

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
5:30 P.M
GATESVILLE CITY COUNCIL CHAMBERS
110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528
OCTOBER 22, 2024

An Open Meeting will be held concerning the following subjects:

1. Call to Order
2. Quorum check
3. Invocation and Pledge of Allegiance
4. Citizens/Public Comments Forum: Individuals wishing to address the Gatesville City Council may do so during this segment. If you intend to comment on a specific agenda item, please indicate the item(s) on the sign-in sheet before the meeting. Each speaker is allotted a maximum of 3 minutes for their remarks, and speakers are expected to conduct themselves in a respectful & civil manner. In accordance with the Texas Open Meetings Act, the City of Gatesville City Council cannot deliberate or act on items not listed on the meeting agenda.

CONSENT:

5. All consent agenda items are considered routine by the City Council and will be enacted by a single motion. There will be no separate discussion of these items unless a Councilmember requests an item to be removed and considered separately.

RESOLUTION 2024-112: Discussion and possible action regarding approval of Minutes from Regular City Council Meeting held on October 8, 2024. (Holly Owens)

RESOLUTION 2024-113: Discussion and possible action regarding approval of Fourth Quarter FY 23-24 Investment Report. (Mike Halsema)

RESOLUTION 2024-114: Discussion and possible action regarding a resolution designating an official newspaper for the City of Gatesville for fiscal year 2025. (Wendy Cole)

OTHER BUSINESS:

6. Presentation regarding BelCor Regional Habitat Conservation Plan.
7. Discussion and possible action regarding scheduling on Regular City Council meeting in November and December 2024. (Brad Hunt)
8. Discussion and possible action regarding an engineering professional services agreement with Freese & Nichols, Inc. (Mike Halsema)
9. Discussion regarding an Ordinance 2024-11, amending the Gatesville Code of Ordinances by amending Chapter 48 - Subdivisions; Providing a Severability Clause; Providing a Savings Clause; and Providing for an Effective Date. (1st reading of Ordinance 2024-11) (Holly Owens)
10. Discussion regarding an Ordinance of the City of Gatesville, Texas amending the Gatesville Code of Ordinances at Chapter 10 "Buildings and Building Regulations", Article II "Technical Codes", by adding a new Division 4 "Portable Buildings and Containers"; Providing a Penalty of Fine not to

Exceed \$500; Providing a Severability Clause; Providing a Savings Clause; and Providing for an Effective Date. (1st reading of Ordinance 2024-12) (Holly Owens)

11. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 18th day of October, 2024 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, 803 E. Main Street and Gatesville Council Chambers, 110 N. 8th Street, Gatesville, Texas.

Holly Owens
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 accommodation 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 howens@gatesvilletx.com for further information.

As authorized by section 551.071 of the Texas Government Code, this meeting may be convened into closed, executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein. The City of Gatesville reserves the right to reconvene, recess, or realign the regular session or called executive session or order of business as set forth on the agenda at any time prior to adjournment.

CITY COUNCIL MEETING
OCTOBER 22, 2024
5:30 P.M.
COUNCIL CHAMBERS, 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 5:31 P.M. THIS 22ND DAY OF OCTOBER 2024.

2) QUORUM CHECK/COUNCIL PRESENT: Mayor Gary Chumley, Mayor Pro-Tem Meredith Rainer, Councilmembers Greg Casey, Joe Patterson, John Westbrook, and Aaron Smith.

REGRETS: Barbara Burrow

CITY STAFF PRESENT: City Manager Brad Hunt, City Secretary Wendy Cole, City Secretary Holly Owens, Deputy City Manager/Finance Director Mike Halsema, and Interim Police Chief Georg Cleverley.

OTHERS: Yvonne Williams with Gatesville Chamber, Travis VanBibber, Gatesville Messenger Staff Writer Alex Meelbusch, and BelCor Regional representatives, Alicia Martinez and Dirk Aaron.

3) INVOCATION: Councilmember Casey and PLEDGE OF ALLEGIANCE: Led by John Westbrook.

4) CITIZENS/PUBLIC COMMENTS FORUM: INDIVIDUALS WISHING TO ADDRESS THE GATESVILLE CITY COUNCIL MAY DO SO DURING THIS SEGMENT. IF YOU INTEND TO COMMENT ON A SPECIFIC AGENDA ITEM, PLEASE INDICATE THE ITEM(S) ON THE SIGN IN SHEET BEFORE THE MEETING. EACH SPEAKER IS ALLOTTED A MAXIMUM OF 3 MINUTES FOR THEIR REMARKS, AND SPEAKERS ARE EXPECTED TO CONDUCT THEMSELVES IN A RESPECTFUL MANNER. IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, THE CITY OF GATESVILLE CITY COUNCIL CANNOT DELIBERATE OR ACT ON ITEMS NOT LISTED ON THE MEETING AGENDA.

No one came forward to speak for citizen/public comments.

5) ALL CONSENT AGENDA ITEMS ARE CONSIDERED ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY A SINGLE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILMEMBER REQUESTS AN ITEM TO BE REMOVED AND CONSIDERED SEPARATELY.

RESOLUTION 2024-112: Discussion and possible action regarding approval of Minutes from Regular City Council Meeting held on October 8, 2024. (Holly Owens)

RESOLUTION 2024-113: Discussion and possible action regarding approval of Fourth Quarter FY 23-24 Investment Report. (Mike Halsema)

RESOLUTION 2024-114: Discussion and possible action regarding a resolution designating an official newspaper for the City of Gatesville for fiscal year 2025. (Wendy Cole)

CONSENT AGENDA: Motion by Meredith Rainer, seconded by John Westbrook to approve the Consent Agenda as written. All five voting "Aye", motion passed.

OTHER BUSINESS:

6. PRESENTATION REGARDING BELCOR REGIONAL HABITAT CONSERVATION PLAN.

Alicia Martinez and Dirk Aaron with BelCor Regional came forward to give a presentation (the presentation was made part of the permanent council book).

Mayor Chumley asked if conservation credits are considered and used. Mr. Aaron stated conservation credits are used.

Mayor Chumley asked about voting rights and if it is one entity/one vote or do the entities that can contribute more money have more voting weight. Mr. Aaron stated each entity has one vote.

Mayor Chumley asked if the conservation plan would affect development. Mr. Aaron stated the conservation would not affect development unless there is an Incidental Take Permit in place. This is a permit issued under Section 10 of the U.S. Endangered Species Act and are commonly issued for construction, utilities, and other infrastructure-related projects; a habitat conservation plan is required.

Councilman Patterson expressed concern that this is an added complexity and complications to development.

Mayor Chumley explained that if the City of Gatesville does not develop a conservation plan, the federal government will without any consideration or input from the City.

Councilman Patterson asked what agency within the federal government. Ms. Martinez stated the U.S. Fish and Wildlife Services.

No action was taken.

7. DISCUSSION AND POSSIBLE ACTION REGARDING SCHEDULING ON REGULAR CITY COUNCIL MEETING IN NOVEMBER AND DECEMBER 2024. (Brad Hunt)

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OCTOBER 22, 2024
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Mr. Hunt explained that the November meeting will need to be moved to November 14th to accommodate the election canvassing and only have one meeting in November (November 14th) and one in December (December 10th) due to the holidays.

RESOLUTION 2024-115: Motion by Joe Patterson, seconded by Aaron Smith to approve the November/December Council Meetings as written. All five voting “Aye”, motion passed.

8. DISCUSSION AND POSSIBLE ACTION REGARDING AN ENGINEERING PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS, INC. (Mike Halsema)

Councilwoman Rainer asked if this agreement would cover all of 2025. Mr. Halsema stated this will not cover all of 2025.

Councilwoman Rainer asked at what point will be enough to realize the City needs to hire an individual specific to this job. Mayor Chumley stated that it may never happen because the engineering firms have a team of specialized engineers for every aspect of the job. If the City was to hire a City Engineer, there will still be some of the jobs that will need to be reviewed third-party.

Councilwoman Rainer asked if FNI was the best for the amount being paid to them. Mr. Halsema stated that FNI has provided timely and accurate review with precise fees.

RESOLUTION 2024-116: Motion by Greg Casey, seconded by John Westbrook to approve an engineering professional services agreement with Freese & Nichols, Inc. All five voting “Aye”, motion passed.

9. DISCUSSION REGARDING AN ORDINANCE 2024-11, AMENDING THE GATESVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 48 - SUBDIVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. (1ST READING OF ORDINANCE 2024-11) (Holly Owens)

Ms. Owens explained the changes to the subdivision ordinance.

Councilman Patterson asked what the main change was. Ms. Owens stated the main addition was creating a definition and process for minor plats. Other items added were language to assist with other processes to make sure there is a clean process without confusion.

Councilman Patterson asked about the reference to city engineer. Ms. Owens explained city engineer refers to in-house staff as well as any third-party firm the City uses for engineering services.

Councilman Patterson asked about the change from letter of credit to performance bond. Ms. Owens stated that a performance bond is preferred because it holds more weight than a line of credit.

ORDINANCE 2024-011: Motion by John Westbrook, seconded by Joe Patterson to pass Ordinance 2024-11 adopting the amendment to the Gatesville Code of Ordinances by amending Chapter 48 – Subdivisions to the next meeting. All five voting “Aye”, motion passed.

10. DISCUSSION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING THE GATESVILLE CODE OF ORDINANCES AT CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II “TECHNICAL CODES”, BY ADDING A NEW DIVISION 4 “PORTABLE BUILDINGS AND CONTAINERS”; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$500; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. (1ST READING OF ORDINANCE 2024-12) (Holly Owens)

Ms. Owens explained the ordinances regulating portable buildings.

Mayor Chumley asked about regulations within the ETJ. Ms. Owens stated the City cannot regulate within the ETJ.

Mayor Chumley asked about existing containers. Ms. Owens stated that once this ordinance is approved, and existing containers would be considered legal non-conforming. However, once the container is moved, it cannot be replaced.

Councilman Patterson asked what a container would be used for on a temporary basis. Ms. Owens stated it is generally used for temporary storage during construction or inventory removal. The permit will allow for the use and is valid for the duration of the construction permit, otherwise, it is only valid for 30 days.

Councilman Casey asked if people were trying to turn portable buildings into living space. Ms. Owens stated yes and that is what the City is working to prevent.

ORDINANCE 2024-012: Motion by Greg Casey, seconded by Aaron Smith to pass Ordinance 2024-12 adopting the amendment to the Gatesville Code of Ordinances at Chapter 10 “Buildings and Building Regulations,” Article II “Technical Codes,” by adding a New Division 4 “Portable Buildings and Containers” to the next meeting. All five voting “Aye”, motion passed.

11. Adjourn Meeting

City Council adjourned at 6:35 P.M.

ATTEST:

Holly Owens, City Secretary

APPROVED:

Gary M. Chumley, Mayor