

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 9, 2021 AT 5:30 P.M, GATESVILLE COUNCIL CHAMBERS
110 NORTH 8TH 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 regarding the 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 2021-79: Minutes from Regular City Council meeting October 26, 2021**
 - Resolution 2021-80: Resolution casting votes for the City of Gatesville's candidate for the Coryell Central Appraisal District Board of Directors**
4. Discussion and possible action regarding a Proclamation regarding recognition of Cotton Davidson
5. Discussion and possible action regarding the November 2, 2021 Election:
 - A. Canvass Votes
 - B. Declare Election Results
 - C. Swear in newly elected Council Members
 - D. Issue Certificates of Election
6. Discussion and possible action to appoint a Mayor Pro-Tem
7. Discussion and possible action to either approve, conditionally approve, or disapprove an application regarding the re-plat of a 1.876-acre lot located at 3209 South Highway 36, Gatesville; formally known as Hillside Subdivision, Block 1, Lot 1 PT, 1.876 acres
8. Discussion and possible action regarding the bid award for the City of Gatesville Mills Street Water and Wastewater Replacement Project
9. Discussion and possible action regarding an Interlocal Agreement for a Habitat for Conservation Plan with Bell and Coryell Counties
10. City Manager's Report: Capital Projects, Future Agenda Topics, Coronavirus Update
11. Recess Regular Meeting and call an Executive Session - Closed Meeting -----

This Closed Meeting is in accordance with Government Code Section 551.074- Personnel Matters- To deliberate the appointment of a Councilmember to Ward 2, Place 6, unexpired term
12. End closed session and reconvene Open Meeting
13. Discussion and possible action regarding appointment of a Councilmember to Ward 2, Place 6 unexpired term
14. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 5th day of November, 2021 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 110 N. 8th Street, Gatesville, Texas.

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 wcole@gatesvilletx.com for further information.

REGULAR CITY COUNCIL MEETING
NOVEMBER 9, 2021 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 5:35 P.M. THIS 9TH DAY OF NOVEMBER, 2021

PRESENT: Mayor Gary Chumley, Councilmembers Barbara Burrow, Greg Casey, Billy Sinyard, Meredith Rainer, and Claude Williams

WARD 2 PLACE 6 SEAT: Vacant

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Rene Ochoa, Mike Halsema, Carolyn Davidson, Cotton Davidson, Sam Golden, Nancy Golden, Nina Davidson, Rhonda Mohler, Bob Brown, Carole Corgill, E W Corgill, Randy Caldwell, Ken Mallach, Georg Cleverly, Jeff Osborne, and Lee Ford

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) DISCUSSION AND POSSIBLE ACTION REGARDING THE 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 2021-79: Minutes from the Regular City Council Meeting October 26, 2021

RESOLUTION 2021-80: Resolution casting votes for the City of Gatesville's candidates for the Coryell Central Appraisal District Board of Directors

Motion by Barbara Burrow, seconded by Greg Casey, to approve the Consent Agenda:

RESOLUTION 2021-79: Minutes from the Regular City Council Meeting October 26, 2021;

RESOLUTION 2021-80: Resolution casting the City of Gatesville's 210 votes for candidate Andy James to the Coryell Central Appraisal District Board of Directors; all five voting "Aye", motion passed.

4) PRESENTATION OF A PROCLAMATION DECLARING COTTON DAVIDSON DAY

Mayor Chumley read a proclamation recognizing Cotton Davidson and proclaiming November 27, 2021 as Cotton Davison Day in Gatesville, Texas. Mayor Chumley presented the proclamation to Cotton Davidson and thanked him for his significant and distinguished contributions, dedication and service to the City of Gatesville.

5) CONSIDER ALL ACTIONS REGARDING THE NOVEMBER 2, 2021 ELECTION

As the presiding officer of the canvassing authority for the City of Gatesville November 2, 2021 election, Mayor Gary Chumley certified the following vote totals and certified that the figures on the

tally sheets corresponded with the figures on the official returns:

City of Gatesville election to approve the tax rate of \$0.56 per \$100 valuation	<u>Votes Received:</u> For 200 Against 202
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Mayor Chumley declared that the tax rate election for \$0.56 failed and would revert to \$0.5433.

Mayor Chumley declared the unopposed Councilmembers as elected:

Councilmember, Ward 1, Place 1: Claude Williams

Councilmember, Ward 1, Place 3: Meredith Rainer

Councilmember, Ward 2, Place 5: Greg Casey

City Secretary, Wendy Cole, administered the Oath of Office to the Councilmembers (incumbents) and issued the Certificates of Election.

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

RESOLUTION 2021-81: Motion by Billy Sinyard; seconded by Claude Williams; to nominate Councilmember Meredith Rainer as Mayor Pro-Tem for the next year; all five voting “Aye”, motion passed.

7) DISCUSSION AND POSSIBLE ACTION TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DISAPPROVE AN APPLICATION REGARDING THE RE-PLAT OF A 1.876-ACRE LOT LOCATED AT 3209 SOUTH HIGHWAY 36, GATESVILLE; FORMALLY KNOWN AS HILLSIDE SUBDIVISION, BLOCK 1, LOT 1 PT, 1.876 ACRES

City Manager said that the purpose of this request is to subdivide an existing lot into two (2) lots which is entirely zoned commercial property. The Planning and Zoning Commission unanimously approved the subdivision application at their regularly scheduled meeting on November 1, 2021.

RESOLUTION 2021-82: Motion by Meredith Rainer; seconded by Billy Sinyard; to approve the application submitted by David Fincher, to re-plat a 1.876 acre lot located at 3209 South Hwy 36, Gatesville, Texas; formally known as Hillside Subdivision, Block 1, Lot 1 PT, 1.876 acres into two lots; all five voting “Aye”, motion passed.

8) DISCUSSION AND POSSIBLE ACTION REGARDING THE BID AWARD FOR THE CITY OF GATESVILLE MILLS STREET WATER AND WASTEWATER REPLACEMENT PROJECT

City Manager Parry reminded the Council that this is for the project that rehabilitates the water and sewer lines on Mills Street, 12th Street, and 14th Street and is a Fiscal Year 2022 Capital Improvement Plan project which was approved by the Council at the September 28, 2021 Council meeting. The City advertised for bids and four (4) bids were received:

Bidder	Base Bid
Royal Vista, Liberty Hill TX	\$677,530.00
Leetech Solutions, Aledo TX	\$469,571.00
TTG Utilities	\$645,908.00
B-Corp Utilities	\$559,605.90

Parry stated that following tabulation of the bids and evaluation of the contractors Walker Partners Engineers recommended that the project be awarded to low bidder Leetech Solutions, LLC of Aledo, Texas in the amount of \$469,571.00. Following a brief discussion Mayor Chumley asked for a motion.

RESOLUTION 2021-83: Motion by Barbara Burrow; seconded by Meredith Rainer; to award the bid for the Mills Street Water/Wastewater Rehabilitation Project to Leetech Solutions, LLC in the amount of \$469,571.00; all five voting “Aye”, motion passed.

9) DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL AGREEMENT FOR A HABITAT CONSERVATION PLAN WITH BELL AND CORYELL COUNTIES

City Manager Parry reminded the Council that on August 24, 2021, the City Council received an information briefing regarding karst invertebrates which were the subject of concern for Bell County as they were notified by the Austin Ecological Office of United States Fish and Wildlife Service (USFWS) that they were a “county of interest” in relation to Karst Invertebrates. The Bell County geological features extend into Coryell County (which is not currently a county of concern) and is probable that at some point in the future could become a “county of interest/concern”.

Bell County issued a Request for Proposals for a consultant to develop a Habitat Conservation Plan (HCP) and is seeking other interested non-federal partners that would be interested in joining in their efforts. The USFWS would fund 75% of the development of an HCP; a 25% local match (cash, goods and services) would be required. If the Council approves the agreement, Gatesville would be included in the low tier of funding regarding the cost allocations. To date, 11 entities in Bell and Coryell Counties have participated in briefings/discussions with the Bell County Judge regarding the potential impacts of listed endangered species being found in Bell County. Those entities have been invited to formally join the effort through an interlocal agreement with the other parties. Coryell County has indicated that they would like to become a participant in this endeavor. Joining a regional HCP now would be less expensive than waiting until later and having to separately go through the process and pay a larger fee.

Parry explained the process if any endangered species are found and what regulations an incidental-take- permit holder must follow in order to continue development of property. Following a lengthy discussion Mayor Chumley asked for a motion.

RESOLUTION 2021-84: Motion by Barbara Burrow; seconded by Meredith Rainer; to approve the City of Gatesville as a participant in the regional Habitat Conservation Plan for Bell and Coryell Counties and authorize the City Manager to execute the Interlocal Agreement; all five voting “Aye”, motion passed.

10) CITY MANAGER’S REPORT:

TAX RATE DISAPPROVAL IMPACT: Parry provided a handout regarding the tax rate ballot initiative and discussed how it will impact the City’s budget. The voting precinct breakdown was highlighted which indicated the total voter turnout was just 8.06%. The reduction in the tax rate of 1.67 cents per \$100 valuation means that budgeted revenues are now short \$38,617.00 to cover budgeted expenses. As the Council was debating adoption of the budget at the 56 cent rate, it was indicated that the Council wanted to fund the Economic Development Association (EDA) Grant Match and the Information Technology (IT) function. City staff has assessed that both can be accomplished, with minimal risk, if the Council still desires to do so. One expense that is unknown at this time is the cost for the Assessor-Collector to resend the tax statements. The city will have to absorb the cost to pay for the preparation and mailing of the statements and also pay the postage for any refunds to residents that have already paid their taxes. City staff assessed the funding of the EDA Grant match and the IT function:

- Reduce the Contingent Appropriation by the revenue shortfall of \$38,617.00 which would still leave over \$21,000.00 in the Contingent Appropriation and with a General Fund Balance that meets or exceeds the fund balance goal of 3 months of expenses which meets the Charter requirement to have a Contingent Appropriation.

- The EDA match could come from the balance of the Coronavirus Relief Funds- if the City is awarded the EDA grant. The grant match would be an eligible expense under the CRF guidelines.
- The IT function could come from the General Fund revenues –especially if the sales tax allocations come in higher than budgeted projections and/or property tax collections come in above the historical 97% collection rate. Funding the IT function could be deferred until the 2nd quarter and make a decision then as more information on sales/property tax collection could be assessed more accurately.

Parry said that the tax rate not passing voter approval is disappointing but the Council’s initiatives can still be funded with minimal risk.

CITY COUNCIL EMAIL: Parry told the Council that if any member would like a City email account to let staff know and it can be set up. It would be posted on the city website.

CAPITAL PROJECTS:

Drainage Study & Master Plan: Received the draft funding agreement from the TWDB late Friday afternoon with a requirement to return any comments from the City for execution not later than close of business this Friday, November 19th.

Stillhouse Water/Wastewater Expansion Project: TWDB lawyers have determined that the appraisal for the acquisition of the buffer easement around the sewer plant requires a second reviewer to evaluate the appraisal. Staff is in consult with the TWDB on how to proceed.

Other activities/dates of note: (Tentative) November 29th 2021: Coffee with Congressman Carter at 3:00 p.m. Not sure of location yet.

BROWNFIELDS CLEANUP GRANT FOR THE ROTUNDA: The City received no proposals for a Qualified Environmental Professional (QEP) who will assist the City with planning the execution of the grant to demolish the Rotunda. The EPA said that since the City executed the proposal request the correct way and had no responses; staff can now reach out to environmental firms to see if anyone would like to submit a proposal. Staff has reached out to a few firms and there is already interest from at least one firm to submit a proposal. February 15, 2022 is the goal for submissions. A QEP will prepare the Quality Assurance Plan who will finalize the analysis of the Brownfields clean up alternatives which is a required step in this process.

AIRPORT HANGARS: There is a pre-construction meeting scheduled with the firm that will replace the hangars tomorrow morning at 10:00 a.m. at the airport. Staff is still waiting to review the plans to make sure the hangars are built in accordance with the building code. A bigger hangar was discussed to be built in addition to the replacement hangars but insurance won’t pay for that hangar and return of investment was considered. Will address that option in the future.

FUTURE COUNCIL MEETING AGENDA TOPICS:

December 14, 2021: Substandard structure located at 308 Fennimore will be considered again as not all the siblings were contacted. The letters have been re-submitted to the three (3) siblings. Another Public Hearing will be held at that meeting.

January 26, 2021: Substandard structures located at 2006 Bridge Street and 2301 Bridge Street will be considered.

Dates to be determined: Various Ordinance Amendments: Chapter 12, Cemeteries; Fats Oils and Grease (FOG) and a water meter tampering ordinance which would be new ordinances. Have not heard from Paul Daugereau yet regarding the new Waste Management options. Carnivals/Circus ordinance- if two (2) councilmembers wish to put on the agenda it can be considered to be re-evaluated.

Code Enforcement: Councilmember Burrow questioned the code enforcement process and asked how the original person that submits the code issue can follow up on the status of the claim. Also asked if a process could be implemented to view the progress of the claim and if code enforcement issues could be reported on the website.

Parry said that code enforcement violations can currently be reported on the city website. Staff is currently researching the options of public reporting and status of claims on the website and what can legally be done. Staff will also check with the City Attorney for his legal opinion. The City has limited resources for code enforcement but there is another officer that is being trained to assist the code officer in the code enforcement process. Parry detailed the process and pointed out that some instances can take several weeks or even months if it has to go to court. The code violations in Gatesville are a long standing problem and will take quite some time to resolve.

Mental Health Calls: Parry provided a report showing total mental health calls in September and October. The new Resource Police Officer is focusing on these calls which is helping out tremendously.

11) RECESS REGULAR MEETING AND CALL AN EXECUTIVE SESSION AT 6:49 P.M. -----

This Closed Meeting is in accordance with Government Code Section 551.074- Personnel Matters-
To deliberate the appointment of a Councilmember to Ward 2, Place 6, unexpired term

12) END CLOSED SESSION AND RECONVENE REGULAR MEETING AT 6:59 P.M. -----

13) DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF A COUNCILMEMBER TO WARD 2, PLACE 6, UNEXPIRED TERM

RESOLUTION 2021-85: Motion by Greg Casey; seconded by Claude Williams; to appoint John Westbrook to vacant seat Ward 2 Place 6, to fill unexpired term for the next year; all five voting "Aye", motion passed.

14) ADJOURN MEETING AT 7:00 P.M., THIS 9TH DAY OF NOVEMBER, 2021

ATTEST:

Wendy Cole
City Secretary

APPROVED:

Gary M. Chumley
Mayor