

REGULAR CITY COUNCIL MEETING

AUGUST 22, 2017

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 5:34 P.M., THIS 22<sup>ND</sup> DAY OF AUGUST, 2017

PRESENT: Mayor Chumley, Council Members, Viss, Mitchell, Suson, Doyle, Rainer and Hitt

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, City Attorney Sandy Gately, Brenda Kiphen, Cheri Shepherd, Liz Reinhardt, Dan Corbin, David Boling, Sandra Boling, Robert Featherston, Robert Rimlinger, Lori Rimlinger, Leah Furrh, Ron

Abrahamson, Melissa Harris, Gannon Harris, Don Norman, Dewey Jones, Carlton Boone, Gail Boone, Angela Fernandez-Gomez, Randy Patterson, Becky Patterson, Gary Matteo, Michelle Matteo, Joanne Jones, Jordan Register, Lorraine Vega, Edith Houston, Terry Charlett Jr., Larry Kennedy, Paulette Knox, Roger Miller, Billy Vaden, Willie Knox, Fidel De La Torri, Della Altum, Ashley Swodeck, Christy Martin, Misty Smith, Tommy Altum, Terry L. Charlett Sr., Teodoso Gomez, Nicolas Gomez, Trayton Jones, Joshua Simpson

2) 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.)

2017-57

Approval of minutes from previous meeting, August 8, 2017

2017-58

Approval of appointment of Randy Haines to the Board of Adjustments Committee,  
Place #2

Motion by Mitchell, seconded by Suson, all voting "Aye" to approve:

Resolution Number 2017-57: Approve Minutes from the August 8, 2017 Regular City Council Meeting

Resolution 2017-58: Approve of appointment of Randy Haines to the Board of Adjustments Committee, Place #2

3) 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.

4) RECESS REGULAR MEETING AND CALL PUBLIC HEARING #1 -----

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PUBLIC HEARING#1

HEAR COMMENTS CONCERNING THE REQUEST OF PROPERTY OWNER, VETERANS OF FOREIGN WARS POST 8230 TO CHANGE THE ZONING FROM RESIDENTIAL SINGLE FAMILY ZONING DISTRICT TO COMMUNITY FACILITY ZONING DISTRICT, LOCATED AT 1509 GOLF COURSE ROAD, LEGALLY KNOWN AS LOT 1 BLOCK 1 SOUTHEAST ANNEX IN ORDER TO REBUILD THE VETERANS OF FOREIGN WARS POST 8230

City Manager William H. Parry III said that the Planning and Zoning Commission met on August 7, 2017 to review the request to change the Zoning classification for the Veterans of Foreign War Post 8230 on Golf Course Road (that burned down) from Residential Single Family to Community Facility in order to rebuild. The appropriate Zoning categorization for the VFW based upon the zoning of the American Legion located on Watts Lane is Community Facility and that is what the VFW is requesting. The Planning and Zoning Commission unanimously voted to approve this request. Mr.

Parry asked if there were any comments or questions from the public or Council and there were none.

5) END PUBLIC HEARING #1 AND RECONVENE REGULAR MEETING-----

6) CONSIDER 1<sup>ST</sup> READING OF ORDINANCE NUMBER 2017-05 AMENDING THE ZONING ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, BEING ORDINANCE NUMBER 95-17, CHANGING THE ZONING OF 3.073 ACRES OUT OF THE SOUTHEAST ANNEX, LEGALLY KNOWN AS LOT 1 BLOCK 1 AND MORE COMMONLY KNOWN AS 1509 GOLF COURSE ROAD, GATESVILLE, TEXAS FROM RESIDENTIAL SINGLE FAMILY ZONING DISTRICT TO COMMUNITY FACILITY ZONING DISTRICT

Mayor Gary Chumley asked for a motion for the approval of the first reading of Ordinance 2017-05

Motion by Rainer, seconded by Doyle, all voting "Aye" to approve:

Resolution Number 2017-59: Approve first reading of Ordinance Number 2017-05 amending the Zoning Ordinance of the City of Gatesville, Texas being Ordinance Number 95-17, changing the zoning of 3.073 acres out of the Southeast Annex, legally known as Lot 1 Block 1 and more commonly known as 1509 Golf Course Road, Gatesville, Texas from Residential Single Family Zoning District to Community Facility Zoning District.

7) RECESS REGULAR MEETING AND CALL PUBLIC HEARING #2 -----

Public Hearing #2

HEAR COMMENTS CONCERNING A REQUEST FROM JERRY & BOBBIE TIPPIT TO DIVIDE A 3.083 ACRE TRACT OF LAND INTO TWO SEPARATE LOTS, ONE BEING 1.983 ACRES AND THE OTHER BEING 1.1 ACRES, LOCATED AT 4708 S. HWY 36, IN THE A. AROCHA SURVEY IN ORDER TO SELL

City Manager Parry said that the Tippit's own the 3.083 acre tract of land at 4708 S. Hwy 36 and are requesting to subdivide this tract into two separate lots in order to sell to a buyer who is planning to build a residence. The Planning and Zoning Commission met on August 7, 2017 and unanimously voted to approve this request.

Mayor Chumley noted that no one indicated from the citizen sign in sheet that they wished to speak at this time and concluded the public hearing.

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8) END PUBLIC HEARING #2 AND RECONVENE REGULAR MEETING-----

Motion by Mitchell, seconded by Suson, all voting "Aye" to approve:

RESOLUTION NUMBER 2017-60: Approve request of property owners, Jerry & Bobbie Tippit to divide a 3.083 acre tract of land into two separate tracts, one being 1.983 acres and the other being 1.1 acres, located at 4708 S. Hwy 36, in the A. Arocha Survey.

9) RECESS REGULAR MEETING AT AND CALL PUBLIC HEARING #3 -----

PUBLIC HEARING #3\_

HEAR COMMENTS CONCERNING A REQUEST FROM KALEB AND WHISPER HITT TO DIVIDE .0574 ACRES OF LAND FROM A .4706 ACRE TRACT OF LAND LOCATED

AT 201 N. 7<sup>TH</sup> STREET IN ORDER TO DEED THE .0574 ACRE TRACT TO THE PROPERTY OWNER LOCATED AT THE ADJOINING PROPERTY, 605 SAUNDERS STREET

City Manager Parry discussed the map in the read ahead council books and pointed out how this narrow piece of land is laid out. Kaleb and Whisper Hitt wish to divide this land located at 201 N. 7<sup>th</sup> Street in order to deed .0574 acres to the adjoining property owner. The Planning and Zoning Commission voted to approve this request at their meeting on August 7, 2017 and City Manager Parry recommended that the Council also approve this request.

There were no comments from the public during this public hearing.

10) END PUBLIC HEARING #3 AND RECONVENE REGULAR MEETING-----

11) CONSIDER REQUEST OF PROPERTY OWNERS, KALEB AND WHISPER HITT TO DIVIDE .0574 ACRES OF LAND FROM A .4706 ACRE TRACT OF LAND LOCATED

AT 201 N. 7<sup>TH</sup> STREET IN ORDER TO DEED THE .0574 ACRE TRACT TO THE PROPERTY OWNER LOCATED AT THE ADJOINING PROPERTY, 605 SAUNDERS STREET

Mayor Chumley asked for a motion.

Councilmember Hitt abstained from voting because a person related to him in the first degree has a substantial interest in the property that would be affected by a decision of this City Council.

Motion by Suson, seconded by Rainer. Viss, Doyle, Mitchell, Suson , and Rainer all voting "Aye" to approve:

RESOLUTION 2017-61 – Approverquest of property owners, Kaleb & Whisper Hitt to divide a tract of land from a .4706 acre tract of land, located at 201 N. 7<sup>th</sup> St., legally known as Lot 2 Block 66 Original Town Gatesville, in order to deed .0574 acres to adjoining property owner

Santo Garcia, located at 605 Saunders St.

12) RECESS REGULAR MEETING AND CALL PUBLIC HEARING #4 -----

HEAR COMMENTS CONCERNING A REQUEST FROM RANDY HITT TO RE-PLAT THREE PARCELS OF LAND INTO SIX PARCELS LOCATED AT 4306 S. HWY 36 AND PETSICK LANE LEGALLY KNOWN AS A. AROCHA SURVEY 1.418 ACRES (S. HWY 36), .56 ACRES (4306 S. HWY 36) AND .41 ACRES (PETSICK LANE) IN ORDER TO SELL AS BUSINESS COMMERCIAL PROPERTIES

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City Manager Parry said that this is essentially a plat of three pieces of property that Randy Hitt purchased with the intent to subdivide those three pieces of property into six lots located at 4306

S. Highway 36 and Petsick Lane. That area is zoned Business Commercial and the Planning and Zoning Commission met on August 7, 2017 and recommended approval of Mr. Hitt's request to plat the three lots into six lots and Mr. Parry recommended that the Council approve also.

Mayor Chumley invited Mr. Dan Corbin to the podium as he wished to address the Council.

City Secretary Wendy Cole provided each council member with a folder of photographs that Mr. Corbin prepared for each member.

Mr. Dan Corbin of 603 North 8<sup>th</sup> Street, Killeen, Texas introduced himself and stated that he represented a number of people in attendance and asked them to please stand.

Mr. Corbin said that Mr. Hitt bought a tract of 2.388 acres and recorded in the deed records January 4, 2017 and that the property is one tract and not three tracts as referenced in the request.

On July 14, 2017 Mr. Hitt sold a .407 acres to Steve Buckner Construction LLC. Mr. Corbin presented a map that showed the area and discussed the lot sizes and that duplex construction had begun but since had not been re-platted when it was sold to Mr. Buckner, it was a violation of Gatesville's subdivision ordinance. Corbin discussed the Texas Local Government Code and explained that when cities develop their rules for subdivision developers and all rules are followed by developers it must be approved- and if rules are not followed, the request must be rejected. The building permit was exactly the same as the deed for the property of .407 acres that was conveyed to Steve Buckner Construction LLC.

Mr. Hitt indicated that he was the owner of the property on the application for the re-plat amendment July 17, 2017 when in fact he was not the owner of the property, nor is there any indication that he is an agent of Steve Buckner Construction LLC.

Mr. Corbin said that under Gatesville's Subdivision Ordinance Section 22-16 it is required that an application, for approval of a plat shall be filed by the record owner of the property to be subdivided or the duly authorized agent of the record owner.

Mr. Corbin said that the book of photographs shows what Petsick Lane looks like and also in relation to the property. Mr. Corbin explained the photographs in detail as requested by Mayor Chumley. He noted the inadequate egress and ingress of Petsick Lane and how it is not an acceptable street.

Mr. Corbin pointed out other requirements in the subdivision ordinance that were not being complied with and respectfully requested that the Council deny this plat request.

City Manager, William H. Parry III said that for clarification purposes, is the primary issue that Mr. Hitt applied for the division of a piece of land that he technically did not own because he sold it to Mr. Buckner?

Corbin answered that is what is fatal and must be denied.

Councilmember Hitt attempted to join the discussion and Mr. Corbin asked him if he had filed an affidavit for conflict of interest as required by law and if he had not, he wished to file charges against Mr. Hitt.

Hitt indicated that he wasn't going to vote but thought he could ask questions.

There were no other questions or comments and Mayor Chumley thanked Mr. Corbin and ended the public hearing.

13) END PUBLIC HEARING #4 AND RECONVENE REGULAR MEETING-----

14) CONSIDER THE REQUEST OF PROPERTY OWNER, RANDY HITT, TO RE-PLAT THREE PARCELS OF LAND INTO SIX LOTS LOCATED AT 4306 S. HWY 36 AND PETSICK LANE, LEGALLY KNOWN A. AROCHA SURVEY 1.418 ACRES (S. HWY 36),

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.56 ACRES (4306 S. HWY 36) AND .41 ACRES (PETSICK LANE) IN ORDER TO SELL AS BUSINESS COMMERCIAL PROPERTIES

Mayor Chumley asked for a motion to approve or deny the request.

Councilmember Mitchell said he wished to ask City Attorney Gately if what Mr. Corbin said is accurate and if the council would be doing anything illegal if it was approved.

Gately said she wouldn't characterize it as being illegal as much as it would be unwise to pass this at this time. She said she believed the points made by Mr. Corbin were valid.

Councilmember Doyle asked if there was a copy of Gatesville's subdivision ordinance available

Mr. Corbin had copies and provided to Councilmember Doyle.

Mayor Chumley commented that Mr. Parry had sent a copy of Gatesville's subdivision ordinance to Mr. Corbin.

Doyle asked Mr. Corbin to repeat all the subdivision requirements he had referred to in the public hearing and Mr. Corbin referred to Section 22-16.

Mayor Chumley asked the Council for a motion.

Councilmember Hitt abstained from voting because he has a substantial interest in the property that would be affected by a decision of this City Council.

Motion by Doyle, seconded by Suson to reject. Viss, Doyle, Mitchell, Suson and Rainer all voting "Aye" to deny:

RESOLUTION 2017-61A – Deny request of property owner, Randy Hitt to re-plat three parcels of land into six lots, located at 4306 S. Hwy 36 and Petsick Lane, legally known as A. Arocha Survey 1.418 acres (S. Hwy 36), .56 acres (4306 S. Hwy 36) and .41 acres (Petsick Lane) in order to sell as Business Commercial properties.

#### 15) RECESS REGULAR MEETING AND CALL PUBLIC HEARING #5 -----

##### Public Hearing #5

Hear comments on the proposal to set a tax rate at \$0.5100 per \$100 of taxable value  
City Manager Parry said that this is the first of two required public hearings to hear comments on the proposed tax rate that was set by the City Council. The next public hearing will be here at City Hall August 29<sup>th</sup> at 5:30p.m.

Mr. Parry presented a power point program and the following points were discussed:

• Gatesville's Ad Valorem Tax Rates as compared to local cities and how Gatesville's rate would still be very low if the proposed rate of \$0.51 was adopted.

• Various options of revenues from increased/ decreased tax rates: what the projected revenue would be and the difference from the current rate.

• Items currently unfunded in the FY 2018 Budget and what impact the increased revenue at \$0.51 would have on the following unfunded items if approved: Park/South Street Water/Sewer replacement, Park/South Street Engineering, Community Development Planner, Highway 84 fence at the Sports Complex, Fitness Center locker replacement. An Information Technology Administrator would be below the cut line if the \$0.51 is approved.

Mr. Parry pointed out that, of course, if the proposed tax rate was decreased the cut line would move up and more of these projects would be unfunded.



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Councilmember Viss commented that he thought continuing water/sewer line replacement was very important.

Mr. Parry said that even though the City did not get approved for the next cycle of the Community Development Block Grant he would still try to find ways to find funding to keep the line replacements going. A Brownsfield Grant is still possible as a way to assist the City with the demolition of the Rotunda building.

There was a lengthy discussion regarding the asphaltting/ seal coating process and streets to be considered. An information report regarding chip seal and seal coat was provided to each councilmember.

Mr. Parry said that it is scheduled to adopt the budget and approve the tax rate on September 12, 2017. Councilmember Rainer has requested that the tax rate be discussed at that meeting as an agenda item.

Mayor Chumley announced the conclusion of the Public Hearing.

16) END PUBLIC HEARING #5 AT 6:28 PM AND RECONVENE REGULAR MEETING-  
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17) CITY MANAGER'S REPORT

1. INITIATIVES:

WaterCARE Communities Program: Received an email from the University of North Carolina and they are requesting budget information and usage data for water and sewer. That information was provided to them this afternoon so they can go forward with the city's rate analysis.

--- Capital Projects.

- Stillhouse Wastewater Treatment Plant Expansion: Because of the notice of violation from Texas Commission on Environmental Quality regarding the Gatesville Stillhouse Plant exceeding 90% of the permitted capacity for three consecutive months we must request permission to increase capacity. City staff is attempting to resolve this issue by submitting an application for this project for funding assistance from the Texas Water Development Board (TWDB). A low interest loan through the TWDB could save the City a million dollars over the life of the debt service. The Stillhouse plant was specifically built to accommodate the Hughes Unit Prison when it was built. It was written in the construction contract that the Texas Department of Criminal Justice (TDCJ) would provide the debt service payments which they did. Since there are three different pricing

mechanisms with TDCJ it will be a challenge to get them to sign a long term contract to assist the City with this debt. The TWDB wants a commitment of how this money will be repaid before the City is loaned this amount of money. City staff will probably ask for assistance from a contract lawyer to start working this issue in depth and detail. More to follow. s Community Enhancement Fund Grant for Leon WWTP Solar Array: The City is at a point where a project development agreement needs to be adopted between the City of Gatesville and Schneider Electric for design and construction of the solar array.

s Energy Savings Performance Contract: Replacement motors for the water intake, water treatment plant and BP1 should be here and ready for change out September 5<sup>th</sup>. Replacing these motors should make a tremendous impact on reducing the City's electric bill. The Finance Department has indicated that they have noticed some utility savings already on some bills.

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2. Leon River Bridge: City Manager was contacted by an engineer from an engineering planning preliminary firm regarding construction management and was inquiring about the water and sewer lines next to the bridge which shows that TxDOT is in the feasibility study phase.

3. 2018 Municipal Election Timeline: No one but the incumbents have signed up to run in the council member election so the City Secretary is working with the Election Administrator, Justin Carothers, to implement the procedures to cancel the City of Gatesville's election.

4. Old Gym Lot: Completed the closing for the old gym lot yesterday and subtracted the expenses for debt which made the split between Gatesville Independent School District and the City each netting approximately a little over \$11,000.

Mr. Parry noted that Cheri Shepard (Gatesville's Convention and Visitor's Bureau Director) received an inquiry today about public viewing areas and accommodations for the 2024 eclipse that will occur in Gatesville.

City Staff is going through ordinances that have challenges and problems that need to be fixed and will present a prioritized list of work to the council that will need to be solved by amending ordinances. A drainage criteria study is being worked with Walker Partners now.

Councilmember Rainer found the Comprehensive Plan meeting very informative and asked about the turnout of the second Comprehensive Plan meeting?

Parry: Both sessions had a total of about 28 people with Representative Sheffield attending the second session. Benchmark Planning is working on a survey.

18. ADJOURN CITY COUNCIL MEETING AT 6:45 P.M. THIS 22nd DAY OF AUGUST 2017

ATTEST:

APPROVED:

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Wendy Cole

Gary M. Chumley

City Secretary

Mayor