

REGULAR CITY COUNCIL MEETING

MARCH 22, 2016

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 AT 5:35 P.M., THIS 22nd DAY OF MARCH, 2016

PRESENT: Mayor Gary M. Chumley, Council Members, Inmon, Rainer, Shepherd-Cain and David Mitchell

REGRETS: Council Member Ronnie Viss and Council Member Jack Doyle

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, City Attorney Sandy Gately, Liz Reinhardt, Jim Shepard, Don Norman, Charlie Johnson, Pat Johnson, Brenda Kiphen, Marshall Day, Faye Nichols, Kathy Harte, K. C. Johnson, Billy Vaden, Richard Gibbens, Larry Jones, Dane Legg

2) APPROVAL OF MINUTES FROM PREVIOUS MEETING

Motion by Rainer, seconded by Shepherd-Cain, all voting "Aye" to approve Resolution Number 2016-20

RESOLUTION NUMBER 2016-20 - approve Minutes of March 8, 2016 Regular City Council Meeting

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.

K. C. Johnson of 302 South 14th Street spoke to the Council about the passage of Ordinance 2016-02. Mr. Johnson requested that the Council remove the definition of high grass from the code. Mr. Johnson stated that he thought the twelve inch height limit of grass would infringe on his choice of plants he desired to grow in his yard. He said for example, the pampas grass he just planted could grow six to eight feet high.

City Manager William H. Parry III reminded the Council that the twelve inch height rule was already approved in 2012 when the International Property Maintenance Code was adopted. City Manager Parry said that if the pampas grass is part of a maintained landscape and maintained yard there should be no issues. The challenge is when normal turf grass and noxious weeds grow above the twelve inch limit. It could become unsightly and harbor rodents and varmints. Mr. Johnson thanked the Council for allowing him to speak.

4) CONSIDER PROCLAMATION DECLARING APRIL AS "SUSTAINABLE ENVIRONMENT MONTH"

City Manager Parry said that the Sustainable Communities Partnership annually seeks a proclamation declaring April as "Sustainable Environment Month". This proclamation is designed to promote regional sustainability such as recycling education and other efforts to improve quality of life and to also promote Earth Day in Gatesville at the Civic Center on April 22, 2016.



WHEREAS, the month of April marks a number of events celebrating environmental sustainability including Earth Day and the Don't Mess with Texas Trash-Off;

WHEREAS, the Cen-Tex Sustainable Communities Partnership works to promote environmentally sound practices through events like Earth Fest, Eco Harvest, GIS Day;

WHEREAS, the 2016 theme of sustainable development emphasizes an equitable, beneficial and far-sighted approach to decision-making at all levels and emphasizes not just strong and economic performance but inter-generational equity; and

WHEREAS, in partnership with its citizens, businesses and institutions, Belton, Copperas Cove, Ft. Hood, Gatesville, Harker Heights, Killeen, Lampasas and Nolanville are committed to environmental preservation and sustainability in its own practices and encourages the partners to do the same;

NOW, THEREFORE I, Gary M. Chumley, Mayor of the City of Gatesville, Texas do hereby proclaim April 2016

"Sustainable Environment Month"

in the Cen-Tex Sustainable Communities Partnership region.

Dated this 22nd Day of March 2016

Motion by Inmon, seconded by Mitchell, all voting "Aye" to approve Resolution Number 2016-21

RESOLUTION NUMBER 2016-21 - approve proclamation declaring April 2016 as "Sustainable Environment Month".

5) CONSIDER PROCLAMATION DECLARING APRIL 9, 2016 AS "DAY OF THE CHILD"

City Manager Parry explained that April traditionally has been designated nationwide as "Month of the Child". Locally the Gatesville Exchange Club will hold their annual "Day of the Child" event at Wal-Mart on April 9, 2016 and asks the Council to approve this proclamation which highlights their mission to create greater public awareness of child abuse and to emphasize the need for education to prevent child abuse.

WHEREAS, child abuse is an ever-growing tragedy across America that affects the lives of everyone of us, and

WHEREAS, there were 44 victims of child physical/sexual abuse in Coryell County in 2015, affecting the lives of many children into whose hands we will eventually entrust the future of our nations, and

WHEREAS, we need to create greater public awareness of the problem of child abuse by educating everyone we know on the seriousness of this social malignancy, and

WHEREAS, the Exchange Club of Gatesville will host their annual "Day of the Child" at Wal-Mart on Saturday, April 9, 2016, and

WHEREAS, the event will feature activities dedicated to children and is planned for their fun and enjoyment, and

WHEREAS, this "Day of Child" is to emphasize the special care and love that all children need and to present a message that the prevention of child abuse should be one of the most important goals of this community, and

WHEREAS, Since 1949, the National Exchange Club has adopted Child Abuse Prevention as its national project and since that time, countless education programs and services have been provided through brochures, videos, films and seminars, and

NOW, THEREFORE, I, Gary M. Chumley, Mayor of the City of Gatesville, Texas declare Saturday, April 9, 2016 as "**Day of the Child**" and urge all residents of the City of Gatesville to join the Exchange Club of Gatesville at their annual event.

Motion by Inmon, seconded by Rainer, all voting "Aye" to approve Resolution Number 2016-22

RESOLUTION NUMBER 2016-22 - approve proclamation declaring April 9, 2016 as "Day of the Child".

6) CONSIDER SECOND READING OF ORDINANCE NUMBER 2016-02 AMENDING CHAPTER 14 ARTICLE II, JUNKED PERSONAL PROPERTY OF THE CODE OF ORDINANCES FOR THE CITY OF GATESVILLE AND REPEALING SECTIONS 11-19 THROUGH 11-25 OF CHAPTER 11, ARTICLE II, SANITATION OF PREMISES

City Manager Parry said that there have been a few typographical corrections made and there is a proposed change in the language in Section 14-29 and Section 14-30. City staff initially used "trial" if a person requested to appear before the judge when served notice of a public nuisance violation. The government code says that a citizen who has been cited for any public nuisance is entitled to a "hearing," therefore the City staff amended the words "trial" to "hearing" to make the ordinance match the language of the government code. City Attorney Gately approved the changes to the ordinance. Mr. Parry also asked to make sure that all the councilmembers were comfortable with the high grass definition before the third and final reading of the ordinance at the next meeting. There was no discussion and Mayor Chumley asked for a motion.

Motion by Shepherd-Cain, seconded by Mitchell, all voting "Aye" to approve Resolution Number 2016-23

RESOLUTION NUMBER 2016-23 - approve the second reading of Ordinance Number 2016-02 amending Chapter 14, Article II, Junked Personal Property of the Code of Ordinances for the City of Gatesville and repealing sections 11-19 through 11-25 of Chapter 11, Article II, Sanitation of Premises with changes to Chapter 14, Sections 29 and 30 amending the word "trial" in seven places to "hearing" and correcting five typographical errors.

7) CONSIDER REQUEST TO RE-PLAT 106 OLD WACO ROAD; LOT 1-A, BLOCK 11, SOUTHEASTERN ANNEX INTO TWO LOTS

Zoning Official Liz Reinhardt said that the property owners at 106 Old Waco Road are requesting a replat to divide their property into two lots in order to place a modular home there for Mr. Johnson's mother.

The Planning and Zoning Commission met on March 7, 2016 and unanimously voted to approve this request. It is recommended that the Council approve this replat request.

Motion by Inmon, seconded by Mitchell, all voting "Aye" to approve Resolution Number 2016-24

RESOLUTION NUMBER 2016-24 - approve the request to re-plat 106 Old Waco Road; Lot 1A, Block 11, Southeastern Annex into two lots in order to place a modular home there.

8) CONSIDER APPROVAL OF FISCAL YEAR 2014-2015 AUDIT

Finance Director Brenda Kiphen provided copies of the Annual Financial Report and the Auditor's Report to the Council.

City Manager Parry said that it is required that the City have our financial statement audited annually. The firm of Lott, Vernon and Company, P.C. has prepared the City of Gatesville audit and Mr. Parry introduced one of their senior auditors, Dane Legg to come forward and brief the Council on the fiscal year 2014-2015 audit.

Mr. Legg discussed:

- A new Standard (GASB Statement No. 68) to report pension liability on the City's pension plan. The City's Texas Municipal Retirement System pension is 85% funded.
- assets
- liabilities
- Fund Balances
- Revenues
- Expenses
- Other Financing Sources
- Enterprise Funds; capital assets, net of depreciations, liabilities, revenues, and expenses

Mr. Legg reported that the City of Gatesville is in compliance with government accounting regulations and policies but had a few management comments with the purpose of strengthening internal controls and operating efficiently. Mr. Legg recommended that the Finance Department complete the process of entering the capital assets and depreciation information into the new computer software and to write out a procedures and responsibility outline within each department.

Mayor Chumley said that just a few years ago the City bought a new software system and said that everyone knows how long it takes to get new software running accurately while constantly working out problems.

City Manager Parry commented that the City staff is already working to complete these tasks and will be done by next year's audit.

Motion by Shepherd-Cain, seconded by Inmon, all voting "Aye" to approve Resolution Number 2016-25

RESOLUTION NUMBER 2016-25 - approve the Fiscal Year 2014-2015 Audit.

9) CONSIDER APPROVAL OF BID FROM TTG UTILITIES TO COMPLETE THE LIVE OAK SANITARY SEWER IMPROVEMENT PROJECT

City Manager Parry said that this job to replace the remaining 200 foot of sewer line would complete the Live Oak Sanitary Sewer Improvement Project. The original Community Development Block Grant (CDBG) project stopped at the manhole at the corner of South Street and Live Oak Street. It was discovered that a section of 200 foot of line beyond this manhole had significant issues that needed to be corrected. The contractor of this project, Leetech Energy Services was unable to pipe burst this section because of the amount of rubble, rock, and dirt. Walker Partners Engineers solicited bids from companies that had equipment and expertise to replace the remaining 200 feet and TTG submitted a bid of \$37,463.07 and can be ready in two weeks to complete this project.

This project will be funded by a sales tax windfall from a Hudson Electric Company bill where they had been charging the City sales tax and government entities are exempt from paying sales tax.

City Manager Parry recommended the Council approve the TTG Utilities bid to complete the sanitary sewer improvement project.

Motion by Shepherd-Cain, seconded by Rainer, all voting "Aye" to approve Resolution Number 2016-26

RESOLUTION NUMBER 2016-26 - approve the bid from TTG Utilities in the amount of \$37,463.07 to complete the Live Oak Sanitary Sewer Improvement Project.

10) CONSIDER INTERLOCAL AGREEMENT BETWEEN CORYELL COUNTY AND THE CITY OF GATESVILLE REGARDING USE OF ROAD AND BRIDGE EQUIPMENT AND MANPOWER

City Manager Parry recommended approval of an Interlocal Agreement between Coryell County and the City of Gatesville regarding use of road and bridge equipment and manpower. This agreement would facilitate partnering between the two departments to accomplish street and road maintenance projects that are beneficial to the City. The City would be able to provide paving related services with the County in exchange for ditch clearing, vertical mowing, and road base at a reduced price. City employees would run the city's equipment for each County project as would the County for the City. Equipment hours and equipment usage transactions will be tracked and recorded.

Each entity would be responsible for any maintenance or repair on their own equipment. The County has already approved this Interlocal Agreement.

**INTERLOCAL AGREEMENT BETWEEN CORYELL
COUNTY AND THE CITY OF GATESVILLE**

USE OF ROAD AND BRIDGE EQUIPMENT AND MANPOWER

STATE OF TEXAS)
)
COUNTY OF CORYELL)

This agreement, made and entered into by and between the County of Coryell hereinafter called "Coryell" and the City of Gatesville, hereinafter called "Gatesville", pursuant to the provisions of Texas Government Code Ann. Sec. 791.001 (the "Act") relating to the joint exercise of powers, for the purpose of maintaining county roadways as follows:

WHEREAS, there is a need and desires jointly shared between the parties herein to maintain the roadways in their respective jurisdiction, and

WHEREAS, Coryell and Gatesville own certain equipment that would be useful in maintaining roadways in each jurisdiction, and

WHEREAS, Coryell and Gatesville would both benefit from sharing/using certain equipment and manpower at certain times to aid in performing the mutual obligations to maintain the roads in their respective jurisdiction, and

WHEREAS, the citizens of Coryell and Gatesville would jointly benefit from such a sharing/using of such equipment and manpower, and

WHEREAS, Coryell and Gatesville find that it would be in the best interest of the citizens of Coryell and Gatesville to enter into an interlocal agreement to cooperate in the sharing/using of certain equipment and manpower:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That in consideration of the mutual covenants and agreements, the benefits of which will inure to the parties herein, Coryell and Gatesville agree as follows:

I.

Coryell County and the City of Gatesville both have an obligation to their citizens to maintain the roads in their respective jurisdictions. These obligations would best be served, and resources would most be utilized, by the sharing/using of certain road and bridge equipment and manpower between the jurisdictions.

II.

Coryell and Gatesville agree to share/use equipment and manpower of one for the use of the other on Road and Bridge projects of the other, per the agreement of the parties hereto on a case by case basis, for the mutual benefit of both. Nothing herein shall obligate one party to another for any particular project/equipment, but shall only be as agreed upon between the parties.

III.

Coryell County and Gatesville agree to share/use equipment of like kind at the hourly rates set forth below, and to allow crushed rock to be provided to the City from the County at the rate set forth below:

Like equipment will be based on 80/hr.

Like Equipment:

Chip spreader
2000 gallon Distributor Truck
924 Loader and zipper
Lay down machine
Side mounted brush cutter
Grade-all
84 inch pad foot compactor

Equipment at a 50% reduction

Street sweeper
44" steel wheel roller
Man-lift truck

Crushed Rock: Crushed rock will be calculated at \$4/cubic yard, (F. O. B. County Pit)

Any equipment and materials not listed herein will be used/shared at rates to be agreed upon between the Coryell County Road and Bridge Administrator and the City of Gatesville Street Superintendent.

IV.

Coryell and Gatesville shall keep a detailed record of all transactions under this agreement. Nothing herein shall allow one entity to allow the other to become indebted for more than 60 hours of equipment use in one calendar year.

V.

This agreement shall be effective from the date of execution and shall extend until it is otherwise modified or terminated.

VI.

This agreement shall not become effective until it is signed by both Coryell and Gatesville, and approved by their respective governing bodies.

Motion by Mitchell seconded by Inmon, all voting "Aye" to approve Resolution Number 2016-27

RESOLUTION NUMBER 2016-27 - approve an Interlocal Agreement between Coryell County and the City of Gatesville regarding use of road and bridge equipment and manpower.

11) RECEIVE BRIEFING FROM WAY SERVICE LTD ON CITY OF GATESVILLE ENERGY AUDIT

City Manager Parry reminded the Council that there is no action required on this agenda item. Mr. Parry explained that the City spends about one million dollars per year on electricity and said that Way Services LTD is proposing ways to generate cost savings through a performance contracting mechanism. The City staff realizes that the City has some inefficient electrical infrastructure in the City and Way Services would like to propose a way to reduce the city's energy costs by 30% through innovative financing structures by replacing some of the infrastructure. Way Company has already conducted an initial audit on all of the city's buildings and facilities including pumps at all the treatment plants. They are in the audit phase at this point and have not conducted an indepth analysis yet. There is no cost to the City for this initial assessment.

Mr. Parry introduced Mr. Richard Gibbens and Larry Jones from Way Services LTD and Mr. Gibbens presented a power point program.

Points discussed were:

- This organization is a family owned business since 1918 and that this alternative funding solutions concept is not a new concept – has been around about 35 years.
- Dedicated to Green Solutions Team by helping cities manage their infrastructure in a way that reduces energy consumption, reduces their carbon footprint, and benefits cities.
- Look for staff funded upgrades and retrofits so that there is no money out of pocket up front.
- Savings are guaranteed and Way Services would pay the difference if an implement program didn't garner the guaranteed savings they promised. Way Service would be responsible for writing a check to the City for the difference.
- Way Service would capture 20-40% of operational costs to reinvest back into the facilities.
- This program is a way to fund infrastructure improvements and fund deferred maintenance expenses.
- Examples the City of Gatesville could use this alternative funding solutions on: HVAC, HVAC controls, lighting, 30 year old water and wastewater infrastructure, and 40 year old water meter.
- Potential Savings are significant! Discussed proven solutions at other cities that have used this program.
- Discussed how the savings could exceed the cost of the program. Way Service would be paid based on savings the city was guaranteed.
- Longtime savings will generate funds to implement other needed projects.
- Way Service is bonded to be able to back guaranteed savings.
- Texas Local Government Code 302.002 codifies these energy savings requirements.
- Typically use a mix of Way Service crew and local contractors.

City Manager Parry said Way Service LTD will come to the Council in May-June with a proposal.

12) CITY MANAGERS REPORT

- Hillside Nursing Home Facility. Will attend a meeting between GISD superintendent Eric Penrod, Central Texas College Chancellor Mr. Yeonopolus, and Deputy Chancellor for U.S. Campus Operations, Dr. Tina Ady on March 28, 2016.

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- Household Hazardous Waste Day. Planning continues. No volunteers have signed up yet. Have given flyers to churches to insert in church bulletins.
- Other Activities of Note:
Have identified 3 structures to work with regarding Substandard Structures. Consideration by the Council is anticipated to be at a public hearing to be conducted during the April 26 council meeting.
- Good meeting with Fort Hood Garrison Commander, COL Todd Fox.
- Budget. Revenues and Expenses are on track.
Positive fund balances in both the General and Enterprise Fund.
Capital Projects Spending will be conducted soon and Council will be made aware of projects.
- Freedom Crossing Apartments. Homestead Development Group notified City staff and communicated that Gatesville was not selected for this tax credit program.
- Youth Sports Program continues and is doing extremely well. Two fields at the sports complex are being rehabilitated.
- Faunt Le Roy Park. The entire road is having to be rehabilitated. The Street Department will not be able to chip seal until the weather warms up. The park should be able to reopen next week.
- Councilmember Comments:
Mitchell: questions on HHW day hours, limb collection, and tire collection issues with good samaritans or volunteers.

Mayor Chumley: Limits on tires?

Parry: 4 are free, \$1.00 per light passenger or pickup, tire after that, and semi-truck tires will be priced on sight.

Parry: Those with Facebook pages – please post information about HHW day and Operation Clean Sweep.

- Councilmember Rainer: Recreation Director Seth Phillips is doing a good job. Seth has made a positive impact and everyone at the ballpark seemed to enjoy skills day which was a first time event.

13) ADJOURN CITY COUNCIL MEETING AT 7:10 P.M., THIS 22nd DAY OF MARCH, 2016

ATTEST:

APPROVED:

Wendy Cole
City Secretary

Gary M. Chumley
Mayor

12) CITY MANAGERS REPORT

City Manager Parry reported on the following:

13) ADJOURN CITY COUNCIL MEETING AT 6:10 P.M., THIS 22nd DAY OF MARCH, 2016

ATTEST:

APPROVED:

Wendy Cole
City Secretary

Gary M. Chumley
Mayor

