

# **Special City Council Meeting**

**May 28, 2024**

**At**

**Gatesville Council Chamber**

**110 N. 8<sup>th</sup> Street**

**5:30 P.M.**



**INDEX  
REGULAR CITY COUNCIL MEETING  
MAY 28, 2024**

**5:30 P.M.**

**PAGE 1-2 --- AGENDA – 5-28-2024**

**CALL TO ORDER  
ANNOUNCEMENT OF QUORUM  
INVOCATION AND PLEDGE OF ALLEGIANCE**

**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.**

**PAGE 3- PRESENTATION OF LIFE-SAVING AWARD TO GATESVILLE POLICE OFFICER GLORY LITTLE**

**CONSENT:**

**PAGE 4-15 - 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 2024-53: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF MINUTES FROM REGULAR CITY COUNCIL MEETING HELD ON MAY 14, 2024. (WENDY COLE)**

**RESOLUTION 2024-54: APPOINTMENT OF INTERIM CITY MANAGER BRAD HUNT AS A BOARD MEMBER TO THE CENTRAL TEXAS COUNCIL OF GOVERNMENTS EXECUTIVE COMMITTEE AND SOLID WASTE ADVISORY COMMITTEE. (BRAD HUNT)**

**RESOLUTION 2024-55: DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION TO RE-ESTABLISH TWO REGULAR MONTHLY COUNCIL MEETINGS ON THE SECOND AND FOURTH TUESDAY OF EACH MONTH, ALONG WITH THE OPTION FOR SPECIAL CALLED MEETINGS AS NEEDED. (WENDY COLE)**

**RESOLUTION 2024-56: PRESENTATION OF CORYELL COUNTY APPRAISAL DISTRICT 2024 PRELIMINARY ASSESSMENT ROLL. (MIKE HALSEMA)**

**PAGE 16-17 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION TO ADOPT THE CORYELL COUNTY HAZARD MITIGATION PLAN 2023. (BRAD HUNT & ROGER MILLER)**

**PAGE 18-28 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE NO. 2024-02, AN ORDINANCE AMENDING "THE CITY'S ZONING ORDINANCE BY AMENDING TABLE IV "UNIFORM HEIGHT AND AREA REGULATIONS" BY AMENDING VARIOUS SECTIONS OF SECTION 11 "ZONING DISTRICT DESCRIPTIONS" TO CLARIFY THE APPLICABILITY OF TABLE IV, AND BY AMENDING**

**SECTION 13, "ADMINISTRATION AND ENFORCEMENT" BY ADDING A  
NEW SECTION 13-7 "CONFLICTS BETWEEN TABLES AND CODE TEXT".  
(3RD & FINAL READING OF ORD. 2024-02) (SCOTT ALBERT & DAVID  
JONES)**

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REGARDING ORDINANCE NO. 2024-03, AN ORDINANCE AMENDING THE  
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"IN GENERAL" BY AMENDING SECTION 56-6 "EXTENSION OF  
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- PAGE 42-45 CITY COUNCIL MEMORANDUM- DISCUSSION REGARDING AN  
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REGARDING FISCAL YEAR 2025 BUDGET CALENDAR  
(MIKE HALSEMA)**

**ADJOURN MEETING**

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

**AGENDA**  
**SPECIAL CITY COUNCIL MEETING**  
**5:30 P.M**  
**GATESVILLE CITY COUNCIL CHAMBERS**  
**110 NORTH 8<sup>TH</sup> STREET, GATESVILLE, TEXAS 76528**  
**MAY 28, 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.
5. Presentation of Life-Saving Award to Gatesville Police Officer Glory Little (Cody Lee)

**CONSENT:**

6. 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 2024-53:** Discussion and possible action regarding approval of Minutes from Regular City Council Meeting held on May 14, 2024. (Wendy Cole)

**RESOLUTION 2024-54:** Appointment of Interim City Manager Brad Hunt as a Board Member to the Central Texas Council of Governments Executive Committee and Solid Waste Advisory Committee. (Brad Hunt)

**RESOLUTION 2024-55:** Discussion and possible action regarding a resolution to re-establish two regular monthly council meetings on the second and fourth Tuesday of each month, along with the option for special called Meetings as necessary. (Wendy Cole)

**RESOLUTION 2024-56:** Presentation of Coryell County Appraisal District 2024 Preliminary Assessment Roll (Mike Halsema)

**OTHER BUSINESS :**

7. Discussion and possible action regarding a Resolution to adopt the Coryell County Hazard Mitigation Plan 2023. (Brad Hunt & Roger Miller)
8. Discussion and possible action regarding Ordinance No. 2024-02, an Ordinance amending "The City's Zoning Ordinance by amending Table IV "Uniform Height and Area Regulations" by amending various sections of Section 11 "Zoning District Descriptions" to clarify the applicability of Table IV, and by amending Section 13 "Administration and Enforcement" by adding a new Section 13-7 "Conflicts Between Tables and Code Text". (3rd & Final reading of Ord. 2024-02) (Brad Hunt & David Jones)
9. Discussion and possible action regarding Ordinance No. 2024-03, an Ordinance amending the City's Zoning Ordinance in Regard to Mobile, Manufactured, and Modular Homes. (3rd & final reading of Ordinance 2024-03) (Brad Hunt & David Jones)

10. Discussion and possible action regarding Ordinance No. 2024-04, an ordinance amending the Code of Ordinances at Chapter 56 "Utilities", Article 1 "In General" by amending Section 56-6 "Extension of Utilities Outside City Limits." (3rd & final reading of Ordinance 2024-04)  
(Brad Hunt)
11. Discussion and possible action regarding an agreement with Fort Cavazos and the City of Gatesville in regards to management of the military recreation center and authorizing the Interim City Manager to execute said agreement. (Brad Hunt & Seth Phillips)
12. Discussion regarding an Ordinance of the City of Gatesville, Texas amending Chapter 18, Fees of the Code of Ordinances of the City of Gatesville; adopting an additional sewer rate for the City of Gatesville; and providing an Effective Date (1st reading of Ordinance 2024-05)  
(Mike Halsema)
13. Discussion and possible action regarding arbitrage rebate for 2019 Utility System Revenue Bonds.  
(Mike Halsema)
14. Discussion and possible action regarding Fiscal Year 2025 Budget Calendar (Mike Halsema)
15. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 24th day of May, 2024 by 5:00 p.m. on the official City of Gatesville website, [www.gatesvilletx.com](http://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.

  
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](mailto:wcole@gatesvilletx.com) for further information.



**Agenda Item # 5**

**CITY COUNCIL MEMORANDUM**

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Brad Hunt, Interim City Manager

**Agenda Item:** Presentation of Life-Saving Award to Officer Glory Little

**Information:**

Interim Chief of Police Cody Lee will present Gatesville Police Officer Glory Little with a Life-Saving Award, in connection to her actions above and beyond the call of duty on February 23, 2024.

**Financial Impact:**

None

**Staff Recommendation:**

None

**Motion:**

None

**Attachments:**

None

**Staff Contacts:**

Brad Hunt, Interim City Manager, [bhunt@gatesvilletx.com](mailto:bhunt@gatesvilletx.com)

REGULAR CITY COUNCIL MEETING  
MAY 14, 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 5:34 P.M. THIS 14TH DAY OF MAY, 2024

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

CITY STAFF PRESENT: City Manager Scott L. Albert, City Secretary Wendy Cole, Finance/HR Director Mike Halsema, Police Chief Brad Hunt, Wastewater Superintendent Robert Buster, City Attorney Victoria Thomas, by-way-of-Zoom (Executive Sessions).

OTHERS: Leo Corona, George Jeffers, Lora Socarras (Freese & Nichols Inc.), Chase Massingill, Lynn Massingill, Bryon Barnhill, Joe Jones, Kelley Adair, Bill Shoaf, Beverly Shoaf, Diana Barnett, Aaron Adams, Madison Adams, Cory A., Tiffanie Meagher, Mason Matthews, and Gatesville Messenger Staff Writer Kaylee Dusing.

3) INVOCATION: Councilmember Westbrook/PLEDGE OF ALLEGIANCE: Led by Mayor Chumley

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.

Aaron Adams stated that he is not a Gatesville resident (is from Hamilton County) but asked for the status of Faunt Le Roy Park and when it might be opened back up after the massive flooding that took place recently. He said that he is involved with the non-profit organization Amtguard (a role- playing medieval fantasy combat group) and they frequent Faunt Le Roy Park every weekend. It has been a safe haven for troubled teens and individuals with social disorders and was hoping it would be opened back up soon.

Tiffanie Meagher, of 2508 Lowrey, said that as a resident of this town she is backing up what Aaron stated and emphasizing that the park is utilized and would like to see opened up soon.

Mayor Chumley said that there is currently no known timeline regarding the park's status and will be closed until is deemed safe to enter.

EXECUTIVE SESSION:

5) THE CITY COUNCIL OF THE CITY OF GATESVILLE CONVENED INTO A CLOSED EXECUTIVE SESSION AT 5:38 P.M. PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY) TO SEEK LEGAL ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION AND/OR SETTLEMENT, TO WIT: CAUSE NO. DC-23-55054 IN THE 440TH JUDICIAL DISTRICT COURT OF CORYELL COUNTY, CHASE AND LYNN MASSINGILL AS DEVELOPERS FOR FIREFLY RV RESORT VS. WILLIAM H. PARRY, III INDIVIDUALLY AS FORMER CITY MANAGER FOR THE CITY OF GATESVILLE, AND THE CITY OF GATESVILLE. (VICTORIA THOMAS/COURTNEY MORRIS & SCOTT ALBERT)

6) END EXECUTIVE SESSION AND RECONVENE OPEN MEETING AT 6:40 P.M.-----

7) DISCUSSION AND POSSIBLE ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION

Motion by Barbara Burrow, seconded by Aaron Smith, to authorize the Rule 11 Agreement that has been negotiated between the City of Gatesville and the Firefly RV Resort, 1st Phase, specifically for construction only; Councilmember Westbrook voted "Nay", Councilmember Rainer abstained; four voting "Aye", motion passed.

8) ALL CONSENT AGENDA ITEMS ARE CONSIDERED ROUTINE BY 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 2024-39: Discussion and possible action regarding approval of Minutes from Special City Council Meeting held on April 23, 2024. (Wendy Cole)

RESOLUTION 2024-40: Discussion and possible action regarding the re-appointment of members To the Planning and Zoning Commission. (Wendy Cole)

RESOLUTION 2024-41: Discussion and possible action regarding March 2024 Financials. (Mike Halsema)

RESOLUTION 2024-42: Discussion and possible action regarding approval of Second Quarter FY 23-24 Investment Report. (Mike Halsema)

RESOLUTION 2024-43: Discussion and possible action to approve Keep Gatesville Beautiful Committee Board members. (Wendy Cole)

Motion by John Westbrook, seconded by Greg Casey, to approve the Consent Agenda; Resolution 2024-39, Resolution 2024-40: appointment of Wyllis Ament to Place 2 and John Westbrook to Place 6 to two (2) year terms each as Commissioners to the Planning and Zoning Commission, Resolution 2024-41, 2024-42, and 2024-43: Approval of Dusti Morgan as Chairperson of the Keep Gatesville Beautiful Committee and approve the resignations of Shelley Herring as KGB Chairperson and Liz Reinhardt and Cheri Shepherd as Staff Ex-Officio Members and approve Liz Reinhardt to remain as a KGB Board member; all six voting "Aye", motion passed.

OTHER BUSINESS:

9) DISCUSSION AND POSSIBLE ACTION REGARDING TEMPORARY STREET CLOSURES REGARDING THE GATESVILLESHIVAREE-50<sup>TH</sup> ANNIVERSRY, MAY 30<sup>TH</sup> – JUNE 2<sup>ND</sup>, 2024 (MASON MATTHEWS & BRAD HUNT)

Chamber of Commerce President, Mason Matthews, reminded the Council that previously, on August 22, 2023, the City Council authorized the temporary closure of streets surrounding the Gatesville Courthouse square from May 31 to June 1, 2024, for the Shivaree, with the carnival location set for a separate decision in 2024.

The Chamber now respectfully requests an extension of the approved street closures made on August 22, 2023 to also include:

- Extending further to the corner of S. 8th St. and E. Leon St.
- S. 7th St. and Bridge St.



The dates for both street closure requests have been adjusted from May 31 – June 1, 2024, to May 30 – June 1, 2024. The additional closures are to accommodate the carnival, which will be located on county property east of the city pool. Mr. Mathews said that the actual closures will only be on Saturday, June 1st.

There will be 40 to 50 vendors at the Shivaree and a concert at the square Saturday night (June 1st). A car show will be by the tax office.

There was a brief discussion regarding insurance coverage and the city ordinance regarding operation of a carnival within a distance less than 500 feet from a private residence.

Mr. Albert explained that if Council approves the street closures the Council will be also be agreeing to a waiver of Ordinance 2020-04 Section 32-67 which would allow the operation of a carnival within a distance less than 500 feet from a private residence. The carnival obviously being placed on the county property across from the city pool is well within less than 500 feet from a residence. By approving the extension of closing the additional streets the council will be agreeing to allowing the operation of a carnival within less than 500 feet of a residence.

Police Chief Brad Hunt said that PD and the Chamber will contact all the businesses around the courthouse & the Sheriff's office as a courtesy regarding the street closure schedule.

RESOLUTION 2024-44: Motion by Meredith Rainer, seconded by Greg Casey, to approve the additional street closures for the upcoming 50th anniversary of the Shivaree May 30th – June 2nd 2024, which will also allow the operation of the carnival; all six voting "Aye", motion passed.

10) DISCUSSION AND POSSIBLE ACTION REGARDING KELLY ADAIR UTILITY AGREEMENT (SCOTT ALBERT)

Approximately ten years ago, water service was extended to the Anointed Acres, a subdivision located along Chantry Lane outside the city limits. This subdivision comprises twenty-four lots, 14 of which remain under the ownership of the developer, Mr. Adair. Anointed Acres is situated well beyond both the city limits and the Extraterritorial Jurisdiction (ETJ). Since Mr. Adair is already receiving water from the city for this development staff believes that formal agreement of the extension of water service beyond the city limits and ETJ would be in the best interest of both the city and Mr. Adair. The proposed Utility Agreement would be in regards to the remaining fourteen lots of the total 24 lots that don't have water yet. No infrastructure changes would be made- only water meters will be required and paid for by the developer. There is a six -inch line in front of the property so there will be sufficient water flow the house, fire flow, and fire hydrants will be installed.

RESOLUTION 2024-45: Motion by Aaron Smith, seconded by Meredith Rainer, to approve entering into a utility service agreement with Kelly Adair to provide water service to fourteen residential lots in the Anointed Acres Subdivision, as described in the agreement; five voting "Aye", and Councilmember Westbrook voting "Nay" motion passed.

11) DISCUSSION AND POSSIBLE ACTION REGARDING BILL SHOAF UTILITY AGREEMENT (SCOTT ALBERT)

Several weeks ago, Mr. Shoaf requested that the city provide two sewer taps for residential homes he was building outside the city limits. Although there was a verbal commitment to provide this service over a year ago, staff believes it would be in the best interest of both the city and Mr. Shoaf to formally document the extension of wastewater service outside the city limits onto existing sewer lines. The proposed agreement applies only to the two lots currently owned by Mr. Shoaf along Fowler Street in the Fort Gates area. The sewer capacity in this area is adequate to support these two (2) homes.

A Geographic Information System (GIS) map was discussed and Councilmember Patterson suggested staff provide a map in the future regarding where infrastructure is located outside the city limits. Mr. Albert said a proposal is in the works to update the GIS system.

Annexation and non-annexation agreements were discussed and the need to be adjacent to city limits to annex property.

RESOLUTION 2024-46: Motion by Greg Casey, seconded by Barbara Burrow, to approve entering into a utility service agreement with Bill and Beverly Shoaf to provide wastewater service to two (2) lots identified by the following Property ID numbers; 114740 and 114741; five voting "Aye", and Councilmember Westbrook voting "Nay" motion passed.

12) DISCUSSION AND POSSIBLE ACTION REGARDING AMENDMENT TO CONTRACT BETWEEN CORYELL CITY WATER SUPPLY DISTRICT AND THE CITY OF GATESVILLE, TEXAS. (SCOTT ALBERT & JOE JONES)

Coryell City Water Supply District (CCWSD) General Manager, Joe Jones, spoke to the Council regarding the proposed revision to the contract with the City of Gatesville. In November the CCWSD received a letter from the Texas Commission on Environmental Quality (TCEQ), which conditionally approved upgrades to their Crawford water plant. The TCEQ letter required the CCWSD to submit a signed contract with the City of Gatesville detailing the interconnection points before CCWSD can begin delivering potable water to customers following their upgrades. Thus, the purpose of amending the current water supply contract is to clarify in the contract the existing interconnects (delivery points) between the CCWSD and the City of Gatesville.

The city maintains four interconnects/delivery points with the CCWSD, which are outlined in the exhibit attached to the amended water supply contract. These include:

1. Booster Pump 2 – 622,000 GPD
2. Plant 7 – 40,000 GPD
3. 84 Meter Site – 480,000 GPD
4. 1829 Meter Site – 68,000 GPD

Gallons per day/volume has not changed. The amendment to the contract was prepared by the City's Special legal counsel for water matters, Mr. David Klien with Lloyd Gosselink and city staff recommends approval.

RESOLUTION 2024-47: Motion by John Westbrook, seconded by Meredith Rainer, to approve Amendment No. 3 to the Water Supply Contract between the City of Gatesville and the Coryell City Water Supply District; all six voting "Aye", motion passed.

13) DISCUSSION AND POSSIBLE ACTION REGARDING ACCEPTING A QUOTE FROM ENVIRONMENTAL IMPROVEMENTS FOR REPAIRS TO THE PRIMARY CLARIFIER AT THE LEON WASTEWATER TREATMENT PLANT. (SCOTT ALBERT & BOBBY BUSTER)

In February, staff observed oil on the water's surface in the primary clarifier at the Leon Wastewater Treatment Plant. Consequently, staff commissioned Environmental Improvements to inspect the clarifier. The inspection revealed multiple issues requiring repair to the primary clarifier. Staff obtained three (3) quotes for these repairs and are recommending that City Council approve the quote from Environmental Improvements. There was a brief discussion regarding the total amount described in the quote including all the options.

RESOLUTION 2024-48: Motion by Barbara Burrow, seconded by John Westbrook, to approve the quote from Environmental Improvements for repairs to the primary clarifier at the Leon Wastewater Treatment Plant, not to exceed \$182,000.00; and the use of ARPA funds to pay for the repairs; all six voting "Aye", motion passed.

14) DISCUSSION AND POSSIBLE ACTION REGARDING WORK CHANGE DIRECTIVE NO. 01 FOR THE STILLHOUSE BRANCH WWTP. (SCOTT ALBERT & BOBBY BUSTER)

City Manager Albert stated that this is a very simple change order for the Stillhouse Wastewater Treatment Plant project with no increase in cost and is anticipated to result in a credit to the city. Originally planned to house the influent pump station electrical controls within a new building, the setup was changed to positioning them outside on a concrete pad protected by a canopy. This modification was intended to cut costs by eliminating the construction of a new building for the electrical controls.

While Walker Partners acknowledges that placing the influent pump station controls outside under a canopy was a reasonable and cost-effective solution, this change adversely affected the RAS pump. Consequently, Walker Partners now recommends installing the RAS motor control equipment in an existing air-conditioned building, rather than outside.

RESOLUTION 2024-49: Motion by Meredith Rainer, seconded by Aaron Smith, to approve Change order No. 1 for the Stillhouse Wastewater Treatment Plant Improvement Project; all six voting "Aye", motion passed.

15) DISCUSSION AND POSSIBLE ACTION REGARDING WORK CHANGE DIRECTIVE NO. 02 FOR THE STILLHOUSE BRANCH WASTEWATER TREATMENT PLANT. (SCOTT ALBERT & BOBBY BUSTER)

City Manager Albert recommended that this agenda item be deferred to the next Council meeting as staff does not yet have the cost details for the change order.

16) DISCUSSION REGARDING ORDINANCE NO. 2024-02, AN ORDINANCE AMENDING "THE CITY'S ZONING ORDINANCE BY AMENDING TABLE IV "UNIFORM HEIGHT AND AREA REGULATIONS" BY AMENDING VARIOUS SECTIONS OF SECTION 11 "ZONING DISTRICT DESCRIPTIONS" TO CLARIFY THE APPLICABILITY OF TABLE IV, AND BY AMENDING SECTION 13 "ADMINISTRATION AND ENFORCEMENT" BY ADDING A NEW SECTION 13-7 "CONFLICTS BETWEEN TABLES AND CODE TEXT". (2ND READING OF ORD. 2024-02) (SCOTT ALBERT & LORA SOCARRAS)

City Manager Albert introduced Lora Socarras, from Freese & Nichols Urban Planning Department.

On May 6, 2024, the Planning and Zoning (P & Z) Commission hosted a workshop and a special meeting to discuss the ordinance being considered by the City Council tonight. Most City Council members attended the P&Z workshop and meeting. Planning Consultant, David Jones, from Freese & Nichols was present at that meeting and provided three (3) options to the P & Z members.

Ms. Socarras presented the three (3) options that were considered at the P & Z meeting and said that after deliberating and hearing from various speakers on three options for amending Table IV in the zoning ordinance, the P&Z Commission unanimously recommended that the City Council proceed with amending Table IV by eliminating the "Bldg. Area" column (in the current table) and excluding "Minimum Dwelling Size" (in the proposed table). This approach would regulate the minimum buildable area through the minimum yard requirements, considering any lot space outside the required yards as buildable.

P & Z also recommended the following two (2) amendments to the zoning ordinance:

1. Revise certain section in the ordinance to ensure Table IV is properly referenced in the ordinance.
2. Add Section 13-7 to the ordinance to clarify that the text of the ordinance shall govern if there is a conflict between the Table IV and the text of the ordinance.

There was a brief discussion regarding the possibility of amending the lot area size on Table IV because there was concern that it the 8,000 square feet for Single Family Residential is too large. Also discussed was existing vs. new development lot area and if there was a possibility of amending the second reading of this ordinance to reflect any of the reduced lot area size considerations.

City Manager Albert said that the City Attorney would need to be consulted because there would probably need to be notices posted and would hold up the final reading of this ordinance but would ask the City Attorney.

Passing this ordinance will allow current builders to move forward with their projects.

ORDINANCE 2024-02-02: Motion by Barbara Burrow, seconded by Joe Patterson, to pass Ordinance 2024-02 to the third and final reading at the next scheduled Council Meeting; all six voting "Aye", motion passed.

17) DISCUSSION REGARDING ORDINANCE NO. 2024-03, AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE IN REGARD TO MOBILE, MANUFACTURED, AND MODULAR HOMES. (2ND READING OF ORDINANCE 2024-03) (SCOTT ALBERT)

City Manager Albert said that there had been no changes to this ordinance since the first reading. There were no questions from the Council.

ORDINANCE 2024-03-02: Motion by Greg Casey, seconded by Aaron Smith, to pass Ordinance 2024-03 to the third and final reading at the next scheduled Council Meeting; five voting "Aye", motion passed. Councilmember Patterson did not vote on this item as he left the meeting but returned to the meeting after agenda item 17 was completed.

18) DISCUSSION REGARDING ORDINANCE NO. 2024-04, AN ORDINANCE AMENDING THE CODE OF ORDINANCES AT CHAPTER 56 "UTILITIES", ARTICLE 1 "IN GENERAL" BY AMENDING SECTION 56-6 "EXTENSION OF UTILITIES OUTSIDE CITY LIMITS." (2ND READING OF ORDINANCE 2024-04) (SCOTT ALBERT)

City Manager Albert said that there had been no changes to this ordinance since the first reading. Mr. Albert reminded the Council that this ordinance outlines three (3) scenarios regarding annexation of properties outside the city limits in order to provide utility services. There were no questions from the Council.

ORDINANCE 2024-04-02: Motion by John Westbrook, seconded by Meredith Rainer, to pass Ordinance 2024-04 to the third and final reading at the next scheduled Council Meeting; all six voting "Aye", motion passed.

EXECUTIVE SESSION:

19) THE CITY COUNCIL OF THE CITY OF GATESVILLE WILL CONVENED INTO A CLOSED EXECUTIVE SESSION AT 7:24 P.M. PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 (PERSONNEL MATTERS) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, TO WIT: CITY MANAGER

20) END EXECUTIVE SESSION AND RECONVENE OPEN MEETING AT 10:25 P.M.-----

21) DISCUSSION AND POSSIBLE ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION:

REGULAR CITY COUNCIL MEETING  
MAY 14, 2024  
PAGE 7

RESOLUTION 2024-50: Motion by Meredith Rainer, seconded by John Westbrook, to accept Scott Albert's resignation from position of City Manager effective May 15, 2024; five voting "Aye", Councilmember Burrow abstained, motion passed.

RESOLUTION 2024-51: Motion by Meredith Rainer, seconded by Greg Casey, to authorize the Mayor to execute a separation agreement with Scott Albert on the terms provided to the City Attorney in Executive Session; five voting "Aye", Councilmember Burrow abstained, motion passed.

RESOLUTION 2024-52: Motion by Meredith Rainer, seconded by Joe Patterson, to appoint Brad Hunt as Interim City Manager and Mike Halsema as Deputy Interim City Manager; effective May 15, 2024 five voting "Aye", Councilmember Burrow abstained, motion passed.

22) ADJOURN MEETING AT 10:30 P.M. THIS 14TH DAY OF MAY, 2024

ATTEST:

APPROVED:

\_\_\_\_\_  
Wendy Cole  
City Secretary

\_\_\_\_\_  
Gary M. Chumley  
Mayor



## Consent Agenda Item #6

### CITY COUNCIL MEETING MEMORANDUM

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Brad Hunt, Interim City Manager

**Agenda Item:** Discussion and possible action regarding a resolution appointing Brad Hunt as a Board Member to the Central Texas Council of Governments Executive Committee and Solid Waste Advisory Committee.

**Information:**

The Central Texas Council of Governments (CTCOG) is an association for local governments which include the following counties; Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba. CTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities. The CTCOG helps local communities work cooperatively to improve the conditions and well-being of Central Texans. Whether reaching out to elders in need of at-home or nursing home assistance, helping a family find a safe and affordable home, providing essential transportation planning, or keeping communities safe through emergency and security programs.

The executive committee is comprised of city and county elected or appointed officials from the seven counties in the Central Texas region. The executive committee meets monthly to discuss regional issues and conduct agency business. The committee provides direction to the CTCOG staff on program implementation, budgets, contracts, and general policies and procedures for managing the agency.

The Solid Waste Advisory Committee oversees the regional waste plan, household hazardous waste collection events, and funding assistance, including Keep Texas Beautiful Grants, Waste Management Charitable Grants, Republic Services Charitable Grants, and EPA Brownfields funding.

**Financial Impact:** N/A

**Staff Recommendation:** Approve Resolution No. 2024-54 appointing Brad Hunt to the CTCOG Executive Committee and Solid Waste Advisory Committee.

**Motion:** Move to approve Resolution No. 2024-54 appointing Brad Hunt to the CTCOG Executive Committee and Solid Waste Advisory Committee.

**Attachments:** Resolution No. 2024- 54.

**Staff Contacts:**

[bhunt@gatesvilletx.com](mailto:bhunt@gatesvilletx.com)

RESOLUTION 2024-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, APPOINTING THE INTERIM CITY MANAGER TO THE CENTRAL TEXAS COUNCIL OF GOVERNMENTS EXECUTIVE COMMITTEE AND SOLID WASTE ADVISORY COMMITTEE

WHEREAS, the City Council of the City of Gatesville is a member of the Central Texas Council of Governments (CTCOG), which is an association of local governments working together to recognize regional opportunities; and

WHEREAS, the City of Gatesville as a member, wishes to participate in various CTCOG committees; and

WHEREAS, the City Council of the City of Gatesville is committed to regional cooperation and wishes to appoint a representative from the City to CTCOG's executive committee and solid waste advisory committee; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS:

1. The City Council directs and designates Bradford Hunt, Interim City Manager, to serve on CTCOG's Executive Committee and Solid Waste Advisory Committee.

Passed and approved this 28th day of May 2024.

---

Gary Chumley, Mayor  
City of Gatesville, Texas

---

Wendy Cole, City Secretary  
City of Gatesville, Texas



**Consent: Agenda Item # 6**

**CITY COUNCIL MEMORANDUM**

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Wendy Cole, City Secretary

**Agenda Item:** Discussion and possible action regarding a resolution to re-establish two regular monthly council meetings on the second and fourth Tuesday of each month, along with the option for special called meetings as necessary.

**Information:**

In January 2024, holding only one Council meeting on the second Tuesday of each month was approved for the next twelve months. Special Meetings could still be called if necessary to avoid any delays in significant decision-making matters. That decision met the requirements of the City Charter that required the City Council to hold at least one regular meeting each month.

The primary reason for the once- a- month meeting was related to current staff workload and the need for more time to focus attention on various projects, initiatives, and operations. With more time between meetings, staff could concentrate on those projects, initiatives, and operations without the interruption of preparing for a meeting every two weeks. The thought was to allow more time to conduct extensive research, leading to better-informed decisions and improved execution of operations.

Since the once- a- month meetings were approved last January, there has been the need to schedule a second meeting every month since then. Therefore, staff recommends re-establishing the twice- a- month meetings.

**Financial Impact:**

N/A

**Staff Recommendation:** Re-establish two regular Council meetings per month.

**Motion:** I make a motion to hold two (2) Council meetings each month, on the second and fourth Tuesday , with the option to hold as many additional meetings during the month as may be necessary for the transaction of business of the City and its citizens.

**Attachment:** N/A

**Staff Contact:** Wendy Cole, City Secretary [wcole@gatesvilletx.com](mailto:wcole@gatesvilletx.com)





**Consent Agenda: #6**

**CITY COUNCIL MEMORANDUM**

**Date:** May 28, 2024  
**To:** Mayor & City Council  
**From:** Mike Halsema, Interim Deputy City Manager  
**Agenda Item:** Presentation of Coryell County Appraisal District 2024 Preliminary Assessment Roll

**Information:**

Attached are the preliminary property tax values for the FY25 budget. The Appraisal District provided the preliminary 2024 Taxable values and they are \$537,677,847. Comparing preliminary values from last year to current, we are 2.12% above last year. Historically, there is an increase in final values over preliminary, which may put the valuations over 3.5% from last year's certified values.

**Preliminary Freeze Adjusted Taxable Values**

(Tax Year)	2024	2023	2022	2021
	\$537,677,847	\$526,537,403	\$480,675,163	\$415,127,686
Increase from prior year	2.12%	9.54%	15.79%	5.32%

**Staff Recommendation:**

**N/A**

**Motion:**

Accept presentation of the Coryell County Appraisal District 2024 Preliminary Assessment Roll

**Attachments:**

Preliminary Property Tax values

**Staff Contacts:**

Mike Halsema, Interim Deputy City Manager [mhalsema@gatesvilletx.com](mailto:mhalsema@gatesvilletx.com)





## Agenda Item #7

### CITY COUNCIL MEMORANDUM

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Brad Hunt, Interim City Manager

**Agenda Item:** Discussion and Possible Action to Approve a Resolution to Adopt the Coryell County Hazard Mitigation Plan 2023.

**Information:**

Under Coryell County Judge Roger Miller’s guidance, the County of Coryell has prepared a multi-hazard mitigation plan, hereby known as the Coryell County Hazard Mitigation Plan 2023 in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended. The Coryell County Hazard Mitigation Plan 2023 identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in its jurisdiction from the impacts of future hazards and disasters.

The resolution adopting the mitigation plan demonstrates the city’s commitment to hazard mitigation and achieving the goals outlined in the Coryell County Hazard Mitigation Plan 2023. Adoption does not indicate a contract or obligation for the City of Gatesville; rather, it presents an opportunity for the City of Gatesville to identify projects that would further local objectives under the general plan for all of Coryell County.

**Financial Impact:**

None – there is no initial cost to adopting the Mitigation Plan. Future funding proposals would be at the will of the Council.

**Staff Recommendation:**

The staff recommends that the city council approve the resolution to adopt the Coryell County Hazard Mitigation Plan 2023.

**Motion:** I move to approve Resolution No. 2024-57 to adopt the Coryell County Hazard Mitigation Plan 2023, as presented.

**Attachments:**

Resolution No. 2024-57

**Staff Contacts:**

Brad Hunt, Interim City Manager, [bhunt@gatesvilletx.com](mailto:bhunt@gatesvilletx.com)

# Resolution

## RESOLUTION NO. 2024-57

A RESOLUTION OF CITY OF GATESVILLE ADOPTING THE CORYELL COUNTY HAZARD MITIGATION PLAN 2023.

WHEREAS the City of Gatesville recognizes the threat that natural hazards pose to people and property within its jurisdiction; and

WHEREAS the City of Gatesville has prepared a multi-hazard mitigation plan, hereby known as the Coryell County Hazard Mitigation Plan 2023 in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS the Coryell County Hazard Mitigation Plan 2023 identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in its jurisdiction from the impacts of future hazards and disasters; and

WHEREAS adoption by the City of Gatesville demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Coryell County Hazard Mitigation Plan 2023

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GATESVILLE, TEXAS, THAT:

The City of Gatesville adopts the Coryell County Hazard Mitigation Plan 2023). While content related to City of Gatesville may require revisions to meet the plan approval requirements, changes occurring after adoption will not require City of Gatesville to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

ADOPTED by a vote of City of Gatesville this 28th day of May, 2024

Mayor: \_\_\_\_\_

Clerk: \_\_\_\_\_



## Agenda Item # 8

### CITY COUNCIL MEMORANDUM

**Date:** May 28, 2024  
**To:** Mayor & City Council  
**From:** Brad Hunt, Interim City Manager

**Agenda Item:** Discussion and possible action on an Ordinance amending the City's Zoning Ordinance by amending Table IV "Uniform Height and Area Regulations", by amending various sections of Section 11 "Zoning District Descriptions" to clarify the applicability of Table IV, and by amending Section 13 "Administration and Enforcement" by adding a new Section 13-7 "Conflicts Between Tables and Code Text".

**Information:**

This evening, the City Council will conduct the third and final reading of the proposed ordinance to amend the City's Zoning Ordinance.

On May 6, 2024, the Planning and Zoning Commission hosted a workshop and meeting to discuss the ordinance being considered by the City Council. Most City Council members attended the P&Z workshop and meeting. On May 14, 2024, at the regularly scheduled meeting the City Council approved the P & Z recommendations as follows:

1. Amend Table IV by eliminating the "Bldg. Area" column (in the current table) and excluding "Minimum Dwelling Size" (in the proposed table). This approach would regulate the minimum buildable area through the minimum yard requirements, considering any lot space outside the required yards as buildable.
2. Revise the specified sections of the Zoning Ordinance to ensure Table IV is properly referenced and enforceable.
3. Add Section 13-7 to the zoning ordinance to clarify that the ordinance's text shall prevail in the event of a conflict between a table and the text.

**Staff Recommendation:** Staff recommends that the City Council approve Ordinance 2024-02 on the third and final reading, amending the zoning ordinance as presented and as recommended by the Planning & Zoning Commission."

**Motion:** I make a motion to approve Ordinance 2024-02 on the third and final reading, amending the zoning ordinance as presented and as recommended by the Planning & Zoning Commission."

**Attachments:**

Ordinance amending the City's Zoning ordinance.

**Staff Contacts:**

Brad Hunt, Interim City Manager – [bhunt@gatesvilletx.com](mailto:bhunt@gatesvilletx.com)

**ORDINANCE NO. 2024-02**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GATESVILLE, AS PREVIOUSLY AMENDED, BY AMENDING TABLE IV: UNIFORM HEIGHT AND AREA REGULATIONS, BY AMENDING VARIOUS SECTIONS OF SECTION 11 “ZONING DISTRICT DESCRIPTIONS” TO CLARIFY THE APPLICABILITY OF TABLE IV, AND BY AMENDING SECTION 13 “ADMINISTRATION AND ENFORCEMENT” BY ADDING A NEW SECTION 13-7 “CONFLICTS BETWEEN TABLES AND CODE TEXT”; THE ZONING ORDINANCE PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Gatesville, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Gatesville, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Code of Ordinances of the City of Gatesville, Texas, as previously amended, should be further amended as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:**

**SECTION 1.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Table IV – Uniform Height and Area Regulations by repealing that table in its entirety and replacing it with the Table IV – Uniform Height and Area Regulations attached hereto and incorporated herein by this reference as Exhibit “A.”

**SECTION 2.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-1 “Residential/Single-Family” at its subsection E, “Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

. . .

SECTION 11-1 RESIDENTIAL/SINGLE-FAMILY

. . .

**E. Height and Area Regulations**

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

. . . .”

**SECTION 3.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-1-1 “Townhouse Residential/Single-Family”, at its subsection E, “Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...  
SECTION 11-1-1 TOWNHOUSE RESIDENTIAL/SINGLE-FAMILY

...

E. Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. The side lot side yards shall be six feet (6’) when adjoining another lot and zero feet (0) feet when adjoining another dwelling unit on the same platted lot.

...”

**SECTION 4.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-3 “Agricultural and Suburban Homesites District” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...  
SECTION 11-3 AGRICULTURAL AND SUBURBAN HOMESITES DISTRICT

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

...”



**SECTION 5.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-4 “Residential 2-4 Family Dwelling Units” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-4 RESIDENTIAL 2-4 FAMILY DWELLING UNITS

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 6.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-5 “Residential Multi-Family” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-5 RESIDENTIAL MULTI-FAMILY

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 7.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-6 “Business/Commercial” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-6 BUSINESS/COMMERCIAL

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. In addition to the Uniform Regulations, there shall be furnished minimum side yards as follows: six (6) feet when adjoining any residential district and zero (0) feet when adjoining nonresidential districts provided that if a side yard is provided it shall be not less than three (3) feet.

....”

**SECTION 8.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-7 “Mobile Home District” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-7 MOBILE HOME DISTRICT

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 9.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-8 “Mobile Home Park District” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-8 MOBILE HOME PARK DISTRICT

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 10.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-9 “Industrial” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-9 INDUSTRIAL

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. In addition to the Uniform Regulations, there shall be furnished minimum side yards as follows: six (6) feet when adjoining any residential district and zero (0) feet when adjoining nonresidential districts provided that if a side yard is provided it shall be not less than three (3) feet.

....”

**SECTION 11.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 13 “Administration and Enforcement”, to add a new Section 13-7 “Conflicts Between Tables and Code Text” which shall in its entirety read as follows:

“Section 13 – ADMINISTRATION AND ENFORCEMENT

...

**SECTION 13-7 CONFLICTS BETWEEN TABLES AND CODE TEXT**

Where the language or regulations found within a table associated with the Zoning Ordinance conflicts with the language or regulations found within the text of the Zoning Ordinance, the text of the ordinance shall govern.”

**SECTION 12.** All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of Gatesville are hereby repealed to the extent that said ordinances, orders, or resolutions or parts thereof are in conflict herewith.

**SECTION 13.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or application thereof to any person or circumstance be held to be invalid, void or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said ordinance, which remaining portions shall remain in full force and effect.

**SECTION 14.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 15.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 16.** This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

The foregoing Ordinance No. 2024-02 was read the first time April 23, 2024, and passed to the second reading on the 14th day of May, 2024.

The foregoing Ordinance No. 2024-02 was read the second time on May 14, 2024, and passed to the third reading on the 28th day of May, 2024.

The foregoing Ordinance No. 2024-02 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 28th day of May, 2024.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**APPROVED:**

\_\_\_\_\_  
**GARY CHUMLEY, MAYOR**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Victoria W. Thomas, City Attorney**

**ATTEST:**

\_\_\_\_\_  
**Wendy Cole, City Secretary**

**EXHIBIT A**  
**Table IV – Uniform Height and Area Regulations**

# Exhibit A

City of Gatesville Table IV Uniform Height and Area Regulations										
Zoning District	Minimum Lot Requirements			Minimum Yard Setback Requirements				Minimum Height Requirements		
	Lot Area	Lot Width	Lot Area Per Dwelling	Front	Interior Side	Street Side	Rear	Building	Wall, Fence, Etc. Front	Wall, Fence, Etc. Other
Residential Single Family	8000sf	NR	8000sf	25ft	6ft	10ft	10ft	30ft	4ft	7ft
Townhouse Single Family	NR	100ft	NR	25ft	six (6) feet when adjoining another lot and zero (0) feet when adjoining another dwelling unit on the same platted lot	10ft	10ft	30ft	4ft	7ft
Community Facility	See Zoning District Regulations									
Agricultural and Suburban Homesites	15000sf	100ft	15000sf	30ft	6ft	10ft	10ft	30ft	4ft	7ft
Residential Two-Four Family	6000sf	60ft	15000sf	20ft	6ft	10ft	10ft	30ft	4ft	7ft
Multi-Family	16000sf	100ft	NR	20ft	20ft	20ft	20ft	NR	4ft	7ft
Business Commercial	NR	NR	NR	10ft	six (6) feet when adjoining any residential district and zero (0) feet when adjoining nonresidential districts provided that if a side yard is provided it shall be not less than three (3) feet.	10ft	20ft	NR	NR	NR
Manufactured Home	6000sf	60ft	6000sf	20ft	6ft	10ft	10ft	30ft	4ft	7ft
Manufactured Home Park	See Zoning District Regulations									
Industrial	NR	NR	NR	NR	six (6) feet when adjoining any residential district and zero (0) feet when adjoining nonresidential districts provided that if a side yard is provided it shall be not less than three (3) feet.	10ft	10ft	20ft	NR	NR
Planned Development	See Zoning District Regulations									



## AGENDA ITEM # 9

### CITY COUNCIL MEMORANDUM

**Date:** May 28, 2024

**To:** City Council

**From:** Brad Hunt, Interim City Manager

**Agenda Item:** Discussion and possible action regarding Ordinance 2024-03 amending the City's Zoning Ordinance regarding Mobile, Manufactured, and Modular Homes.

**Information:**

This evening the City Council will conduct the third and final reading of Ordinance 2024-03 amending the City's Zoning Ordinance regarding Mobile, Manufactured, and Modular Homes.

Last summer, city staff determined that the city had been incorrectly permitting HUD code manufactured homes (mobile homes) to be placed anywhere in the city where a single-family dwelling would be allowed.

For some time, city staff operated under the belief that HUD code manufactured home dwellings/mobile homes, although not explicitly mentioned in the city's zoning ordinance, aligned with the definition of "single-family dwelling." Consequently, HUD Manufactured Homes/Mobile Homes were deemed permissible in any district where a single-family dwelling would be allowed. However, this interpretation was based on a previous version of the 1995 "single-family dwelling" definition in the Zoning Ordinance, overlooking a critical amendment to the definition of single-family dwelling" adopted by the City Council in 1998. As a result of not following the appropriate definition for "single family dwelling", the city has unknowingly issued permits for HUD Manufactured Homes/Mobile Homes to be placed unlawfully in various districts throughout the city for several years where they should not have been placed. This amendment clarifies the placement of HUD Manufactured Homes and Mobile Homes to only three specific districts: Mobile Home Districts, Mobile Home Park Districts, and Industrial Districts. Below the definitions for a single-family dwelling in 1995 and 1998.

**1995 single-family dwelling definition** – "a building designed for or occupied exclusively by one family". Under this definition, staff permitted the placement of mobile homes/HUD code manufactured homes anywhere in the city where a single-family dwelling would be allowed.

**1998 single-family dwelling definition** – "a building designed for or occupied exclusively by one family which may be a modular home or a home fully constructed upon premises where its located". It's important to note a modular home differs from a mobile home/HUD code manufactured home. Based on this definition a mobile home/HUD manufactured home is only permitted in three zoning districts; mobile home districts, mobile home park districts, and Industrial districts.



In September the City Council collaborated with the City Attorney to draft an amendment to the city's zoning ordinance aimed to rectify and clarify certain definitions within the city's zoning ordinance and specify the permissible locations where HUD Manufactured Homes/Mobile Homes can be placed within the city limits. Additionally, the council, in coordination with the City Attorney, addressed the city's past errors with improperly placing HUD Manufactured/Mobile homes.

The revised ordinance, provides legal (as opposed to the currently existing illegal) nonconforming status to any manufactured homes existing on lots in districts where they are not legally allowed, provided they were in use as dwellings on the date of the ordinance's adoption. The grandfathering provision in the zoning ordinance allows replacement, repair, or substitution of a legal, nonconforming manufactured home that does not expand the area/footprint occupied at the time of passage of the ordinance, calls for the extinguishment of the legal nonconforming status if use ceases for 12 months, and allows the legal nonconforming status to continue if the property is sold. Finally, the ordinance provides that the City will provide a 180-day registration period (registration is at the option of the owner) for these legal, nonconforming manufactured homes and that registration creates a presumption of legal nonconforming status. The City could rebut that presumption with clear and direct evidence that, in fact, the use did not exist as required to be a legal nonconforming use.

The revised zoning ordinance also modifies the text of the City's Zoning Ordinance. It repeals numerous definitions related to mobile, manufactured, and/or modular homes, replacing them with updated definitions. The ordinance introduces several new definitions, including one for "manufactured housing," encompassing mobile homes, and HUD Code manufactured homes. Furthermore, it renames two zoning districts from Mobile Home District and Mobile Home Park District to Manufactured Home District and Manufactured Home Park District. Minor revisions were made to improve clarity.

**Why this Amendment to the Zoning Ordinance is Important for Property Owners in the City:**

If your property is an illegal use in a manner that violates zoning regulations, it may pose challenges when attempting to sell. A title company's determination of such illegal use could impede a potential buyer's ability to secure financing for the purchase. Additionally, insurance companies may be unwilling to provide coverage for your property under such circumstances.

**Staff Recommendation:**

The staff recommends that the City Council approve the third and final reading of the ordinance presented this evening.

**Motion:**

I make the motion to approve Ordinance 2024-03 on the third and final reading amending the City's Zoning Ordinance regarding Mobile, Manufactured, and Modular Homes.

**Attachments:**

Ordinance 2024-03 amending the city code regarding mobile, manufactured, and modular homes.

**Staff Contacts:** Brad Hunt, Interim City Manager – [bhunt@gatesvilletx.com](mailto:bhunt@gatesvilletx.com)

**ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES, AS PREVIOUSLY AMENDED, IN REGARD TO MOBILE, MANUFACTURED, AND MODULAR HOMES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Gatesville, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Gatesville, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Code of Ordinances of the City of Gatesville, Texas, as previously amended, should be further amended as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:**

**SECTION 1.** The City of Gatesville Zoning Ordinance, as heretofore amended, is hereby amended by repealing in their entirety the definitions of “Dwelling, Doublewide Mobile Home,” “Dwelling, Mobile Home,” “Dwelling, Modular Home,” “Mobile Home,” “Mobile Home Park,” “Mobile Home Space,” and “Modular Building” set forth in Section 2, “Definitions”, Section 2.3,” General Definitions.”

**SECTION 2.** The City of Gatesville Zoning Ordinance, as heretofore amended, is hereby amended at section 2, “Definitions”, Section 2.3 “General Definitions” by adding new definitions for “HUD-code manufactured home,” “Manufactured home,” “Manufactured Home Park,” “Manufactured Home Space,” “Manufactured Home Stand”, “Mobile home,” and “Modular home”, to read as follows:

**“SECTION 2 – DEFINITIONS**

**Section 2.3 General Definitions**

...

**HUD-CODE MANUFACTURED HOME** – A structure constructed at the factory on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 CFR Section 33282.8(g).

Prior to being brought into the City, a HUD code manufactured home that has been structurally changed since acquiring its HUD sticker or that does not appear to be habitable in its current condition, must undergo a habitability study by an approved HUD inspector and all recommended repairs must be made prior to entry into the City.

...

**MANUFACTURED HOME** – A HUD-code manufactured home or a mobile home and collectively means and refers to both.

**MANUFACTURED HOME PARK** – Any plot of ground upon which two or more manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

**MANUFACTURED HOME SPACE** - A plot of ground within a Manufactured Home Park designed for the accommodation of one manufactured home.

**MANUFACTURED HOME STAND** – That part of a manufactured home space which has been reserved for the placement of one manufactured home.

**MOBILE HOME** – A structure constructed at the factory before June 15, 1976 on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length, or when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home. Prior to being brought into the City, a mobile home must undergo a habitability study performed by an approved HUD inspector and recommended repairs must be made prior to entry into the City. Any replacement of a mobile home must be with a HUD-code manufactured home.

**MODULAR HOME** – A structure for use as a dwelling with a permanent foundation, such structure being prefabricated at the factory and designed to be transported in room-size sections, with all plumbing, heating, air conditioning, and electrical systems installed so that sections can be joined together at the home site to form a finished product; must be constructed in accordance with all applicable state and local building codes. A modular home is assembled at the site as a permanent structure that is not designed to be moved once it is in place.

....”

**SECTION 3.** The Gatesville Zoning Ordinance is hereby amended to replace all references in the Gatesville Zoning Ordinance to “Mobile Home Park” with “Manufactured Home Park,” to “Mobile Home District” with “Manufactured Home District”, to “Mobile Home Space” with “Manufactured Home Space,” and to “Mobile home stand” to “Manufactured home stand”. This amendment will include, but is not limited to, the renaming of Sections 11-7 and 11-8 of Section

11 “Zoning District Descriptions” to be, respectively, “Section 11-7 Manufactured Home District” and “Section 11-8 Manufactured Home Park District.”

**SECTION 4.** The Gatesville Zoning Ordinance is hereby amended at Section 11 “Zoning District Description”, Section 11-7 “Mobile Home District” by renaming Section 11-7 “Manufactured Home District” and by further amending the section 11-7 to read as follows::

“SECTION 11-7 MANUFACTURED HOME DISTRICT

A. Purpose of District

The Manufactured Home District is designed to provide sufficient areas for manufactured homes and open space. Urban type public improvements are required for adequate service for dwellings of this area.

B. Principal Uses

1. Manufactured Home (one per lot)
2. Any use allowed in the Business Commercial zoning district.

C. Accessory Uses

...

- e. In this district a manufactured home must only be utilized as a dwelling and for no other use or purpose. Recreational vehicles may not be occupied in a manufactured home district.

....”

**SECTION 5.** The Gatesville Zoning Ordinance is hereby amended at Section 11 “Zoning District Description”, Section 11-8 “Mobile Home Park District” by renaming section 11-8 “Manufactured Home Park District” and by amending section 11-8 to read as follows:

“SECTION 11-8 MANUFACTURED HOME PARK DISTRICT

A. Purpose of District

The manufactured home park district is designed for the specific residential environmental needs of manufactured home dwellers. Individual manufactured home spaces are located in designated manufactured home parks. Traditional urban-type public improvements must be supplemented by special on-site facilities for recreation, storage, fire protection, and waste disposal.

B. Principal Use

In this district, no building, structure, or land shall be used, and no structure or building shall be erected, constructed, reconstructed, or structurally altered or enlarged except for one or more of the following principal uses:

1. Manufactured home park.
2. All principal uses allowed in the Manufactured Home District.

...

E. Uniform Height and Area Regulations

...

3. Tract requirements: ...

...

c. Bulk controls: Maximum floor area ration for manufactured homes: 0.4, based upon total area in park less commercial and common use areas, driveways, and permanent dwelling.

d. Length of residential occupancy: No space shall be rented for residential use of a manufactured home in any such park except for periods of thirty (30) days or more.

....”

**SECTION 6.** The Gatesville Zoning Ordinance, as heretofore amended, is hereby amended by adding a new section 6-5 “Legal Non-Conforming Manufactured Homes” to Section 6 “Non-Conforming Lots, Structures, and Uses” to read in its entirety as follows:

“SECTION 6-5 LEGAL NON-CONFORMING MANUFACTURED HOMES

A. Grant of Legal Nonconforming Status. Any manufactured home, as that term is defined in this ordinance, existing, on the date of adoption of this Section 6-5 and further on that date being occupied and used as a dwelling and located on a lot in a zoning district other than manufactured home district, manufactured home park district, or industrial district, although otherwise not legally allowed in such district, is hereby granted legal, non-conforming status such that the manufactured home and its use as a dwelling may remain and continue on such lot upon the following conditions:

1. Replacement.

a. The owner of any such manufactured home which is owner-occupied may replace such manufactured home with a newer HUD Code manufactured home without losing the legal, non-conforming status.

b. The owner of any such manufactured home which is not owner-occupied may make one replacement of such manufactured home with a newer HUD Code manufactured home without losing the legal nonconforming status in the following circumstances:

i. the manufactured home is destroyed by fire, weather, or natural disaster and is replaced with a newer HUD Code manufactured home within twelve (12) months of such destruction; or

- ii. the manufactured home is removed and replaced by the owner with a newer HUD Code manufactured home where (1) the application for construction permit for the replacement is filed with the City within thirty (30) days of removal of the original manufactured home and (2) construction and installation of the replacement HUD Code manufactured home is completed within six (6) months of issuance of the construction permit.
  - c. The deadlines set forth in subsection 1.b.i and ii of this section 6-5 may be extended by the City's Building Official upon presentation of evidence of unforeseeable and unavoidable events beyond the manufactured home owner's control which interrupt the course of events and prevent or are reasonably likely to prevent the owner from complying with such deadlines.
  - d. All replacement HUD Code manufactured homes shall be used as a dwelling. Any replacement other than as allowed by this section shall result in loss of legal, nonconforming status.
2. Transfer. Transfer of ownership of the real property together with the manufactured home shall not extinguish the legal, non-conforming status of the manufactured home.
  3. Abandonment. The legal non-conforming status of such manufactured home shall be considered abandoned and shall be extinguished if the property, lot, structure, manufactured home, or use is discontinued, ceases or is vacated for more than one (1) year.
- B. Optional Registration Period. The City shall make available at City Hall and on the City's official website for a period of 180 days from adoption of this section 6-5, an optional registration form by which an owner of any manufactured home that meets the criteria for legal, non-conforming status as of the date of adoption of this Section 6-5, may register the manufactured home with the City. Such registration will result in a presumption of the legal, non-conforming status of the manufactured home."

**SECTION 7.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 8.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 9.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.** This ordinance shall take effect immediately from and after its passage.

The foregoing Ordinance No. 2024-03 was read the first time April 23, 2024, and passed to the second reading on the 14th day of May, 2024.

The foregoing Ordinance No. 2024-03 was read the second time on May 14, 2024, and passed to the third reading on the 28th day of May, 2024.

The foregoing Ordinance No. 2024-03 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 28th day of May, 2024.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**APPROVED:**

\_\_\_\_\_  
**GARY CHUMLEY, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Victoria W. Thomas, Special Counsel**  
4864-4188-6596, v. 3

\_\_\_\_\_  
**Wendy Cole, City Secretary**



**Agenda Item #10**

**CITY COUNCIL MEMORANDUM**

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Brad Hunt, Interim City Manager

**Agenda Item:** Discussion and possible action regarding an ordinance amending Chapter 56 regarding the extension of city utilities outside the city limits (Third Reading).

**Information:**

On March 12, the City Council agreed to implement an interim policy regarding the provision of utility services outside the city. The policy entails:

1. If a property is immediately adjacent to the city limits and the property owner requests utility service, the land/development must be annexed into the city limits before utility service is provided.
2. If the property is not immediately adjacent to the city limits, but city staff and the city attorney can identify a way for the property to be annexed, annexation must occur before utility service is provided.
3. If the property is in the ETJ (Extraterritorial Jurisdiction) and the city cannot annex the property, the City Council will consider providing utility service on a case-by-case basis.

All utility services outside the city limits, including the annexation of land, must be approved by the City Council before any service is provided. Past arrangements made with staff to provide utility service outside the city limits are not considered binding agreements with the city.

There have been no changes to the ordinance since the discussions at the Council meetings on April 23, 2024 and May 14, 2024.

**Staff Recommendation:**

The staff recommends that the City Council approve Ordinance 2024-04 on the third and final reading.

**Motion:**

I make a motion to approve Ordinance 2024-04 on the third and final reading, amending the Code of Ordinances at Chapter 56 "Utilities", Article 1, "In General" by amending "Extension of Utilities Outside the City Limits".

**Attachments:** Ordinance 2024-04

**Staff Contacts:**

Brad Hunt, Interim City Manager – [bhunt@gatesvilletx.com](mailto:bhunt@gatesvilletx.com)



**ORDINANCE NO. 2024-04**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES, CHAPTER 56 "UTILITIES", ARTICLE I, "IN GENERAL" BY AMENDING AND RENAMING SECTION 56-6 THEREOF; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 10.10 of the City Home Rule Charter provides that the City Council shall have the right but not the obligation to sell and distribute electricity, gas, water, and sewer services or any other utilities and services to any person, firm or corporation outside the limits of the City and to permit connection to City's utility systems under the terms and conditions set forth in a contract which are approved by the City Council as being in the best interests of the City; and

**WHEREAS**, City staff has recommended amendment of the City's Code of Ordinances to establish requirements for the provision of utility services outside of the limits of the City; and

**WHEREAS**, the City Council finds that the proposed amendment is in the best interest of and serves the general welfare of the City and its citizens;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:**

**SECTION 1.** The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 56, "Utilities," Article I, "In General" by amending and renaming section 56-6 to read in its entirety as follows:

"Chapter 56 Utilities

Article I In General

. . .

**Section 56-6 Extension of Utilities Outside City Limits**

- (a) Any person, firm, or corporation desiring electricity, gas, water, sewer, or any other utility service from the city and whose property for which service is desired is located outside the city limits shall request annexation into the city and the requested utility service will only be provided upon annexation of the property into the city.
- (b) If, at the time the request for utility service is made, the city is unable to annex the property, the City may, at its sole option, enter into a written development agreement that addresses whether and under what terms, if any, the City will provide the requested utility service.
- (c) When the City provides utility services in response to a request to extend services outside City limits:
  - a. the requesting person, firm or corporation requesting such service extension shall be responsible for all costs to extend

the city's utility service and shall enter into a development agreement with the City that contains the details, including costs, of such provision of services; and

- b. the requesting person, firm or corporation shall grant a permanent recorded public utility easement for poles, wires, conduits, drainage channels and related facilities, sanitary sewers and related equipment, water lines and related equipment, gas lines, and other utilities to the City. These easements shall be at least 20 feet wide; however, the City may determine that a greater width up to 30 feet is necessary. Required easements shall extend along all roadway frontages of the property and shall parallel as closely as possible the street line frontage. Failure to grant the required easement(s) shall result in denial of service.”

**SECTION 2.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 3.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage.

The foregoing Ordinance No. 2024-04 was read the first time April 23, 2024, and passed to the second reading on the 14th day of May, 2024.

The foregoing Ordinance No. 2024-04 was read the second time on May 14, 2024, and passed to the third reading on the 28th day of May, 2024.

The foregoing Ordinance No. 2024-04 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 28th day of May, 2024.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**APPROVED:**

\_\_\_\_\_  
**GARY CHUMLEY, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST**

\_\_\_\_\_  
**Victoria W. Thomas, Special Counsel**  
4865-6119-8772, v. 1

\_\_\_\_\_  
**Wendy Cole, City Secretary**



**Agenda Item: # 11**

**CITY COUNCIL MEMORANDUM**

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Seth Phillips, Parks and Recreation Director

**Agenda Item:** Discussion and possible action regarding an agreement with Fort Cavazos and the City of Gatesville in regards to management of the military recreation center and authorizing the Interim City Manager to execute said agreement.

**Information:** Robert Reister (Directorate of Plans, Training, Mobilization and Security) at North Fort Cavazos (NFC) contacted the City of Gatesville in August 2023 in regards to the City of Gatesville’s P&R Department operating the NFC Recreation Center. The City has had four (4) meetings (8/30/2023, 10/18/2023, 5/1/2024, 5/22/2024) with NFC in regards to an Intergovernmental Support Agreement (IGSA) between the City and NFC. A draft agreement has been worked up and will be reviewed by the City Attorney with Council approval to proceed with the agreement.

**Financial Impact:** City will see a slight increase in revenue due to the administration fee that will be charged to the United States Government.

**Staff Recommendation:** Staff recommends approval of the agreement with Fort Cavazos in regards to management of the military recreation center as presented.

**Motion:** I make the motion to approve an agreement with Fort Cavazos and the City of Gatesville in regards to management of the military recreation center and authorizing the Interim City Manager to execute said agreement.

**Attachments:** None

**Staff Contacts:** Seth Phillips, Parks and Recreation Director [sPhillips@gatesvilletx.com](mailto:sPhillips@gatesvilletx.com)



## Agenda Item # 12

### CITY COUNCIL MEMORANDUM

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Mike Halsema, Interim Deputy City Manager

**Agenda Item:** Discussion regarding an Ordinance of the City of Gatesville, Texas, amending Chapter 18, Fees of the Code of Ordinances of the City of Gatesville; adopting an additional sewer rate for the City of Gatesville; and providing an Effective Date.  
(1st reading of Ordinance 2024-05)

**Information:**

Staff has been contacted in regards to accepting sewer by the truckload at the plants. Staff has developed a proposed rate (attached) for accepting industrial organic waste onsite. Staff worked with the City's engineers concerning this service, and no issues were found.

**Financial Impact:**

N/A

**Staff Recommendation:**

The staff recommends that the City Council pass Ordinance 2024-05, adding fees for accepting industrial organic waste onsite, to the second reading at the next scheduled Council meeting.

**Motion:** Make a motion to pass Ordinance 2024- 05 to the second reading at the next scheduled Council meeting.

**Attachments:**

Industrial Waste Fee Schedule

Ordinance 2024-05

**Staff Contacts:**

Mike Halsema, Interim Deputy City Manager [mhalsema@gatesvilletx.com](mailto:mhalsema@gatesvilletx.com)



### **Industrial Organic Wastewater Fee Schedule**

- \$0.10/gallon based on the capacity of the truck
- Holiday Fee of \$120/hr (minimum 1-hour)
- Weekend/After Hours Fee of \$100/hr (minimum 1-hour)
- Trash/Debris Fee of \$500 if the septage received is deemed by the City to have an undue amount of trash/debris, and an increase in the per gallon fee to \$0.50/gallon of the capacity of the truck.
- Septic Truck Tank Cleaning Fee of \$100 that allows the hauler to wash out their truck on-site.

**CITY OF GATESVILLE, TEXAS**  
**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES AT CHAPTER 18, "FEES," BY AMENDING SECTION 18-1, "FEE SCHEDULE" WITH REGARD TO SEWER RATE FEES FOR ACCEPTING INDUSTRIAL ORGANIC WASTE ON-SITE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gatesville has set forth its master fee schedule in Chapter 18 of the Code of Ordinances of the City; and

**WHEREAS**, the City Council, from time to time, amends various portions of that master fee schedule to comply with changing laws and circumstances; and

**WHEREAS**, City staff has recommended, and the Council finds it to serve the general welfare of the City to amend the City's master fee schedule to add sewer rate fees related to acceptance of Industrial Organic Wastewater On-Site;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:**

**SECTION 1.** The Code of Ordinances of the City of Gatesville Texas is hereby amended at Chapter 18, "Fees," by amending Section 18-1 "Fee Schedule" by adding an Industrial Organic Wastewater Fee Schedule to be effective June 26, 2024:

\$0.10/gallon based on the capacity of the truck

Holiday Fee of \$120/hr (minimum 1-hour)

Weekend/After Hours Fee of \$100/hr (minimum 1-hour)

Trash/Debris Fee of \$500 if the septage received is deemed by the City to have an undue amount of trash/debris, and an increase in the per gallon fee to \$0.50/gallon of the capacity of the truck.

Septic Truck Tank Cleaning Fee of \$100 that allows the hauler to wash out their truck on-site.

**SECTION 2.** If any section, article, paragraph, sentence, clause, phrase or work in this Ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 3.** This Ordinance shall become effective from and after the date of its passage in accordance with law.

The foregoing Ordinance No. 2024-05 was read the first time and passed to the second reading this 28th day of May, 2024.

The foregoing Ordinance No. 2024-05 was read the second time and passed to the third reading this 11th day of June, 2024.

The foregoing Ordinance No. 2024-05 was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this 25th day of June, 2024.

**CITY OF GATESVILLE, TEXAS**

**By:** \_\_\_\_\_  
**Gary Chumley, Mayor**

**ATTEST:**

\_\_\_\_\_  
Wendy Cole, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Victoria Thomas, City Attorney





## Agenda Item # 13

### CITY COUNCIL MEMORANDUM

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Mike Halsema, Interim Deputy City Manager

**Agenda Item:** Discussion and possible action regarding arbitrage rebate for 2019 Utility System Revenue Bonds.

**Information:**

The City issued \$10M in Utility System Revenue Bonds through the Texas Water Development Board (TWDB) in 2019 for the Stillhouse wastewater plant rehabilitation. The bond proceeds were deposited in to an escrow account per the bond covenants with the TWDB. Since the initial deposit the account has earned \$728,935 in interest. Per laws codified in Internal Revenue Service (IRS) Code Section 148 and regulations promulgated by the United States Treasury mandate that interest income derived from the investment of tax-exempt proceeds in excess of the permitted arbitrage rate must be rebated to the United States Government. Arbitrage rebate compliance requires that computations be performed which are consistent with the complex technical requirements contained in the aforementioned laws and regulations to determine the rebate amount, if any. Any rebate amount due must be reported and paid to the United States Government. Staff had Craig DeBerg of Ritz & Associates perform the arbitrage calculations for the period ending March 31, 2024. Ritz & Associates calculated the City owes \$236,277 in arbitrage rebates to the IRS. Staff contacted the TWDB, and secured the release of funds from the escrow for the arbitrage payment. The payment does not affect the construction budget for the Stillhouse rehabilitation. The Stillhouse rehabilitation project has entered the construction phase, and should be complete in the next 18 months. During this period the bulk of the bond proceeds will spent, and it is not anticipated that another rebate will be necessary in the future.

**Financial Impact:** The arbitrage rebate will reduce the amount of interest earned while the escrow account has a balance funds.

**Staff Recommendation:**

The staff recommends that the City Council approve the payment of \$236,777 to the IRS for the arbitrage rebate from interest earned in the Stillhouse project escrow account.

**Motion:** I move to approve the payment of \$236,777 to the IRS for the arbitrage rebate from interest earned in the Stillhouse project escrow account.

**Attachments:** None

**Staff Contacts:** Mike Halsema, Interim Deputy City Manager [mhalsema@gatesvilletx.com](mailto:mhalsema@gatesvilletx.com)



## Agenda Item # 14

### CITY COUNCIL MEMORANDUM

**Date:** May 28, 2024

**To:** Mayor & City Council

**From:** Mike Halsema, Interim Deputy City Manager

**Agenda Item:** Discussion and possible action regarding Fiscal Year 2025 Budget Calendar

**Information:**

This evening, the City Council will consider approving the attached budget calendar for Fiscal Year 2024-2025. A budget calendar plays a vital role in streamlining the budgeting process, enhancing coordination, accountability, and transparency, while enabling effective decision-making and public participation. By providing a clear timeline and structure, it contributes to the successful development and implementation of the city's budget.

Please note that most budget activities for the City Council will take place during regular council meeting dates. However, a special called meeting is schedule for September 3 for the second reading of the budget ordinance and to conduct a public hearing. If you are unable to attend any regular special called meetings due to scheduled family vacations or other events, please notify either Brad or me as soon as possible.

**Financial Impact:**

N/A

The staff recommends that the City Council approve the budget calendar for Fiscal Year 2024-2025.

**Motion:**

I move to approve the budget calendar for Fiscal Year 2024-2025.

**Attachments:**

- The budget calendar for Fiscal Year 2024-2025.

**Staff Contacts:**

Mike Halsema, Interim Deputy City Manager [mhalsema@gatesvilletx.com](mailto:mhalsema@gatesvilletx.com)

# ***Budget Calendar***

<b>DATE</b>	<b>MEETINGS/PUBLIC HEARINGS &amp; NOTICES REQUIRED</b>
<b>April – May</b>	<b>Coryell County Appraisal District mails notices of appraised values</b>
<b>May</b>	<b>Distribute Budget Documents</b> <ul style="list-style-type: none"><li>• Distribute the FY 2024-25 Budget Information Packet to Department Heads</li></ul>
<b>May 14</b>	<b>Regular Council meeting</b>
<b>May</b>	<b>Coryell County Appraisal District prepares and submits estimated taxable values to Coryell County Tax Assessor-Collector</b>
<b>May-June</b>	<b>Department Head Meetings – Budgetary Submission Requests and Review</b> <ul style="list-style-type: none"><li>• Present “Preliminary” Budget(s) Assumptions</li><li>• Submit base budget and all decision packages for review</li><li>• Schedule dept. heads to discuss all packages/ personnel</li></ul>
<b>May 28</b>	<b>Regular City Council Meeting</b> <ul style="list-style-type: none"><li>• Submit Proposed Calendar for Budget &amp; Tax dates to City Council</li><li>• Present Coryell County Appraisal District 2024 Preliminary Assessment Roll</li></ul>
<b>June 11</b>	<b>Regular City Council Meeting</b>
<b>June 25</b>	<b>Regular City Council Meeting</b>
<b>July 9</b>	<b>Regular City Council Meeting</b> <ul style="list-style-type: none"><li>• Submit Preliminary Budget Assumptions to City Council for Review</li></ul>

**July 23**

**Regular City Council Meeting - First Proposed Budget Workshop**

- Review, Discuss, and Adjust Proposed Budget(s) Assumptions
- Present and discuss Department Decision Packages
- Set date/time/place for Budget Public Hearing
- Call Special Council Meetings

**July 25**

**Certified Estimated Appraisal Tax Roll from Coryell CAD due**

- Sec. 26.01 Tax Code

**August 7**

**Post Tax rate information & File Proposed Budget with City Secretary**

- The designated officer or employee must submit the no-new-revenue and voter-approval tax rates to the city council by this date, or as soon thereafter as practicable. TEX. TAX CODE § 26.04(e).
- The designated officer or employee must post the calculated no-new revenue tax rate and voter-approval tax rates, along with certain debt information, on the home page of the city's website in the form prescribed by the comptroller.

**August 12**

30 days prior to budget adoption

**August 13**

**Regular City Council Meeting**

- Proposed Budget presentation to Council
- Proposed Budget to be available for inspection, and posted on City website
- Present the no-new-revenue tax rate, the voter-approval tax rate, and other required Debt and O&M information
- Establish Proposed 2024-25 Tax Rate, and set Public Hearing Date(s)
- Record vote on proposed tax rate

**August 17**

**Publish Notice of Public Hearings on Budget on Sept. 3rd**

**August 26**

**Last Day to Order General Election or Special Election on a Measure**

<b>August 27</b>	<b>Regular City Council Meeting</b> <ul style="list-style-type: none"> <li>• 1st reading of Ordinances to approve Budget and Tax Rates, and Rates &amp; Fees</li> <li>•</li> </ul>
<b>August 31</b>	<b>Publish notice for Tax Rate Hearing</b>
<b>September 3</b>	<b>Special Called City Council Meeting (Tuesday)</b> <ul style="list-style-type: none"> <li>• 2nd reading of Ordinances to approve Budget and Tax Rates and Rates &amp; Fees</li> <li>• Hold Public Hearing on Budget and take action to set date for consideration of adoption of budget as September 10</li> </ul>
<b>September 10</b>	<b>Regular City Council Meeting</b> <ol style="list-style-type: none"> <li>1) Adopt FY 2024-25 Budget by Ordinance (3<sup>rd</sup> reading)</li> <li>2) Public Hearing on Tax rate</li> <li>3) Vote on Tax Levy and Rate, Adopt by Ordinance( 3<sup>rd</sup> reading) Vote</li> <li>4) Ratify Budget that will raise total property tax revenue by resolution</li> <li>5) 3<sup>rd</sup> reading of Ordinances to approve Rate and Fees</li> </ol>
<b>September 17</b>	<b>Charter Section 9.10 - Budget adoption 15 days prior to next Fiscal Year</b>
<b>September 24</b>	<b>Regular City Council Meeting</b>
<b>September 29</b>	<b>Last day to Adopt Tax Rate for Current Year</b>
<b>September 30</b>	<b>Last day of 2023-24 Fiscal Year</b>
<b>November 7</b>	<b>Uniform Election Date</b>

# 2024

January							February							March							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	1	2	3	4	5	6						1	2	3					1	2	
7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23	
28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30	
														31							
April							May							June							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	1	2	3	4	5	6					1	2	3	4						1	
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29	
														30							
July							August							September							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	1	2	3	4	5	6						1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	9	10	11	12	13	14	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	24	25	26	27	28	
28	29	30	31				25	26	27	28	29	30	31	29	30						
October							November							December							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
		1	2	3	4	5							1	2	1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					