

**NOTICE**

**THIS NOTICE IS POSTED IN COMPLIANCE WITH THE OPEN MEETING ACT  
(TEX. GOV'T. CODE CHAPTER 551, SEC. 551.041)**

**AGENDA**

**GATESVILLE CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
JUNE 25, 2019  
5:30 P.M.**

**GATESVILLE COUNCIL CHAMBER  
110 NORTH 8<sup>TH</sup> STREET  
GATESVILLE, TEXAS 76528**

**An Open Meeting will be held concerning the following subjects:**

- 1. Call to Order**
- 2. Hear Visitors/Citizens Forum: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council for a maximum of three (3) minutes. No formal action can be taken on these items at this meeting.**
- 3. Discussion and possible action to approve minutes from the Regular City Council Meeting May 28, 2019.**
- 4. Recess Regular Meeting and call a -----**

**Public Hearing**

**Hear comments on re-adoption of the Juvenile Curfew Ordinance**

- 5. End Public Hearing and reconvene Regular Meeting**
- 6. Discussion and possible action regarding an Ordinance of the City of Gatesville, setting a Curfew for children under the age of 17 years (first reading of Ordinance 2019-02)**
- 7. Discussion and possible action regarding an Ordinance of the City of Gatesville, amending Chapter 5, Buildings and Structures Article II of the Code of Ordinances of the City of Gatesville, Texas, by changing certain fees for remodeling or alteration of buildings, processing procedures and providing an effective date (first reading of Ordinance 2019-03)**
- 8. City Managers Report: Capital Projects, Comprehensive Plan, Financial Report, 2019 Household Hazardous Waste event reconciliation, Future Council Agenda Topics, Department Head Reports: Fire, Finance, Code Enforcement/Building Permits, Utility, Police, Court, Recreation, Convention and Visitors Bureau**
- 9. Adjourn City Council Meeting**

**I hereby attest that the above agenda was posted on this the 21st day of June 2019, by 5:00 p.m. on the official City of Gatesville website, [www.ci.gatesville.tx.us](http://www.ci.gatesville.tx.us) and the official bulletin boards at the Gatesville City Hall, 110 N. 8<sup>th</sup> Street, Gatesville, Texas.**

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**Wendy Cole  
City Secretary**

The City of Gatesville council chambers are wheelchair accessible and accessible parking spaces are available at the back entrance of City Hall. Requests for accommodations or interpretive services must be made 24 hours prior to this meeting. Please contact the city secretary's office at 254-865-8951 or FAX 254-865-8320, or eMail [wendy.cole@ci.gatesville.tx.us](mailto:wendy.cole@ci.gatesville.tx.us) for further information.

REGULAR CITY COUNCIL MEETING  
JUNE 25, 2019 AT 5:30 P.M.  
COUNCIL CHAMBER, 110 NORTH 8TH STREET  
GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

1) CALL TO ORDER REGULAR CITY COUNCIL MEETING AT 5:30 P.M. THIS 25TH DAY OF JUNE, 2019

PRESENT: Mayor Pro-Tem Ronnie Viss, Council Members, Bill Robinette, Randy Hitt, Meredith Rainer, David Mitchell and Dwight Suson

REGRETS: Mayor Gary Chumley (was in Washington D.C. attending a Regional White House Conference designed for Mayors)

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Brenda Kiphen, Payton George, Nathan Gohlke, Jimmie Ferguson, and Max Rudolph

2) HEAR VISITORS/CITIZENS FORUM: AT THIS TIME, ANY PERSON WITH BUSINESS BEFORE THE COUNCIL NOT SCHEDULED ON THE AGENDA MAY SPEAK TO THE COUNCIL FOR A MAXIMUM OF THREE (3) MINUTES. NO FORMAL ACTION CAN BE TAKEN ON THESE ITEMS AT THIS MEETING.

Two citizens spoke before the Council on two different issues:

Peyton George of 304 Bluestem which is located in Valley View Estates spoke of the condition of the streets in his housing addition that don't get repaired after water lines are repaired by an outside contractor that is hired by Fort Gates Water Supply. The streets get half-way repaired but never get restored completely. There were also new duplexes built and when the new water lines were put in the street was not repaired – it has just been filled and packed in with caliche. Mr. George pointed out that vehicles that travel down these roads swerve to miss the potholes and parked cars and come dangerously close to resident's yards where children are playing. Mr. George said that he has talked to City Manager William Parry, Gatesville Street Superintendent Jim Shepard, and Fort Gates Water System Operator, Justin Veazey and can't seem to get anything accomplished so that was why he was addressing the Council tonight. Is it the City of Gatesville's job, the contractor's job, or Fort Gates Water System's job to get these repairs done? Mr. George said he would appreciate any assistance with this issue.

City Manager Parry said that after Mr. George came to see him about his situation last week he went out and took various pictures in the Valley View addition. Mr. Parry showed several photos from this area which depicted the condition of the street repairs and how they were left after water lines were repaired. Valley View Estates is in Gatesville city limits but in Fort Gates Water Supply's Certificate of Convenience and Necessity (CCN), which grants Fort Gates Water Supply Corporation the exclusive right to provide water in this area. When Fort Gates was abolished and the City of Gatesville annexed the Fort Gates community, Fort Gates Water Supply was allowed to continue to provide water as their CCN permitted. Mr. Parry displayed and described several photos and said that the city has repaired some of these streets (Watts Lane & Straws Mill Road) and were never reimbursed by Fort Gates Water Supply. A letter and invoice were sent to Fort Gates Water Supply in 2017 regarding these repairs and there was no response. Mr. Parry said that this is not the City of Gatesville's problem and cited a 1980 Ordinance of the City of Gatesville that states a utility company (Contractor) needing to cut paving within any city owned right of way or street or repair an underground utility needs to notify the city of the repair so it can be inspected after completing repairs and that the utility company shall be responsible for the cost of repairs and maintenance for street cutting and repairing after the utility repairs are completed. A bond of the estimated cost of the repair is required according to this ordinance and Fort Gates Water System is specifically mentioned in this ordinance. Mr. Parry said that he has initiated a conversation with the city attorney how to resolve this issue.

The City of Gatesville chip sealed all the streets in the Valley View addition approximately three or four years ago and now there is probably about \$5000 to \$10,000 of repair that needs to be done.

Jimmie Ferguson said that he does not live in the city limits but does own property and pays taxes in Gatesville. Mr. Ferguson was questioning the process of the Planning and Zoning requests and several newspaper notices that were recently published in the paper. Mr. Ferguson said the issue he was questioning was the recent request to change two lots into four that has been going on since December. He stated that he is an adjacent property owner and was wondering what the holdup is with this process. He has received letters from city officials and then sees notices in the paper but nothing ever happens. Mr. Ferguson said that he is concerned with the integrity of his property and how this proposed change would fit into the long term comprehensive plan that the city has for Gatesville. Mr. Ferguson also said that there is a huge drainage problem already at his property and that this proposed project would make the water runoff much worse. Changes that are made in Gatesville need to be beneficial to everyone.

3) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MINUTES FROM REGULAR CITY COUNCIL MEETING MAY 28, 2019

RESOLUTION 2019-40: Motion by Bill Robinette, seconded by Meredith Rainer, to approve the minutes from the Regular City Council Meeting May 28, 2019; all five Voting “Aye” motion passed.

4) RECESS REGULAR MEETING AND CALL A -----

Public Hearing

Hear comments on re-adoption of the Juvenile Curfew Ordinance

Police Chief Nathan Gohlke stated that the Juvenile Curfew Ordinance was first adopted in 2008 because the Gatesville Police Department had been dealing with multiple burglaries that year, many that were being committed by juveniles during late night/early morning hours. The curfew ordinance is required to be reviewed every three years and the Police Department would like to re-adopt the ordinance as juvenile crime continues to be a concern for our community. During the last three years, the number of juvenile arrests, and suspected juvenile related crime has increased slightly over that of the previous three years but overall, the last ten years the number of juvenile thefts and burglaries have decreased which show that the curfew has been beneficial. Recent events involving alcohol suggests that the juvenile curfew needs to continue.

Chief Gohlke discussed the juvenile curfew ordinance in detail and asked if there were any questions from the Council or the public and there were no questions.

5) END PUBLIC HEARING AND RECONVENE REGULAR MEETING AT 5:51 P.M.

6) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, SETTING A CURFEW FOR CHILDREN UNDER THE AGE OF 17 YEARS (FIRST READING OF ORDINANCE 2019-02)

Mayor Pro-Tem Viss asked if anyone wished to discuss further or had any questions. No one wished to discuss. Viss asked for a motion.

ORDINANCE 2019-02-01: Motion by Meredith Rainer, seconded by Dwight Suson, to approve the first reading of the Juvenile Curfew Ordinance Number 2019-02; all five Voting “Aye” motion passed.

7) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, AMENDING CHAPTER 5, BUILDINGS AND STRUCTURES ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF GATESVILLE, TEXAS, BY CHANGING CERTAIN FEES FOR REMODELING OR ALTERATION OF BUILDINGS, PROCESSING PROCEDURES AND PROVIDING AN EFFECTIVE DATE (FIRST READING OF ORDINANCE 2019-03)

City Manager Parry said that at this last legislative session House Bill 852 was passed, signed and made effective immediately with no grace period. Specifically, HB 852 provides that:

(a) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (1) the value of the dwelling; or (2) the cost of constructing or improving the dwelling; and

(b) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

Some legislators believed that cities were using construction fees as a “backdoor tax” to fund other services, and that the value of a home/remodel had no bearing on the degree of difficulty performing the required inspections. There is legal precedent that an Appraisal District may not require a homeowner to disclose the sale price of a home, but some proponents claimed that some cities violated that by requiring the permittee to disclose the value of construction or remodeling.

The City’s current ordinance for renovation/remodel is based on value, and must be changed to comply with HB 852. The new ordinance determines that all fees for new single-family residential construction shall be calculated at a rate of thirteen cents (\$0.13) per square foot based on total square footage under roof *and* remodel or add-on to single-family residential shall be calculated at a rate of six cents (\$0.06) per square footage. This ordinance amendment meets the spirit of the law and is recommended for approval. The City Attorney has reviewed and approved this ordinance amendment.

ORDINANCE 2019-03-01: Motion by David Mitchell, seconded by Bill Robinette, to approve the first reading of Ordinance Number 2019-03 amending Chapter 5, Buildings and Structures Article II of the Code of Ordinances of the City of Gatesville, Texas, by changing certain fees for remodeling or alteration of buildings, processing procedures and providing an effective date; all five Voting “Aye” motion passed.

8) CITY MANAGER’S REPORT:

Other activities/dates of note: - Thursday, July 4th. 9:00 a.m. “Parade on the Square” as opposed to Faunt LeRoy Park as was done last year- fireworks that evening at McKamie Stadium.

BUDGET/FINANCIAL REPORT: The City remains in good cash position.

FUTURE COUNCIL MEETING AGENDA TOPICS: There will be a minor change to the July 9th agenda- the Ambulance Service Agreement with Coryell Health will be moved to the July 23rd agenda as it won’t be ready by the 9th. Mayor Pro-Tem Viss asked if it could please be moved to a meeting in August instead since he will not be able to attend the July 23rd meeting.

Parry pointed out that there will need to be several special meetings held in September to be able to pass the budget and tax rate by end of the fiscal year.

ROTUNDA ABATEMENT BROWNSFIELD GRANT (Update): The City was notified on June 5th by the EPA Office of Brownfields & Land Revitalization that of 438 grant requests submitted, the City’s grant application was not approved for funding. Parry has requested a grant debrief from EPA Region 6.

The Council expressed their appreciation for all the hard work that Mr. Parry put into this effort.

DEPARTMENT HEAD REPORT HIGHLIGHTS:

- Recreation: The City will host 3 youth baseball/softball tournaments (25 teams) June 24- July 6. There will be teams eating at restaurants and staying at hotels.

HOUSEHOLD HAZARDOUS WASTE EVENT/CITY CLEANUP (March 16, 2019)

RECONCILIATION: Discussed costs for this event and compared to the last three (3) years. CTCOG match amount that was paid towards this year's event was \$12,500 and the City paid the balance of \$27,987.27. The tire trailer cost increased by \$1400. Advertising costs decreased a little. Dumpster cost increased a little because there were extra dumpsters placed by the Chamber of Commerce and by the Fitness Center. TCEQ requires that cities use licensed contractors to dispose of the chemicals and paints and it is a significant expense. This year's Stericycle Environmental Solutions disposal fee was \$31,037.15. An alternate disposal company was considered as the cost to the city might be less but is probably not a better option as tires or electronics would not be accepted. Although this clean-up day has been held annually for many years there does not seem to be a reduction in debris that is disposed of.

Paper recycling currently has no market. The City's paper trailer in the back of city hall is no longer free. The company that owns the trailer and takes care of the paper disposal has now started charging the city for trailer rental and a tipping fee. This paper recycle service is very important to residents of Gatesville but will now be an added expense for the city and may need to be considered during budget discussions.

COUNCILMEMBERS COMMENTS:

Mitchell: Asked for update on Leon River Bridge inspections.

Parry: The bridge has been inspected and are waiting on TXDOT to send the results.

Rainer: Asked how the code enforcement by zone process was going?

Parry: Zone 2 is currently being assessed. The substandard part of the process has been challenging because there are so many absentee landlords and trying to locate them has been difficult. It has been a slow process but progress is being made. There have been citations issued and fines paid. If a resident comes in with a reasonable plan the code enforcement officer will try to work with them. Approximately thirty (30) days are spent in each zone. After the six (6) zones have been completed, the code officer will start over with zone one (1).

Rainer: Said she had heard some complements on what has been accomplished so far.

7) ADJOURN MEETING AT 6:17 P.M., THIS 25TH DAY OF JUNE, 2019

ATTEST:

APPROVED:

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Wendy Cole, City Secretary

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Gary M. Chumley, Mayor

