 8,859 | $ 5,034 |
| **Proposed Rate** | $ 0.9664 | $ 0.0125* | $ 0.9789 | $ 9,075 | $ 5,383 |

*The Interest & Sinking fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

**Comparison of Proposed Levy with Last Year's Levy on Average Residence**

| | Last Year | This Year |
|---|---|---|
| Average Market Value of Residences | $82,562 | $92,460 |
| Average Taxable Value of Residences | $56,807 | $65,262 |
| Last Year's Rate Versus Proposed Rate per $100 Value | $1.0697 | $0.9789 |
| Taxes Due on Average Residence | $607.66 | $638.85 |
| Increase (Decrease) in Taxes | | $31.19 |

**Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.**

**Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is $0.9792. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of $0.9792.**

**Fund Balances**

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated funds necessary for operating the district before receipt of the first state aid payment.

| | |
|---|---|
| Maintenance and Operations Fund Balance(s) | $3,263,800 |
| Interest & Sinking Fund Balance(s) | $188,686 |

A school district may not increase the district's maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

# ARIAS

CONTINUED FROM PAGE 1

since my freshman year, I've made friends that are like family now."

For his father and high school coach, San Juan Arias, the all-state honor is a welcomed transition between high school and seeing his son head off to play college baseball.

"Its been a great ride," San Juan said. "Just to watch him set goals for himself and to see the work and dedication he put in to be able to reach his goal to play college baseball."

San Juan has been coaching his son since Xavier started playing at age 6. The family logged a lot of miles playing in various leagues, on traveling teams and in tournaments from across Texas and from California to Florida.

The next trip, however, will be a little different for Xavier as he heads to Arkansas next month to attend Harding University, a NCAA Div. II school in Searcy.

"It's a little scary," Xavier said. "Not because it is going to be different state, but because I'm not coming home. With travel baseball, I'd travel with my family for one week or two and then come back home. It will be a lot different in college.

"But the workout schedule – lifting in the morning, practicing in the afternoon – will be the same sequence of events we did in high school.

Harding plans to move the 6-foot, 220-pound Arias to either first base or third base.

"I told him that its a natural progression," San Juan said. "If you can play shortstop, you're athletic enough to play anywhere between first and third."

The Bison finished 18-15 in the NCAA Div. II Great American Conference and 23-18 overall last season. The team lost to Oklahoma Baptist, 7-6, in the opening round of the GAC tournament.

Xavier will have an opportunity to fight for playing time right away as the Bison are losing more than a dozen of their seniors.

"It's good to know that the (Harding) coaching staff is great, and will take him beyond what I've taught him."

Academically, Xavier plans to major in physical therapy. His inspiration for the career is his sister, who has been a quadriplegic since suffering an injury as a child.

"I want to be able to help her and people like her in the future," Xavier said.

# SETTLEMENT

CONTINUED FROM PAGE 1

"$1.825 million has to come from somewhere."

The settlement averts a trail – or trails – and the related litigation costs. The city, as of September 30, 2020, had spent $353,035.85 on litigation. The Inquirer is awaiting a response from a records requests for the amount spent since Oct. 1, 2020.

For Koepp, avoiding a trail was a good step.

"I think that ultimately taking a chance to allow the case to go to trial was too much and in order to mitigate the risk, we needed to settle and thankfully all parties involved on both sides were of the same mind to settle the case," Koepp said.

Like Koepp, Brown found it in the best interest of the city to avoid a trail and possible appeals.

"I think that ultimately taking a chance to allow the case to go to trial was too much and in order to mitigate the risk, we needed to settle and thankfully all parties involved on both sides were of the same mind to settle the case," he said.

Koepp was asked to vote on the settlement on her first day on the council.

"It was interesting hearing about it all from council members and staff who have been involved in the proceedings from the beginning," she said. "It was a big decision, but I feel that the council made the right decision and the city can move forward."

Kacir was traveling and could not be reached for comment. E-mails send to the city addresses of O'Neal and Kridler were not answered. A phone message left with the seminary's attorney, Joseph Marrs of Marrs, Ellis and Hodge, was not returned.

Brown said he was impressed by the mediation team, which included Kacir, O'Neal, Patek and Director of Finance Laura Zella.

"The mediation team that represented Gonzales, I have to say 'thank you' for staying focused on the objective," Brown said. "In my mind they did best for the City of Gonzales. I'm pleased and thankful they stayed with it and stayed focused."

The seminary filed suit claiming that the conditions of J.B. Wells's estate were not met by the city, "violating the terms of the gift," where the land was to be made a public park. The seminary sought ownership of the park. The provisions of the will state that if the city did not meet the conditions of Wells's last will and testament, the land shall be sold, and all proceeds given to the seminary.

The J.B. Wells Park, Expo and Arena was appraised at $7.349 million by the Gonzales Central Appraisal District ,and $11.3 million by Bolton Real Estate according to case filings.