

NOTICE

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

AGENDA  
REGULAR CITY COUNCIL MEETING

NOVEMBER 13, 2018  
5:30 P.M.  
GATESVILLE COUCIL 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. Consent Agenda (all consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

**Resolution 2018-83**

Discussion and possible action to approve of Minutes from Regular City Council Meeting  
October 23, 2018

**Resolution 2018-84**

Discussion and possible action to approve the third and final reading of Ordinance 2018-09 to re-zone the entire lot, located at 1412 West Main Street, legally known as Lot 19, Block 5 Westview Addition to Business/Commercial

4. Discussion and possible action to declare election results relating to the November 6, 2018 Election
5. Recognize outgoing Council Members Timothy Woodlock and Jack Doyle
6. Swear in newly elected Council Members
7. Discussion and possible action to appoint a Mayor Pro-Tem
8. Discussion and possible action regarding an Ordinance of the City of Gatesville, Texas repealing and abolishing chapter 22 of the Code of Ordinances of the City of Gatesville as the same exists immediately prior to the adoption of this ordinance; and adopting a new Chapter 22 of the Code of Ordinances relating to Subdivisions (first reading of Ord. 2018-10).
9. Discussion and possible action regarding an Ordinance of the City of Gatesville, amending Chapter 21, Waters and Sewers Article II, Service Rates and Charges, Code of Ordinances of the City of Gatesville, Texas, by changing certain water and sewer base and volumetric rates and creating an Institutional Customer Class, Article I, for water and sewer charges; and providing an effective date (first reading of Ord. 2018-11).
10. City Manager's Report: Comprehensive Plan, Capital Projects, Budget Report, Rotunda Abatement Grant, Future Agenda Topics
11. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 9th day of November, 2018, 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

NOVEMBER 13, 2018 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 13TH DAY OF NOVEMBER, 2018

PRESENT: Mayor Gary Chumley, Council Members, Ronnie Viss, David Mitchell, Dwight Suson, Meredith Rainer, Tim Woodlock, Councilmember Elect Bill Robinette, and Councilmember Elect Randy Hitt

REGRETS: Councilmember Jack Doyle

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Brenda Kiphen, Kate Edwards, Roger Miller, Ryan Clark, David Dunahoo, and Margaret Dunahoo

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.

Visitors present were only concerned with an agenda item.

3) CONSENT AGENDA (ALL CONSENT AGENDA ITEMS ARE CONSIDERED ROUTINE BY CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS COUNCILMEMBER REQUESTS AN ITEM BE REMOVED AND CONSIDERED SEPARATELY.)

Resolution 2018- 83: Discussion and possible action to approve the Minutes from the Regular City Council meeting October 23, 2018

Resolution 2018-84/Ord 2018-09-03: Discussion and possible action to approve the third and final reading of Ordinance Number 2018-09 to re-zone the entire lot, located at 1412 West Main Street, legally known as Lot 19, Block 5 Westview Addition to Business/Commercial

Mayor Gary Chumley read the items on the consent agenda and asked if anyone would like to remove any items from the agenda for discussion. No one objected and Mayor Chumley asked for a motion to approve all the items on the consent agenda.

Motion by Ronnie Viss, seconded by Tim Woodlock to approve the consent agenda; all five in favor, motion passed.

4) DISCUSSION AND POSSIBLE ACTION TO DECLARE ELECTION RESULTS RELATING TO THE NOVEMBER 6, 2018 ELECTION

City Secretary, Wendy Cole, noted that the City was able to cancel the November 6, 2018 election (September 11, 2018- Resolution 2018-65), since the candidates that filed were unopposed.

As the authority responsible for the City Election, Cole declared the following candidates elected as Mayor and Councilmembers for the City of Gatesville:

Mayor: Gary M. Chumley  
Councilmember Ward 1 Place 2: Randy Hitt  
Councilmember Ward 2 Place 4: William (Bill) Robinette  
Councilmember Ward 2 Place 6 Dwight Suson

RESOLUTION 2018-85: Motion by David Mitchell, seconded by Meredith Rainer to approve the election results final; all five voting “Aye”, motion passed.

5) RECOGNIZE OUTGOING COUNCIL MEMBERS TIMOTHY WOODLOCK AND JACK DOYLE

Mayor Gary Chumley presented outgoing Council Member Tim Woodlock, a plaque and thanked him for his dedication and service to the City of Gatesville. Mayor Chumley noted that Mr. Woodlock served as council member from May 2007 to November 2015 and then May 2018 to November 2018. Mr. Woodlock thanked everyone and said that he enjoyed his time on the council and hoped more citizens would step up and volunteer their time to the City of Gatesville.

Councilmember Doyle was unable to attend the meeting.

6) SWEAR IN NEWLY ELECTED COUNCIL MEMBERS

City Secretary Wendy Cole administered the Oath of Office to the newly elected Mayor and Council Members and Certificates of Election were issued.

7) DISCUSSION AND POSSIBLE ACTION TO APPOINT A MAYOR PRO-TEM

Mayor Gary Chumley asked for a motion for a nomination for Mayor Pro-Tem for the next year.

RESOLUTION 2018-86: Motion by Meredith Rainer, seconded by Dwight Suson, to nominate Councilmember Ronnie Viss for Mayor Pro-Tem; all six voting "Aye", motion passed.

8) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS REPEALING AND ABOLISHING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF GATESVILLE AS THE SAME EXISTS IMMEDIATELY PRIOR TO THE ADOPTION OF THIS ORDINANCE; AND ADOPTING A NEW CHAPTER 22 OF THE CODE OF ORDINANCES RELATING TO SUBDIVISIONS (FIRST READING OF ORD. 2018-10).

City Manager Parry, Councilmember Rainer, and Planning and Zoning Chair, Roger Miller highlighted changes and differences from the current subdivision ordinance and the proposed subdivision ordinance. Parry reminded the Council that there are three (3) readings of the ordinance and changes can be made before the last reading is approved. Since there is only one (1) meeting in November and one (1) meeting in December there will be plenty of time to discuss this ordinance before the final reading in January.

Parry explained that the current subdivision ordinance was adopted April 25, 2000 and was amended in 2007. It was based on the February 2000 Texas Water Development Board Model Subdivision Rules (MSR) which were written to “empower counties to prevent colonia proliferation along the Texas – Mexico border” by preventing residential lots from being sold if utilities were not in place. Adopting the MSR was a requirement at that point to receive the Economically Distressed Area Program Funding (EDAP) when Fort Gates dissolved and Gatesville annexed areas of Fort Gates and submitted a grant application with the Texas Water Development Board (TWDB) to fix the sewer in Ft. Gates.

EDAP provides financial assistance (grants and loans) for projects serving economically-distressed areas (where the median income is less than 75% of the State median income) and where water or sewer services do not exist, or do not meet State standards.

The current Subdivision Ordinance (MSR) is inconsistent with the subdivision procedures in the City's Zoning Ordinance and was in need of revision. A committee comprised of several Planning and Zoning (P & Z) members and a Council member was created to develop a revised ordinance. The committee met several times in the summer of 2018, considering at least six drafts of a revised ordinance. After much deliberation, the enclosed ordinance was finalized and will replace the current Chapter 22 of the City's Code of Ordinances.

Mr. Parry presented a power point program comparing the current subdivision ordinance and the proposed revision. There was discussion on the roles of authority of the P & Z Commission, City Council and City Manager; the requirement of a preliminary plat to be submitted for approval by the P&Z and the City Council; standardized infrastructure design standards and the requirement of a five (5) year limit on infrastructure completion once the final plat has been approved and if not complete during this time period can be nullified. Parry noted that the proposed subdivision ordinance conforms to Local Government Code 212- Municipal Regulation of Subdivisions and Property Development.

P & Z Chairmen Roger Miller said that the P & Z Commission met on November 5, 2018 and voted a vote of confidence and overall concurred in the proposed subdivision ordinance, but thought three (3) areas might need further revision.

There was a lengthy discussion on the three (3) areas that Mr. Miller thought needed a second look:

1. The number of dwellings allowed on one lot in the Extraterritorial Jurisdiction (ETJ) of Gatesville.
2. The number of entrances to a subdivision.
3. The requirement of sidewalks.

City Manager Parry said that he will get the County Attorney's opinion on what the County would approve regarding the number of dwellings on one lot in the ETJ and City staff will do further research on the "entrances to a subdivision" issue and "sidewalk requirements" choices and present these options to the Council for consideration at the next meeting. Mr. Parry said that this subdivision ordinance is currently a very workable document but there is plenty of time to make amendments to the ordinance at the upcoming meetings. Parry presented a proposed application form and checklist to the Council for their review.

ORDINANCE 2018-10-01: Motion by Randy Hitt; seconded by Meredith Rainer to approve the first reading of Ordinance 2018-10 repealing and abolishing chapter 22 of the Code of Ordinances of the City of Gatesville as the same exists immediately prior to the adoption of this ordinance; and adopting a new Chapter 22 of the Code of Ordinances relating to Subdivisions; all six voting "Aye", motion passed.

9) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, AMENDING CHAPTER 21, WATERS AND SEWERS ARTICLE II, SERVICE RATES AND CHARGES, CODE OF ORDINANCES OF THE CITY OF GATESVILLE, TEXAS, BY CHANGING CERTAIN WATER AND SEWER BASE AND VOLUMETRIC RATES AND CREATING AN INSTITUTIONAL CUSTOMER CLASS, ARTICLE I, FOR WATER AND SEWER CHARGES; AND PROVIDING AN EFFECTIVE DATE (FIRST READING OF ORD. 2018-11).

City Manager Parry said that this ordinance has been written according to the findings of the thorough and comprehensive assessment and analysis completed by the City's rate study consultants, NewGen Strategies. City staff's recommendation is to approve the rates as proposed by NewGen Strategies. Because City of Gatesville's rates are set by ordinance, it will take an ordinance with three readings to increase or decrease the rates.

The proposal states that water rates for residential customers with a 3/4 - in meter (91%) will not change. Water customers' base rate will be determined by the size of their water meter. Texas Department of Criminal Justice (TDCJ) volumetric water rates will increase over a two-year period until they are the same as the residential/commercial customers. This ordinance will also establish an

Institutional Class customer for water and sewer charges which TDCJ will be placed per the Institutional Class definition.

The proposal shows a minor increase in both the sewer base rate and volumetric rate which is all designed for the City of Gatesville to meet its debt service requirements to expand the Stillhouse Wastewater Treatment Plant to remove the Notice of Violation from the Texas Commission of Environmental Quality. The average residential sewer bill, based on 5,000 gallons results in a monthly increase of \$3.70, or \$44.40 annually.

This ordinance sets the rates for two (2) years which clearly articulates what the fixed base rate will be based on the meter size, establishes the volumetric rate and establishes the rates for TDCJ. TDCJ is aware of these proposed increases and are waiting for the City's decision.

This ordinance does not include a provision for Fats, Oils, and Grease (FOG) and is an issue that is greatly lacking but could be included after this water and sewer rate process is worked through.

Following a brief discussion, Mayor Chumley asked for a motion.

ORDINANCE 2018-11-01: Motion by David Mitchell; seconded by Dwight Suson to approve the first reading of Ordinance 2018-11 establishing a monthly water base rate based on meter size; increasing the sewer base and volumetric rates, and creating an Institutional customer class for water and sewer charges; all six voting "Aye", motion passed.

## 10) CITY MANAGER'S REPORT:

### 1. CITY MANAGER INITIATIVES:

#### -CAPITAL PROJECTS:

- Stillhouse WWTP Expansion- (Update): The City is at the point where the City's Attorney and TDCJ's Attorney will need to meet and discuss the provisions of the water/sewer rate ordinance and come to an agreement that both sides can commit to.
- Park Street Infrastructure Replacement (Update): The construction on Park Street has been challenging because of the weather but the water lines are complete with the sewer lines approximately 50 percent complete with the goal to be done by the end of November. The curb and gutter portion of this project will have to be done later next year as weather permits.

#### Other activities/dates of note:

- 19 November: City employee Thanksgiving lunch at the Civic Center at noon: City Council is invited to attend.

2. HOUSEHOLD HAZARDOUS WASTE EVENT: The City has submitted an application for a HHWD event for CTCOG funding in 2019. Based upon the baseball/softball schedules and bookings for the Civic Center the requested dates are: 1) March 16, 2019; March 9, 2019; and February 23, 2019. CTCOG will let city staff know which day the chemical contractor will be available and that will determine which date Gatesville will be able to have the HHWD. The CTCOG Solid Waste Advisory Council will meet 15 November 2018 to score applications and select grant funding recipients and amounts.

3. ROTUNDA ABATEMENT AGREEMENT: It is anticipated that the EPA will release the FY 2019 Guidelines for Brownfields Cleanup Grants on or about 30 November 2018, with applications due 60 days later. These grants have historically been for a maximum of \$200,000 with a 20% (\$40,000 local) match required. The City last applied for a Brownfields Grant for the Rotunda site in 2012, but was not selected for funding. If the City elects to pursue a FY 2019 grant, several steps must be completed prior

to submitting the application, including:

- City Council briefing on alternatives and reuse;
- Public notification of intent to apply for the grant and community comment on cleanup alternatives;
- Identification of partners and solicitation of letters of support (Keep Gatesville Beautiful, Texas Department of State Health Services, EPA Region 6, etc.)
- Updated abatement cost estimates.

EPA Region 6 will host a grant workshop in Addison, TX on 5-6 December; the City Manager plans on attending.

An analysis of the Brownfields Grant cleanup alternatives and proposed grant application will be presented at the December 11, 2018 meeting.

4. FAUNT LE ROY PARK: The road to the park has been closed due to the significant erosion to the banks. The bank at the loop of the park has completely caved in and parts of it has fallen into the river and huge cracks are developing on the road. Until an assessment of the sub-surface (soil bore analysis) of the park is completed the park will remain closed for the safety of the public and liability to the City if someone got hurt or killed. An assessment of the park is scheduled to be done by the Texas Department of Emergency Management on November 20th. If the assessment exceeds the State's ability, then the Federal Department may have to get involved which will take more time.

Because this park closure affects "Christmas in the Park" the City is doing alternative decorating which will include businesses and hopefully lights around the Courthouse; pending Commissioner's Court approval on Tuesday.

5. COUNCILMEMBER COMMENTS:

Randy Hitt: Briefly discussed a future agenda topic of allowing Dean Smith to be on the agenda.

Ronnie Viss: Thought it might be good for the City Attorney to come and meet the new councilmembers.

11) ADJOURN MEETING AT 7:08 P.M., THIS 13TH DAY OF NOVEMBER, 2018

ATTEST:

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Wendy Cole, City Secretary

APPROVED:

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Gary M. Chumley, Mayor