

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

AGENDA
REGULAR CITY COUNCIL MEETING
5:30 P.M
GATESVILLE CITY COUNCIL CHAMBERS
110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528
FEBRUARY 11, 2025

An Open Meeting will be held concerning the following subjects:

1. Call to Order
2. Quorum check
3. 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 manner. In accordance with the Texas Open Meetings Act, the City of Gatesville City Council cannot deliberate or act on items not listed on the meeting agenda.

CONSENT:

4. **Pages 001-006** 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.
 - a. **Resolution 2025-016:** Discussion and possible action regarding approval of minutes from Regular City Council Meeting held on January 28, 2025. (Holly Owens)

PRESENTATION:

5. **Pages 007-018** Presentation regarding HUD Section 3 for the TXCDBG City's CDV23-0154 Grant. (Langford Community Management)

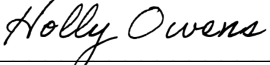
OTHER BUSINESS:

6. **Pages 019-035** Discussion and possible action regarding appointments to the Planning and Zoning Commission. (Brad Hunt)
7. **Pages 036-038** Discussion and possible action regarding a Resolution to accept SERI Grant Funding for new Police Dispatch Consoles. (Brad Hunt)

8. **Pages 039-057** Discussion and possible action regarding additions and amendments to City Ordinance, Chapter 12, Cemeteries. (*1st Reading*) (Brad Hunt)
9. **Pages 058-113** Discussion and possible action regarding adopting a Financial Management Policy. (Mike Halsema)
10. **Pages 114-118** Discussion and possible action regarding adjusting solid waste fees. (*3rd and Final Reading*) (Mike Halsema)
11. **Pages 119-142** Discussion and possible action regarding a final plat situated in the J.W. Jones Survey, Abstract No. 1537 and the S. Easley, Abstract No. 1529, Coryell County, Texas. (Holly Owens)
12. **Pages 143-152** Discussion and possible action to approve Ordinance 2025-02, annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan. (*3rd and Final Reading*) (Holly Owens)
13. **Pages 153-163** Discussion and possible action to approve Ordinance 2025-04, annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan. (*2nd Reading*) (Holly Owens)
14. **Pages 164-182** Discussion and possible action regarding Ordinance 2025-01, amending the Gatesville Code of Ordinances at Chapter 36 Nuisances; providing a severability clause; and providing a penalty of fine not to exceed \$2,000.00. (*3rd and Final Reading*) (Holly Owens)

15. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 7th February, 2025 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 803 E. Main Street and Gatesville Council Chambers, 110 N. 8th Street, Gatesville, Texas.



Holly Owens, T.R.M.C.
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 howens@gatesvilletx.com for further information.

CITY COUNCIL MEETING
JANUARY 28, 2025
5:30 P.M.
COUNCIL CHAMBERS, 110 NORTH 8TH STREET,
GATESVILLE, TEXAS 76528
MINUTES

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

1) **CALL TO ORDER** REGULAR CITY COUNCIL MEETING AT 5:30 P.M. THIS 14TH DAY OF JANUARY 2025.

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

CITY STAFF PRESENT: City Manager Brad Hunt, City Secretary Holly Owens, Deputy City Manager/Finance Director Mike Halsema, Chad Newman, Shea Harp, Seth Phillips, Police Chief Jeff Clark.

OTHERS: Travis VanBibber, Gatesville Messenger Alex Meelbusch, Leo Corona, Michael Fogel, Diana Barnett, and Kim Hiel.

3) **INVOCATION:** Councilmember Casey and PLEDGE OF ALLEGIANCE: Led by Greg Casey.

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.

4) **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.

- a. RESOLUTION 2025-010: Discussion and possible action regarding approval of minutes from Regular City Council Meeting held on JANUARY 14, 2025. (Holly Owens)
- b. RESOLUTION 2025-011: Discussion and possible action regarding the appointment of Loni Jones to the Planning & Zoning Commission. (Holly Owens)

- c. RESOLUTION 2025-012: Discussion and possible action regarding November Financials.
(Mike Halsema)

Mayor Chumley removed Item 4b from the Consent Agenda at the request of Councilwoman Rainer.

CONSENT AGENDA: Motion by Joe Patterson, seconded by Jon Salter to **APPROVE** the **Consent Agenda (Items 4a and 4c)** as written and removing Item 4b from consent. All six voting “Aye”, motion passed.

Council requested Staff to verify the requirements to be appointed to the Planning and Zoning Commission.

RESOLUTION 2025-011: Motion by Greg Casey, seconded by Meredith Rainer to **TABLE Resolution 2025-011**. All six voting “Aye”, motion passed.

OTHER BUSINESS:

- 5) Discussion and possible action regarding supporting Gatesville Terrace, LP’s proposed development of affordable rental housing for seniors known as Gatesville Terrace. (Brad Hunt)

Michael Fogel with Trinity Housing Development gave a brief PowerPoint presentation showing the Gatesville Terrace Development.

Mayor Chumley verified that the community will be age and income restrictive. Mr. Fogel stated yes.

Councilwoman Rainer asked what the percentage would be income restrictive versus non-income restrictive. Mr. Fogel stated if there were 24 units, 20 would be income restrictive and 4 would be non-income restrictive.

Councilwoman Rainer asked about a light at the entrance and Highway 36. Mr. Hunt stated that would be a conversation Staff would need to have with TxDOT.

Councilman Patterson asked if the development was in the city limits. Mr. Hunt stated the property is currently in the ETJ, but the applicant has expressed that they will be annexing into the City.

RESOLUTION 2025-013: Motion by Kalinda Westbrook, seconded by Greg Casey to **APPROVE Resolution 2025-013** supporting Gatesville Terrace, LP’s proposed development of affordable rental housing for seniors known as Gatesville Terrace. All six voting “Aye”, motion passed.

- 6) Discussion and possible action regarding amending the FY 2024-2025 Budget. (*1st Reading*) (Mike Halsema)

Councilwoman Westbrook asked what the current balance of the fund was and how much is already committed. Mr. Halsema stated \$2.6 million is the current balance and \$50,000.

Councilman Casey asked about FEMA funds. Mr. Halsema stated that the only item that is currently eligible is FLR Park and Staff is uncertain of what or if funds will be reimbursed.

Councilwoman Westbrook asked if Staff is required to wait for approval from FEMA or can Staff move forward and receive reimbursement. Mr. Hunt stated it can work both ways.

Councilman Casey asked about the fencing at FLR Park and if the City's liability will cover it. Mr. Hunt stated he believed that the fencing would be covered but would get clearer clarification from legal.

Councilwoman Rainer asked if Staff had a running total for the library. Mr. Halsema stated the current total is \$420,000 and the budget amendment is adding \$40,000. This amount is for construction and repair for the library structure and does not include books.

Councilwoman Rainer asked about any cost for technology. Ms. Harp stated there was no damage to the technology.

Councilwoman Rainer asked about grants. Ms. Harp stated there are grants available and will be able to find out more information in April at a conference she plans to attend.

Councilman Patterson asked about insurance and if Staff has looked at possible alternatives. Mr. Hunt stated Staff has not looked at alternatives at this time and was wanting to review alternatives towards the end of the fiscal year.

ORDINANCE 2025-06: Motion by Jon Salter, seconded by Aaron Smith to **APPROVE Ordinance 2025-06**, amending the FY 2024-2025 Budget, to a future Council Meeting. All six voting "Aye", motion passed.

7) Discussion and possible action regarding two change orders for the Stillhouse renovation project.
(Mike Halsema)

RESOLUTION 2025-014: Motion by Meredith Rainer, seconded by Greg Casey to **APPROVE Resolution 2025-014**, accepting Change Order No. 2 and 3 for the Stillhouse WWTP improvements. All six voting "Aye", motion passed.

8) Discussion and possible action regarding adjusting solid waste fees. (*2nd Reading*) (Mike Halsema)

Councilwoman Rainer asked about participating in a Household Hazardous Day. Mr. Hunt stated the City missed the deadline for this year's event, but Staff plans to participate next year. The event creates awareness.

ORDINANCE 2025-03: Motion by Aaron Smith, seconded by Jon Salter to **PASS Ordinance 2025-03** adjusting the solid waste collection fees effective February 1, 2025, to the next meeting. All six voting "Aye", motion passed.

- 9) Discussion and possible action regarding purchase of one marked 2025 Dodge Durango Police Vehicle. (Mike Halsema)

Councilwoman Westbrook asked if the cost includes all the communication equipment and technology. Mr. Hunt stated yes. The only item remaining is the wrap which is done locally.

Councilwoman Rainer asked how much the wrap is. Mr. Hunt stated \$1,500.

RESOLUTION 2025-015: Motion by Kalinda Westbrook, seconded by Meredith Rainer to **APPROVE Resolution 2025-015** for the purchase of one 2025 Dodge Durango police vehicle through the vendor Donaldson CDJR. All six voting “Aye”, motion passed.

- 10) Discussion and possible action regarding the final plat located on the Edward Norton Survey; Abstract 782 being 5.890 acres, Gatesville Crossing. (Holly Owens)

Councilman Patterson requested Staff provide plat copies for future meetings. Ms. Owens stated she would make sure to provide plat copies for future meetings.

Councilwoman Rainer asked about the wastewater project for the development. Mr. Hunt explained the City is proposing to fund a project to re-route the sewer lines to increase capacity on the Lakewood lift station and the Intermediate line. This will help Gatesville Crossing and fuel future development throughout this area.

Councilwoman Rainer requested a workshop to further understand the development and platting process. Ms. Owens agreed that would be a great idea and Mr. Hunt added, Staff will get it set up.

GATESVILLE CROSSING FINAL PLAT: Motion by Aaron Smith, seconded by Greg Casey to **APPROVE the final plat for Gatesville Crossing; Block 1, Lot 1 and the Gatesville Crossing Apartment Complex Development** with the understanding that no permit will be issued until the wastewater project is completed and appropriate contracts and easements are in place. All six voting “Aye”, motion passed.

- 11) Discussion and possible action regarding Ordinance 2024-13, amending the Gatesville Code of Ordinances at Chapter 10 Buildings and Building Regulations, Article II Technical Codes, Division 1. – Generally, by adding new sections; Creating Section 10-26 – Carport Regulations; providing a severability clause; providing a savings clause; and providing for an effective date. (*3rd and Final Reading*) (Holly Owens)

ORDINANCE 2024-13: Motion by Jon Salter, seconded by Kalinda Westbrook to **APPROVE Ordinance 2024-13** adopting the amendment to the Gatesville Code of Ordinances at Chapter 10 Building Regulations, Article II Technical Codes, by adding new sections; Creating Section 10-26 – Carport Regulations. All six voting “Aye”, motion passed.

- 12) Discussion and possible action regarding Ordinance 2025-01, amending the Gatesville Code of Ordinances at Chapter 36 Nuisances; providing a severability clause; and providing a penalty of fine not to exceed \$2,000.00. (*2nd Reading*) (Holly Owens)

Seth Phillips explained Tree City USA program and the benefits of being involved.

Councilwoman Rainer asked about the requirements under Sec. 36-2 (d). Ms. Owens stated both the cover and the fence are required for properties that are abandoned and unoccupied.

Councilwoman Rainer asked what is considered unoccupied. Ms. Owens stated unoccupied property is defined as there is no activity at the house. However, the definition will be added for clarity.

Mayor Chumley requested the minimum under the high grass definition be lowered to 25-ft. Ms. Owens agreed.

ORDINANCE 2025-01: Motion by Kalinda Westbrook, seconded by Greg Casey to **PASS Ordinance 2025-01**, adopting the amendment to the Gatesville Code of Ordinances at Chapter 36 Nuisances to the next meeting with the discussed changes. All six voting “Aye”, motion passed.

13) Discussion and possible action to approve Ordinance 2025-02, annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan. (*2nd Reading*) (Holly Owens)

ORDINANCE 2025-02: Motion by Greg Casey, seconded by Joe Patterson to **PASS Ordinance 2025-02**, annexing the property described as the Henry Farley and J.A. Clayton Survey situated in Coryell County, Texas and addressed as 2204 Coryell City Road to the next meeting. All six voting “Aye”, motion passed.

14) Discussion and possible action regarding the replat located on the Theodore Merrill Survey; Abstract 711, being 5.082 acres, Parkview Addition. (Holly Owens)

PARKVIEW ADDITION FINAL PLAT: Motion by Kalinda Westbrook, seconded by Aaron Smith to **APPROVE the replat for Parkview Addition; Block 1, Lot(s) 1-8 and the proposed development for duplexes and 8-plexes.** Five voting “Aye”, one abstain (Rainer), motion passed.

15) Recess Regular Meeting and call a Public Hearing.

Mayor Chumley opened the public hearing at 7:07 p.m.

Councilwoman Rainer asked about the zoning and how it is designated. Ms. Owens stated once a property is annexed into the City, the City has jurisdiction to zone the property.

There were no public comments.

16) End the Public Hearing and reconvene the Regular Meeting.

Mayor Chumley closed the public hearing at 7:10 p.m.

17) Discussion and possible action to approve Ordinance 2025-04, annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan. (*1st Reading*) (Holly Owens)

ORDINANCE 2025-04: Motion by Jon Salter, seconded by Joe Patterson to **PASS Ordinance 2025-04** annexing the property described as the C Cazanoba Survey in Coryell County, Texas to the next meeting. Five voting “Aye”, one abstain (Smith), motion passed.

18) Discussion and possible action regarding the zoning designation of property located on the C Cazanoba Survey; Abstract 150 being on 4.7 acres for the Washburn III Addition to Res_2_4_Family. (*1st Reading*) (Holly Owens)

Ms. Owens explained this item is tabled indefinitely. Legal has advised Staff to wait on the zoning portion until after the property has been fully annexed into the City of Gatesville.

19) City Manager’s Monthly Report (Brad Hunt)

Mr. Hunt gave a brief presentation with an update on all departments.

EXECUTIVE SESSION:

20) Recess Regular Meeting and Call for an Executive Session – Closed Meeting

21) The City Council of the City of Gatesville will convene into a closed Executive Session 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.

The Council entered into Executive Session at 7:42 p.m.

22) End Executive Session and Reconvene the Open Meeting.

The Council reconvened into Regular Session at 8:12 p.m.

No action was taken.

23) Adjourn Meeting

City Council adjourned at 8:12 p.m.

ATTEST:

Mayor, Gary Chumley

City Secretary, Holly Owens



Agenda Item # 5

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Mike Halsema, Deputy City Manager

Agenda Item: Presentation regarding HUD Section 3 for the TXCDBG City's CDV23-0154 Grant.

Information:

On February 28, 2023, the City Council authorized staff to apply for the 2023-24 TxCDBG grant program through Resolution 2023-22. Staff received notification that funding was approved for the second round of funding in August of 2024. The City was awarded \$500,000 with a \$75,000 match via Grant Contract No. CDV23-0154 for a lagoon project at the water production plant. The lagoon project will improve the treatment of filter backwash residuals at the water plant. Construction includes a concrete basin, 12" HDPE piping, a gravel drive, and related appurtenances at the plant located at 22240 Owl Creek Rd. As a condition of funding, the City must comply with Section 3 of the Housing and Urban Development Act of 1968. To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.

Financial Impact:

N/A

Motion:

No Action

Attachments:

Presentation

Staff Contacts:

Mike Halsema, Deputy City Manager mhalsema@gatesvilletx.com

A1024 Section 3 Presentation to City of Gatesville

February 11, 2025





The City recently received the following grant award:

- Grant Contract No. CDV23-0154
- Award Amount: \$500,000
- Project: will improve the treatment of filter backwash residuals at the water plant. Construction includes a concrete basin, 12" HDPE piping, a gravel drive, and related appurtenances at the plant located at 22240 Owl Creek Rd.



The grant is funded through the Community Development Block Grant, via:

- U.S. Department of Housing and Urban Development (HUD)

and

- Texas Department of Agriculture (TDA)



Section 3 Concepts

- As a condition of funding, the City must comply with Section 3 of the Housing and Urban Development Act of 1968.
- To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.



Section 3 Concepts

In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

For precise definitions, see TxCDBG Policy Issuance 20-01



Section 3 Business

A company may qualify as a **Section 3 Business** if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents; or
- 75% of all labor hours for the business in a 3-month period are performed by Section 3 Workers

Register at:

- HUD's Section 3 website:
<https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness>



Section 3 Business

This project is expected to include the following contracting opportunities:

- Grant Administration services (previously selected)
- Engineering Services (previously selected)
- Construction Company – to be awarded



Section 3 Worker

You may qualify as a **Section 3 Worker** if:

- Your annual income is below the county threshold for your family size:
- You are a current or recent YouthBuild participant

Register your information and search for opportunities at:

- WorkInTexas.gov
- HUD's Section 3 Opportunity Portal
<https://hudapps.hud.gov/OpportunityPortal/>
- CIVCAST
- Minority Women-owned Business Enterprise (MWBE)



Targeted Section 3 Worker

Section 3 Workers that reside near the project location may also qualify as Targeted Section 3 Workers. For this project, that service area is defined by this map:

About

Neighborhood Service Area Definition Tool

This tool allows Housing and Community Development Section 3 Recipients to identify Targeted Section 3 Workers in accordance with 24 C.F.R. § 75.19.

Targeted Section 3 Workers are Section 3 Workers located within a one-mile radius of a Section 3 Project. If fewer than 5,000 people live within a one-mile radius of the project, then the radius is expanded until it is sufficient block groups are selected to encompass a population of 5,000 or more according to the most recent census.

Start the search by typing in the address of the Section 3 Project; the map will auto zoom to the selected address, highlight all block groups that are included - in full or in part - within the default 1 mile radius, and provide a sum of the populations of all highlighted block groups. Use the slider bar to expand the radius of the circle until the block groups total a population 5,000 or higher. Population total shows green when you have reached the population threshold. Population numbers are from ESRI's U.S. Census Block Group Layer.

To create a report or record of the block groups included click the up arrow on the bottom of the screen, select the Options dropdown, then click Export all to CSV. This can then be filed with your Section 3 Records.

Ref: 24 C.F.R. Part 75

Section 3 Neighborhood Service Area

Search for an address or locate on map

22240 Owl Creek Rd, Gatesville, TX, 76526, USA

Show results within 5 Miles

0 15

USA Census Block Group Boundaries

Block Group 480270202041 in TX	0 mi
Block Group 480279800031 in TX	0.76 mi

Population

✓6,573

Population of Census Block Groups Within or Intersected by Radius



Recordkeeping

Langford will track all hours worked on the project based on the three categories of workers.

This will require collection of certain income information.





For More Information

TxCDBG Policy Issuance 20-01

[REVISED Policy Issuance 20-01 Section 3 v1.pdf](#)
texasagriculture.gov

24 CFR Part 75

[Electronic Code of Federal Regulations \(eCFR\)](#)

Angela Sifuentes, Langford: (512) 452-0432
angela@LCMSinc.com



Agenda Item # 6

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action regarding appointments to the Planning and Zoning Commission.

Information:

Charter: Sec. 8.03. - Planning commission.

The city council shall have the authority to appoint a city planning commission in accordance with the general laws of the State of Texas as provided for in article 1011a through 1011 of the Revised Civil Statutes of the State of Texas of 1925 [see now Texas Local Government Code Chapter 211], as now or hereafter amended.

Texas Local Government Code Sec. 211.007. Zoning Commission.

(a) To exercise the powers authorized by this subchapter, the governing body of a home-rule municipality shall, and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district. If the municipality has a municipal planning commission at the time of implementation of this subchapter, the governing body may appoint that commission to serve as the zoning commission.

Zoning Ordinance adopted 1995; Section 4 Planning and Zoning Commission.

The Planning and Zoning Commission shall be appointed by the City Council of the City of Gatesville. The Commission is authorized by virtue of the subject of Section 1.06 (this section does not exist) of the City Charter to act as an advisory body on all zoning matters.

Section 4-1 Membership and Organization: The Commission shall consist of seven members, appointed by Council, for two-year terms each. The Council shall consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgement, interest in planning and zoning, and ability to prepare for and attend meetings. It is the intent of Council, that members shall, by reason of diversity of their individual occupations, constitute a Commission that is broadly representative of the community. Members who do not attend at least 75% of the scheduled meetings shall be replaced.

Legal Opinion: There is no state law requirement that a member of the Planning and Zoning Commission must be a resident of the City. Most cities do require this either through a provision in their charter or an ordinance regarding boards and commissions generally or the P&Z specifically. Regardless of whether it is a requirement or not, it is entirely within the Council's discretion to decline to vote for appointment of a nonresident. All appointments and removals to Boards and Commissions (with the exception of removals to Board of Adjustment) are at Council's sole and unlimited discretion. It can be argued that Section 4-1 of the Zoning Ordinance by implication, requires residency.

<u>Commissioner</u>	<u>Place</u>	<u>Term</u>
Teresa Johnson	1	April 30, 2025
Wyllis Ament	2	April 30, 2026
Charles Ament	3	April 30, 2025
Loni Jones (application attached)	4	April 30, 2026
Yvonne Williams (application attached)	5	April 30, 2025
John Westbrook	6	April 30, 2026
Niki Foster (application attached)	7	April 30, 2025

Place 5, John Clawson resigned his position on February 4, 2025.

Financial Impact:

There is no fiscal impact.

Motion:

I make a motion to _____ **Resolution 2025-011** regarding the appointment of
(Approve/Deny)

- Loni Jones to Place 4
- Yvonne Williams to Place 5
- Niki Foster to Place 7

to the Planning and Zoning Commission.

Name each individual and place for approval and/or denial.

Attachments:

- Loni Jones application
- Yvonne Williams application
- Niki Foster application

Staff Contacts:

Holly Owens howens@gatesvilletx.com

Gatesville Application for Planning & Zoning Commission

110 N. 8th Street, Gatesville, TX 76528 * Fax # 254-865-8320

INSTRUCTIONS: Answer each question clearly and completely. **If questions are not applicable, enter "NA". Do not leave questions blank.** Be sure to sign when completed. Incomplete applications will not be considered. If more space is required for any question, please attach additional sheets as necessary. Resumes will not be accepted in lieu of an application; you may attach a resume to this completed application. This application will only be considered for the position applied for. To be considered for other positions you will need to complete an additional application per position. The City of Gatesville is an Equal Opportunity Employer and all applicants will receive consideration without regard to race, color, religion, national origin, gender, sexual orientation and/or gender identity, age, and veteran or disability status.

General Information

Name: Jones, Loni Lee Other names used: NA
Last, First, Middle Initial

Mailing Address: [REDACTED]
Number, Street, City, State, Zip Code

Phone #: [REDACTED] Alternate Phone #: NA E-mail: [REDACTED]

Position Title Applying for: Open Requisition #: NA Supervisor: _____

Date you are available to start: Now Are you 18 or older? Yes No If no, how old? _____

Do you speak, read, or write languages other than English? Yes No

If yes, what languages? _____ How well? Good Fair Excellent

Are you related by blood or marriage to any City employee or Council Member? Yes No If yes, please list below:

NAME	DEPARTMENT/DIVISION	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you currently or have you ever been employed by the City? Yes No If yes, please list below:

POSITION	DEPARTMENT	DATES (From/To)	REASON FOR LEAVING
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____

Driver's License or ID & Driving Record Information

Please check one Driver's License ID If applicable- Is your license a Commercial License? Yes No

State Issued: TX Number: [REDACTED] Expiration Date: [REDACTED] Type/Class: _____

* Please list and give date(s) or every moving violation and/or traffic accident in the last three (3) years. (Report any DWI-DUI's under criminal history area on page 6)

Incident	Location	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Education

Name of High School: American School Diploma GED Did not Graduate

Please indicate highest level of education achieved after High School: Some College, McLennan Community College for Real Estate
Some College, Technical Certificate, Associates, Bachelors, Masters, PhD, etc

Please list additional education information below:

Copies of college transcripts are required when applying for positions requiring degrees; official transcripts are required within the first 30 days of employment.

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

* If you need additional space to list your education history, attach a sheet providing the same information requested above.

Certifications

If Certification, Registration, or a Special License is required for the position, then please complete the following:

License/Certification: Real Estate Agent Date Issued: 2/3/2009 Date Expires: 11/30/25

Issued by/Location of Issuing Authority: TREC License #: [REDACTED]

License/Certification: Commercial Drone Pilot Date Issued: 3/1/2024 Date Expires: NA

Issued by/Location of Issuing Authority: Federal Aviation Administration License #: [REDACTED]

Other Skills

Please list any additional training, machine/equipment operating experience, computer skills, technical skills, or professional knowledge that would support your application.

Employment History

This information will be the official record of your employment history and must accurately reflect all significant duties performed. Include all employment for at least the past ten (10) years as well as military experience. You may add any other relevant experience including volunteer and internship experience. **Begin with your current or most recent job.** Employment history should include each position held, even those with the same employer. Do not use the comment "See Resume". If you need additional space to adequately describe your employment history, you may attach additional pages. This information will be used to determine if you meet the minimum work related experience for the position you are applying for.

Job Title: Real Estate Agent Employer: White Label Realty

Employer Address: [REDACTED] Amber Brown

Supervisor's Name & Title: _____ Supervisor's Phone #: _____

Average Hours Worked Per Week 40 Starting Date: 1/1/2022 Ending Date: NA Final Salary: commission

If applicable, How many employee's did you supervise? NA May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

As a Real Estate Agent, I am 1099, self employed but White Label Realty is my broker, as they sponsor my license. Ive held a Real Estate license since Feb 2009. I currently specialize in Commerical, Land, Farm and Ranch and Residential properties. My focus is transitional land. I help both buyer and sellers meet their real estate needs.

Job Title: Financial Professional Employer: New York Life / NYLIFE Securities

Employer Address: [REDACTED]

Supervisor's Name & Title: Colby Witt, Partner Supervisor's Phone #: [REDACTED]

Average Hours Worked Per Week 40 Starting Date: 3/2015 Ending Date: 3/2022 Final Salary: 75k

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: Decided to do real estate full time again, which NYL didnt allow both so I resigned.

Summary of Job Duties and Responsibilities:

I assisted clients with their financial planning, estate planning and insurance needs. I also helped intererview interns and those applying for a job in the New York Life Waco Satelite office.

Employment History- continued

Job Title: _____ Employer: _____

Employer Address: _____

Supervisor's Name & Title: _____ Supervisor's Phone #: _____

Average Hours Worked Per Week _____ Starting Date: _____ Ending Date: _____ Final Salary: _____




If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Personal References

Please do not list former employers or relatives. Those listed should be familiar with your qualifications for employment.

Name and Occupation:	City/State of Residence:	Phone Number:
<u>Cheri Sheppard</u>	<u>Gatesville TX</u>	
<u>Kathy Grant</u>	<u>Austin TX</u>	
<u>Celia Sellers</u>	<u>Gatesville TX</u>	

Please Read Before Signing

I certify that all information in this application is true and correct. I understand and agree that any false information, misrepresentation, or concealment of fact is sufficient grounds for either my immediate discharge without recourse, or refusal by the City of Gatesville.

I understand and agree that all information in this application may be verified by the City of Gatesville. I also understand that any position is subject to a satisfactory check of references.

I authorize all individuals and organizations named or referenced to in this application, or given otherwise by me as references, to give the City of Gatesville all information relative to my employment, work habits, and character. I authorize the City of Gatesville to verify and investigate the status of my driver's license and to conduct any background check it deems necessary, including review of criminal history records. I hereby release the City, and any individual who provides or obtains information pursuant to this authorization, from any and all liability for damages of any kind that may result to me on account of compliance, or attempts to comply with this authorization. I am also aware that my application is subject to the Texas Open Records Law and may be released as a public document.

I understand that this is not an agreement between the City of Gatesville and the applicant.

X  _____
Applicant Signature

01/13/25 _____
Date

Personal Declaration Statement.

Using this page please state your reason and motivation for volunteering to sit on the Planning and Zoning Commission for the City of Gatesville, TX:

I am a resident of Gatesville for 6 years and would like to be more involved with the community. My profession is a specialist in land. I have experience with surveyors, engineers, infrastructure and hope to bring some input but also learn from others.

I currently also serve on the Board of Directors for Mountain Water, Waco Board of Realtor MLS committee and am Secretary for Texas chapter RLI (Realtor Land Institute).

I have experience in abstracting /title work, transitional land and new construction. I have GC 4 houses.

I hope the Planning and Zoning Commission will consider my application, as I would like to help make a difference.

Thank you,

Loni Jones

Gatesville Application for Planning & Zoning Commission

110 N. 8th Street, Gatesville, TX 76528 * Fax # 254-865-8320

INSTRUCTIONS: Answer each question clearly and completely. **If questions are not applicable, enter "NA". Do not leave questions blank.** Be sure to sign when completed. Incomplete applications will not be considered. If more space is required for any question, please attach additional sheets as necessary. Resumes will not be accepted in lieu of an application; you may attach a resume to this completed application. This application will only be considered for the position applied for. To be considered for other positions you will need to complete an additional application per position. The City of Gatesville is an Equal Opportunity Employer and all applicants will receive consideration without regard to race, color, religion, national origin, gender, sexual orientation and/or gender identity, age, and veteran or disability status.

General Information

Name: Foster Ivy N. Other names used: Niki

Mailing Address: [REDACTED]

Phone #: [REDACTED] Alternate Phone #: [REDACTED] E-mail: [REDACTED]

Position Title Applying for: P+Z commission Member Requisition #: _____ Supervisor: _____

Date you are available to start: _____ Are you 18 or older? Yes No If no, how old? _____

Do you speak, read, or write languages other than English? Yes No

If yes, what languages? _____ How well? Good Fair Excellent

Are you related by blood or marriage to any City employee or Council Member? Yes No If yes, please list below:

NAME	DEPARTMENT/DIVISION	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you currently or have you ever been employed by the City? Yes No If yes, please list below:

POSITION	DEPARTMENT	DATES (From/To)	REASON FOR LEAVING
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____

Driver's License or ID & Driving Record Information

Please check one: Driver's License ID If applicable- Is your license a Commercial License? Yes No

State Issued: Tx Number: [REDACTED] Expiration Date: [REDACTED] Type/Class: C

* Please list and give date(s) or every moving violation and/or traffic accident in the last three (3) years. (Report any DWI-DUI's under criminal history area on page 6)

Incident	Location	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Education

Name of High School: Gatesville High Diploma GED Did not Graduate

Please indicate highest level of education achieved after High School: Some College
Some College, Technical Certificate, Associates, Bachelors, Masters, PhD, etc

Please list additional education information below:

Copies of college transcripts are required when applying for positions requiring degrees; official transcripts are required within the first 30 days of employment.

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

* If you need additional space to list your education history, attach a sheet providing the same information requested above.

Certifications

If Certification, Registration, or a Special License is required for the position, then please complete the following:

License/Certification: _____ Date Issued: _____ Date Expires: _____

Issued by/Location of Issuing Authority: _____ License #: _____

License/Certification: _____ Date Issued: _____ Date Expires: _____

Issued by/Location of Issuing Authority: _____ License #: _____

Other Skills

Please list any additional training, machine/equipment operating experience, computer skills, technical skills, or professional knowledge that would support your application.

Employment History

This information will be the official record of your employment history and must accurately reflect all significant duties performed. Include all employment for at least the past ten (10) years as well as military experience. You may add any other relevant experience including volunteer and internship experience. **Begin with your current or most recent job.** Employment history should include each position held, even those with the same employer. Do not use the comment "See Resume". If you need additional space to adequately describe your employment history, you may attach additional pages. This information will be used to determine if you meet the minimum work related experience for the position you are applying for.

Job Title: Owner Employer: The Green Rooster Coffee Co.

Employer Address: [REDACTED]

Supervisor's Name & Title: _____ Supervisor's Phone #: [REDACTED]

Average Hours Worked Per Week 70+ Starting Date: 9/5/22 Ending Date: Current Final Salary: _____

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Job Title: Escrow Officer/Marketing Employer: Blackacre Title Co/Capital Title

Employer Address: [REDACTED]

Supervisor's Name & Title: Tress Brigham, Manager Supervisor's Phone #: [REDACTED]

Average Hours Worked Per Week 45+ Starting Date: 1/1/2018 Ending Date: 10/1/22 Final Salary: 55,000

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: Started my own company

Summary of Job Duties and Responsibilities:

Worked with Gatesville, Harker Heights, Waco and surrounding Counties to provide mobil Closings. Going above and beyond for Realtors and homebuilders help develop relationships that made the company very profitable. I was in charge of opening the Waco Office, which meant creating more relationships within the Community. I was the Head Marketing Advisor for this area and enjoyed working in the real estate market.

Employment History- continued

Job Title: Library Assistant Employer: Windham School District ^(Prison)

Employer Address: [Redacted]

Supervisor's Name & Title: Jim Gardner (no longer there) Supervisor's Phone #: [Redacted]

Average Hours Worked Per Week: 40 Starting Date: 5/1/14 Ending Date: 12/30/17 Final Salary: 38,000

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: Took position at Blackacre Title Co.

Summary of Job Duties and Responsibilities:
Overseen inmates while in the library. Maintained the library, books & reading programs.

Personal References

Please do not list former employers or relatives. Those listed should be familiar with your qualifications for employment.

Name and Occupation: Ast. V.P. Alicia Schaaf First National Bank Central Texas City/State of Residence: Gatesville, Tx
Jim Barze Electric Gatesville, Tx
Sky Densman owner mommy marketer Gatesville, Tx

Please Read Before Signing

I certify that all information in this application is true and correct. I understand and agree that any false information, misrepresentation, or concealment of fact is sufficient grounds for either my immediate discharge without recourse, or refusal by the City of Gatesville.

I understand and agree that all information in this application may be verified by the City of Gatesville. I also understand that any position is subject to a satisfactory check of references.

I authorize all individuals and organizations named or referenced to in this application, or given otherwise by me as references, to give the City of Gatesville all information relative to my employment, work habits, and character. I authorize the City of Gatesville to verify and investigate the status of my driver's license and to conduct any background check it deems necessary, including review of criminal history records. I hereby release the City, and any individual who provides or obtains information pursuant to this authorization, from any and all liability for damages of any kind that may result to me on account of compliance, or attempts to comply with this authorization. I am also aware that my application is subject to the Texas Open Records Law and may be released as a public document.

I understand that this is not an agreement between the City of Gatesville and the applicant.

X [Signature]
Applicant Signature

2/6/25
Date

Personal Declaration Statement.

Using this page please state your reason and motivation for volunteering to sit on the Planning and Zoning Commission for the City of Gatesville, TX:

I am a lifelong resident of Gatesville and the owner of The Green Rooster Coffee Co, a small coffee shop in town. I am passionate about our community's growth and development while preserving the character that makes Gatesville special. As a local business owner, I understand the importance of thoughtful planning and zoning decisions that support both residents and businesses. I would love the opportunity to serve on the Planning and Zoning Committee to help ensure that our city continues to thrive in a way that benefits everyone. Thank you for your consideration.

Gatesville Application for Planning & Zoning Commission

110 N. 8th Street, Gatesville, TX 76528 * Fax # 254-865-8320

INSTRUCTIONS: Answer each question clearly and completely. **If questions are not applicable, enter "NA". Do not leave questions blank.** Be sure to sign when completed. Incomplete applications will not be considered. If more space is required for any question, please attach additional sheets as necessary. Resumes will not be accepted in lieu of an application; you may attach a resume to this completed application. This application will only be considered for the position applied for. To be considered for other positions you will need to complete an additional application per position. The City of Gatesville is an Equal Opportunity Employer and all applicants will receive consideration without regard to race, color, religion, national origin, gender, sexual orientation and/or gender identity, age, and veteran or disability status.

General Information

Name: Williams, Yvonne, J Other names used: _____

Mailing Address: [REDACTED]
Number, Street, City, State, Zip Code

Phone: [REDACTED] Alternate Phone #: _____ E-mail: [REDACTED]

Position Title Applying for: Planning & Zoning Requisition #: _____ Supervisor: _____

Date you are available to start: 02/1/25 Are you 18 or older? Yes No If no, how old? _____

Do you speak, read, or write languages other than English? Yes No

If yes, what languages? _____ How well? Good Fair Excellent

Are you related by blood or marriage to any City employee or Council Member? Yes No If yes, please list below:

NAME	DEPARTMENT/DIVISION	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you currently or have you ever been employed by the City? Yes No If yes, please list below:

POSITION	DEPARTMENT	DATES (From/To)	REASON FOR LEAVING
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____

Driver's License or ID & Driving Record Information

Please check one: Driver's License ID If applicable- Is your license a Commercial License? Yes No

State Issued: TX Number: [REDACTED] Expiration Date: [REDACTED] Type/Class: C

* Please list and give date(s) or every moving violation and/or traffic accident in the last three (3) years. (Report any DWI-DUI's under criminal history area on page 6)

Incident	Location	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Education

Name of High School: Waco High School Diploma GED Did not Graduate

Please indicate highest level of education achieved after High School: Some College
Some College, Technical Certificate, Associates, Bachelors, Masters, PhD, etc

Please list additional education information below:

Copies of college transcripts are required when applying for positions requiring degrees; official transcripts are required within the first 30 days of employment.

Name/Type of School: _____ **Location (City, St):** _____

Dates Attended: _____ **Date Graduated:** _____ **Degree Achieved:** _____

Major: _____ **Minor:** _____ **If No Degree- Hours Completed:** _____

Name/Type of School: _____ **Location (City, St):** _____

Dates Attended: _____ **Date Graduated:** _____ **Degree Achieved:** _____

Major: _____ **Minor:** _____ **If No Degree- Hours Completed:** _____

Name/Type of School: _____ **Location (City, St):** _____

Dates Attended: _____ **Date Graduated:** _____ **Degree Achieved:** _____

Major: _____ **Minor:** _____ **If No Degree- Hours Completed:** _____

* If you need additional space to list your education history, attach a sheet providing the same information requested above.

Certifications

If Certification, Registration, or a Special License is required for the position, then please complete the following:

License/Certification: _____ **Date Issued:** _____ **Date Expires:** _____

Issued by/Location of Issuing Authority: _____ **License #:** _____

License/Certification: _____ **Date Issued:** _____ **Date Expires:** _____

Issued by/Location of Issuing Authority: _____ **License #:** _____

Other Skills

Please list any additional training, machine/equipment operating experience, computer skills, technical skills, or professional knowledge that would support your application.

Employment History

This information will be the official record of your employment history and must accurately reflect all significant duties performed. Include all employment for at least the past ten (10) years as well as military experience. You may add any other relevant experience including volunteer and internship experience. **Begin with your current or most recent job.** Employment history should include each position held, even those with the same employer. Do not use the comment "See Resume". If you need additional space to adequately describe your employment history, you may attach additional pages. This information will be used to determine if you meet the minimum work related experience for the position you are applying for.

Job Title: Gatesville Chamber Liaison Employer: Gatesville Chamber of Commerce

Employer Address: [REDACTED]

Supervisor's Name & Title: Mason Matthews/President Supervisor's Phone #: [REDACTED]

Average Hours Worked Per Week: 20 Starting Date: Aug 2024 Ending Date: _____ Final Salary: _____

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Job Title: Owner of Candy Pet Palace Employer: Self

Employer Address: [REDACTED]

Supervisor's Name & Title: Self Supervisor's Phone #: [REDACTED]

Average Hours Worked Per Week: 40 Starting Date: March 07 Ending Date: NA Final Salary: _____

If applicable, How many employee's did you supervise? 17 May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: NA

Summary of Job Duties and Responsibilities:

Bathing and Drying: Washing dogs with appropriate shampoos and conditioners, and drying their coats using various methods and tools.
Hair Cutting and Styling: Trimming and shaping dog's fur according to breed standards or owner preferences, using clippers, scissors, and other tools.
Nail Trimming: Safely trimming dog's nails to an appropriate length, avoiding the quick.
Ear Cleaning: Cleaning dog's ears to remove dirt, debris, and wax buildup.
Teeth Brushing: Brushing dog's teeth to maintain oral hygiene and prevent dental problems.
Anal Gland Expression: Expressing anal glands if necessary, to relieve discomfort and prevent impaction.
Flea and Tick Treatment: Applying flea and tick treatments as needed, following safety guidelines and owner instructions.
Identifying Health Issues: Recognizing potential health problems such as skin conditions, infections, or parasites, and advising owners on appropriate action.
Business Management:
Customer Service: Providing excellent customer service, building relationships with clients, and addressing their concerns.
Scheduling and Appointments: Managing appointments, scheduling grooming sessions, and maintaining client records.
Marketing and Advertising: Promoting the grooming business through various channels, attracting new clients, and retaining existing ones.
Financial Management: Handling finances, including pricing services, processing payments, managing expenses, and tracking profitability.
Inventory Management: Ordering and managing grooming supplies, ensuring adequate stock levels, and minimizing waste.
Staff Management: If applicable, hiring, training, supervising, and managing grooming staff.
Salon Maintenance: Maintaining a clean and safe grooming environment, ensuring equipment is in good working order, and adhering to hygiene standards.
Legal and Regulatory Compliance: Adhering to all relevant laws and regulations related to pet grooming businesses.
Additional Responsibilities:
Continuing Education: Staying updated on the latest grooming techniques, trends, and products.
Animal Handling and Safety: Ensuring the safety and well-being of all dogs during the grooming process.
Breed Knowledge: Understanding the specific grooming needs of different dog breeds.
Problem Solving: Addressing challenges such as difficult dogs, specific grooming requests, or unexpected situations.

Employment History- continued

Job Title: _____ Employer: _____

Employer Address: _____

Supervisor's Name & Title: _____ Supervisor's Phone #: _____

Average Hours Worked Per Week _____ Starting Date: _____ Ending Date: _____ Final Salary: _____

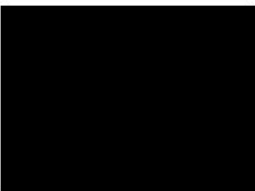
If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Personal References

Please do not list former employers or relatives. Those listed should be familiar with your qualifications for employment.

Name and Occupation:	City/State of Residence:	
Diana Barnett	Gatesville, TX	
Teresa Johnson	Gatesville, Tx	
Katrina Pelkey	Gatesville, Tx	

Please Read Before Signing

I certify that all information in this application is true and correct. I understand and agree that any false information, misrepresentation, or concealment of fact is sufficient grounds for either my immediate discharge without recourse, or refusal by the City of Gatesville.

I understand and agree that all information in this application may be verified by the City of Gatesville. I also understand that any position is subject to a satisfactory check of references.

I authorize all individuals and organizations named or referenced to in this application, or given otherwise by me as references, to give the City of Gatesville all information relative to my employment, work habits, and character. I authorize the City of Gatesville to verify and investigate the status of my driver's license and to conduct any background check it deems necessary, including review of criminal history records. I hereby release the City, and any individual who provides or obtains information pursuant to this authorization, from any and all liability for damages of any kind that may result to me on account of compliance, or attempts to comply with this authorization. I am also aware that my application is subject to the Texas Open Records Law and may be released as a public document.

I understand that this is not an agreement between the City of Gatesville and the applicant.

X Yvonne Williams
Applicant Signature

02/05/25
Date

Personal Declaration Statement.

Using this page please state your reason and motivation for volunteering to sit on the Planning and Zoning Commission for the City of Gatesville, TX:

I'm drawn to the idea of volunteering for the planning and zoning committee for several reasons. I genuinely want to have a hand in shaping the future of my community. I believe these decisions have a huge impact on how we grow, and I want to contribute to that growth in a way that reflects my values and vision for the place I live.

Public service is important to me, and I see this as a real opportunity to give back to my community and make a positive difference for my neighbors. I'm also fascinated by the process of planning and development, and I think serving on the committee would be a fantastic way to deepen my understanding of how it all works.

I strongly believe in the power of citizen involvement. Decisions about planning and zoning shouldn't be made in a vacuum; the community's voice needs to be heard. I want to be a part of making sure that happens.

Protecting our environment is another key motivation. Planning and zoning choices can have a significant environmental impact, and I'm committed to ensuring our community develops sustainably and responsibly. Finally, I also recognize the connection between planning and zoning and economic development. I'd like to contribute to attracting new businesses and creating job opportunities in our area.

Ultimately, my reasons for wanting to join the planning and zoning committee are personal, but they all revolve around a desire to contribute to my community and help shape a positive future for all of us.



Agenda item # 7

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Bradford Hunt, City Manager
Subject: Resolution to Accept SERI Grant Funding for New Police Dispatch Consoles.

Information:

City Manager Hunt has been coordinating with several entities over the past 12 months to support a grant application for funding to replace the outdated hardware relating to the police department's dispatch function. The Central Texas Council of Governments (CTCOG) applied for funding through the FY25 Statewide Emergency Radio Infrastructure (SERI) funds through the Office of the Governor Public Safety Office. The purpose of these funds was to solicit applications for projects that support state and regional efforts to improve or sustain interoperable emergency radio infrastructure.

The Central Texas Council of Governments applied for \$2,000,000 and received \$1,750,000 of that request. During the March 28, 2024, regular meeting the CTCOG Executive Committee passed a resolution authorizing the use of SERI funds to replace outdated dispatching consoles with the understanding that future replacement of dispatching consoles would no longer be an allowable request under this funding source. CTCOG now requests the City of Gatesville adopt a resolution accepting the awarded funding in the amount of \$241,413.44, as well as the associated provisions for the City of Gatesville to maintain the equipment. We would then further resolve that the City of Gatesville will not be eligible to apply for the funding of consoles in future grant cycles.

City Manager Hunt as coordinated with Fire Chief Billy Vaden, CTCOG Grant Specialist Jesse Hennage, Police Chief Jeff Clark, and Police Dispatch Supervisor Jessica Stiles, and the appropriate documentation for replacement consoles has been developed and submitted. This resolution would ensure we maintain our eligibility and receive the award in this fiscal year, likely within the next few months.

Financial Impact:

This is no-match-required, fully funded grant in the amount of the cost of two dispatch "consoles," which is verified to be \$241,413.44.

Staff Recommendation:

The staff recommends that the City Council approve the resolution accepting the awarded funding in the amount of \$241,413.44, and the associated provisions for the City of Gatesville to maintain the equipment.

Motion:

I make a motion to approve **Resolution 2025-017**, accepting the awarded funding in the amount of \$241,413.44, and the associated provisions for the City of Gatesville to maintain the equipment.

Attachments: Resolution 2025-017

Staff Contacts: Bradford Hunt, City Manager – bhunt@gatesvilletx.com

RESOLUTION 2025-017

RESOLUTION AUTHORIZING CENTRAL TEXAS COUNCIL OF GOVERNMENTS THE PURCHASE OF DISPATCHING CONSOLES WITH FY25 STATEWIDE EMERGENCY RADIO INFRASTRUCTURE (SERI) FUNDS

WHEREAS, The Central Texas Council of Governments (CTCOG) applied for funding through the FY25 Statewide Emergency Radio Infrastructure (SERI) funds through the Office of the Governor Public Safety Office; and

WHEREAS, the purpose of these funds was to solicit applications for projects that support state and regional efforts to improve or sustain interoperable emergency radio infrastructure; and

WHEREAS, state funds for these projects are authorized under the Texas General Appropriations Act, Article I, Rider 25 for Trusteed Programs within the Office of the Governor. Homeland Security Grants Division (HSGD) intends to make \$20,000,000 available under this funding announcement; and

WHEREAS; awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law; and

WHEREAS, the Central Texas Council of Governments applied for \$2,000,000 and received \$1,750,000 of that request. During the March 28, 2024 regular meeting the CTCOG Executive Committee passed a resolution authorizing the use of SERI funds to replace outdated dispatching consoles with the understanding that future replacement of dispatching consoles would no longer be an allowable request under this funding source; and,

Therefore, be it resolved that the CITY OF GATESVILLE, accepts the awarded funding in the amount of \$241,413.44, and the associated provisions for the CITY OF GATESVILLE to maintain the equipment; and

BE IT FURTHER resolved that the CITY OF GATESVILLE will not be eligible to apply for the funding of consoles in future grant cycles.

PASSED AND APPROVED this 11th day of February, 2025 at a regular meeting of the CITY OF GATESVILLE which was held in compliance with the Open Meetings Act, Texas Government Code, 551.001, *et seq.*, and at which meeting a quorum was present and voting.

Mayor, Gary Chumley

ATTEST:

City Secretary, Holly Owens



Agenda Item # 8

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Bradford Hunt, City Manager

Agenda Item: Discussion regarding additions and amendments to City Ordinance, Chapter 12, Cemeteries.

Information:

The existing city ordinance regarding City of Gatesville cemeteries was adopted in 1988 and received one minor addition in 1994. It outlines the means by which the City cemeteries are funded and maintained, and does not list any rules, regulations, or guidelines for day-to-day operations of the cemeteries. City Manager Hunt and staff seek to codify modern rules, regulations, and procedures for cemetery management and care; thus, we propose significant additions to the city ordinance.

The proposed ordinance additions are taken from various sources that exhibit modern and accepted best practices. The full ordinance has been reviewed by City Attorney Victoria Thomas. The rules, specifically, will assist in maintaining a safe and serene setting for the city cemeteries.

Financial Impact:

There is no financial impact. In future FYs, we may propose budget items that enhance security and visitor experiences.

Staff Recommendation:

The staff recommends passing Ordinance **2025-07** adopting the amended City Ordinance, Chapter 12, of the City of Gatesville Code of Ordinances to the next meeting.

Motion:

I make a motion to pass **Ordinance 2025-07** adopting the amended City Ordinance, Chapter 12, of the City of Gatesville Code of Ordinances to the next meeting.

Attachments:

Draft Ordinance

Staff Contact:

Brad Hunt, bhunt@gatesvilletx.com

ORDINANCE NO. 2025-07

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY REPEALING AND REPLACING CHAPTER 12 “CEMETERIES” IN ITS ENTIRETY; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$500; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council has the authority and desires to update and expand the provisions of the Code of Ordinances regarding City cemeteries; and

WHEREAS, the City Council has determined that it would be advantageous and beneficial to the citizens of the City of Gatesville, Texas and serve the public health, safety and general welfare to repeal and replace Chapter 12 regarding cemeteries;

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 repealing and replacing Chapter 12 “Cemeteries” in its entirety to read as follows:

Sec. 12.1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Additional Interment Right – Each Owner has a right to be buried in the Grave purchased. In order to inter additional human Cremated Remains, additional interment rights may be granted or purchased.

Burial (Buried) – the disposition of Human Remains into the ground, in an earthen grave.

Caretaker - the person employed by the city or by the city's cemetery maintenance contractor to oversee the operation and maintenance of the cemetery. Unless otherwise stated, the caretaker may delegate his duties and authority under this chapter to an authorized representative.

Cemetery - a place for the interment or burial of deceased humans or cremated remains, and includes any cemetery owned and under the trust of the City of Gatesville, including Restland and City Cemetery.

Coffin – a Casket.

Contractor – any person, firm or corporation engaged in setting any memorial, digging graves or performing any other work on the Cemetery grounds, other than an employee of the City.

Cremated Remains – the remains of a deceased human after cremation, sometime called “cremains”.

Cremation – a heating process that reduces human remains to bone fragments.

Deceased – a person who has died.

Decoration - any item placed upon a grave that is not a monument.

Flush Memorial – a grave marker that is even, aligned, flush with the surface of the ground.

Foundation – that upon which anything stands, and by which is supported; the lowest and supporting layer of a structure.

Funeral – a ceremony held in connection with the death of a person.

Grave – a space of land in a cemetery used or intended to be used for the burial of human remains.

Human Remains – a deceased human body or cremated remains.

Interment (Inter/Interred) – the permanent disposition of remains by burial.

Interment Right – the particular right to interment for the remains of a deceased person in a specific grave within the Cemetery, subject to the limitations set forth herein. An interment right is a right to interment in a specific location.

Interment Service – the opening and closing of a particular interment space.

Interment Space – the particular grave, crypt, or niche within the cemetery to which a particular interment right relates. An owner of an interment right does not, by virtue of such ownership, acquire ownership of the property or of any land or improvements within the cemetery.

Inurnment – the placement of cremated human remains in an urn and a placement of such urn in a grave or niche in the cemetery.

Lot - one of a group of multiple contiguous spaces.

Maintenance – the upkeep of the cemetery.

Memorial - any marker, monument, headstone, tablet, or monument bench on or in any space for identification or in memory of the individual interred there.

Monument - a headstone, grave marker or similar permanent object of stone, bronze, or concrete that serves as a memorial to a person interred in the lot upon which the monument is located.

Owner – the owner of an interment right or rights within the cemetery, as reflected in the city’s records.

Perpetual Care – maintenance of the cemetery grounds, within the limits permitted by the income derived from the Care Fund for Interment space in keeping with Cemetery standards of care, including maintaining the necessary records of interment right ownership and burials and other necessary information and having information available to interested persons. This shall not include maintenance, repair or replacement of any individual memorial.

Remains – what is left after a human death.

Section - a group of contiguous multiple lots.

Sepulture – the act of burying.

Space - a lot on the official plat maps of the cemetery, intended for the interment of up to one casket burial and one cremains burial, or up to two cremains burials.

Sec. 12.2. - Reserved.

Sec. 12.3. - Rights reserved to city; use of roadways.

(a) Under this chapter, the rights perpetually reserved to the city are the right to:

(1) Enlarge, reduce, replat or change the boundaries or grading of the cemetery, including changing the locations of or removing or regrading roads, drives or walks.

(2) Lay, maintain and operate, alter or change pipelines and gutters for sprinkler systems or drainage.

(3) Use city property for cemetery purposes.

(4) Ingress and egress over lots for the purposes of maintenance and passage to or from other lots.

(5) Close any road, walk or drive at any time.

(6) Designate the location of any flowers, shrubs or trees planted or cultivated on a lot.

(b) It is unlawful for any person to ride or drive any motorized vehicle in the cemetery except on the improved roads, drives or walkways. This does not prohibit the operation of mowing vehicles used in the maintenance of the cemetery grounds or vehicles authorized by the City of Gatesville as necessary to performance of cemetery operation, including the opening and closing of lots.

Sec. 12.4. - Admission.

(a) The cemetery will be open daily for visiting, care of graves and other appropriate uses from 8:00 a.m. to 6:00 p.m. during Central Standard Time, and from 8:00 a.m. to 7:00 p.m. during Central Daylight Savings Time. It is unlawful for any person, other than a city employee or cemetery caretaker on official business, to enter or remain within the cemetery at any time when the cemetery is not open. The City reserves the right to temporarily alter or amend these hours without notice as reasonably necessary to accommodate performance of cemetery operations.

(b) It is unlawful for any person to enter the cemetery at any location other than an authorized entrance.

(c) The caretaker will be on duty at the office of City Hall during normal City Hall business hours from Monday through Friday of each week.

Sec. 12.5. - Purchase of certificates for the right of interment in lots.

(a) All purchasers of certificates for the right of interment in cemetery lots must first select from the available lots at the cemetery. Such certificates may be purchased from the city. The placement or use of private mausoleums at the cemetery is prohibited.

(b) Upon payment of the entire purchase price for a certificate for the right of interment in a designated lot, the city will issue the certificate which reserves the cemetery lot for use by the purchaser or the purchaser's heirs, successors or assigns.

(c) Each certificate for the right of interment will be issued to only one person including a designated representative under subsection (d).

(d) When there are two or more purchasers of a certificate for the right of interment in a lot the purchasers may designate one or more persons to represent the purchasers regarding the certificate and file written notice of the designation with the city. In the absence of a notice, the city is authorized to permit an interment in a lot at the request or direction of any registered co-purchaser of the property.

(e) All cemetery certificates for the right of interment will grant to the purchaser only the right to use the lot for interment of only human remains, subject to the requirements of this chapter.

(f) The price for each certificate for the right of interment in a lot is established by the city council according to the number of lots reserved for use by the certificate.

(g) A person desiring to purchase a certificate for the right of interment must pay the total purchase price at the time of purchase. The city reserves the right to refuse interment in any lot for which the full purchase price has not been paid. A certificate

for the right of interment will not be issued for any lot until the full purchase price has been paid.

(h) Only a maximum of eight (8) spaces may be purchased at one time.

(i) Certificates for the right of interment will only be issued to individuals and may not be issued under a business or LLC's name.

Sec. 12.6. - Transfer of lots.

(a) The sale, transfer, or assignment of any lot or space in the cemetery by any owner or purchaser shall not be binding upon the City until it has been requested in writing and approved by the City, the requisite transfer fee has been paid, and a new deed containing the approval of the City is executed.

(b) The transferee (through sale, transfer, assignment, or any other form of conveyance) must register the transfer of the certificate with the city. The city may refuse to register a transfer if the purchase price for the certificate has not been paid in full. In the event a transfer is requested when the purchase price has not been paid in full, the person requesting to receive the certificate will assume full responsibility for such payment which must be received prior to reissuance of a certificate for the right of interment.

(c) Owners of a lot in the cemetery shall not allow interments to be performed in their lot for a profit. The price for re-sale of lot(s) cannot be more than the original price paid when space(s) was originally purchased.

Sec. 12.7. - Repurchase of certificates by city.

A purchaser or holder of a certificate of a right of interment may apply with the city to sell the certificate to the city. The city may, at its option, repurchase certificate at the price designated by the city council and on file in the city secretary's office at the time of original purchase. If no file exists in the city secretary's office and no proof is provided by the seller proving the original purchase price, the purchase price shall be set by the city council and shall in no event exceed \$500.

Sec. 12.8 - Reserved.

Sec. 12.9 - Cemetery maintenance.

(a) The city will provide for the general care and maintenance of the cemetery.

(b) Such care and maintenance include the cutting of the grass at reasonable intervals, the cleaning of the lots and the care and pruning of the trees and shrubs that may be placed along the walks, roadways and boundaries. Care and maintenance by the city do not include the maintenance, repair or replacement of any gravestones, monuments, memorials, or decorations; the planting of flowers or ornamental plants; the maintenance or doing of any special or unusual work in the cemetery; or the construction or reconstruction of any damaged marble, granite, bronze or concrete work on any lot.

(c) Additional City rights and responsibilities include:

(1) The City employees or contractors shall do all cemetery work, including, but not limited to, landscaping and care of the lots. No persons, other than the duly authorized representatives of the City, shall be allowed to perform any work within the cemetery without written authorization issued by the City, and any such work so authorized shall be subject to all provisions contained herein pertaining to such activity.

(2) The City shall take reasonable precautions to protect against loss or damage to property or rights within the cemetery; but it expressly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and specifically, but not by way of limitation, disclaims all responsibility for loss or damage caused by the elements, act of God, common enemy, thieves, assailants, vandals, malicious mischief maker, explosion, unavoidable accident, invasion, insurrection, riot, government act, or regulation or order of any military or civil authority, whether the loss or damage be direct or indirect.

(3) The City may from time to time, as it sees fit, for the benefit of cemetery operations, temporarily waive certain rules and regulations. If this is required, this temporary condition does not constitute a permanent change in the Rules and Regulations of the Cemetery.

(4) The City reserves and shall have the right to correct any errors that may be made in making interments, or sales, transfers or conveyances of interment rights, including the right to substitute and convey in lieu thereof other interment rights of comparable value and similar location (to the extent possible) as may be selected by the City. Alternatively, the City, in its sole discretion, may refund the amount of money paid on account of the purchase of interment rights, merchandise or services to which the error relates. If the error involves the interment of remains in the wrong location, the City may, at its option, transfer such remains to the correct location or to a similar location of comparable value. The City shall have no liability as a result of any errors of the type described in this paragraph other than its obligation to take the remedial actions described in this paragraph

(6) The City reserves the right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or of a section or sections thereof, from time to time, including the right to modify or change the locations of, or remove or regrade features, roads, drives, trees, shrubs, flowers, landscaping and walks. The City further reserves the right to lay, maintain, operate, alter or change drainage and ponds as well as the right to use the cemetery property, not sold to owners, for cemetery purposes, including the interring and preparing for interment of human remains, or for anything necessary, incidental or convenient thereto.

(7) The City shall have sole and exclusive authority with respect to the planning, surveying and improvements within the cemetery.

(8) If, in the judgment of the City, any tree, shrub or plant, by means of its roots, branches, or otherwise, becomes detrimental to the interment space upon which the plant stands or to any adjacent interment spaces or roads, drives or trails, or if for any other reason its removal is deemed necessary, the City shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the existing condition. In the event of any such removal, the City shall have no obligation to replace any removed tree, shrub or plant.

(9) No plantings or enhancements of any kind are allowed in the cemetery. This includes fences and stones either flush to the ground or that rise out of the ground.

(10) Any enhancements not meeting the regulations of the cemetery will be removed by the City and will not be the responsibility of the City.

(11) The City reserves the right to move any memorial if, in the opinion of the City, such a move is required in order to perform needed work in the cemetery such as opening an interment space or otherwise serves the purposes of cemetery maintenance or work. The memorial will be moved and replaced with no cost to the interment right owner.

(d) Contractor requirements

(1) Any damage to a cemetery lot, space, or memorials, to include but not be limited to tracking wheel marks, will be corrected on the spot by the person causing the damage.

(2) Insurance requirements for contractors:

a. The project for which the contractor is engaged shall be performed at the sole risk of the contractor and by accepting and undertaking such project, the contractor agrees, without regard to negligence, gross negligence, or other acts or omissions on the part of the City to save and hold harmless City from and against all claims, damages, expense and liability (whether or not such liability has been judicially determined) including but not limited to claims, damages, expenses and liability for loss of life, personal injury or damage to property, resulting from or in any manner attributable to the performance of services, maintenance, use, operation or

presence of the Contractor, the Project, or to the presence of the equipment or employees of Contractor, on any property within the cemetery or adjacent thereto owned by City.

b. The contractor shall carry Workmen's Compensation Insurance and shall have all subcontractors carry Workmen's Compensation Insurance and shall carry Comprehensive Liability Insurance covering all operations and vehicles. The City shall be named as additional insured on liability insurance.

c. The contractor shall submit certificates of insurance showing the contractor's coverage amounts for the following:

i. Worker's Compensation - As required by State Law

ii. Comprehensive General Liability

1. \$1,000,000 Each Person

2. \$ 1,000,000 Each Occurrence

iii. Vehicle Liability

1. \$1,000,000 Each Person

2. \$ 1,000,000 Each Occurrence

iv. Property Damage Insurance

1. \$ 1,000,000 Each Occurrence

2. \$ 2,000,000 Aggregate Limit

Sec. 12.10 - Interments.

(a) A completed application for interment in the cemetery must be filed with the city before excavation begins for a burial. Prior to permitting any Interment in the cemetery, the City shall require the written authorization of the owner or representative of the interment rights. The following information must be furnished: (1) name, age and gender of the deceased; (2) date of birth and date of death of the deceased; (3) section, lot and/or space; (4e) name of funeral director or responsible party; (5) exact size, type and material of the burial casket and outer burial container; (6) date of interment and time of arrival at the cemetery; and (7) name, address and phone number of the next of kin.

(b) The applicant must specify the exact location of the burial lot, section and/or space to be used. When for any reason an in-ground burial lot, section, and/or space cannot be opened where specified, the caretaker may direct the burial lot, section and/or space to be opened in a location in the cemetery deemed by the caretaker to be best and proper, notifying the mortuary, so as not to delay the funeral.

(c) The mortuary performing interment services must secure the gravesite, must provide for the immediate cleaning of the gravesite and must remove all debris, fill or equipment resulting from or used by the mortuary.

(d) The mortuary performing interment services, for any casketed or shrouded remains, should use an outside burial container made of concrete, metal, poly, or other material approved under state law.

(e) The maximum number of burials allowed per space (grave) is:

- (1) One casketed burials,
- (2) One casketed burial, and one cremation, or
- (3) Up to two cremations.

(f) Ownership of interment rights:

(1) An owner of an interment right does not, by virtue of such ownership, acquire property or deed ownership of the interment space or of any land or improvements within the cemetery.

(2) A certificate of interment rights shall be issued upon full payment of the purchase price of an interment right. Every interment right shall be subject to (a) all applicable laws and governmental regulations; (b) the Articles of Incorporation and other documents establishing the cemetery; and (c) all Rules and Regulations adopted by the City Council, as now in force or as hereafter amended or adopted, whether or not as set forth herein.

(3) Interment rights can be purchased in the Cemetery only with the written approval of the City and subject to the Rules and Regulations of the Cemetery now or hereafter adopted by the City Council and for the purpose of Interment only.

(4) The individual(s) named in the certificate of interment rights issued and of record will be presumed to be the owner(s) of the Interment right unless the City receives written notice to the contrary by the owner or by the Court. The City records shall be sufficient warrant in all matters regarding ownership.

(5) If an owner of record dies without providing a written declaration or a specific devise by will, any unused Interment rights descend to the heirs at law of the owner subject to the interment Rights of the descendant and his or her surviving spouse. His or her heirs or devisees should immediately file their ownership claim and address with the cemetery in writing. If the deceased owner left the interment space by will to some designated person, a certified copy of the will shall be submitted to the City so that the transfer of Ownership may be recorded.

(6) No transfer or assignment of any interment right, or interest therein shall be valid until accepted in writing by the City on the City's forms and recorded in the books of the City.

(7) The City may fix a charge for all transfers of ownership. No transfer of ownership shall be complete or effective until any and all charges are paid.

(8) No more than one casketed burial and one cremains burial or two cremains burial is permitted in any one space.

(9) In order to inter additional human cremated remains in a grave purchased with a single interment right, an additional Interment right must be purchased.

(10) After a deceased casketed burial, only one cremated remains may be interred in the same grave. The deceased casketed burial must be Interred first.

(11) All interments are single depth.

(12) When there is no deceased casketed burial interred in a lot, up to two cremated remains may be inurned in the same Lot upon payment for the additional interment right.

(13) All interment rights are designed at a standard size of 5 ft. wide and 10 ft long. Any oversized interment may need to purchase a second right.

(g) Owners' Rights

(1) Interment rights within the cemetery shall be used for no purpose other than for the interment and/or memorialization of human remains.

(2) All interment rights in the cemetery are conveyed and shall be held subject to (a) all applicable laws and governmental regulations; (b) Charter, or other documents establishing the Cemetery; (c) all By-Laws and Rules and Regulations adopted by the City Council.

(3) The spouse, children and parents of the certified owner of record of more than one interment right have vested rights. The spouse of an owner has a vested Interment right in the space superior to any other person even if they became the spouse after the rights were acquired. No transfer or other action of the owner, without the written consent of all owners, divests a vested interment right. A vested interment right may be released by waiver, terminated upon the interment elsewhere of the remains of the person in whom vested, or in the case of a divorce, unless it is otherwise provided in the divorce decree. No vested interment right gives the right to be interred where any deceased person having a prior vested interment right was interred, nor does it give the right to have the remains of more than one deceased person interred in a single interment space in violation of these Rules and Regulations.

(4) When an interment of the owner or a member of the owner's family has been made in a lot, thereafter, unless the City was otherwise directed in writing by the owner, the lots shall be held as the family lot of the owner and no interment rights therein may be transferred to non-family members unless such a disposition was made by the owner in a will, by a specific devise or by a written declaration filed

and recorded prior to the owner's death in the cemetery office. In a family lot, the following shall have preference as to use:

(a) One interment right may be used for the owner's interment.

(b) One interment right may be used by the owner's surviving spouse, if any, who has a vested interment right in it.

(c) If any interment rights are remaining, the parents and children of the deceased owner, in order of death, may be interred without the consent of any other person claiming any interest in the rights.

(d) If no parent or child survives, the interment right goes in order of death, (1) to the spouse of any child of the record-owner, and in order of death, (2) to the next heirs at law of the owner or the spouse of any heir at law.

(5) Subject to these Rules and Regulations of the Cemetery, interment rights are transferable. Upon the receipt of written instructions or a certified copy of a will containing specific devises from the deceased owner of record, the City shall restrict interments to the persons designated in the authorization or devise. The City will not accept a transfer of a family burial estate after interment of the original owner or owners, except for the interment of family members or others as designated in writing or by a will by the owner or by court order.

(6) The City shall have the right to refuse to consent to a transfer or to an assignment of any interment right until the purchase price of the interment right has been paid in full.

(7) The City may exchange interment rights when desired by owner, but where there are interment rights of lesser value no compensation will be given to the lot owner. When such an approved exchange is made, the original conveyance must be surrendered by proper assignment, or by reconveyance, if considered necessary, before any change is affected.

(h) Other regulations

(1) The City relies upon the identification of the deceased provided by the next-of-kin or authorized representative and shall have no obligation to independently establish or verify the identity of the remains to be interred.

(2) The City shall make the final determination as to the grading of a grave and reserves the right to level, fill, re-grade and plant all graves.

(3) All casketed burials must have a minimum of 24 inches of cover from the shallowest point if there is no outer burial container and 18 inches if there is an outer burial container. All interments of cremated remains shall have a minimum of twelve inches of cover from the shallowest point.

(4) Health and Safety Code Reference, section 714.001 regarding depth of graves shall apply, to wit: (a) The body of a decedent may not be buried in a manner so that the outside top surface of the container of the body is: (1) less than two feet below the surface of the ground if the container is not made of an impermeable material; or (2) less than 1-1/2 feet below the surface of the ground if the container is made of an impermeable material. The criminal penalties set forth in the Health and Safety Code shall be applicable.

(5) No interment / inurnment changes are permitted without the City's knowledge. All appropriate forms, payments and releases must be signed before changes can be completed.

Sec. 12.11. - Disinterments.

(a) Disinterment of a body in the cemetery is permitted only by order of a court of competent jurisdiction or written permission from a person having authority to permit the disinterment. This section 12.11 shall not apply to actions by the City to correct an error as set forth in this chapter.

(b) A mortuary performing a disinterment must secure the gravesite, must provide for the cleaning of the gravesite and must remove all debris, fill or equipment resulting from or used by the mortuary.

(c) Health and Safety Code Reference Sec. 711.004 regarding removal of remains and any more stringent standards set forth herein shall be applicable to all disinterments.

(d) In respect to the health and safety of the City employees and contractors, a new outer burial container and casket may be required. In these cases, the owner and next of kin of the deceased will be responsible for these costs.

(e) All disinterments must be conducted with a licensed funeral director and a representative of the City present. Depending on the circumstances of and reasons for the disinterment, the City may, at its option, elect to hire other professionals to be present at the disinterment. The owners will pay any and all costs associated with the disinterment in advance.

Sec. 12.12. - Enclosure of lots; maintenance.

(a) It is unlawful for a person to place or construct an enclosure including a fence, coping, hedge or ditch around any lot or space in the cemetery.

(b) The person responsible for installing or maintaining an enclosure that is damaged to the extent that it is unsightly or hazardous must repair or remove the enclosure

within ten days of receipt of written notice from the City, or the City is authorized to remove the enclosure.

Sec. 12.13 - Decoration of lots.

(a) Monuments. Monuments in the cemetery are subject to the following:

(1) No memorial, monument, or grave marker is allowed on any burial space until the purchase price for the right of use of the space has been fully paid and the instrument granting the right of use has been delivered to the purchaser.

(2) Persons erecting monuments shall not leave material or rubbish on adjoining lots. Work must be completed as soon as possible, and any material or rubbish must be removed at once.

(3) Persons erecting monuments are responsible for any damage done by them to any property in the cemetery, including grass and trees. All work is subject to the control and direction of the City.

(4) Wooden planks must be used for placing and rolling stone monuments on rocks or grass.

(5) Businesses are prohibited from placing their names on any monument or placing signs within the cemetery to advertise the firm or its products.

(6) The location of any proposed monuments must be identified by city staff before the construction begins. It is mandatory to coordinate in advance any such installation of monuments with the city staff. Failure to notify or consult with city staff regarding any installation or failure to comply with any city ordinances herein may result in corrective measures taken at the expense of the responsible party. City shall not be responsible for any loss claimed as a result of City action in removing monuments placed without the required authorization.

(7) All monuments placed in areas of the cemetery must be all granite, marble, bronze, stone, or material approved by the City of Gatesville, and must have a reinforced concrete base. Any monument more than eight feet high is required to have an engineered foundation and be approved by the City upon a finding that the proposed monument is suitable for the location based on such factors as safety, interference with maintenance, compatibility with the scale, height, massing and design aesthetic of surrounding monuments, or similar factors deemed relevant by the City.

(8) The maintenance of all monuments in the cemetery is the responsibility of the person having the lawful right of use or maintenance of the lot associated with the monument, or their surviving family members or descendants. This maintenance will include, but is not limited to, the following:

- a. The cleaning of the monument,
- b. Ensuring that the monument is seated properly, stable and remains stationary against application of a reasonable force, and
- c. Repairing any damage to the monument or the structure of the monument, including replacement, if necessary.

(9) In the event that a monument is in need of maintenance, the parks and recreation director will send a letter requesting such repairs to the person having a lawful right or use or maintenance of the lot or their surviving family members or descendants, if known, advising of the necessary maintenance. If such persons cannot be located, then a city representative will publish a newspaper notice of the necessary maintenance in accordance with the procedures described in V.T.C.A., Estates Code, Chapters 51 and 202. If the necessary maintenance is not performed within the time period stated in the notice, then the city may, in the interests of safety, initiate action to have the necessary maintenance performed, or have the monument removed. A city representative will bill any cost incurred by the city for the maintenance to such persons, if known.

(10) Memorials will be placed on the undisturbed portion of the grave

(11) All flush memorials shall be set flush with the natural grade

(12) If any memorial or mausoleum becomes unsafe the city has the right to correct the condition or remove the memorial or mausoleum. May be charged to the owner of the space

(13) All memorials shall be installed and maintained at the owner's expense

(14) Memorials shall be made of granite or marble with a minimum thickness of 4 inches or cast bronze of any thickness.

(15) The base of all memorials shall be 18 in. or less in width

(16) The maximum length of a single memorial shall not exceed 50 in.

(17) The maximum length of a companion memorial shall not exceed 110 inches

(18) Only one memorial will be permitted at the head and foot of a space. A companion or family memorial may be placed upon two or more spaces. Any memorial placed at the foot of a space must be flush.

(19) The City reserves the right to stop all work of any nature, whenever, in its opinion, proper preparations have not been made, or when tools and machinery are insufficient or defective, or when work is being executed in such a manner as to threaten life or property, or when any reasonable request on the part of the City has been disregarded, or when work is not being executed according to the specifications and installation requirements of the City.

(20) Any Contractor who willfully violates the Rules and Regulations, specifications or installation requirements of the City may be prohibited from performing any further work in the Cemetery.

(b) Flowers, shrubs, trees, or decorations. Flowers, shrubs, trees, and decorations in the cemetery are subject to the following:

(1) Fresh cut flowers may be placed on any lot, but they must be removed within two weeks or when, in the caretaker's opinion, they become unsightly or detrimental to maintenance. The caretaker, in his/her sole discretion, may remove flowers not so removed.

(2) Artificial flowers, sprays or wreaths are allowed, but they will be removed by the caretaker when, in the caretaker's sole discretion, they become unsightly or blow off the lot on which they were placed.

(3) All decorations must be firmly secured or fastened to the monument. Posts or poles are not allowed to be staked into the ground.

(4) Animal feeders or animal houses are not allowed.

(5) No items may be hung from any tree, shrub, or plant.

(6) Glass containers/decorations are prohibited.

(7) Unfilled vases will not be allowed to remain on a lot unless permanently affixed to a monument. After one month, unclaimed vases will be disposed of at the caretaker's discretion.

(8) Flags next to or as close to a marker will be permitted but may be removed when they become unsightly.

(c) Any other structural amenities, which must also be primarily of marble or granite, must have the approval of the City before being placed on the lot.

(d) Unapproved items will be removed by the caretaker and disposed of at the caretaker's discretion. Weathered and unsightly items will be removed during the spring and fall cleanup.

(e) The caretaker is authorized to enforce the provisions of this section. The City will not be liable or responsible for items removed under this section.

Sec. 12.15 - Miscellaneous prohibitions; penalty for violations.

(a) In addition to any other prohibited or unlawful conduct set forth in this chapter, entry into and use of the cemetery shall be subject to the restrictions in this section.

(1) The consumption or open display of alcoholic beverages is prohibited.

- (2) Loitering, loud music, excessive vehicle noise or other behavior that disrupts the peace is prohibited.
 - (3) All pets must be on leash or otherwise restrained in accordance with applicable ordinances, and pet owners shall ensure they pick up after their pet.
 - (4) Water is for landscape irrigation use only. Watering shall be performed only by City personnel or contractors.
 - (5) Vehicles may only be parked on paved streets or drive aisles. No vehicles are allowed in the cemetery except during cemetery hours. Vehicles parked in violation of this subsection may be towed at the owner's expense.
 - (6) Visitors to the cemetery shall comply with all applicable laws.
 - (7) The City reserves the right to require all persons coming into the cemetery to obey all Rules and Regulations adopted by the City Council.
 - (8) While visiting the cemetery, visitors should secure personal items at all times and proceed across the terrain of the cemetery with care and at their own risk. The City shall not be liable for damage or injury to any person or property in the cemetery, including death, whether the damage be direct or collateral.
 - (9) Anyone in the Cemetery jogging, biking or walking during normal business hours must avoid areas where interment services are either in progress or about to begin.
- (b) A violation of this section is a Class C misdemeanor, punishable by a fine not to exceed \$500.00

Sec. 12.16 – Trustee for care and upkeep.

Under and by virtue of the authority vested in the city council, by virtue of Texas Health and Safety Code § 713.002, the city council shall act as a permanent trustee for the care and upkeep of the lots and graves in the cemeteries now owned and/or operated by the city. By this section, the city signifies its willingness and intention to act as such trustee and that the city council accepts such trust.

Sec. 12.17 – Rules and regulations.

The city council shall, from time to time, make such reasonable rules and regulations as such trustee as are necessary to receive gifts, grants, and donations from any source for the care and upkeep for the city owned or controlled cemeteries. The acceptance by the city of the funds specified for such cemetery maintenance purpose shall constitute the trust fund and shall be used exclusively for the maintenance of the city owned or controlled cemeteries and for the acquisition of

additional grave space or the improvements reasonably necessary concerning the present or any future cemeteries owned or controlled by the city.

Sec. 12.18 – Keeping of records.

The city, as such trustee, shall keep a permanent and well-bound record book in which shall be kept in alphabetical order the names of all persons or entities which have given or donated funds for the cemetery maintenance fund. Such record book shall be maintained at the city hall and shall be open for inspection by any interested party.

Sec. 12.19 – Investment of funds.

The city shall invest and reinvest all funds advanced to it for the purposes herein set forth in interest bearing bonds, securities or any other form of savings or investment determined to be appropriate by the city council and shall cause all interest, dividends, income or any other growth from such funds to be deposited in the cemetery maintenance fund for the purposes outlined in this chapter.

Sec. 12.20 – Texas Trust Code.

The cemetery maintenance fund shall be administered by the trustee for the purposes and under the conditions set forth hereinabove. However, any action by the city council acting as trustee hereunder shall be controlled by the Texas Trust Code section 111.001, et seq.

Sec. 12.21 – Prohibiting construction of borders and crushed stone or gravel on gravesites in Restland Cemetery.

It shall be unlawful for any person, group, or entity to construct a border from any material whatever or place crushed stone or gravel on any grave site in the Restland Cemetery.”

SECTION 2. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Gatesville, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 3. It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and the public notice of the time, place and purpose of this meeting was given as required by law.

SECTION 4. . This Ordinance shall become effective immediately upon its passage, approval, and publication as may be required by law.

The foregoing Ordinance No. 2025-__ was read the first time and passed to the second reading this ____ day of _____, 2025.

The foregoing Ordinance No. 2025-__ was read the second time and passed to the third reading this ____ day of _____, 2025.

The foregoing Ordinance No. 2025-__ was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this ____ day of _____, 2025.

BY: _____
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM:

HOLLY OWENS, T.R.M.C.
CITY SECRETARY

VICTORIA THOMAS
CITY ATTORNEY

**Agenda Item # 9****CITY COUNCIL MEMORANDUM**

Date: February 11, 2025
To: Mayor & City Council
From: Mike Halsema, Deputy City Manager

Agenda Item: Discussion and possible action regarding adopting a Financial Management Policy.

Information:

On December 13th, 2022, the Council approved a Memorandum of Agreement with the Texas Water Development Board (TWDB) to participate in the TWDB CFO to GO program. The overall purpose of the program is to provide the City access to consultants from Texas-based accounting/consulting firms. The TWDB arranged for the services of CohnReznick at no cost to the City. Their services are intended to assist the City's management and its governance to identify opportunities to strengthen business processes and internal controls. The proposed policy strengthens and compiles our internal controls for the annual audit and for everyday operations. Staff worked with CohnReznick over a year to develop a financial management policy customized for our city. Part of the agreement is to present the final product for Council consideration.

Financial Impact:

N/A

Staff Recommendation:

Staff recommends the City Council adopt the attached Financial Management Policy.

Motion:

I move to approve **Resolution 2025-018** adopting the Financial Management Policy.

Attachments:

Financial Management Policy

Staff Contacts:

Mike Halsema, Deputy City Manager mhalsema@gatesvilletx.com



Financial Management Policies Manual

Updated: February 2025

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Section 1: Overview

1.1 Purpose

The City of Gatesville, Texas (City) is committed to financial management through integrity, prudent stewardship, planning, accountability, full disclosure and communication. The broad purpose of this manual is to enable the City to achieve and maintain a long-term stable and positive financial condition and provide guidelines for the day-to-day planning and operation of the City's financial affairs.

The scope of this policy spans areas of accounting and financial reporting, internal controls, both operating and capital projects budgeting, revenue management and forecasting. These functions are intended to:

- Demonstrate to the citizens of the City, the investment community, and the bond rating agencies that the City is committed to strong fiscal operations;
- Detail financial goals and strategies for future policymakers and financial managers;
- Support the fair presentation and full disclosure of the financial position of the City in conformity when appropriate with the generally accepted accounting principles of the United States of America (GAAP) and the standards put forth by the Governmental Accounting Standards Board (GASB); and
- Support compliance with finance-related legal and contractual issues in accordance with the Texas Local Government Code and other related legal mandates upon the City.

1.2 Manual

The Financial Management Policies Manual (Manual) is the official accounting policy document of the City. The purpose of the Manual is to describe the existing accounting policies that have been established for the City and to assist employees as they work to achieve the purpose and objectives set by the City.

The Manual includes all current accounting policies that have been developed by the City through the time of issuance, unless otherwise noted. The policies herein apply to all employees, consultants, and other individuals involved in all accounting and financial statement preparation processes.

Wherever possible, written procedures will also be established and maintained by the CFO for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy.

1.3 Authority

Authority for the commitment of City resources, the initiation of expenditures, and the execution of agreements has been granted at various levels of management. The authorities themselves, and the procedures implementing the approval processes, are intended to ensure that the appropriate management level is involved in the decision-making process on a timely basis.

[Appendix A](#) contains additional information about the delegation of specified authorities.

Section 2: Revenues

2.1 Characteristics

The City will strive for the following optimum characteristics in its revenue system:

- Simplicity – The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient.
- Certainty – A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budget.
- Equity – The City shall make every effort to maintain equity in its revenue system; i.e., the City should seek to minimize or eliminate all forms of subsidization between entities, funds, services, utilities, and customer classes, and ensure an on-going return on investment for the City.
- Revenue adequacy - The City should require that there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to the cost of services, willingness to pay, and ability to pay.
- Realistic and conservative estimates – Revenues will be estimated realistically, and conservatively, taking into account the volatile nature of various revenue sources.
- Administration – The benefits of a revenue source should exceed the cost of levying and collecting that revenue.
- Diversification and stability – A diversified revenue system with a stable source of income shall be maintained. This will help avoid instabilities in two major revenue sources due to factors such as fluctuations in the economy and variations in the weather.

2.2 Other Considerations

The following considerations and issues will guide the City in its revenue policies concerning specific sources of funds:

- Cost/Benefit of incentives for economic development – The City will use due diligence in the analysis of any incentives that are used to encourage development. A cost/benefit (fiscal impact) analysis will be performed as part of the evaluation.
- Non-recurring revenues – One-time or non-recurring revenues should not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and not for budget balancing purposes.
- Property tax revenues – All real and business personal property located within the City will be valued at 100% of the fair market value for any given year based on the current appraisal supplied by the Coryell County Appraisal District. For budgeting purposes, the City will forecast the proposed property tax rate using the maintenance & operations (M&O) rate needed to fund the proposed budget, plus the interest and sinking (I&S) rate needed to fund tax supported debt service.
- Interest Income – Interest income earned from investments will be distributed to the funds in accordance with the equity balance of the fund from which the monies were provided to be invested.

- User-based fees and service charges – For services associated with a user fee or charge, the direct or indirect costs of that service will be offset by a fee where possible. The City will review fees and charges at least once a year to ensure that fees provide adequate coverage for the cost of the services. The City Council will determine how much of the cost of a service should be recovered by fees and charges.
- Enterprise fund rates – The City Council will serve as the governing body for the Utilities that make up the City’s Utility Funds. The City Council will review and adopt utility rates as needed to generate revenues required to fully cover operating expenses, meet the legal requirements of all applicable bond covenants and debt service coverages, funding for capital improvements, and to provide for an adequate level of working capital and fund balance reserve. Utility rates will be reviewed annually as part of the budget process. An external rate study will be conducted on a regular basis to review rate methodology, and to ensure revenues will meet future needs.
- Additionally, enterprise activity rates will include transfers to and credits from other City funds as follows:
 - General and administrative charges – Administrative costs should be allocated for general overhead services such as administration, finance, legal, human resources, and other costs as appropriate. These costs should be recovered in the form of a monthly transfer.
 - Franchise Fee - This fee will be assessed to each utility based on a percentage of water and sewer sales revenues. The fees should be recovered in the form of a monthly transfer.
- Intergovernmental revenues – All potential grants will be reviewed for any matching requirements and on-going long-term maintenance and operations expense and must be approved by the City Council and addressed in the adopted budget or amendments to the budget. Operational requirements (on- going costs) set up as a result of an awarded grant should be discontinued once the term and conditions of the grant have been completed unless City Council approves continuance of the program and related expenses.
- Revenue monitoring – Revenues will be regularly compared to budgeted revenues as they are received and variances will be investigated, and any abnormalities will be addressed in the monthly report to the City Council.
- Revenue reserve requirements – In the budget process, current excess fund balances for each fund carried-over from previous years will be reviewed and compared to the City’s desired level of available operating revenue reserves. The desired level of available operating revenue reserve is equivalent to three (3) months of operating expenditures. This desired level will also be reviewed during the budget process to ensure adequate reserves are available to cover unforeseen temporary downturns in revenue streams. The current fund balance policy is contained in Section 5.1.
- Revenue coverage requirements – The City may secure loans or bonds for infrastructure, maintenance, or other needs consistent with strategic goals. So long as these outside obligations are outstanding, the City shall set, establish, maintain, and collect such rates, charges, and fees to produce system revenues in an amount necessary to meet the debt service and revenue coverage requirements of the loan or bond agreements.

2.3 Cash Management

The City shall maintain a comprehensive cash management program to include the effective collection of all accounts receivable, the prompt deposit of receipts to the City's depository bank, the payment of obligations, and the prudent investment of idle funds.

Duties of City Departments

The department head of any City department who anticipates receiving cash for the City in the course of its activities shall:

- Assign the receiving of cash for the City only to those persons who have completed on-the-job training and are registered, or have been certified by the Finance Department for performing these functions;
- Collaborate with Finance to establish and maintain a system of procedures, documentation and reporting on receipt, handling and deposit of City cash by compiling information into a procedure manual which will be reviewed during Finance's on-site inspections;
- Notify the Police Department of any loss or theft of City Cash immediately upon discovery. Provide written notice to Finance no later than twenty-four hours after discovery;
- Allow Finance designee to make on-site inspections and observe the processing of City Cash, and to make inspections of departmental collection records; and
- Retain all City Cash backup documents according to the City's retention policy.

Banks

The establishment of bank accounts is authorized and administered by the CFO or the City Manager. The CFO has administrative rights for all bank accounts and manages the accounts. Bank accounts may only be established or closed by the City Secretary, the City Manager, or the current Mayor. The Finance Department may transfer funds between accounts on an as-needed basis. The City Manager, City Secretary, and the Mayor have check signing authority secured through the bank. This authority shall be reviewed annually and will be changed as soon as possible when there is turnover.

All bank accounts are maintained in financial institutions insured by the Federal Deposit Insurance Company (FDIC) and kept under the FDIC insurance limits unless there are protective agreements in writing in place with the bank.

Separate construction accounts are used to maintain and track loan fund proceeds intended for projects related to funds received from the Texas Water Development Board (TWDB).

Regulation of Deposits

Deposits shall be delivered to the Finance Department with the exception of the Police Department and the City Library. A finance staff member will collect deposits weekly from the City Library, and bi-weekly from the Police Department.

All other departments must deliver deposits to Finance between 8:00 a.m. and 10:00 a.m. daily, if total receipts are equal to, or greater than, \$500.00.

Deposit preparation by the Finance Department must occur daily and deposits must be sent to the bank the next business day.

Preparation of a Deposit:

- All departments making deposits will use a multi-part deposit/receipt book. The deposit/receipt record shall include two signatures (Finance and department verification).
- Deposit/receipt record should be filled out to reflect currency, coin and check totals, with a sum for these at the bottom. An adding machine tape, or equivalent report reflecting these totals should accompany the deposit slip to avoid the need for listing each check separately.
- All departments that collect City Cash for deposit shall submit a revenue report to Finance within twenty-four hours of the business date revenue was generated. All weekend revenue must be reported on Monday. The summary report will also have the following items to be considered complete: copy of deposit/receipt record (if cash was deposited), cash register Z tape, if a register is used, card and/or check software batch reports and departmental software report (if utilized).
- Errors regarding deposits found by Finance's review will not be corrected during deposit drop off. The depositing department personnel will return to their office to make necessary corrections alongside their supervisor. The corrected deposit shall be immediately returned to Finance.

2.4 Cash Receipts

The City shall maintain proper controls and cash handling procedures throughout all departments. Controls are required to safeguard against loss and to define responsibilities in the handling of cash. All departments receiving cash are designated as cash collection points. Cash may consist of currency, checks, money orders, credit card transactions, wires and electronic fund transfers.

Establishment & Increase of Cash Funds

All requests for the establishment or increase of cash funds must be made to the CFO or designee. The Finance Department (Finance) will maintain a complete spreadsheet listing of all cash funds. The department location, custodian and the amount of the cash fund are to be maintained in the listing.

A written correspondence from the department head or Manager requesting the establishment or increase of a cash fund shall be sent to the Finance department. The correspondence should explain the need for the establishment or increase of the fund. If approved by the CFO via email or memorandum, Finance will submit a check requisition to Accounts Payable for petty cash. A Finance designee will deliver cash to the requesting department. If denied, the CFO will provide a response memorandum to the department head or Manager.

No funds are to be established out of cash receipts by any department.

Upon establishment of a cash fund, a fund custodian should be appointed by the department's cash supervisor. Cash funds must have one fund custodian responsible for the disbursement of cash. In the absence of the fund custodian, the department manager or supervisor should make all disbursements from the cash fund.

Finance shall maintain a cash fund document to reflect all department's cash fund balances and reconcile it with the accounting system to reflect the starting balance.

Reduction & Termination of Cash Funds

The department head should notify the Finance Department designee in writing that a cash fund is to be reduced/closed and request that a fund review be performed prior to closing/reducing the cash fund. The correspondence shall outline the reasons for reducing/closing the cash fund.

The Finance Department will examine the cash fund and assist the department with preparing funds for deposit into the City's financial institution.

Any shortages or variances shall be investigated and resolved by the department head or Manager within one week of discovery. If the shortage or variance cannot be resolved, the department head or Manager shall provide a written explanation addressed to the CFO.

Upon completion of the cash examination, Finance will receive a copy of the documentation for their records.

The CFO, or a designee, with a copy of the documentation, will prepare a journal entry to decrease/close the cash fund. Finance shall update its cash fund document to reflect the reduction or termination.

Security of Cash Funds

Cash funds are to be maintained in locked safes, boxes, or cabinets. Access to these should only be accessible to Finance certified cash custodians. The safe, locked box or cabinet is to be kept in a secure area where only designated custodians, and the department cash supervisor or department head, have keys and/or combinations and access to the funds. Combinations on all vaults and safes should be changed as staff changes occur.

Security provisions should be made in departments where more than one cash fund exists, including funds that are not being utilized daily. Only the department cash supervisor or designated custodian should have access to an employee's cash fund in the event of their absence.

Regulation of Cash Drawer Funds

Cash drawers are to be maintained for the purpose of making change for customer transactions and are only to be used for this purpose. Cash drawer funds are not to be commingled with any other cash funds. No department may operate a cash drawer fund without prior approval from the CFO.

Due to departmental needs, some cash fund drawers may have more than one fund custodian during a single business day. The balancing process shall include a shift change document, which illustrates the balanced cash, card, and check drawer between each custodian in a single day. These documents must be backed up daily.

Maintenance of Cash Drawer Funds

- Each cash drawer fund should have one custodian responsible for the fund at any given time.
- Each cash drawer fund should be established as outlined earlier regarding the Establishment/Increase of Cash Funds.
- Cash drawer funds are not to be used as petty cash funds.
- City Cash may not build up in the fund. All revenue must be removed, balanced, and deposited as outlined in this document.

- Each cash drawer fund should be locked when the fund custodian is not present.
- The key to a locked cash drawer should remain on the premises with the department supervisor, if the fund custodian leaves the building.
- At the close of a batch, or end of day, the original or base cash drawer fund should be totaled, initialed, dated and stored with the funds in the safe by the cashier. A supervisor, or other cash handling certified staff member shall initial the record after verifying it as a witness.

Credit Card Security (PCIDSS)

The Payment Card Industry Data Secure Standards is governed by PCI (Payment Card Industry) Security Standards Council. This council is a global forum for the ongoing development, enhancement, storage, dissemination and implementation of security standards for account data protection.

All City Cash custodians, supervisors, managers and directors shall actively participate in the best practices of card handling procedures presented by both the Finance Department. Listed below are the most common practices for departments to follow in daily card acceptance.

- No card data is to be written down.
- No card data shall be kept on file.
- Non automated telephone card transactions must be authorized by the Finance Department as an acceptable practice. If approved, transactions must be completed while the customer is on the phone. Card data is entered directly into the City's approved software program.
- Departments that record telephone calls must stop recording when card payment data is provided to process transactions.
- No card data shall be entered, accepted or distributed via email.

The card environment is constantly changing therefore Finance has the right at any time to change, modify, or amend this section of the policy.

Cash Handling Certification

All newly hired full time employees who receive and handle City Cash in the scope and course of their employment and all supervisors who oversee the cash handling function shall complete the cash handling certification within six months of hire, or appointment as fund custodian or supervisor of any City Cash function.

A temporary/seasonal employee hired by Parks and Recreation, or Library must complete the mandatory certification training before handling City funds. The passing grade on an examination is 70. If an employee does not pass the examination, the employee will not be appointed to cash handling tasks until additional on the job training is provided in the areas of concern from the examination. The completed examination sheet shall be signed by the supervisor and maintained in their employee file.

2.5 City-Managed Services

The City maintains a number of services for the benefit of residents, businesses, and facilities.

Utilities

The City's utilities provide the infrastructure which enables the community to undertake its daily activities, and functions. Utilities are critical to the efficient and ongoing function of the City.

New utility connections are routed to the utility billing department for water, sewer and trash service. Trash service is provided by a third party. Commercial customers may need to contact the third party directly to start service if dumpster service is required. Small commercial customers may qualify for cart service. Required documents for new utility connections are found on the City's website.

Each utility department is responsible for managing their respective City's utilities. In addition, each utility department is responsible for the required reporting to the state. The Finance Department is responsible for managing utility payments, and receivables.

Rates and Charges

The City Council is responsible for approving all new rates and charges annually as part of the budget process.

The City performs utility rate studies using an external assessor every three years but may seek additional guidance dependent on prevailing economic conditions. Rate studies shall include in their consideration the repayment of any existing or planned loans or bonds.

Utility Bill Charges and Deposits

Charges for service include water, sewer, and trash service. Deposits and turn on fees are charged for all new connections without a letter of good credit from a prior utility. After one year of good credit, the deposit will be refunded. Refunds of the required deposits shall be made on the termination of service, less any amount owing to the City.

All charges and rates are set in the fee schedule found in Chapter 18 in the City of Gatesville ordinances.

Utility Bill Processing

The City uses a remote/automated reading system (AMR) for their water meter system. Most meters are read in this matter with a few exceptions which include large facilities, institutions, and water provided to water supply corporations.

Non-AMR meters are read manually by the Water Meter Reader. AMR meters are pulled from the system and are inputted into a shared drive by a Utility Billing Clerk. Reads remain in the shared drive until penalties are posted to late accounts by a Utility Billing Clerk. The Utility Billing Clerk is responsible for transferring the readings into the accounting system and for generating the meter register report.

The Utility Billing Clerk is responsible for pulling a meter read edit report to determine any usage anomalies, which shall be investigated by the meter reader, or other water distribution staff. The Utility Billing Clerk shall make the corrections to the accounts affected and initial the report once the findings have been resolved.

The Utility Billing Clerk is responsible for generating the utility bills, statement bills (multiple accounts for a single customer), and a bill calculation report. The Utility Billing Clerk shall send the billing information electronically to a third party for printing and mailing. Utility bill and statement bill calculations shall be reviewed, and any corrections from the reviews will be entered/completed by a Utility Billing Clerk. A letter detailing the correction shall be mailed to the customer by the Utility Billing Clerk.

The Utility Billing Clerk is responsible for generating the Texas Department of Criminal Justice (TDCJ) bill calculations, entering/completing any corrections from the reviews, and mailing the TDCJ bills.

Billing adjustments for less than \$50 are entered into the accounting system by one of the two Utility Billing Clerks. Once entered, a different Clerk approves and posts the adjustment packet in the accounting system. In cases where the adjustment exceeds \$50, approval from the department manager is required.

Final bills are processed weekly. The readings are put in every day for customers that move out. A packet is generated by the Utility Billing Clerk in the accounting system for the customers that are owed refunds. When the refund packet is ready, a finance representative shall print the refund checks to be reviewed and signed by two authorized signers.

The City provides wholesale water to surrounding water supply corporations. The City also provides water and sewer services to Fort Cavazos. Meter readings are provided to the utility billing clerks by the Water and Sewer Departments. The utility billing clerks enter the readings into the billing system and process the bills.

Required Reporting

Various reports for the utilities are required by regulatory agencies. Adhering to regulatory requirements and additional requirements imposed by loan and bond agreements is a priority. Technical reports are filed by the respective utility department and retained in accordance with appropriate record retention requirements.

Waste Management

Waste is managed by an outside vendor but financially managed by the City.

Municipal Court

The mission of the City's Municipal Court Department is to provide an accessible legal forum for individuals to have their court matters heard in a fair and efficient manner.

Citations

The City uses handheld ticket writers from a third party to issue electronic citations and are integrated with the City's case management system. Electronic citations are uploaded automatically to the case management system. Manual citations are only used when needed (i.e., equipment malfunction).

Manual citations shall be entered into the case management system by the Police Department staff. The Municipal Court picks up the manual citations after they are entered by the Police Department staff daily.

Once a citation is entered into the third party's public safety system electronically or manually, the record cannot be edited or deleted by anyone. After entry, these citations are uploaded from the citation software into the case management system twice a day.

Each officer's log of electronic and manual citations is reviewed monthly by a supervisor.

Case Management

Once a citation is issued, one of the Court Clerks shall prepare a jacket for each violation. All information regarding a case is contained in a jacket. Both Court Clerks are then responsible for preparing the forms and orders, based on the defendants' request. Once the forms and orders have been prepared, the file shall be provided to the Judge for review and signature of approval.

All payments, certificates, community service, and any other paperwork that is turned in is also put into each file. Both Court Clerks have the authority to post payments and file paperwork. The Court Clerks alternate their duties every two weeks. When a case is complete, the jacket is reviewed and signed by two signers, the Judge and a court representative, and sealed for storage.

Fines and Fees

Fines and fees due for each citation are automatically determined by the case management system and assessed to each defendant's case based on the violation committed. This determination uses fine and fee information stored in the case management software that is based on federal, state, and local statutory requirements.

The Court Clerks are each assigned one cash drawer, which is obtained from the City Hall safe at the beginning of each shift. The Court Clerks balance and batch out daily. All funds collected that day along with a register from the case management software shall be given to the Finance Department for review and verification. The Finance Department shall then include the Court funds in the daily deposit of all City funds collected.

Payments made by defendants online are reviewed and posted in the case management system each business day by a Court Clerk. The Court Clerks will also reconcile collections to payments recorded in the case management system daily. These reconciliations are included with the deposit, which is prepared by a Court Clerk and collected by the Finance Department to report daily collections.

Fines and fees collected in cash are deposited with the Finance Department the same day along with a signed deposit sheet. The Finance staff shall verify the cash and sign the deposit receipt.

Payment Plans

The Municipal Court Judge has authorized the Municipal Court Department staff to create payment plans for fines and fees owed on adjudicated cases, if requested by a defendant within certain parameters. The defendant may be granted a 30-day extension to pay the fine and monthly payment amounts may be set as low as \$40. If the case has not been adjudicated, the Municipal Court Judge must review and approve the request for a payment plan. The Court Clerk shall prepare the judgement order and file is given to judge to review and sign.

Refunds

Refunds are prepared by a Court Representative, who prepares the documentation and processes the refund in the case management system. Refunds may be based on a defendant's request or based on the Municipal Court Judge's order. A refund form with supporting documentation is submitted to the Finance Department for payment to defendants. Refund checks are processed by the Finance Department and shall be signed by two signers.

Delinquency

The City has contracted with a collection agency to assist with collecting delinquent payments from defendants. Delinquent cases are referred to the third-party after a warrant has been issued.

2.6 City-Managed Facilities

The City manages a number of facilities that take in payments. The airport, the library, the fitness center, city pool, and the ball fields all handle cash and other payments.

All facilities that manage cash at distributed locations must follow appropriate cash handling policies and procedures. All staff that handle cash must pass a cash handling training course and exam before taking up their duties. The completed exam shall be signed by their supervisor and maintained in their employee file.

Cash must be secured in a locked safe overnight. When cash amounts on site exceed \$500, all funds in excess of the start-up drawer amount for that site must be deposited that day (or the next business day on weekends). Regardless of amount, all excess cash amounts must be deposited weekly. Efforts should be made to collect cash from all facilities at the end of the month to ensure a timely monthly close.

Airport

The City-managed airport facility has transactions for fuel. In addition, there is lease income from hanger rentals.

Library

The library takes in minimal revenue related to items such as late fees and copier usage.

Fitness Center

The fitness center collects fees and provides limited concessions.

Ball Fields and City Pool

The ball fields collect entry fees and team sports fees. The city pool collects entry fees and has concessions that are internally managed. Concessions may be leased out to third parties or internally managed.

2.7 Receivables

All efforts will be made to achieve the timely collection of all Accounts Receivable. The City may maintain a relationship with a collections company and uncollectible debts may be turned over.

Accounts receivable shall be reconciled to supporting details on an annual basis and presented for review by the CFO. These reconciliations should be accompanied by a list of all delinquent accounts and accounts identified as write-offs. The CFO or their designee must approve all write-offs before they are sent to collections.

For utility accounts, late fees will be applied to all accounts that are not paid by the due date. The City will shut off utilities that have not been paid after the late payment period. Payment agreements may

only be established with the agreement of the department head. Hanger leases may be terminated for non-payment in accordance with lease agreements.

The CFO will monitor the monthly Accounts Receivable aging report and note accounts that have been reclassified as uncollectible. Revenues received will be compared to budgeted revenues by the CFO and any variances considered to be material will be investigated.

Allowance for Doubtful Accounts

The City establishes an annual allowance for doubtful accounts. The allowance is adjusted each year. This estimate is evaluated annually to ensure it remains an appropriate estimate for the City.

The CFO will review outstanding accounts receivable monthly. In general practice, accounts are deemed uncollectible sixty days after the meter has been shut off. Accounts that have been identified as write-offs will be debited from the Allowance for Doubtful Accounts annually as a part of the preparation and finalization of the financial statements.

Once a write-off has been processed, the City will maintain a master list of bad accounts. Customers listed on the write-off list will be allowed to establish a new account only if the back debt is paid. Account write-offs are bookkeeping entries only and do not release debtors from their obligations to the City.

2.8 Lease Agreements - Lessor

The City extends lease agreements for hanger spaces at the City-managed airport. Leases will be accounted for in accordance with current guidance provided by GASB and other relevant standard setting authorities.

Leases will be categorized based on the length of the lease inclusive of all options to extend. Leases that exceed 12 months in length and \$5,000 in value will be capitalized. The City will record the lease receivable as well as the leased asset. Measurement of the lease receivable should include the following, if required by the lease: fixed payments, variable payments that are fixed in substance, variable payments based on an index or rate, and any reasonably certain residual guarantees, residual value guarantee payments that are fixed in substance, and any lease incentives payable to the lessee.

2.9 Segregation of Duties

General guidelines for assigning duties in the Finance Department:

- To the extent possible, receiving cash, depositing cash, and record-keeping functions should be separated
- The duties of reconciling bank statements and making bank deposits should be separated

Section 3: Expenditures

The City maintains controls on expenditures to ensure compliance with the adopted budget, effective and compliant purchasing procedures, prompt payment of obligations, security of City staff, and responsible utilization of the City's resources.

A. Appropriations – The point of budget control is at the fund level budget for all funds. The Charter (Section 9.16) provides that the budget may be amended by the Council. The Charter (Section 4.01) provides that the City Manager prepares and administers the budget after adoption.

B. Purchasing – All City purchases of goods or services will be made in accordance with the City's current Purchasing Policy and in compliance with State law. The Purchasing Policy is maintained separately from the Manual and should be consulted for all purchases that exceed \$1,000.

C. Prompt payment – All invoices approved for payment by the proper City authorities shall be paid within thirty (30) calendar days of receipt of goods or services or the invoice date, whichever is later, in accordance with State law. The City will take advantage of all purchase discounts and early payment savings where possible.

D. Risk Management – The City will pursue every opportunity to provide for the Public's and City employees' safety and to manage its risks. The goal shall be to minimize the risk of loss of resources through liability claims with an emphasis on safety programs.

3.1 Cash Disbursements

The method of disbursement used for the payment of the purchase of goods and services includes: 1) payment by check; 2) electronic fund transfer or wire; 3) petty cash; and 4) purchasing card. When making disbursements for goods or services received it is important to verify that accurate payments for eligible costs are made to vendors in a timely manner, within 30 days of the receipt of an invoice. In addition, disbursement requires proper controls to assure that the expenditure of City funds is necessary, reasonable, and in line with departmental budgets.

This policy applies to all disbursements of the City.

Vendor Payments

The department heads are responsible for verifying the invoices provided by vendors for the received goods or services. All department heads have a stamp with vendor name/id, purchase order number (PO), general ledger account, signature line, and date. If a purchase order is used, the same stamp/approval process is used for receivers against the purchase order.

Once invoices have been approved by Finance, the invoice shall be entered into the accounts payable system, or receiver matched to associated PO, by the Accounts Payable Clerk. The Accounts Payable Clerk or the Utilities/Billing Clerk shall prepare and provide the checks to the CFO for review and approval. Once reviewed, the checks are sent out for a secondary review by authorized signatories. At least two signatures are required on checks. Once signed, the checks shall be returned to the Accounts Payable Clerk to complete payment.

Vendor payments by EFT are encouraged. EFT payments must be approved in advance by the appropriate department head for non-routine payments. A list of EFTs completed should be reviewed and initialed by the CFO.

Supporting documentation is always provided with checks and EFTs for review.

Once the checks and EFTs have been approved by the CFO and have been signed by two authorized signers, all documentation shall be scanned into a third-party digitization system for record keeping and audit purposes.

Check signing and accounts payable processing shall occur weekly.

Invoice Review and Expense Coding

Invoices are received or forwarded to the Finance Department upon receipt. On a weekly basis, the Finance Department will review invoices and:

- Confirms satisfactory receipt of goods or services.
- Ensure the presence and accuracy of supporting documentation.
- Enter invoice information into the accounting system by matching the associated PO.
- Prepare checks
- Present checks along with supporting documentation to two authorized signers.
- Scan the supporting documentation into the accounting system.

Check Signing Guidelines

The City Manager, City Secretary, and the Mayor have check signing authority secured through the bank. Signers shall not be in the Finance Department. Authorized signers should be reviewed annually to ensure they are up to date.

All other transactions at the depository bank (wires, ACH, etc.) require 2 separate approvers.

Vendor Payments by Wires or Other Payment Types

Any payment by wire or ACH debit must be pre-approved by Finance for non-debt payments.

Purchasing Card Statements

All credit card statements are reviewed by the Accounts Payable Clerk. Charges that cause concern are paid but may be charged back to the employee internally.

Voided Checks and Stop Payments

Checks may be voided due to processing errors by making proper adjustments in the accounting system and defacing the check by clearly marking it as "VOID". All voided checks are processed with the bank if a positive pay file has already been sent. The CFO or designee approves voids in the accounting system. A journal entry is auto generated, and if the check was printed, it shall be retained to aid in preparation of bank reconciliations.

Stop payment orders may be made for checks lost in the mail or other valid reasons. Stop payments are processed by the Finance Department with the bank. The CFO or designee approves voids in the accounting system.

Loan and Bond Payments

Principal and interest payments may be completed by wire transfer or EFT.

Accounts Payables Register

The Finance Department will review the Accounts Payable register at least monthly. Efforts must be made to communicate with all City staff to ensure that the Finance Department has received all outstanding invoices. All payments shall be made promptly, within 30 days of the receipt of an invoice.

Petty Cash

The City's petty cash is established to reimburse employees for minor expenses that are incurred for official City business. Petty cash disbursements are limited to \$100.00 or less per individual, per month, unless authorized by the CFO.

The City's petty cash fund is a maximum of \$500.00 should be adequately secured in a locked safe in the department with limited employee access. There is a designated Petty Cash Manager who monitors the fund, manages reimbursements and replenishments, and enters transactions into the accounting system.

Incidental expenses allowed through petty cash are car washes for City vehicles, miscellaneous county charges, and other minor, one time-purchases that may be handled on a cash basis if a city procurement card is not available, or card fees are excessive.

Petty cash may NOT be used for the following:

- An outside contractor's charges
- Reimbursable business expenses such as meals or travel arrangements
- Cashing personal checks
- Personal credit advances
- Cash advances
- Food purchases (unless approved by Finance in extenuating circumstances)

For details regarding the initiation of business expense reimbursement (such as travel expenses), please refer to the employee handbook and/or City policy and procedure manual. Payments to outside contractors should be handled through the normal purchasing process.

If an employee has a concern about a purchase, they should request a review by the CFO prior to purchasing.

Employees should request a petty cash disbursement within one week of purchase date.

Procedures:

- An employee who wishes to be reimbursed for a purchase must complete all information on the petty cash voucher. Petty cash vouchers should be written in ink to prevent alteration and be safeguarded by the Petty Cash Manager (Manager).
- Petty cash disbursements must be accompanied by receipts or other documentation. The Manager will disburse funds only if the proper documentation and approval is provided.

- In special circumstances when a receipt is not available, reimbursement from the petty cash funds for expenses incurred may be approved by the CFO with an accompanying lost receipt form.
- The Manager will verify the information on the receipt against the requested amount of cash before fulfilling the reimbursement request.
- The recipient will sign the petty cash voucher.
- After releasing the cash, the Manager will sign the petty cash voucher and attach the receipt to the back of the voucher.
- To keep track of all petty cash disbursements, the Manager shall complete the petty cash log for each reimbursement.
- On at least a monthly basis, the Manager will reconcile the petty cash fund to verify that remaining cash plus attached receipts equal the authorized petty cash amount. A second employee will confirm the reconciliation.
- After the reconciliation, the custodian will create a Journal Entry allocating the expenses to corresponding departments. The receipts and reconciliations are stored for review by the auditors. A check will be issued for the amount of cash needed to replenish the fund to its authorized amount. The check will be made payable to “Petty Cash” and be cashed by the Manager.
- Immediately after cashing the check, the custodian will replenish the petty cash fund, verify that cash equals the authorized amount, and receive secondary verification by the second employee.
- The CFO or designee will conduct periodic petty cash audits to ensure proper management of the fund.

Purchase Order Requisitions

The City utilizes purchase orders for expenditures over \$1,000, with some exceptions as authorized by the CFO. Guidelines and requirements for purchase orders are contained within the Purchasing Policy, maintained separately.

If a purchase order is entered in the system from an estimate, it must be adjusted once a final price has been determined. Purchase orders should be matched to invoices and any other supporting documentation. Any discrepancies must be investigated.

Bank Access

Bank access is restricted to specified personnel. Currently, the CFO and their designees may transfer funds or take other administrative actions. Only authorized check signers may add or remove accounts at the depository bank. Investment accounts are managed as directed by the Investment Policy.

3.2 Vendor Management

Approved vendor lists are not currently utilized by the City. When a new vendor is used, a W-9 should be requested by the purchasing department head while requesting a PO. These forms are filed and maintained electronically.

Each year the CFO or their designee should review the vendors list in the accounting system and review the W-9s for active vendors. Vendors that have not been used for at least three years should be marked as inactive.

Long-term vendor relationships

The City utilizes some long-term vendor relationships and contracts. All major long-term vendor relationships should come under review at least every five years. Auditors should be rotated at least every five years.

Vendor reviews should include:

- Review of previous performance
- Any changes in services required based on changing City needs
- Continuing need for the services
- Review of costs and competitiveness
- Whether the vendor will continue to have the capacity for the required services for the foreseeable future
- Compliance with contracts if any were in place
- Depending on services, consideration of whether this relationship should go out to bid

Current contract reviews should be completed annually and should include:

- Confirmation of primary individuals managing the relationship on each side
- Review of previous performance
- Review of completion of contract deliverables
- Meeting with the vendors to discuss previous year's performance and plans for the next year
- Gathering information relevant to budget decisions for the coming year
- Request for information on long-term planning relevant to the budget (such as capital maintenance, large expenditure forecasting, etc.)
- Review of communications map specifying who should be included on all communications

Results of these reviews should be documented internally and presented to the City Council.

Vendor requirements

Vendors must provide copies of all reporting made on behalf of the City

Contracts should specify and vendors should provide detailed invoicing preferably including:

- Current and total-to-date expense reporting if applicable
- Budget-to-actual reporting if applicable
- Dates of service and detail for nonroutine items
- All supporting documentation for expenditures should be attached

Federally funded or loan-related vendor procurements

All procurements will follow the guidance in the City's Purchasing Policy. Prior to selecting any contractors or vendors, the City shall ensure that the contractor or vendor is not listed on the federal Excluded Parties List System and is not suspended or debarred by either the State or the Federal Government. Vendor procurement will be in compliance with applicable state and federal regulations and requirements.

3.3 Purchasing Cards

The City provides specified individuals and or departments with purchasing cards for low value maintenance, repair, operational expenses, and travel costs incurred in the normal course of business.

Authorization for the issuance of credit cards is granted by the CFO. Cards are paid in full each month.

All employees receiving a credit card or utilizing a travel Pcard, must review all credit card policies and sign an acknowledgement that will be maintained in their employee file.

Controls

The Purchasing Card Program uses internal management controls to manage and audit the process to ensure that procedures are followed. The controls may be implemented individually for each person with a card. The CFO makes the final determination on limits for each card. Several reports are available to the City for auditing and monitoring purposes.

Different limits can be set for each person, such as:

- Number of purchasing card authorizations allowed per day
- Number of transactions allowed per 30-day cycle
- Single purchase limit
- Spending limit per 30-day cycle
- Limit to certain NIGP codes (i.e., office supplies, travel, electrical supplies, etc.)

If limits are exceeded, transactions will be rejected when the merchant attempts to process them.

In addition to the above limits, all cards will be blocked at certain types of merchants. Some examples are: liquor stores, convenience stores, bars and lounges, adult entertainment facilities, etc.

Eligibility

Designated cardholders will be employees empowered by their department head to:

- Make purchases for the department/division.
- Must keep accurate receipts and transaction records of all purchases.
- Submit purchase transaction records to the online system.

Guidelines for Use

Acceptable Purchasing Card Uses

Purchasing Cards may be used for small dollar purchases that do not exceed the single purchase limit per transaction and a 30-day cycle limit (individual to each card and disclosed to the recipient).

Acceptable purchase items include items used in the normal course of business like:

- Books and magazines
- Memberships and subscriptions
- Maintenance, repair and operational expense items
- Supplies, small tools

Unacceptable Purchasing Card Uses

Purchasing Card purchases are not to be split into two or more smaller purchases to circumvent the set single purchase limit.

Purchasing Cards are not to be used for the purchase of items that exceed the pre-set limits.

Purchasing Cards are not to be used for such items as:

- Capital outlay items (Over \$5,000 with a 1-year life expectancy)
- Unbudgeted goods, supplies and/or services
- Hazardous materials or supplies
- Alcohol
- Entertainment
- Personal or professional services
- Services where a potential liability may exist and requires insurance and/or bonds
- Products or services which require the approval of another individual
- Fuel operated mechanical equipment
- Computer and communication services

Consequences for Failure to Comply with Program Guidelines

- Temporary or permanent revocation of card
- Disciplinary measures that may include termination and legal action.

Use of a City Purchasing Card for personal purchases, cash advances or cash refunds is strictly prohibited and may result in termination of employment and criminal prosecution.

General Instructions

Obtaining a Card

The card will be sent to the Finance Department who will then issue the card after the employee has read the regulations and signed the corresponding forms.

Each authorized Purchasing Cardholder will be assigned a unique account number and a Purchasing Card will be embossed with the employee's:

- Account number
- Name
- City of Gatesville and Tax ID

Cardholder Duties and Responsibilities Include:

- The Purchasing Card is to be used for city business only. No personal use! Personal purchases will be considered misappropriation of municipal funds, which constitutes a criminal offense and must be referred to the City Manager and Human Resources.
- Cardholders are accountable and responsible for their purchasing card.
- Cardholders are responsible and accountable for adherence to the established per transaction and per 30-day cycle limits set for their card.

- Cardholders are responsible for ensuring the appropriate person signs for purchasing card purchases.
- Cardholders are accountable for the physical receipt of the merchandise.
- Maintain cards in a secure location. Cardholders are responsible for ensuring cards are kept in a secure area when not in use. Ideally you should keep your card on your person with your personal cards, not left in an unlocked desk drawer.
- Fraudulent use or misapplication of the card. Cardholders are responsible for reporting immediately any fraudulent use or misapplication of the card to the Finance Department.
- Purchasing Card dispute resolution. Cardholders are responsible for immediately investigating any disputed charges and invoking the disputed charge procedures when necessary.
- Lost or stolen credit cards. Cardholders are responsible for immediately notifying the issuing bank, their department head, and the Finance Department if a card is lost or stolen.
- In case of a return, cardholders are responsible for coordinating returns directly with the supplier.
- The Card is intended to complement the existing city purchasing processes, not replace it.
- Cardholders must log all purchases/transactions as you make them so you can verify your billing statement. Additionally, each item on a transaction will need to be coded to the appropriate expense account.

Making a Purchase

When making a purchase via the Purchasing Card, the cardholder is to:

- Call or visit the most competitive vendor available within reasonable travel distance. department heads are responsible for establishing internal policy.
- Obtain the best possible price; many vendors offer government discounts. Remember the City is exempt from sales tax. The merchant should be reminded that sales tax should not be included in the transaction. If sales tax is included, it is up to the cardholder to have the merchant remove the tax and/or issue a credit. If sale tax is charged, the cardholder shall be personally held responsible.
- Determine what you need to purchase and present your Purchasing Card to the vendor. For mail or phone orders, provide your card number as requested.
- Verify the charges (and that we are not charged tax) and sign the receipt. If the receipt does not identify what each amount is for, write it on the receipt. Be Specific, unidentifiable nomenclature must be clarified.
- You should receive a charge card receipt, and possibly a cash register receipt. Keep them! You'll need them at the end of the billing cycle. If the order was placed by phone, you may not get a receipt – that's OK. Note on the log sheet that the order was placed by phone or mail.
- Have supplier ship according to terms. F.O.B.: Destination, seller pays for freight, even though we may have shipping and handling as part of the total cost charged to the card.
- **IMPORTANT** Give the supplier your address, department name and username. Make sure the supplier incorporates this information on the shipping label if material is to be shipped. If there is a choice, have the invoice sent to the Finance Department.
- Confirm pricing and tax-exempt status. Ask the supplier to enclose a copy of the sales slip with each shipment, listing price per item and other applicable charges.
- Log the order on a Purchasing Card Transaction Log

- Ask the supplier to immediately process the credit card authorization with the Bank.
- Several things to remember:
 - Competitive bidding is not required for items under \$1,000 but you should strive to obtain the best value.
 - Log each transaction.
 - Purchasing Card purchases must be signed by the appropriate cardholder.
 - The signed Purchasing Card sales receipt will serve as the receiving document.
 - Remember that we **do not pay sales tax.**
 - Call the Finance Department if the vendor requires a tax exemption certificate.

Purchasing Card Management

Purchasing Card Transaction Log

Cardholders are to utilize the Pcard transaction log on line.

Purchasing Card Record Keeping

It is each cardholder's responsibility to:

- Maintain accurate purchase transaction information on the Purchasing Card Transaction Log, as mentioned above.
- At the end of each 30-day period, the servicing bank will send each cardholder's Activity Statement detailing charges billed during the month to the Finance Department. The Finance Department will forward it to the cardholder. The cardholder is to:
 - Review the monthly credit card statement for any discrepancies.
 - Obtain approval for payment from department head or authorized supervisor.
 - Attach original vendor cash register receipts, credit card receipts and invoices to the credit card activity statement in the same order as on the activity statement.
 - If a receipt has been lost, the cardholder is to attach a signed Lost Receipt Report containing the required purchase transaction information (see Attachment).
 - Attach credit card activity statement and vendor receipts to the Purchasing Card Transaction Log. Any differences are to be explained in writing.
 - Retain a photocopy of the credit card activity statement and the Purchasing Card Transaction Log for your departmental records.
 - Forward complete statement and original receipts to the Finance Department within the timeframe requested on your statement.

Department Purchasing Card Management Responsibilities

Cardholder Credit Card Activity Statement Review and Payment Authorization

Cardholders are to review and their reconciled monthly credit card account utilizing the online system.

Failure to ensure your account is reviewed and updated online on time may result in loss of Purchasing Card privileges.

Inappropriate Purchasing Card Purchases

These charges are not the responsibility of the bank or the vendor. The vendor will be paid and the department budget charged unless the cardholder returns the merchandise and the vendor agrees to take it back and issue a credit.

The cardholder's supervisor is to review the employee's usage of the purchasing card and is responsible for ensuring the cardholder conforms to the Purchasing Card usage guidelines and City purchasing policies. **Inappropriate usage of the Purchasing Card by the cardholder shall be addressed by appropriate disciplinary measures.**

Purchasing Card Cancellation

Cancellation may be handled by a cardholder's department head by taking the Purchasing Card from the employee and forwarding the Card to the Finance Department along with a request to cancel the card.

Changes in Employment Status

Promotion, transfer, etc.

If a cardholder changes departments, please contact the Finance department. Each card is electronically coded with the appropriate funding and supervisory information associated with the cardholder. This affects which department pays for purchases and who receives which reports.

Resignation, termination, etc.

If a cardholder's status with the City changes in such a manner that he/she is no longer an employee of the City, their Card must be turned in to the Finance Department and their Card account must be closed. It is the supervisor's responsibility for taking the Card from the employee and sending it to the Finance Department. It is recommended that terminating employees turn their Purchasing Card into their supervisor at least one (1) week before leaving, along with updating their Purchasing Card Record and purchase receipts. **IMPORTANT:** This cancellation must be in writing. Department heads are responsible for this action and for sending a copy to Finance.

Returns, Credits, and Disputed Items

What if there is an error on the statement or other problems?

In the case of an exception or disputed charge, you should first contact the supplier. Most exceptions or issues can be resolved between the cardholder and the supplier. If you cannot reach an agreement with the supplier, the next step is to contact the Bank at their customer service center (number is on the back of the card). Nearly all exceptions can be managed using these two steps. If you are unable to obtain an acceptable resolution, you should call the Finance Department.

Disputed Purchases

If after the cardholder audits the statement, he/she determines some charges are disputable, he/she will immediately investigate these charges to determine if any abuse has occurred or if the charges are valid. If an extended investigation is necessary, the cardholder shall notify the vendor and invoke the disputed charge procedures. Anyone suspecting fraudulent use or misapplication of the Card should report this immediately to the Finance Department and the department head.

Questioned Items

All questioned items must be communicated to the issuing bank within sixty (60) days of the billing cycle date. Should a copy of the sales draft be required, a fee will be charged to the cardholder's account when the draft is forwarded to the City/cardholder.

During the investigation of questioned items, credits will be issued to the cardholder's account for the amount questioned and associated transaction fees. Upon completion of the investigation, the

cardholder will be notified of the resolution. For disputes not settled in the cardholder's favor, the account will be charged for the disputed transaction amount.

Disputed Charges Procedures

- A. Cardholder attempts to resolve disputes (or returns) directly with the vendor.
- B. If unsuccessful, cardholder sends a completed Statement of Questioned Items Form to the Bank within 60 days of the billing cycle. Send a copy to the Finance Department. Should a copy of the sales draft be required, a fee will be charged to the cardholder's account when the draft is forwarded to the City/cardholder.
- C. After the dispute has been resolved, cardholder verifies the monthly statement that the appropriate charges have been removed and credited (or charged) to the account.

Returned Merchandise

If a cardholder returns merchandise obtained with a Purchasing Card to a merchant, the cardholder is to obtain a credit against the Purchasing Card. Cash reimbursements are not allowed.

In the event there are returns, the cardholder is to check the subsequent bank Activities Statement for the credit and attach the credit slip to the statement when processing payment. If a credit slip was not obtained, the cardholder is to attach a written explanation of the return. If a credit does not appear by the second subsequent statement, the cardholder is to contact a designated bank representative.

Purchasing Card Security

The purchasing card should always be treated with at least the same level of care that you treat your own personal credit cards.

Storage of the Purchasing Card

Keep your Purchasing Card in an accessible but secure location. Since the cardholder should be the only one using the card, it only needs to be accessible only to that individual.

Account Number

Guard the Purchasing Card account number carefully. Do not post it at your desk or write it in any other place that is easily accessible by others.

Audit

The cardholder is responsible for verifying and sending an accurate (approved) bank Activity Statement and Purchasing Card Record to the Finance Department in a timely manner (within one week of receipt). Failure to provide timely statements will result in termination of card privileges.

Prior to the payment processing, cardholders will forward all Purchasing Card purchase records to the Finance Department for review of cardholder purchases to determine:

- Purchase trends indicating the need to bid and establish annual contracts for repetitively obtained goods and services.
- Purchases that exceed the established per transaction ceiling or exceed the designated per month expenditure limit (Card usage violations).
- Monthly or multi-months purchase trends, which may indicate split Purchasing Card purchases to circumvent competitive quoting/bidding requirements.

3.4 Capital Expenditures

Capital Outlay

Capital outlays shall be expensed out of capital accounts or a specified fund as they occur. Purchases of capital items shall follow the City's Purchasing Policy. If the purchasing department head is unsure if an item is a capital purchase, they shall ask the CFO, or member of the Finance department for the appropriate account when requesting a PO.

At the fiscal year end, the CFO shall review the trial balance for any capital items or expenses recorded in non-capital ledgers. After review, any entries shall be made to correctly classify the expenditure before the final trial balance is submitted to the auditors by the CFO.

Fixed Asset Record Keeping and Reporting

For purposes of budgeting and accounting classification, the following criteria must be capitalized:

- The asset is owned by the City
- The asset must be tangible
- The expected useful life of the asset must be longer than one year, or extend the life on an identifiable existing asset by more than one year
 - Useful life will be established based on available sources such as the Internal Revenue Service, or other acceptable sources that are in accordance with GAAP.
- The original cost of the asset must be at least \$5,000
 - For new purchases, all costs associated with bringing the asset into working order will be capitalized as part of the asset cost. This includes start-up costs, engineering or consultant type fees as part of the asset cost once the decision or commitment to purchase the asset is made.
 - Asset improvements will be capitalized when they significantly extend the original life of an asset or when they make the asset more valuable than it was originally. The replacement of assets components will normally be expensed unless they are of a significant nature and meet all the capitalization criteria.
- On-going repairs and general maintenance will not be capitalized
- Land purchases should be capitalized
- Assets not meeting the above criteria will be expensed in the period in which they were purchased or added.
- Capitalization decisions will be reviewed for reasonableness by the CFO

Contributed capital

Infrastructure assets received from developers, or as a result of annexation will be recorded as equity contributions when they are received. The CFO shall be notified of any potential contributions by the Planning Director, or City Manager. Any contributed capital shall be recorded in the fixed asset system and related general ledger entries by the CFO.

Distribution systems

All costs associated with public domain assets, such as streets and utility distribution lines will be capitalized in accordance with the capitalization policy. Costs should include engineering, construction and other related costs including right-of-way acquisition.

Section 4: Assets and Liabilities

4.1 Fixed Assets

Asset Management

Fixed (Capital) Assets - The Finance Department is responsible for ensuring that fixed (capital) assets are reasonably safeguarded, properly accounted for, reported, and capitalized in accordance with GAAP, and prudently insured against loss.

Fixed assets are monitored and maintained by the appropriate department heads. The CFO and the City Secretary maintain asset lists for insurance, overview, and audit purposes. The City Secretary manages insurance on all relevant assets and must be notified of all asset acquisitions and disposals.

New purchases

In general, department heads are responsible for forecasting and including fixed asset purchases, improvements, and major maintenance in their annual budget requests.

Improvements and replacement

Repair or replace decisions should be based on comparisons of new purchase to repair costs, the longevity of repair effectiveness, other potential repairs pending on the asset, and, if repair is selected, a preferred extension of the usable life of at least two years. In cases where costs far exceed budget estimates, the City Council may be consulted. High-value equipment should be reviewed by the department heads on an annual basis to evaluate the cost of continuing maintenance versus the sale and purchase of replacement assets.

Department heads must review in advance any decisions to repair assets that are anticipated to near or exceed \$5,000 with the CFO.

Reporting and inventory

The Finance Department will maintain the permanent records of the City's fixed assets, including description, asset classification, cost, department of responsibility, date of acquisition, depreciation and expected useful life. Responsibility for safeguarding the City's fixed assets lies with the department that has been assigned that asset.

When an asset leaves a department's responsibility due to disposition, sale or transfer, the assigned department is responsible to report the change in status or location to the Finance Department.

During preparation of the financial statements, the CFO will review transactions that exceed the capitalization limit for the City to ensure that all capitalizable transactions have been captured. Department heads will review the list of fixed assets under their responsibility and update the list's accuracy and the assets' condition.

Lease agreements

GASB Statement 87 requires the following reporting of leases greater than 12 months (including all possible options to extend). A lease is defined as a contract that conveys control of the right to use

another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction.

Disposal of City-Owned Personal Property, Materials, and Equipment

Department heads must notify the CFO and the City Secretary when fixed assets are deemed ready for disposal. In addition to fixed assets, the City must manage surplus property. The transfer, donation, or sale of City property shall be administered in compliance with state law and this policy.

The Finance Director shall establish guidelines for and shall be responsible for the management of:

- (a) The transfer of surplus property and operation of the surplus property program.
- (b) The sale or disposal of surplus, worn, scrap, obsolete, excess, damaged, abandoned, unclaimed, lost and confiscated property by competitive sale or other authorized method.
- (c) The trade-in of surplus property for purchase of new equipment.

The City may utilize third party consultants to determine authenticity or market value of any commodity. The department responsible for the commodity shall consent to and pay for the third-party appraisal.

Methods for Disposal

The CFO shall determine the most appropriate disposition method for personal property, City-owned materials, and equipment. Options for disposal are as follows:

- 1) De Minimis - Items that have an estimated market value of \$100 or less, as determined by the CFO and the department head, may be donated to a nonprofit corporation or other governmental entity for use in providing services benefiting the residents of the city, or may be destroyed. Such items may be donated or destroyed only if, in the reasonable opinion of the CFO the cost of maintaining the item in inventory and the probable cost of attempting to sell the item exceed the market value of the item. These disposals do not require the approval of City Council.
- 2) Transfer between City Departments- Excess or obsolete City-owned personal property that is no longer required by one City department (sending department) can be transferred either to another group within the same department or to another City department in need (receiving department). If the original cost of the equipment is over \$5,000, the department head shall notify the Finance Department, so the fixed assets records will reflect the appropriate change(s).
- 3) Transfer to Another Governmental Entity - Any transfer by the City of City-owned personal property to another governmental entity, except through the auction process, shall be pursuant to an Interlocal Agreement approved by the City Council if in excess of \$500.
- 4) Public Sale, Trade-in, Donation, Destruction or Returned for Credit – If the item is no longer of value to the City, the department head is authorized to sell, trade, donate, scrap or return the item for credit. The option selected should prioritize the best overall value for the City. The following methods of disposition are available:
 - a) Public Bid, Sale or Auction - A sealed bid, public auction (sale) held on site, at a City facility, or on-line and conducted by an auctioneer licensed by the State of Texas. The

guidelines of LGC 253 and 272, for competitive bidding or public auction, shall be followed.

- i) For City-owned personal property items having a value less than \$500, the sale may be made at an advertised location where members of the public may purchase the item. Exceptions for items used in law enforcement may be made at the discretion of the Chief of Police for resale to internal officers.
- ii) Property may be disposed of through the sealed bid process and sold to the highest bidder, unless rejected by the using department.
 - (1) All items are to be sold to the highest bidder unless pricing is determined by the owning department to not be sufficient. In this instance, the City may refuse the bid and hold the item(s) for sale at another time.
 - (2) After determining the time and place for a public auction, the department head shall give notice of the auction by advertising in the official newspaper of the City at least once a week for two consecutive weeks. The date of the first publication must be at least 14 days prior to the date of the auction and the second publication must be no sooner than 7 days prior to the auction or posting on the City website for a period of 10 days prior to the auction.
- b) Trade-In - Offer the property as a trade-in for new property of the same general type if the owning department considers that action to be in the best interest of the City. If determined necessary to determine "fair market value", the CFO may employ outside resources to make such determination. In all instances, best value for City owned property will be achieved and properly documented by the CFO and credit shall be applied to the appropriate department.
- c) Donation - Dispose of the property by donating it to a civic or charitable organization or another governmental entity, if allowed by law. However, in such case, City Council approval will be necessary if the item has value of more than \$500.
- d) Destruction - The department head may order any of the property to be destroyed or otherwise disposed of if the replacement value is less than \$100 and is not considered in good working order, the City attempts to sell the property and receives no viable offers, or it is determined to be scrap material(s).
- e) Scrap: City owned personal property which has been found to be damaged, destroyed, or in any other way having no recoverable value will be accumulated and disposed of in accordance with existing scrap metal/refuse contracts or as otherwise directed by the CFO.
- f) Returned for Credit - Excess or obsolete City-owned property may be returned, if possible, to the vendor from which the property was originally purchased. Prior to such return, department staff, directors, and officers shall coordinate this action with the CFO, to ensure credit has been fully received, documented, and reported to the Finance Department.

Disposal of Abandoned Property

Disposition of abandoned or unclaimed property seized by a government entity, officers, or employees must be conducted in accordance with this policy, Texas Code of Criminal Procedure, and in compliance with Texas Transportation Code, Chapter 683. Equipment deemed appropriate for retention will be in accordance with state law (i.e., confiscated equipment by the Gatesville Police Department).

Purchase by Officers and Employees

An officer or employee of the City, who recommends and/or authorizes the sale of materials and equipment for their department, shall not, directly or indirectly, submit a bid for, purchase or acquire ownership of that department's property. An officer or employee of the City shall not, directly or indirectly, submit a bid, purchase, or acquire ownership of "impounded property".

Disposition of Federal and Grant Funded Assets

No disposition of federal or grant funded assets will be initiated unless it is allowable in accordance with the guidelines outlined in the Office of Management and Budget (OMB) Circular A-102 (revised), 2 CFR §200.313, and the Uniform Requirements for Grants and Cooperative Agreements with State and Local Governments, subject to the specific guidelines of the grantor agency. Additionally, no disposition of federal or grant funded assets will be initiated unless the grant's manager and the department head managing the asset have recommended such disposition.

If proceeds result from the disposition through sale of grant funded property, the CFO, working with the department head, will ensure that proper notifications are provided to, and instructions and approvals obtained from the grantor agency concerning how proceeds are to be handled. Depending upon the grantor agency or source involved and the dollar level of the proceeds, funds may or may not need to be returned or credited to the grantor agency or source. Where possible and allowable upon the closing of a grant, the City will seek to transfer the property to another allowable grant in lieu of sale or other disposition method.

Disposition of Items Funded with Bonds

The disposition of bond funded assets will be communicated to the Finance Department in advance of disposal. If proceeds result from the disposition of bond funded assets, the department head shall provide a full accounting of such proceeds to the Finance Department.

Transfer of Ownership of Certain Emergency Vehicles

In accordance with Texas Transportation Code 728.021, emergency vehicles must have vehicle equipment removed, including lights, sirens or devices which only an authorized emergency vehicle may be equipped with, and must remove or obliterate any emblem or marking on the vehicle that identifies the vehicle as an authorized emergency vehicle. This statute doesn't apply if the City is transferring ownership to a person who holds a license as an emergency service provider, who is in the business of buying and selling used vehicles in this state and who specializes in authorized emergency vehicles, or who operates in a foreign country.

4.3 Inventory

The City maintains physical inventory for its water, street, fleet, and airport fuel departments.

Department heads are responsible for safeguarding the inventory in their control and use a combination of physical security measures and monitoring. A physical count is performed annually as of September 30 as part of the preparation of the City's financial statements.

The inventory shall contain an itemized listing, and prices paid per unit. The CFO shall make entries adjusting the asset ledger for inventory in the related fund, and the related materials and supplies ledger account as part of closing entries. The inventory counts are reported to the Finance Department. Inventory is valued based on current market.

4.3 Investments

The City Council has formally approved a separate Investment Policy that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code. This policy is reviewed and updated annually by the City Council and applies to all financial assets held by the City.

- A. Objectives – The City's investment program will be conducted in accordance with the Investment Policy to accomplish the following, listed in order of priority (unless such other priority may be required from time to time by applicable Texas law):
 - Safety of principal invested;
 - Liquidity and availability of cash to pay all obligations when due;
 - Yield of the highest rate or return consistent with the investment policy;
 - Diversity to eliminate the risk of loss due to overconcentration of investment in a single investment vehicle.
- A. Safekeeping and Custody – Investments may only be purchased through brokers/dealers who meet the criteria as detailed in the investment policy, which also addresses internal controls related to the investments.
- B. Standard of care and reporting – Investments will be made with judgment and care, always considering the safety of principal and the probable income to be derived. The CFO, designated as the City's Investment Officer, is responsible for the overall management of the investment program, and will ensure that all investments are made in compliance with the investment policy. A report on the status of the City's investments will be presented to City Council quarterly.
- C. Compliance with Texas Law – All investment policies and practices of the City shall at all times comply with the Texas Public Funds Investment Act (Chapter 2256, as amended, Texas Government Code), specifically including (but not limited to) annually reviewing its investment policy.

4.4 Lease Assets and Liabilities

Lessee Accounting

As an asset, the Finance Department will record the value of the lease liability plus any prepayments and initial direct costs that are ancillary to place the asset in use.

As a liability, the Finance Department will record the present value of any future lease payments, which includes: fixed payments, variable payments that are fixed in substance, variable payments based on an index or rate, and any reasonably certain residual guarantees, amounts that are reasonably certain of being required to be paid by the City under residual value guarantees, and the exercise price of a purchase option if it is reasonably certain that the lessee will exercise that option, payments for

penalties for terminating the lease, if the lease term reflects the lessee exercising (1) an option to terminate the lease or (2) a fiscal funding or cancellation clause, any lease incentives that reduce the amount a lessee is required to pay for a lease, any other payments that are reasonably certain of being required based on an assessment of all relevant factors.

The principal portion of the payment will reduce the lease liability and the interest portion will be recorded as an interest expense. Leases that are greater than a year and over the \$5,000 threshold for capitalization shall be capitalized.

Lessor Accounting

The Finance Department will record the lease receivable, as well as continuing to record the leased asset as such.

As a deferred inflow, the City will record a lease receivable in addition to any cash that is received up front that relates to a future period. Measurement of the lease receivable should include the following, if required by the lease: fixed payments, variable payments that are fixed in substance, variable payments based on an index or rate, and any reasonably certain residual guarantees, residual value guarantee payments that are fixed in substance, and any lease incentives payable to the lessee.

Financial Statement Presentation

The accounts described above will be included in the financial statements. For the City as lessee, the intangible asset will be included as a component of capital assets and the lease liability, if not previously reported, will be included in the long-term debt/liabilities footnote. For the City as lessor, the lease receivable and offsetting deferred inflow of resources will be new components of the Statement of Net Position.

Section 5: Funding

5.1 Fund Balance

The purpose of this policy is to establish a key element of the financial stability of the City by setting guidelines and parameters for fund balance of the various funds used by the City. Unassigned fund balance is an important measure of economic stability, and it is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. Advantages of a fund balance policy are as follows:

- Enhances the quality of decisions by imposing order and discipline.
- Promotes consistency and continuity in decision making.
- Demonstrates a commitment to long-term financial planning objectives.

The following fund balance policy was adopted July 27, 2021:

Definitions:

Fund Balance – An accounting distinction is made between the portions of fund balance that are spendable and non-spendable. These are divided into five categories:

1. Non-spendable fund balance – this can include amounts that are not in spendable form or are required to be maintained intact. Examples are inventories and endowments/principal of a permanent fund.
2. Restricted fund balance – includes amounts that can be spent only for the specific purposes stipulated by external creditors, grantors, or contributors either constitutionally or through enabling legislation. An example includes grants.
3. Committed fund balance – includes amounts that can be used only for the specific purposes determined by a formal action by the City Council. Commitments may be changed or lifted only by the City Council. An example would be a General Revenue-dedicated Fund.
4. Assigned Fund Balance – comprises amounts intended to be used by the City for specific purposes. Intent shall be expressed by the City Council or if the Council delegates the authority, the City Manager. Assigned Fund Balance represents the amount that is not restricted or committed. Such assignments cannot exceed the available fund balance in any fund.
5. Unassigned Fund Balance – the residual classification for the General and Enterprise Funds and includes all amounts not contained in other classifications. Unassigned amounts represent the City of Gatesville’s “Rainy Day Fund” and are technically available for any purpose.

Fund Balance Policy

Committed Fund Balance

City Council action, in the form of a resolution, is required to establish, modify, or rescind a fund balance commitment. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made.

Assigned Fund Balance

The City Council has authorized the City Manager as the official authorized to assign the fund balance to a specific purpose as approved by this policy.

Target Unassigned Fund Balance

The City’s goal is to achieve and maintain an unassigned fund balance in the General fund equal to 25% and in the Water & Sewer Fund equal to 25% of budgeted operating expenditures. In the event the fund balance is calculated to be less than the policy stipulates, the City shall plan to adjust expenditures to restore the balance.

Appropriation of Unassigned Fund Balance

To reduce the Unassigned Fund Balance below 25%, there must be Council approval. If a disaster causes significant reduction in city revenues, the fund balance could be reduced below 25% to provide funding to maintain city services at their pre-disaster levels. The fund balance may be used this way until revenues recover.

Reserve Mandate

There shall be maintained in the budget a maximum annual 3% General Fund Reserve. This reserve is mandated by the City Charter as a contingent appropriation and may be used on emergency or unexpected expenditures. It also can be used to prevent a reduction in the fund balance below 25%.

Replenishment of Fund Balance Reserves

If the unassigned fund balance falls below 25% or if it is anticipated that at the completion of any fiscal year, the projected fund balance will be less than the minimum requirement, the City Manager shall prepare and submit a plan to City Council to restore the required level. The plan shall detail the steps necessary for the replenishment of the fund balance as well as an estimated timeline for achieving such, not to exceed five years. In the event the fund balance is calculated to be less than 25%, the maximum 3% contingent appropriation, as mandated by the City Charter, may be used to replenish the fund balance.

Accumulation of the Fund Balance

The unassigned fund balance may be allowed to accumulate above the 25% target to accommodate operating and unexpected capital expenses. It is not recommended that the unassigned fund accumulate above 33%.

Excess of Reserves

In the event Reserves exceed the minimum balance requirements, at the end of each fiscal year, any excess Reserves may be used in the following ways:

1. Increase the pay-as-you-go contributions needed to fund capital projects and or equipment in the City's Capital Improvement Plan;
2. Fund long-term accrued liabilities, including but not limited to debt service, pension liability, and other postemployment benefits (for example, OPEB liability) as directed and approved within the long-term financial plan and the annual budget ordinance. Priority will be given to those items that relieve budget or financial operating pressure in future periods;
3. One-time expenditures that do not increase recurring operating costs that cannot be funded through current revenues. Emphasis will be placed on one-time uses that reduce future operating costs;
4. Appropriated to lower the amount of bonds or debt service payments (all forms of debt); or
5. Start-up expenditures for new programs, provided that such action is approved by the City Council and is considered in the context of multi-year projections of revenue and expenditures as prepared by the CFO.

Monitoring and Reporting

The CFO shall be responsible for monitoring and reporting the City's Fund Balance and reserves. The City Manager is directed to make recommendations to the Council on the use of reserve funds both as an element of the annual operating budget submission and from time to time throughout the fiscal year as needs may arise.

New Fund Creation

If a new fund is required, the CFO shall report the need of a new fund to the City Manager. If the City Manager agrees a new fund is needed, then a resolution to create a new fund shall be brought to The City Council for consideration. If the fund is a special revenue, then the specific revenues shall be identified and restricted for use in said fund by Resolution. After approval of the new fund, The CFO shall create the fund in the financial system and ensure any required equity entries are made. The chart of accounts for the fund shall be created in a manner similar to the existing funds to ensure uniformity across funds.

5.2 Debt Management

The City recognizes the primary purpose of capital facilities is to provide services to the community. Using debt financing to meet the capital needs of the City must be evaluated according to efficiency and equity. Efficiency must be evaluated to determine the highest rate of return for a given investment of resources. Equity is resolved by determining who should pay for the cost of capital improvements.

In meeting demand for additional services, the City will strive to balance the needs between debt financing and “pay as you go” methods. The City realizes that failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects on the City’s long-range financial condition. The City will issue debt only for the purpose of acquiring or constructing capital assets for the general benefit of its citizens and to allow it to fulfill its various purposes as a city.

- A. Usage of debt - Long-term debt financing will be considered for non-continuous capital improvements of which future citizens will benefit. Alternatives for financing will be explored prior to any debt issuances and include, but are not limited to:
 - a. Grants;
 - b. Reserve funds;
 - c. Current revenues;
 - d. Contributions from developers and others; and
 - e. Leases.

When the City utilizes long-term financing, it will ensure that the debt is adequately financed by conservatively projecting revenue sources that will be used to pay the debt. It will not finance the improvement over a period greater than the useful life of the improvement and it will determine that the cost benefit of the improvement including interest costs is positive to the City.

The City may utilize the benefits of short-term debt financing for purchasing operating equipment provided the debt doesn’t extend past the useful life of the asset and the potential impact to the tax rate is within policy guidelines.

- B. Types of debt
 - a. General Obligation Bonds (GO’s) - General Obligation (or limited tax) Bonds must be authorized by a vote of the citizens of Gatesville. They are used only to fund capital assets of the general government and are not to be used to fund the operating needs of the City. The full faith and credit of the City as well as the City’s ad valorem taxing authority back GO’s. Conditions for issuance of GO debt include:
 - i. A significant impact will occur on the tax rate due to the contemplated project;

- ii. A project is controversial, even if it is routine in nature;
 - iii. A project that resides outside the normal bounds of projects the City has typically undertaken.
 - b. Revenue Bonds - Revenue bonds will be issued to provide for the capital needs of any activities where the capital requirements are necessary for the continuation or expansion of a service. The improved activity shall produce a revenue stream to fund the debt service requirements of the necessary improvement to provide service expansion. Revenue bonds are issued and repaid by the revenue derived from the sales of the utility service or expansion. The average life of the obligation should not exceed the useful life of the asset(s) to be funded by the bond issue and will generally be limited to thirty (30) years, or less.
 - c. Certificates of Obligation (CO's) - Certificates of obligation may be used to fund capital requirements that are not otherwise covered either by general obligation or revenue bonds. Debt service for CO's may be either from general revenues (tax-supported) or supported by a specific revenue stream(s), or a combination of both. Typically, the City may issue CO's when the following conditions are met:
 - i. The proposed debt will have minimal impact on future effective property tax rates;
 - ii. The projects to be funded are within the normal bounds of City capital requirements, such as for roads, parks, various infrastructure and City facilities; and
 - iii. The average life of the obligation does not exceed the useful life of the asset(s) to be funded by the issue.
 - d. Tax Notes - The City may issue tax notes in anticipation of tax collections, grant proceeds, bond proceeds or any other lawful purpose. These tax notes are short-term, usually not more than seven (7) years, and are intended to boost cash flow in anticipation of future receipts of funds. The asset(s) to be purchased with tax notes may at times be later incorporated into an issuance of a GO or CO on a similar or related issue.
 - e. The City does not use derivatives.
- C. Method of Sale - The City will use a competitive bidding process in the sale of bonds unless conditions in the bond market or the nature of the issue warrant a negotiated bid. In such situations, the City will publicly present the reasons for the negotiated sale. The City will rely on the recommendation of the financial advisor in the selection of the underwriter or direct purchaser.
- D. Disclosure - Full disclosure of operating costs along with capital costs will be made to the bond rating agencies and other users of financial information. The City staff, with the assistance of the City's financial advisors and bond counsel, will prepare the necessary materials for presentation to the rating agencies and will aid in the production of the offering documents. The City Manager is responsible for the accuracy of all financial information released.
- E. Federal Requirements - The City will maintain procedures to comply with arbitrage rebates and other Federal requirements of debt issuance.
- F. Debt Structuring - The City will issue bonds with an average life of no more than thirty (30) years, not to exceed the useful lives of the assets acquired. The structure should approximate level debt service unless operational matters dictate otherwise. Market factors, such as the effects of tax-exempt designations, the cost of early redemption options and the like, will be given consideration during the structuring of long-term debt instruments.

- G. Debt Coverage Ratio - Debt coverage ratio refers to the number of times the current combined debt service requirements or payments would be covered by the current operating revenues net of on-going operating expenses of the City's combined utilities (Water and Wastewater). The City will maintain a minimum debt service coverage ratio of at least 1.25 times for these utilities as a whole unless otherwise dictated by the bond covenants.
- H. Bond Reimbursement Resolutions - The City may utilize bond reimbursements as a tool to manage its debt issues, due to arbitrage requirements and project timing. In doing so, the City uses its capital reserve "cash" to delay bond issues until such time when bond issuance is favorable and most beneficial to the City.

The City Council may authorize a bond reimbursement resolution for general capital projects that have a direct impact on the City's ad valorem tax rate when the bonds will be issued within the term of the existing City Council. The City Council may also authorize revenue bond reimbursements for approved utility and other self-supporting capital projects within legislative limits. The total outstanding bond reimbursements may not exceed the total amount of the City's reserve funds.

5.3 Funding Alternatives

When at all possible, the City will research alternative funding opportunities prior to issuing debt or increasing user-related fees.

A. Grants - All potential grants will be examined for any matching requirements and the source of those requirements identified. A grant funding worksheet, reviewed by the Finance Department, that clearly identifies funding sources, outcomes and other relevant information will be presented and approved by the City Manager prior to any grant application being submitted. The information identified will be included as a factor in determining inclusion into the budget. It must be understood that any resulting operation requirements of the grant should be discontinued once the term and conditions of the project for which the grant was awarded has been terminated or completed.

B. Use of reserve funds – The City may authorize the use of reserve funds to potentially delay or eliminate a proposed bond issue. This may occur due to higher than anticipated fund balances in prior years, thus eliminating or reducing the need for debt proceeds, or postpone a bond issue until market conditions are more beneficial or because timing of the related capital improvements does not correspond with the planned bond issue. Reserve funds used in this manner are replenished upon issuance of the proposed debt.

C. Developer contributions – The City will require developers who negatively impact the City's utility capital plans to offset those negative impacts. These policies are further defined within the City's Utility Rules and Regulations on line extensions and other development regulations.

D. Leases – The City may authorize the use of lease financing for certain operating equipment when it is determined that the cost benefit of such an arrangement is advantageous to the City.

5.4 TWDB and Other External Funding

The TWDB administers a special general revenue fund for the state of Texas titled the Rural Water Assistance Fund. The purpose of this fund is to make low-interest loans to rural subdivisions for water or

wastewater-related projects. The City received financial assistance from the TWDB to support and execute the City's water supply services. The funding obligation includes a series of provisions that the City is required to follow. In addition, the City is required to maintain and operate the water services in an efficient manner and at a reasonable cost. Adequate services are required to be provided to all persons within the service area, and no free services of the system shall be allowed. All customers or users of the system shall be billed, with collections being received in a timely manner.

TWDB also administers a Drinking Water State Revolving Fund (DWSRF). The purpose of this fund is to provide financial assistance for water projects pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq; applicable federal regulations; Texas Water Code, Chapter 15, §§ 15.601 – 15.618; and 31 TAC Chapter 371. The City received financial assistance loans from the TWDB to support water system improvements. These funding obligations include a series of provisions that the City is required to follow.

The CFO reviews loan and bond related requirements and may utilize a loan covenant checklist to assist in monitoring and achieving loan compliance. The City may rely on outside experts to review and assist the City with maintaining compliance. These reviews are completed on an as-needed basis and at least annually.

Reserve, Surplus Funds & Rebates

The City has adopted and maintains a pooled interest and sinking fund for the TWDB loans held. In addition, the loan funding includes a provision that if loan proceeds are determined to be surplus funds remaining after project completion, the remaining balance will be deposited into an interest and sinking fund. Funds derived from Loan Forgiveness which result in surplus funds remaining will be returned to TWDB and may not be retained. The balances of the interest and sinking funds will later be used to account for repayment of any interest and principal on the obligations owed to TWDB.

Further, the City has implemented all the necessary procedures to comply with the requirement that if certain amounts are earned on the investment of funded proceeds that the earnings are to be rebated to the Federal Government under section 148 of the code.

Section 6: Compliance and Internal Controls

6.1 Internal Controls

Wherever possible, written procedures will be established and maintained by the CFO for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

Department head responsibility - Each department head is solely responsible for ensuring that good internal controls are followed throughout his/her department. All Finance directives must be implemented and any recommendations resulting from either an internal audit or from the independent outside audit should be reviewed and addressed by the department head as quickly as possible.

Internal Audit Program

An internal audit program will be maintained by the CFO to ensure compliance with City policies and procedures and to prevent the potential for fraud.

- Departmental audits - Departmental processes will be reviewed on an ongoing basis to ensure dual control of City assets and to identify the opportunity for fraud potential, as well as to ensure that departmental internal procedures are documented and updated as needed.
- Employee or transaction review - Programs to be audited include petty cash, city credit card accounts, time entry, and travel expense. Discrepancies will be identified and remedied immediately. The Director of the department will be notified of the situation and in cases of serious infractions, the City Manager will also be notified.

Staffing

The City's goal as an employer is to attract and retain quality employees who provide superior, friendly services to our community in an effective and efficient manner.

- A. Adequate staffing - Staffing levels will be adequate for the fiscal functions of the City to operate effectively and with proper segregation of duties. Additional staffing requests will be presented in conjunction with the annual budgeting process. Unforeseen vacancies for existing positions will be filled at the direction of the City Manager.
- B. Cost of Living Adjustments (COLA) – In order to sustain employee compensation levels within the competitive job market, the City may fund an annual COLA for all regular employees. The COLA will be based on the Employment Cost Index (ECI) as found on the Bureau of Labor Statistics website. This proposed COLA will be presented each year during the budget process for City Council review and approval.
- C. Pay for Performance (MERIT) – The City Council may fund a merit bonus/incentive program to aid in retaining quality employees and to reward those employees for productivity and job performance. This program will be funded annually if approved by City Council with available resources. This program will be paid for “performance that exceeds expectations” during the review period. The City Manager will determine an amount or percentage to be used to fund the program if approved by the City Council.
- D. Training & Credentials – The City will support the continuing education efforts of the staff in areas where additional certifications may be earned or work-related courses will lead to additional or improved services to the citizens of the City. It is understood that staff will be expected to pass on any information or teaching garnered from City sponsored seminars, conferences and related education efforts and share with fellow employees. The City will also support efforts and involvements which result in meeting standards and receiving exemplary recitations on behalf of the City or of its personnel.

6.2 Public Funds Investment Act and Public Funds Collateral Act

The City has adopted and executed a plan to ensure that obligations of public funds include a provision that the proceeds are held at a designated state depository institution or other authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257.

6.3 Annual Audits

The City conducts, performs, and submits to qualified stakeholders an annual audit of general-purpose financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) as set out by the Governmental Accounting Standards Board (GASB) by a certified public accountant or a licensed public accountant. All audits are reviewed and approved by the City Council.

Related to loans held by the City, annual audits must be submitted to the TWDB no later than 120 days following the close of the City's fiscal year, January 28.

6.4 Audit Findings and Corrective Action Plans

The CFO will develop corrective action plans in response to findings and/or deficiencies noted in audits or other regulatory agency notices. All efforts will be made to comply with the requirements. The City Manager should be updated on the progress of any corrective action plan at least monthly, and more often if the nature of the required actions is more urgent.

Section 7: Budget

Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. The "operating budget" is the City's annual financial operating plan. The annual budget includes all of the operating departments of the general fund, proprietary funds, debt service funds, special revenue funds, and capital improvements funds of the City. The budget year begins on October 1st and ends on September 30th each year.

7.1 Funds

The budgeted funds for the City include:

Governmental Funds

- A. General Fund which accounts for all financial resources except those required to be accounted for in another fund, and includes basic governmental services, such as Police, Fire and Administration functions among others.
- B. Special Revenue Funds which account for revenues that are restricted or committed for specified purposes other than debt service and capital projects. The City currently budgets three (3) Special Revenue Funds that include
 - a. Hotel Motel Tax
 - b. Cemetery
 - c. Municipal Court

- C. Debt Service Fund which is used to account for the payment of general long- term debt principal and interest.
- D. Capital Projects Fund which is used to account for the acquisition or construction of capital projects other than those financed by enterprise activities.

Proprietary Funds

- A. Enterprise Funds include the City’s “business-type” activities including all the City’s utility funds.
- B. Utility Construction Funds are used to account for the acquisition or construction of major system capital projects financed by utility revenue bonds, and system revenues designated for specific improvements to the utility systems.

7.2 Balanced Budget

Scenario One: Revenues = Expenditures
Scenario Two: Revenues > Expenditures
Scenario Three: Revenues + Appropriated Fund Balances = Expenditures

The City Charter (Section 9.15) requires that the total of proposed expenditures shall not exceed the total estimated income. The City’s goal is to balance the operating budget with current revenues, whereby, current revenues would match and fund on-going expenditures/expenses. The City considers the budget balanced when total expenditures/expenses are equal to total revenues. However, the budget is also balanced in situations where total expenditures/expenses are less than total revenues, which is technically a surplus.

In addition, the City might plan to spend excess fund balances accumulated from previous years (while maintaining established reserves) on one-time or non-routine expenditures. The City considers the budget to be balanced in this case also, provided the funding from previous years is available, and a plan is in place to not build ongoing expenditures/expenses into this type of funding. This type of balanced budget is especially prevalent when capital projects are budgeted using proceeds from the issuance of bonds.

7.3 Budget Planning

The budget process will be coordinated so that major policy issues are identified prior to the budget approval date. This will allow City Council adequate time for consideration of appropriate decisions and analysis of the financial impacts.

Department heads are responsible for identifying upcoming needs, maintenance, or developments and report these to the CFO during the budget process in order to provide the City Council with the best information available.

7.4 Budget Process

Preparation

The City of Gatesville Home Rule Charter (“Charter”) (Article 9) requires that “the City Manager shall submit a proposed budget, between sixty (60) and ninety (90) days prior to the beginning of each fiscal

year. This budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- A. A budget message, explanatory of the budget, which message which shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.
- B. A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- C. An analysis of property valuations.
- D. An analysis of the tax rate.
- E. Tax levies and tax collections by years for at least the last five years.
- F. General fund resources in detail.
- G. Special fund resources in detail.
- H. Summary of proposed expenditures by function, department and activity.
- I. Detailed estimates of expenditures shown separately for each activity to support summary No. (H) above.
- J. A revenue and expense statement for all types of bonds.
- K. A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding.
- L. A schedule of requirements for the principal and interest of each issue of bonds.

The proposed budget submitted to City Council will compare revenues and expenditures for at least the last complete fiscal year, the budgeted total amount of each item for the current fiscal year, and the proposed total amounts for the ensuing fiscal year.

The budget review process will include City Council participation in the development of each segment through various budget workshops and will allow for citizen participation in the process through a public hearing on the proposed budget. Required notice of the hearing will be published in the official newspaper of the City and state:

- A. The time and place where copies of the budget are available for public inspection, and
- B. The time and place after such publication, for a public hearing on the proposed budget.

A copy of the proposed budget will be filed with the City Secretary and will also be available on the City's website.

Amendment before adoption

After the public hearing, the City Council may adopt the budget with or without amendments. In amending the proposed budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service, provided that no amendment to the proposed budget shall increase expenditures to an amount greater than the estimated income (including the use of available Fund Balance).

Adoption

The City Council will adopt the proposed budget not later than 15 days prior to the beginning of the fiscal year of the last month of the fiscal year currently ending. If it fails to adopt the proposed budget by this date, the amounts appropriated for operations for the current fiscal year, and the tax levying ordinance and its appropriating ordinance will be deemed adopted for the ensuing fiscal year.

Reporting

Summary financial reports will be presented to the City Council on a monthly basis. These reports will be in an appropriate format to enable the City Council to understand the overall budget and the City's financial status. These reports will also give the current status of revenues and expenditures to date compared with the corresponding budgets for each major fund.

Budget Amendments

The City's Charter (Section 9.16) provides a method to amend the adopted budget for supplemental appropriations. The City Council may authorize supplemental appropriations to the adopted budget.

- A. Contingency Appropriations –The City's Charter (Section 9.14) requires the budget to include contingency appropriations not to exceed 3% of the total budget. These funds are used to offset expenditures for unexpected maintenance or other unanticipated expenses that might occur during the year.
- B. Encumbrances – The City will not encumber funds for operating use at year- end.

7.5 Control and Accountability

Each department head, appointed by the City Manager, will be responsible for the goals and objectives adopted as part of the budget and for monitoring their individual departmental budget for compliance with spending limitations. The City Manager may transfer funds within the operations and maintenance or capital line items of a departmental budget category without City Council approval. Modifications to reserve categories and interdepartmental budget totals will be made only by City Council consent with formal briefing and Council action. Budget amendments that alter the original adopted budgets at the fund level require City Manager and City Council approval as outlined in the following section.

7.6 Budget Contingency Plan

This policy is designed to establish general guidelines for managing revenue shortfalls resulting from local and national economic downturns that adversely affect the City's revenue streams.

- A. Immediate actions – Once a budgetary shortfall is projected, the City Manager will take the necessary actions to offset the projected shortfall with a reduction in current expenses. The City Manager may:
 - a. Freeze all new hires and filling of vacant positions except those deemed to be absolutely necessary for public safety;
 - b. Review and delay all planned remaining capital expenditures not funded by bond proceeds;
 - c. Delay all "non-essential" spending or equipment replacement purchases.

- B. Further action – If the above actions are insufficient to offset the revenue deficit and the shortfall continues to increase, the City Manager will further reduce operating expenses to balance the variance. Any remaining service level reductions, including workforce reductions, will be reviewed and addressed by the City Council.

7.7 Capital Improvement Program

The City's goal is to maintain City facilities and infrastructure in order to provide excellent services to the community, meet growth related needs, and comply with all state and federal regulations.

Preparation

The City annually reviews and updates a five-year Capital Improvement Program (CIP) schedule as part of the operating budget adoption process. The plan is adjusted annually as needed, and year one is adopted as the current year capital program. The CIP will include all capital projects, capital resources, and estimated operational impacts.

- Needed capital improvements are identified by reviewing anticipated life expectancies, repair and maintenance records, and growth demands.
- Economic development projects that have capital infrastructure needs must be reviewed and approved for funding by the City Manager or his designee.
- A team approach will be used to prioritize CIP projects, whereby City staff from all affected operational areas will provide input and ideas relating to each project and its effect on operations.
- Capital infrastructure necessary to meet the requirements of the City's Comprehensive Plan will be included with the CIP plan, so that additional or alternative funding can be developed if necessary.

Control

All capital project expenditures must be appropriated in the capital budget. The availability of resources must be identified and then reviewed by the Finance Department and approved by the City Manager before any CIP document is presented to the City Council for approval.

Financing

Where applicable, assessments, pro-rata charges, or other fees should be used to fund capital projects which have a primary benefit to specific identifiable property owners.

- A. Recognizing that long-term debt is usually a more expensive financing method, alternative financing sources will be explored before debt is considered. When long-term debt is determined to be the financing source, it will be used to acquire major assets. The type of assets acquired will determine the average life of the debt issued.
- B. Short-term financing including capital leasing and other tax-supported obligations can be used to fund vehicles, computers and other operating equipment, provided the impact to the tax rate is minimal. Caution should be used in replacing assets with short-term, tax-supported obligations due to the repetitive nature of the replacements.

7.8 Capital Maintenance and Replacement

The City recognizes that deferred maintenance increases future capital costs. Therefore, a portion of all individual funds with fixed asset infrastructure should be budgeted each year to maintain the quality within each system.

- A. Infrastructure maintenance – On-going maintenance and major repair costs are included as expenses within the departmental operating budgets. These costs are generally considered system repairs and are not capitalized for accounting purposes. They include such items as street seal coat, water line repairs and other general system maintenance.
- B. Other funds – The City currently uses regular maintenance and replacement in order to maximize use of its operational assets and to ensure that repair costs do not become overly burdensome on what are considered relatively short-term assets. In this way, suitable funds are available for the replacement of these assets without the need to issue debt.
- C. Vehicle/Equipment maintenance and replacement - The City has a major investment in its fleet of cars, trucks, tractors, and other similar equipment. The City anticipates having to replace the existing equipment as necessary and budgets to that end each year. Vehicle and equipment maintenance is also funded in this manner. Vehicles and equipment will be replaced when it is cost effective to do so. Vehicles and equipment purchased will be suitable for their purpose but not exceed the necessary features and capabilities required to meet the day to day requirements of the vehicle/equipment.
- D. Information technology - It is the current policy of the City to plan and fund the maintenance and replacement of its computer network and other technology systems.

Section 8: Human Resources

8.1 Payroll

The City has established a payroll policy to run the payroll smoothly and to ensure employees an accurate and timely payment of salaries and wages. The payroll policy applies to every city employee.

General Policies

All payrolls will be completed on a computerized system. Employees are paid biweekly on the Thursday after the pay period ends. The pay periods begin on Thursday and end on Wednesday.

- Paychecks are directly deposited into individual employee checking or savings account.
- Payment to all employees will be based on the approved time sheets.
- Employees may not enter time, clock in/out for another employee, or fill in the information as to what hours were worked. To do so is cause for discipline, up to and including termination. The exception is in the case of a supervisor acting while an employee is out of the office to allow payroll to be processed and the employee affected will be fully informed.

Payroll System Access

Payroll system access is restricted to specified personnel. Currently, the Finance/Human Resources Department is responsible for maintaining employee files. Managers and supervisors may have access to employee file information. Personnel file access by current and former employees upon request will generally be permitted within three days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Finance Department and may not be taken outside the department. Employee information and payroll shall not change without a secondary review.

Payroll Processing

Proper recording of time worked, and an efficient approval process are essential for accurate payroll calculation of city employees. To ensure proper timesheet submission:

- All full-time non-exempt employees must have a minimum of 40 hours of compensatory time per week.
 - If the full-time non-exempt employee works less than 40 hours a week, they must use vacation, sick, or bereavement time to equal a 40-hour week.
- All non-exempt city employees must clock in at the beginning of their shift and clock out at the end of each day.
- Employees must clock out for lunch breaks or when they leave the job site and clock back in upon their return.
- Timesheets must be reviewed and approved by the relevant department head on time.
- Once timesheets have been approved, the Finance/Human Resources Department shall review for completion.
 - If any discrepancies are discovered, time entries shall be reported to the department head and corrected by the employee or department head.
- All adjustments or edits in payroll may be performed by an assigned person per the department head's discretion.
 - Once the edits have been made, only the department head or the City Manager may approve the time.
 - The editor and approver shall be separate employees, ensuring that all timesheets are reviewed by a secondary person.
- If there is a discrepancy, the department head and the employee must resolve the situation prior to submitting their time.

Payroll Reporting

The Finance/Human Resources Department is responsible for:

- Keeping and maintaining payroll reports from the payroll system.
- Maintaining records of personnel files.
- Submitting a direct deposit file to the bank, which requires approval from the Human Resources Director and a secondary person from the Finance Department before the direct deposits are sent to employees.

8.2 Employee Handbook

The City maintains a separate Employee Handbook. This handbook will be reviewed and amended as necessary.

8.3 Employee Training

The City incurs additional general and administrative expenses to provide training and development support to employees. In departments where certification is a requirement, and an eligible employee shows interest and aptitude, the supervisor will request training for the employee. Training assistance and guidance are also implemented during new employee onboarding. Upon being hired, all new employees are required to review and sign the City's Employee Handbook. Cybersecurity training and workplace harassment training are completed by all employees annually. In addition, professional development is available through the Texas Municipal League.

For more information regarding payroll or employee training, please refer to the City's Employee Handbook.

Section 9: Grant Management

The City pursues grant funding that is in alignment with the City's overall goals and objectives. Grant funded items and programs should be evaluated to ensure they are sustainable in terms of operations, maintenance, and staffing. The City will focus on compliance, documentation, and effective reporting to prevent recoupment of grant funds.

City staff will provide prior notice to the City Manager and the CFO of potential new grants and any related compliance, documentation, and reporting assistance that may be required.

9.1 Grant Selection

Departments shall investigate sources of funding relevant to them. The individual department shall generally be responsible for investigating funding sources and for monitoring and coordinating all grant applications and programs in conformance with citywide budgeting, staffing, goals, and program considerations.

Grant renewals must go through the same evaluation process as new grants to ensure continued alignment with city goals and funding considerations.

9.2 Grant Application

Timely grant applications are the responsibility of the related department and the City Manager or designee. If a grant requires matching City funds, in any amount, or if the grant application requires the approval of the City Council, the grant application must be submitted to the City Council for discussion and approval prior to submittal to the funding agency. Otherwise, the City Manager may sign the grant.

Grant Contract / Requirements for Approval

Prior to acceptance of any funding or expenditure of funds on any grant activity, a written contract is required. Review and approval by the City Council is required before a grant award can be accepted.

The City Council must authorize acceptance of grant funds over \$25,000, approve matching funds, and authorize the City Manager (or designee) to execute all necessary documents. The Finance

Department is responsible for preparing budget entries to increase estimated revenues and appropriating expenditures of the same amount to the proper accounts.

9.3 Grant Management

Depending on the type and scope of the grant, a third-party grant administrator may be utilized for grant management, reporting, or record-keeping. Grants may be administered by the City Manager, relevant department head, or a third-party administrator.

Grant revenues should be promptly deposited upon receipt into a pooled cash account and recorded in the accounting system in a separate grant fund, if for a governmental grant. If the grant is for proprietary capital project, the funds are deposited into the corresponding proprietary fund. All governmental grant expenditures will be recorded to the grant fund.

9.4 Compliance with Grant Requirements

Grant managers are responsible for managing and monitoring the following:

- Grant activities/projects are properly and promptly accomplished;
- Grant accounting/recording is accurate;
- Performance reports are complete and submitted per terms of the grant; and,
- Requests for reimbursement are accurate and submitted on schedule (or as soon as possible after completion of related grant activities);
- Records are maintained as specified by the granting agency.

All financial grant reporting should be reviewed by the CFO or designee prior to submission.

9.5 Maintenance and Monitoring of Grant Files

The grant file should include a copy of the signed contract and all documents associated with the grant, including but not limited to grant agreements, contracts and amendments, application, activity reports, requests for reimbursement, fiscal reports, correspondence, and any other information required to be maintained by the grant. This should be maintained in accordance with any requirements set forth by the funding agency, if any, by the initiating department.

All grant documents should be digitized and stored in the document system. Third-party grant administrator's information shall be digitized and, upon completion, hardcopy information recorded by the administrators shall be digitized by the City Secretary or their designee.

9.6 Procurement

When goods or services are procured in order to accomplish the goals of the grant program, the City Purchasing Policy must be followed. There are specific rules and regulations related to procurements using federal funds. The City Purchasing Policy contains more detail. The Code of Federal Regulations (CFR) and Texas Local Government Code (TLGC) should also be consulted.

Contracts related to federal grants also have specific guidelines and required language that must be included (§ 200.327).

9.7 Retention and Maintenance of Records

At a minimum, departments must retain all grant-related records for three years from the date of submission of the final expenditure report for the grant. Retention is required for purposes of State/Federal examination and audit. Exceptions can include if litigation or audit is started before the expiration of the three-year period or if the city is notified in writing of an extension of the retention period.

All documentation should be retained in the digital document system.

9.8 Guidance

Detailed guidance on federal grant requirements, performance, and reporting can be found within the Code of Federal Regulations (CFR). The Texas Local Government Code (TLGC) also contains pertinent information about procurement and contracting that may apply to grants.

- 2 CFR, Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
 - 2 CFR, Part 200, Subpart C - Pre-Federal Award Requirements and Contents of Federal Awards
 - 2 CFR, Part 200, Subpart D - Post Federal Award Requirements
 - § 200.318-327 – Procurement
 - § 200.318-327 - Performance and Financial Monitoring and Reporting
 - 2 CFR, Part 200, Subpart E - Cost Principles
 - § 200.403 – Factors affecting the allowability of costs
 - § 200.404 – Reasonable costs
 - § 200.413-414 – Direct costs and Indirect (F&A) costs
 - § 200.416-417 - Special Considerations for States, Locals Governments, and Indian Tribes
- TLGC, Title 8, Subtitle A, Chapter 252 – Purchasing and Contracting Authority of Municipalities
- TLGC, Title 8, Subtitle C, Chapter 271 – Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments

References:

- <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>
- <https://texas.public.law/statutes/tex. local gov't code title 8>

Section 10: Financial Reporting

The City is solely responsible for the recording and reporting of its financial affairs, both internally and externally. The CFO is the City's Chief Financial Officer and is responsible for establishing the structure for the City's Chart of Accounts and for assuring that procedures are in place to properly record financial transactions, pay all of the City's bills on a timely basis, keep revenues and expenditures realistic and equitable to all the citizens of the City, and to report the financial position of the City at any given time.

- A. Auditing - In accordance with the Charter, an independent audit of the City's financial statements will be performed every year. The auditor will be retained by City Council and will be directly accountable to the City Council.
- B. External Reporting - In conjunction with the completion and acceptance of the annual audit by the City's auditors, the Finance department shall prepare a written Annual Comprehensive Financial Report (ACFR) with all reasonable efforts to be made to present the ACFR to the City Council within 180 calendar days of the City's fiscal year end. The ACFR shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP).
- C. Internal reporting - The Finance department will prepare internal financial reports for presentation to and review by the City Council on a monthly basis. Reports must be timely, accurate, and sufficient to plan, monitor and control the City's financial affairs.

10.1 Basis of Accounting

The City accounts and budgets for all Governmental Funds using the modified accrual basis of accounting. This basis means that revenue is recognized in the accounting period in which it becomes available and measurable, while expenditures are recognized in the accounting period in which they are incurred. Because the appropriated budget is used as the basis for control and comparison of budgeted and actual amounts, the basis for preparing the budget is the same as the basis of accounting. Exceptions to the modified accrual basis of accounting include:

- Grants, which are considered revenue when awarded, not received; and
- Principal and interest on long-term debt, which are recognized when paid.

The City's Proprietary Funds, which include the enterprise funds, are accounted and budgeted using the full-accrual basis of accounting. Under this method, revenues are recognized when they are earned and measurable, while expenses are recognized when they are incurred regardless of timing or related cash flows. The basis for preparing the budget is the same as the basis of accounting except for principal payments on long-term debt and capital outlay expense which are treated as budgeted expenses.

10.2 Operating Cycle

The City follows a fiscal year from October 1st through September 30th.

10.3 Journal Entries

The CFO has the ultimate responsibility for the completeness and accuracy of the data in the accounting system. The audit firm may require adjustments related to the financial statements and audit. These entries include but are not limited to recurring entries, accrual entries, reversing entries, and adjusting entries. Accruals are recorded as part of the fiscal year close process.

10.4 Monthly Financial Reporting

The City currently utilizes cash basis method of accounting for monthly reporting and the accrual or modified accrual method for annual financial statements.

The CFO prepares monthly financial reports for the City Manager and City Council. These reports are based on budget-to-actual reports for the General fund, Hotel Occupancy Tax fund, Airport, and the Water & Sewer fund. Each department's expenditures are broken out to show budget shortfalls or

surpluses. Sales tax collections are presented with expected versus actual comparisons. These reports are prepared with a two-month lag (e.g. March reports on January numbers) to allow for the completion of all reconciliations and the gathering and presentation of data accurately.

Monthly Reviews

The City utilizes an open items report to review charges that have not been completely paid and the amount remaining to be paid.

The payroll is prepared by the HR Director then reviewed by the CFO.

Account Reconciliations

Finance Department staff reconciles the bank accounts monthly and sends the reconciliation to the CFO for review.

The finance department utilizes a pooled cash account and reconciliations of this account highlight any variances in related revenues and expenses accounts.

Cash Reconciliations

Monthly cash reconciliations will be completed within 20 days of the end of the month for all bank and investment accounts. The Finance Department staff prepare the monthly reconciliations.

A pooled cash report reflecting the month being reconciled shall be reviewed by the CFO after reconciliation. All bank and investment account reconciliations shall be reviewed by the CFO.

10.5 Quarterly Reporting

Investment Reporting

The month after a quarter is complete, the investment report shall be considered as part of the consent agenda by Council. The report shall be completed by, and signed the CFO, and reviewed and signed by the City Manager. City Council will indicate their review and approval of the quarterly investment report by formal action in the minutes from that meeting.

10.6 Fiscal Year Close

At the fiscal year close, the CFO is responsible for preparing an accurate trial balance for the auditors. Accounts must be analyzed, and end of year adjustments made in the loan registers, lease accounting, sales and property tax revenues, fixed assets, inventory, and bad debt.

Revenue and expense cutoffs must be carefully managed to ensure the accuracy of the financial statements. Payables, receivables, and payroll must be complete and reflected in the proper period.

An aging report for receivables should be generated at the end of the fiscal year, and accounts identified previously written-off removed from calculations for the financial statements.

10.7 Annual Financial Reporting

Financial statements are presented in accordance with U.S. Generally Accepted Accounting Principles (GAAP), and in line with the standards put forth by the Governmental Accounting Standards Board (GASB);

The City's annual financial statements are presented using the accrual basis of accounting whereby revenue is recognized when earned and expenses are recognized when incurred.

The financial statements are generated out of the accounting system at the completion of each month, year-end close, and for account reconciliation purposes. The CFO completes the month-end process. The City Council reviews the monthly and annual financial statements.

Section 11: Record Retention/Data Storage

The City will provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition. These procedures will be consistent with the requirements of the Local Government Records Act, local ordinances, and accepted records management practice. This policy shall apply to all employees, agents, independent contractors, and volunteers of the City.

The City Secretary is the designated Records Management Officer. When a new City Secretary takes up the position, they must inform the Texas State Library and Archives Commission of the change. The previous City Secretary must deliver to their successor all local government records in custody.

The City shall convene a committee at least annually to review the records management program, review and approve records control schedules, approve the destruction of records in accordance with the records control schedules, and discuss methods to carry out the records management program throughout the City.

General Guidelines

All pertinent financial documentation is maintained in the City's secured data storage. In addition, all critical data stored locally should have physical security (locked door, passwords, etc.) during non-work hours.

After records retention periods have expired, they will be identified for the records committee to review and approve. No record shall be destroyed if it is the subject of an open records request or ongoing legal action. Departments may request an extension of the retention period for specific records.

The City is implementing a document digitization process. The records committee may review and confirm the determinations built into the digital records system rather than reviewing individual records as long as there is an annual process of identifying records that may be exceptions to the system due to actions such as outstanding open records requests, legal actions, or other circumstances that may change the standard retention periods.

Records relevant to any external agreements such as loans, contracts, and grants will be maintained as required in those agreements regardless of standard procedures.



Agenda Item # 10

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Mike Halsema, Deputy City Manager
Agenda Item: Discussion and possible action regarding adjusting solid waste fees.

Information:

The solid waste agreement with Waste Management executed in December of 2022 provides for an annual CPI and fuel adjustment in Section 8. The City was notified by Waste Management of the adjustment which will be effective February 1, 2025. Per the calculations specified in the agreement, the rates charged to the City by Waste Management are increasing 2.3%. Residential cart service will increase from \$21.56 to \$22.05, and the At Your Door service increases to \$1.50 per month. Combined, the new total residential service will increase by \$0.53 to \$23.55 per month. Commercial dumpsters will increase by 2.3% as well. The proposed ordinance simply adjusts the rates the City charges customers by the amount of the increase in the rates that Waste Management will charge the City.

The first reading was held on January 14, 2025, and the second reading was held on January 28, 2025, with a unanimous vote to pass on to the next meeting. This is the third and final reading.

Financial Impact:

	Residential		
	Current	Adjusted	Increase
Cart Service	\$ 21.56	\$ 22.05	\$ 0.49
At Your Door	\$ 1.46	\$ 1.50	\$ 0.04
Total	\$ 23.02	\$ 23.55	\$ 0.53
Additional cart	\$ 5.23	\$ 5.35	\$ 0.12

Regular 2/11/2025

Ordinance 2025-03

Staff Recommendation:

The staff recommends that the city council approve the Ordinance adjusting the solid waste collection fees effective February 1, 2025.

Motion: I move to pass **Ordinance 2025-03**, adjusting the solid waste fees in Chapter 18.

Attachments:

Ordinance 2025-03.

Staff Contacts:

Mike Halsema, Deputy City Manager mhalsema@gatesvilletx.com

ORDINANCE NUMBER 2025-03

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF GATESVILLE, TEXAS, AS PREVIOUSLY AMENDED AT CHAPTER 18 “FEES,” SECTION 18-1 “FEE SCHEDULE” BY REPEALING AND REPLACING IN ITS ENTIRETY THE FEES SET FORTH THEREIN FOR SOLID WASTE COLLECTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Gatesville contracts with Waste Management for solid waste collection within the City; and

WHEREAS, pursuant to the City’s contract with Waste Management, the fees charged to the City by Waste Management will increase effective February 1, 2025 to reflect annual Consumer Price Index and fuel adjustments; and

WHEREAS, the City Council finds it in the best interest of the City and in service of the health, safety and general welfare that the solid waste collection rates charged by the City to customers be increased to reflect this annual rate increase by Waste Management to the City;

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, as previously amended, is hereby amended at Chapter 18 “Fees,” Section 18-1 “Fee Schedule” by repealing the fees set forth therein for solid waste collection and replacing them in their entirety with the fees set forth on Exhibit “A” attached hereto and incorporated herein by this reference, said fees to be effective February 1, 2025.

Section 2. This resolution shall be effective from and after its passage.

The foregoing Ordinance No. 2025-03 was read the first time January 14th, 2025, and passed to the second reading on the 28th day of January, 2025.

The foregoing Ordinance No. 2025-03 was read the second time on January 28, 2025, and passed to the third reading on the 11th day of February, 2025.

The foregoing Ordinance No. 2025-03 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 11th day of February, 2025 and will take effect February 1, 2025.

THE CITY OF GATESVILLE, TEXAS

Gary M. Chumley, Mayor

ATTESTED:

Holly Owens, City Secretary

APPROVED AS TO FORM AND SUBSTANCE

Victoria Thomas, City Attorney

EXHIBIT "A"

RESIDENTIAL RATES															
Residential Rates	\$22.05	Included: Trash 1X per week-carts/ Recy EOW-carts/ Bulk 1X per													
AYD	\$1.50														
Total Resi Rate	\$23.55														
Extra Cart	\$5.35	per cart trash and recycle													
COMMERCIAL HAND COLLECT															
	1XWK	2XWK													
96 gal cart per cart per cart	\$27.06	N/A													
COMMERCIAL RATES (Includes 3% Franchise Fee)															
FREQUENCY PER WEEK															
Container Size / Type	1XWK	2XWK	3XWK	4XWK	5XWK	6XWK	7XWK	EXTRA PU							
2 Yard FEL Container	\$98.87	\$141.38	\$205.00	\$246.02	\$275.55	N/A	N/A	OM							
3 Yard FEL Container	\$115.24	\$211.21	\$317.03	\$374.66	\$437.53	N/A	N/A	OM							
4 Yard FEL Container	\$162.13	\$251.30	\$341.75	\$434.00	\$520.87	N/A	N/A	OM							
6 Yard FEL Container	\$200.10	\$360.32	\$546.39	\$672.07	\$799.74	N/A	N/A	OM							
8-Yard FEL Container	\$260.95	\$432.13	\$646.48	\$801.97	\$953.39	N/A	N/A	OM							
10 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
See Other Charges Or Notes Below															
Delivery	N/A														
Lock Bar, MONTHLY	\$10.70														
Casters MONTHLY	\$10.70														
Redelivery Charge for non payment **	N/A														
Snapshot Charge	\$150.00														
TEMPORARY SERVICE															
6 Yard Temp ***	N/A														
8 Yard Temp ***	N/A														
*** Temporary Service includes delivery, rental and removal, and disposal															
N/A															
Size	1x	2x	3x	4x	5x	6x	7x	XPU							
2 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
3 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
4 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
6 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
8 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
10 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A							
See Other Charges Or Notes Below															
Delivery	N/A	*Compactor Rate Does Not Include Rental (Choose one and delete the other)													
Lock Bar, MONTHLY	N/A														
Casters	N/A														
Redelivery Fee for non payment	N/A														
Gate or Enclosure Fee	N/A														
Snapshot Charge															
Additional Charge	N/A														
*Compactor Rate Includes Rental															
ROLL-OFF RATES (Includes 3% Franchise Fee)															
Container Size / Type	Delivery Rate	Rental Rate	BY Month or Day	Hauling	Haul Rate per	Disposal									
20 Yard (Open-Top)	\$196.88	\$4.27	Day	N/A	\$389.73	\$40.77									
30 Yard (Open-Top)	\$196.88	\$4.27	Day	N/A	\$389.73	\$40.77									
40 Yard (Open-Top)	\$196.88	\$4.27	Day	N/A	\$389.73	\$40.77									
30 Yard (Compactor)	Negotiated	NEGOTIATED	Month	N/A	\$558.87	\$40.77									
33 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A									
34 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A									
35 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A									
40 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A									
42 Yard (Compactor)	N/A	NEGOTIATED	Month	N/A	N/A	N/A									
TRIP CHARGE RATE:			N/A												



Agenda Item # 11

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: City Council
From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action regarding a final plat situated in the J.W. Jones Survey, Abstract No. 1537 and the S. Easley, Abstract No. 1529, Coryell County, Texas.

Information:

Cedar Ridge Estates 4

- Applicant: Nancy and Garnett Holdings, LLC
- Project Type:
 - 45.276 Acres (Lot 1 – 2.174 acres, Lot 2 – 10.577 acres, Lot 3 – 32.525 acres)
 - 1 custom single-family home per lot for a total of 3 houses.
- Location: Cedar Ridge Road and Rocky Road; Coryell County with no plans to annex.

Infrastructure:

Water is provided by Mountain, and the owners will install septic for sewer.

- FNI Comment: The applicant shall provide a letter of review from the County that states the OSSF system proposed meets the County's criteria and will fulfill City sewerage requirements for each lot per **Sec. 48-107 of the Subdivision Regulations**.
 - *Size dimension of lots.* Lots within the city limits and in the ETJ with OSSF must be a minimum of one-half acre in size.

Texas Local Government Code (TLGC) / Code of Ordinances:

- **Sec. 212.001.** Extraterritorial jurisdiction (ETJ) refers to an area outside the municipal limits within five miles of those limits.
- **Sec. 212.004.** Plat Required. The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use must have a plat of the subdivision prepared.

- **Sec. 212.009.** Approval Procedure. (a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plat within 30 days after the date the plat is filed. (b) If an ordinance requires that a plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plat within 30 days after the date the plat is approved by the planning commission or is approved by the inaction of the commission.
 - **Sec. 48-69. – Final Plat.** (c)(3) The planning and zoning commission shall forward the final plat and final engineering drawings upon approval to the city council for their consideration. ...

Planning and Zoning Commission Action:

The Commission recommended approval of the preliminary/final plat for Cedar Ridge Estates 4 on February 3, 2025, passing it forward to City Council for approval.

Financial Impact:

There is no financial impact to the City of Gatesville.

Motion:

I move to approve the final plat situated in the J.W. Jones Survey, Abstract No. 1537 and the S. Easley, Abstract No. 1529, Coryell County, Texas.

Attachments:

- Suitability Study
- Full size plat will be provided at the meeting.

Staff Contacts:

Holly Owens, City Secretary, howens@gatesvilletx.com

SUITABILITY STUDY

OWNER:

Kathryn Grant
Austin, TX

Based on the two site visits (December 6 and December 10, 2024) at the site location on Cedar Ridge Rd, Gatesville, TX, the preliminary plat prepared by State 28 Land Surveying LLC., and other publicly available records (attached) - the following conclusions and recommendations are made.

1 – The approximately 45.276 acre tract will be divided into approximately three lots. Lot 1 is approximately 2.174 acres. Lot 2 is approximately 10.577 acres. Lot 3 is approximately 32.525 acres.

Final plat will determine final sizes of each Lot. All lots will meet the size requirements for an OSSF to be placed on the Lots.

2 –All lots will be served by the public water system for the area and there are no known wells located on the proposed lots.

3 - The site is NOT the 100-year flood plain per FEMA Panel 48099C0280F dated 02/12/2010 (Firmette Attached).

4 - The site is composed of both Class IV soils and bedrock as determined by NRCS - Web Soil Survey and 30TAC285.91(6) both of which are attached.

Depending on final location and type of development, a treatment system a suitable system (i.e., either a standard system or an aerobic system) can be used. At time of final design, a soils test and a final OSSF design will be made.

5 - The tract is unimproved with few trees. The land is generally rocky terrain. Bedrock is at are near the surface in most areas.

6 - Drainage is adequate to the West and East. Attached topographic map shows contours within area. Final location of residential housing will determine direction of slope.

7 – Minimum required separation distances (Table X of 30TAC285 - attached) can be met.

Based on the above data and the requirements of Figure 30 TAC 285.91(13) – Disposal and Treatment Selection Criteria – the flowing types of systems are suitable for these lots. Final determination will be made by OSSF installer or engineer based on size of house, location of house on each individual lot and owners' preference within allowable treatment selections.

Figure 30 TAC 285.91(13) – Disposal and Treatment Selection Criteria is attached.

On Class IV sites

A – Drip Irrigation

B – Low Pressure Dosing

C – Surface Application

On Fractured Rock or Fissured rock

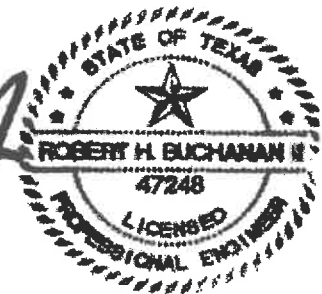
A – Soil Substitution

B - Low Pressure Dosing

Your OSSF installer will make final design submittals showing that all TCEQ regulations are met.

If you have any questions regarding this report, please do not hesitate to contact me.

Sincerely,

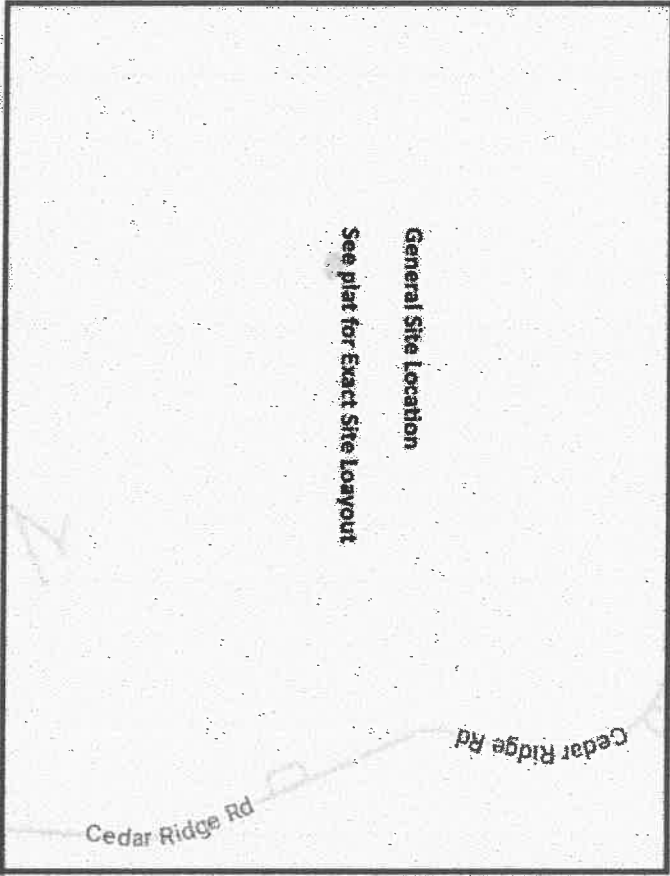


Robert H. Buchanan III, P.E
PE # 47248 Firm # 8810

December 16, 2024

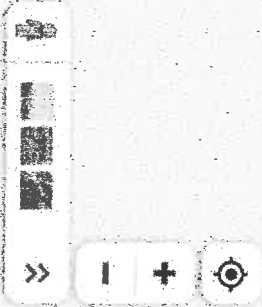


Gatesville Board of
Pardons & Paroles



General Site Location

See plan for Exact Site Layout



0' 200' 400'

(SCALE: 1" = 200')



S. Easley Survey,
Abstract No. 1523

Coryell County, Texas

G.W. Franks Survey,
Abstract No. 381

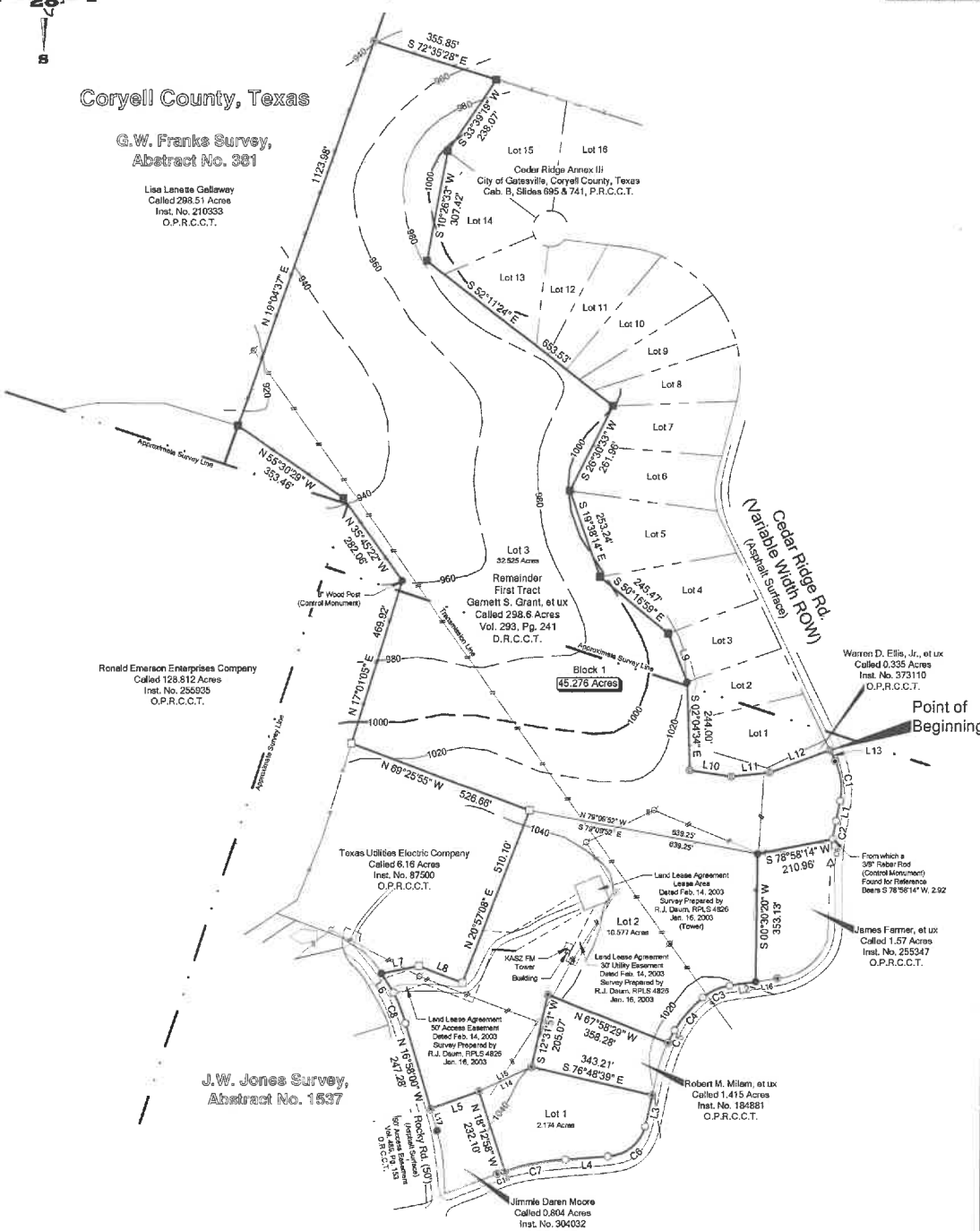
Lisa Lanette Galloway
Called 298.51 Acres
Inst. No. 210533
O.P.R.C.C.T.

Ronald Emerson Enterprises Company
Called 128.812 Acres
Inst. No. 256925
O.P.R.C.C.T.

J.W. Jones Survey,
Abstract No. 1537

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	175.00'	112.81'	38.5601°	S 06°58'18" E	110.87'
C2	75.00'	51.07'	19.2801°	S 03°29'14" W	51.07'
C3	153.00'	91.06'	38.5601°	S 06°58'18" E	89.17'
C4	255.00'	161.14'	19.2801°	S 03°29'14" W	158.27'
C5	278.54'	180.06'	8.9024°	S 26°5'27" W	39.00'
C6	111.00'	111.23'	73.0753°	S 52°58'18" W	131.84'
C7	818.00'	171.01'	19.2801°	S 03°29'14" W	170.46'
C8	138.00'	89.24'	12.1944°	N 71°54'47" W	89.24'
C9	175.00'	89.15'	19.2801°	N 04°49'51" E	89.15'
C10	816.00'	22.07'	2.9211°	N 70°5'00" W	22.07'

LINE	BEARING	DISTANCE
L1	S 11°28'45" W	58.40'
L2	S 17°14'05" W	71.97'
L3	S 12°18'26" W	88.40'
L4	S 28°17'17" W	117.17'
L5	S 28°17'17" W	141.32'
L6	N 32°31'40" W	89.78'
L7	N 78°43'08" E	155.84'
L8	S 68°39'55" E	29.88'
L9	S 1°09'18" E	43.47'
L10	S 81°34'48" E	154.90'
L11	N 84°58'35" E	106.65'
L12	N 82°21'51" E	176.52'
L13	S 22°34'36" E	14.18'
L14	N 64°49'23" E	150.31'
L15	S 64°49'23" W	150.31'
L16	N 81°21'42" E	80.30'
L17	S 18°50'00" E	63.12'



FINAL PLAT

**LOTS 1-3, BLOCK 1
CEDAR RIDGE ESTATES 4
CITY OF GATESVILLE,
CORYELL COUNTY, TEXAS**

BEING 45.276 ACRES OF LAND SITUATED WITHIN THE J.W. JONES SURVEY, ABSTRACT NO. 1537 AND S. EASLEY, ABSTRACT NO. 1523, CORYELL COUNTY, TEXAS, BEING OUT OF AND PART OF THE REMAINING PORTION OF THAT CALLED 298.6 ACRE TRACT OF LAND DESCRIBED AS FIRST TRACT IN A DEED TO GARNETT S. GRANT, ET UX RECORDED IN VOLUME 200, PAGE 241 OF THE INDEXED RECORDS OF CORYELL COUNTY, TEXAS.

Date: 28 Feb. No. 2024-062 Drawn By: RLS
 Sheet 1 of 1 Reviewed By: RLS
 Property Address: Cedar Ridge Rd. Gatesville, TX 76728 Prepared For: Katelynn Gates

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:
 That I, Robb Lee Shockey, do hereby certify that I prepared this plat from a recent and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Gatesville, Texas.

PRELIMINARY: this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Signature: _____ Date: _____

Purpose: City Review
 Date of Release: December 1, 2024

This survey may only be used for the original transaction for which it was created. Digital or photostatic reproductions of this survey may not be used for subsequent transactions.

STATE LAND SURVEYING LLC

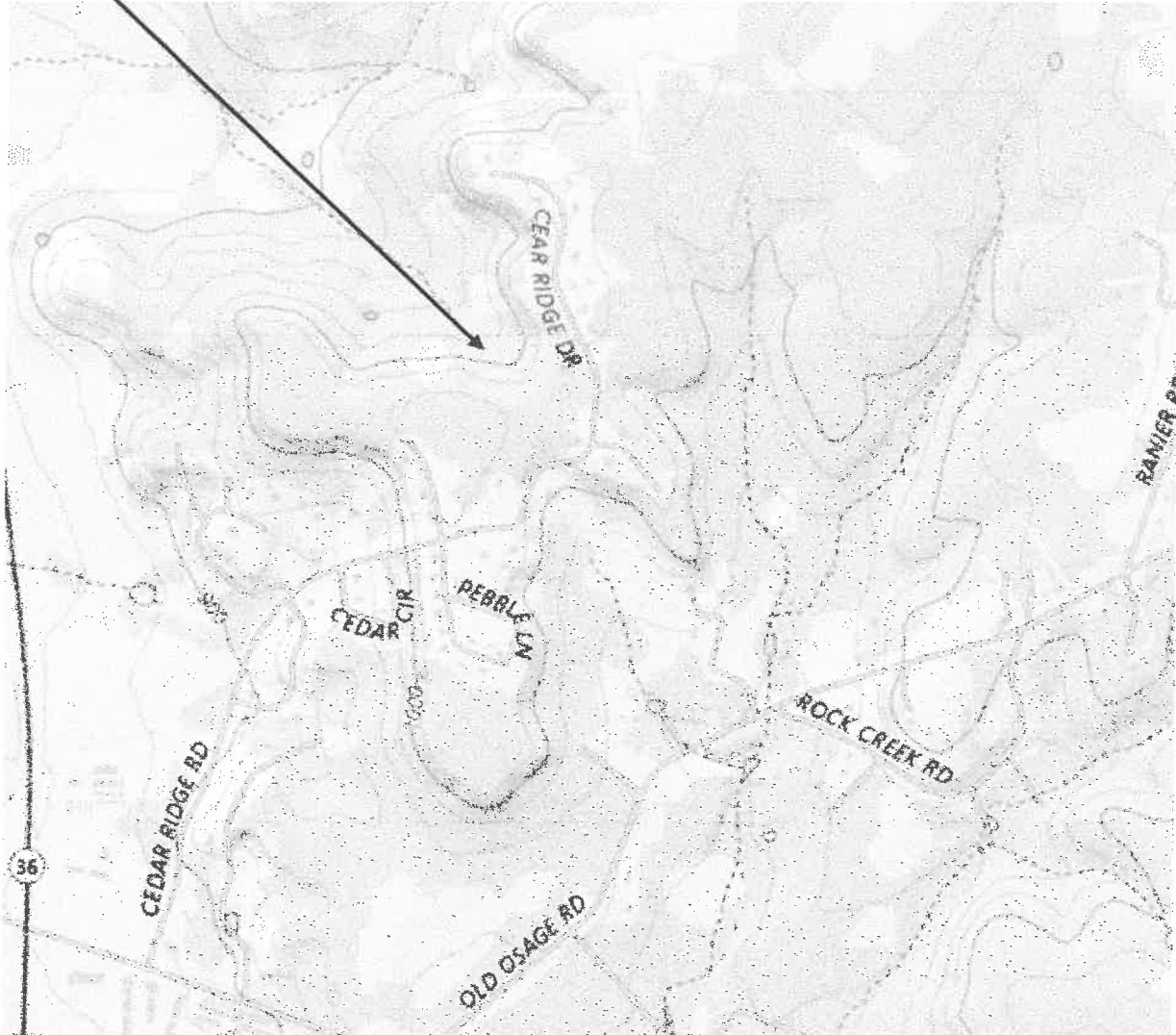
3208 ALDRY RD.,
 LITTLEFIELD, TX 76855
 (817) 857-8728 (782-8328)
 186-0607@SLSURV.COM
 TPLS FIRM NO. 10184515

- LEGEND**
- Set 1/2" Rebar Rod With Cap Stamped "STATE 28"
 - Found 3/8" Rebar Rod (Control Monument) (Circle Charwise Noted)
 - Found 1/2" Rebar Rod With Cap Stamped "STATE 28" (Control Monument)
 - Found 3/8" Rebar Rod With Cap Stamped "SHOCKLEY" (Control Monument)
 - Found Railroad Spike (Control Monument)
 - Found 800 Nail (Control Monument)
 - Found 1/2" Rebar Rod (Control Monument)
 - Power Pole
 - Dead Records, Erath County, Texas
 - O.P.R.C.C.T. Official Public Records, Erath County, Texas
 - P.R.C.C.T. Plat Records, Erath County, Texas



FILED FOR RECORD this _____ day of _____, 2024, in
 County, Texas.

Topographic Map of Site Location



Soil Map—Coryell County, Texas
(Soils Map)













































Soil Map may not be valid at this scale.

Map Scale: 1:5,560 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 14N WGS84

MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		Water Features
	Blowout		Streams and Canals
	Borrow Pit		Transportation
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slipp		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Coryell County, Texas
Survey Area Data: Version 21, Aug 30, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 29, 2020—Sep 30, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EcB	Eckrant very cobbly silty clay, 1 to 5 percent slopes, very stony	23.0	27.6%
ErB	Eckrant-Rock outcrop complex, 1 to 8 percent slopes, extremely stony	19.2	23.0%
ReF	Real-Rock outcrop complex, 8 to 40 percent slopes	40.5	48.6%
TpC	Topsey-Pidcoke clay loams association, 2 to 8 percent slopes	0.7	0.8%
Totals for Area of Interest		83.3	100.0%

Coryell County, Texas

EcB—Eckrant very cobbly silty clay, 1 to 5 percent slopes, very stony

Map Unit Setting

National map unit symbol: 2tc3c
Elevation: 400 to 1,700 feet
Mean annual precipitation: 29 to 35 inches
Mean annual air temperature: 65 to 67 degrees F
Frost-free period: 210 to 240 days
Farmland classification: Not prime farmland

Map Unit Composition

Eckrant and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Eckrant

Setting

Landform: Ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Typical profile

A1 - 0 to 4 inches: very cobbly silty clay
A2 - 4 to 15 inches: very cobbly silty clay
R - 15 to 40 inches: bedrock

Properties and qualities

Slope: 1 to 5 percent
Surface area covered with cobbles, stones or boulders: 2.0 percent
Depth to restrictive feature: 4 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 25 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 1.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4s
Hydrologic Soil Group: D
Ecological site: R085AY182TX - Low Stony Hill 30-38" PZ
Hydric soil rating: No

Minor Components

Crawford

Percent of map unit: 5 percent
Landform: Ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: R085AY180TX - Deep Redland 30-38" PZ
Hydric soil rating: No

Oglesby

Percent of map unit: 5 percent
Landform: Ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R085AY563TX - Shallow Clay 30-38" PZ
Hydric soil rating: No

Cranfill

Percent of map unit: 3 percent
Landform: Ridges
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Convex
Ecological site: R085AY276TX - Gravelly 30-38 PZ
Hydric soil rating: No

Rock outcrop

Percent of map unit: 2 percent
Landform: Ridges
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Data Source Information

Soil Survey Area: Coryell County, Texas
Survey Area Data: Version 21, Aug 30, 2024

Coryell County, Texas

ErB—Eckrant-Rock outcrop complex, 1 to 8 percent slopes, extremely stony

Map Unit Setting

National map unit symbol: 2tc3j
Elevation: 500 to 1,700 feet
Mean annual precipitation: 29 to 35 inches
Mean annual air temperature: 64 to 67 degrees F
Frost-free period: 210 to 240 days
Farmland classification: Not prime farmland

Map Unit Composition

Eckrant and similar soils: 60 percent
Rock outcrop: 30 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Eckrant

Setting

Landform: Ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Typical profile

A1 - 0 to 3 inches: very cobbly clay
A2 - 3 to 9 inches: extremely cobbly clay
R - 9 to 40 inches: bedrock

Properties and qualities

Slope: 1 to 8 percent
Surface area covered with cobbles, stones or boulders: 5.0 percent
Depth to restrictive feature: 4 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water
(Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 25 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 0.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: D
Ecological site: R085AY182TX - Low Stony Hill 30-38" PZ
Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Limestone

Properties and qualities

Slope: 1 to 8 percent
Depth to restrictive feature: 0 to 2 inches to lithic bedrock

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: D
Hydric soil rating: No

Minor Components

Oglesby

Percent of map unit: 4 percent
Landform: Ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R085AY563TX - Shallow Clay 30-38" PZ
Hydric soil rating: No

Evant

Percent of map unit: 3 percent
Landform: Ridges
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R085AY183TX - Redland 30-38" PZ
Hydric soil rating: No

Real

Percent of map unit: 3 percent
Landform: Ridges
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope

Down-slope shape: Linear
Across-slope shape: Convex
Ecological site: R085AY186TX - Steep Adobe 30-38" PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Coryell County, Texas
Survey Area Data: Version 21, Aug 30, 2024

Coryell County, Texas

ReF—Real-Rock outcrop complex, 8 to 40 percent slopes

Map Unit Setting

National map unit symbol: 30c02
Elevation: 500 to 2,100 feet
Mean annual precipitation: 26 to 34 inches
Mean annual air temperature: 64 to 68 degrees F
Frost-free period: 220 to 250 days
Farmland classification: Not prime farmland

Map Unit Composition

Real and similar soils: 70 percent
Rock outcrop: 25 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Real

Setting

Landform: Ridges
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loamy residuum weathered from limestone

Typical profile

A - 0 to 6 inches: gravelly clay loam
ABk - 6 to 14 inches: very gravelly clay loam
Crk - 14 to 80 inches: bedrock

Properties and qualities

Slope: 8 to 40 percent
Depth to restrictive feature: 9 to 20 inches to paralithic bedrock
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 70 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 1.5
Available water supply, 0 to 60 inches: Very low (about 0.6 inches)

Interpretive groups

Land capability classification (irrigated): 7e

Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: D
Ecological site: R085AY186TX - Steep Adobe 30-38" PZ
Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Escarpments
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Free face
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Residuum weathered from limestone

Typical profile

R - 0 to 80 inches: bedrock

Properties and qualities

Slope: 8 to 40 percent
Depth to restrictive feature: 0 to 2 inches to lithic bedrock
Runoff class: Low
Capacity of the most limiting layer to transmit water
(Ksat): Moderately low to very high (0.06 to 19.98 in/hr)

Interpretive groups

Land capability classification (irrigated): 8e
Land capability classification (nonirrigated): 8e
Hydrologic Soil Group: D
Hydric soil rating: No

Minor Components

Tarrant

Percent of map unit: 5 percent
Landform: Ridges
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Interfluve, side slope
Down-slope shape: Convex
Across-slope shape: Linear
Ecological site: R085AY182TX - Low Stony Hill 30-38" PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Coryell County, Texas
Survey Area Data: Version 21, Aug 30, 2024

Coryell County, Texas

TpC—Topsey-Pidcoke clay loams association, 2 to 8 percent slopes

Map Unit Setting

National map unit symbol: 30c06
Elevation: 820 to 1,220 feet
Mean annual precipitation: 31 to 34 inches
Mean annual air temperature: 64 to 68 degrees F
Frost-free period: 220 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Topsey and similar soils: 65 percent
Pidcoke and similar soils: 28 percent
Minor components: 7 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Topsey

Setting

Landform: Ridges
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loamy residuum weathered from shale and siltstone

Typical profile

A - 0 to 12 inches: clay loam
Bk - 12 to 32 inches: clay loam
Cdk - 32 to 80 inches: silty clay loam

Properties and qualities

Slope: 2 to 8 percent
Depth to restrictive feature: 20 to 40 inches to densic bedrock
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 80 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 2.0
Available water supply, 0 to 60 inches: Low (about 4.8 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: C
Ecological site: R085AY379TX - Loamy Slope 30-38
Hydric soil rating: No

Description of Pidcoke

Setting

Landform: Ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loamy residuum weathered from limestone

Typical profile

A - 0 to 7 inches: clay loam
Bk - 7 to 13 inches: gravelly clay loam
R - 13 to 80 inches: bedrock

Properties and qualities

Slope: 2 to 8 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 60 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 2.0
Available water supply, 0 to 60 inches: Very low (about 1.7 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: D
Ecological site: R085AY185TX - Shallow 30-38" PZ
Hydric soil rating: No

Minor Components

Cho

Percent of map unit: 3 percent
Landform: Ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear

Across-slope shape: Convex
Ecological site: R085AY185TX - Shallow 30-38" PZ
Hydric soil rating: No

Slidell

Percent of map unit: 2 percent
Landform: Hillslopes on hills
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Ecological site: R085BY002OK - Clay Upland 38-42 PZ
Hydric soil rating: No

Krum

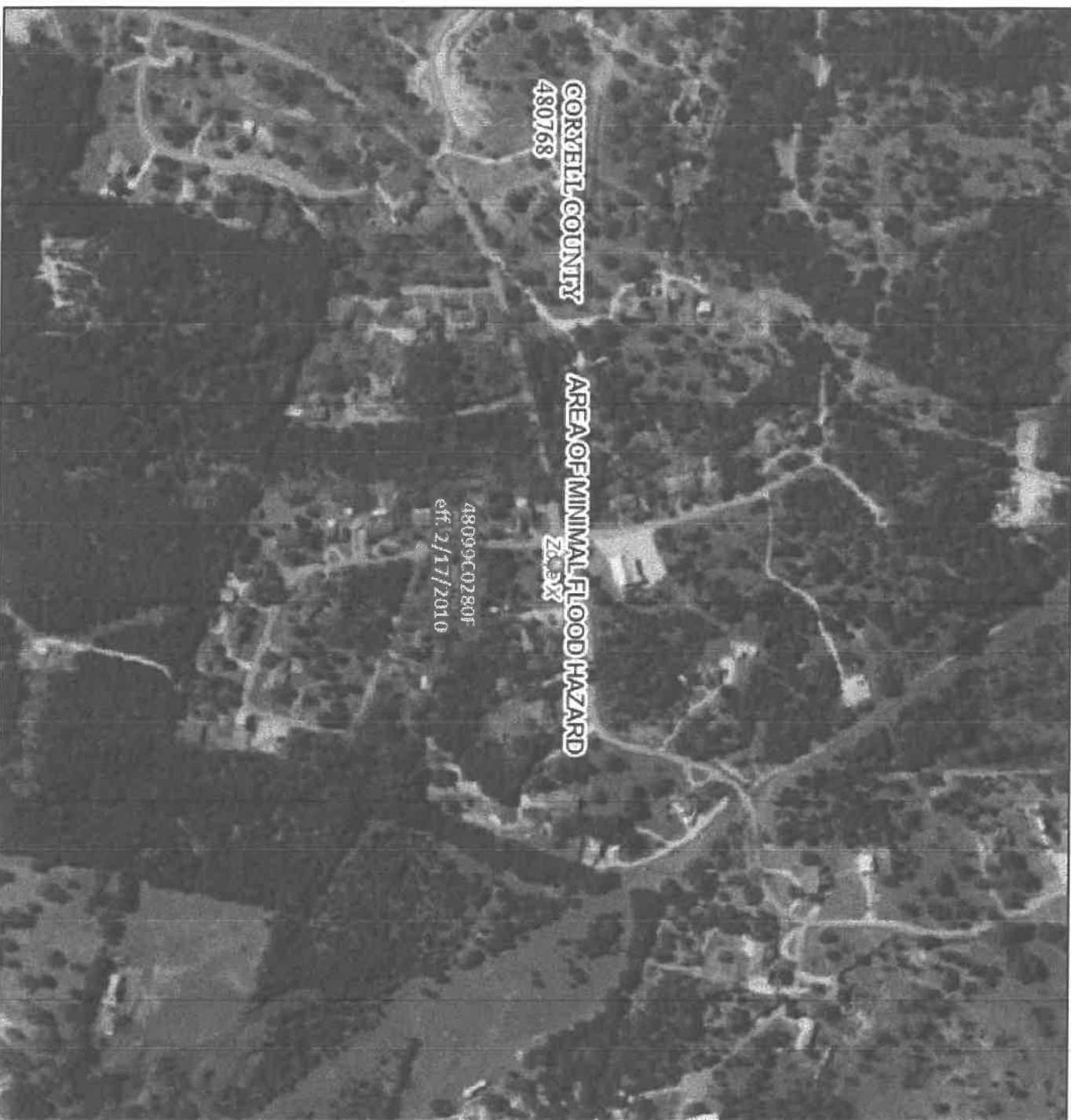
Percent of map unit: 2 percent
Landform: Stream terraces
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R085AY279TX - Clayey Swale 30-38
Hydric soil rating: No

Data Source Information

Soil Survey Area: Coryell County, Texas
Survey Area Data: Version 21, Aug 30, 2024

National Flood Hazard Layer FIRMette

97°42'36" W 31°27'14" N



Legend

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
 Without Base Flood Elevation (BFE)
 Zone A, V, AE, A99
 With BFE or Depth Zone AE, AO, AH, VE, AR
 Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile zone X
 Future Conditions 1% Annual Chance Flood Hazard zone X
 Area with Reduced Flood Risk due to Levee, See Notes, zone X
 Area with Flood Risk due to Levee zone D

OTHER AREAS OF FLOOD HAZARD
 NO SCREEN
 Area of Minimal Flood Hazard Zone X
 Effective LOMFRS
 Area of Undetermined Flood Hazard Zone D

OTHER AREAS GENERAL STRUCTURES
 Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall

OTHER FEATURES
 20.2 Cross sections with 1% Annual Chance
 17.5 Water Surface Elevation
 9 Coastal Transect
 Base Flood Elevation Line (BFE)
 Limit of Study
 Jurisdiction Boundary
 Coastal Transect Baseline
 Profile Baseline
 Hydrographic Feature

MAP PANELS
 Digital Data Available
 No Digital Data Available
 Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/19/2024 at 1:00 AM, and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

97°41'58" W 31°26'43" N

FIRMETTE MAP

Showing all the area to be platted



Figure: 30 TAC §285.91(13)

TABLE XIII: DISPOSAL AND TREATMENT SELECTION CRITERIA

ON-SITE SEWAGE FACILITY ⁽⁹⁾ (OSSF)	SOIL TEXTURE OR FRACTURED ROCK ⁽¹⁰⁾ (MOST RESTRICTIVE CLASS ALONG MEDIA ⁽¹⁾ or 2 FEET BELOW EXCAVATION)				MINIMUM DEPTH TO GROUNDWATER	MINIMUM DEPTH TO RESTRICTIVE HORIZON ⁽¹⁾
	Class Ia	Class Ib, II ⁽⁸⁾ or III ⁽⁸⁾	Class IV	Fractured Rock	MEASURED FROM BOTTOM OF MEDIA ⁽⁷⁾	MEASURED FROM BOTTOM OF MEDIA ⁽⁷⁾
Disposal Method (section) Treatment						
Absorptive drainfield ⁽²⁾ (285.33(b)(1))Septic tank	U	S	U	U	2 feet	2 feet
Absorptive drainfield ⁽²⁾ Secondary treatment	S ⁽⁵⁾	S	U	S ⁽⁵⁾	2 feet	2 feet
Lined E-T ⁽²⁾ Septic tank	S	S	S	S	N/A	N/A
Lined E-T ⁽²⁾ Secondary treatment	S	S	S	S	N/A	N/A
Unlined E-T ⁽²⁾ Septic tank	U	S	S	U	2 feet	2 feet
Unlined E-T ⁽²⁾ Secondary treatment	S ⁽⁵⁾	S	S	S ⁽⁵⁾	2 feet	2 feet
Pumped Effluent Drainfield ⁽³⁾ Septic tank	U	S	S	U	2 feet	1 foot
Leaching chamber ⁽²⁾ Septic tank	U	S	U	U	2 feet	2 feet
Leaching chamber ⁽²⁾ Secondary treatment	S ⁽⁵⁾	S	U	S ⁽⁵⁾	2 feet	2 feet
Gravelless pipe ⁽²⁾ Septic tank	U	S	U	U	2 feet	2 feet
Gravelless pipe ⁽²⁾ Secondary treatment	S ⁽⁵⁾	S	U	S ⁽⁵⁾	2 feet	2 feet
Drip Irrigation Septic tank/ filter	U	S	S	U	2 feet	1 foot
Drip Irrigation Secondary treatment/ filter	S ⁽⁵⁾	S	S	S ⁽⁵⁾	1 foot	6 inches
Low Pressure Dosing Septic tank	U	S	S	U	2 feet	1 foot
Low Pressure Dosing Secondary treatment	S ⁽⁵⁾	S	S	S ⁽⁵⁾	2 feet	1 foot
Mound ⁽⁴⁾ Septic tank	S	S	S	S	2 feet	1.5 feet
Mound ⁽⁴⁾ Secondary treatment	S	S	S	S	2 feet	1.5 feet
Surface application Secondary treatment	S ⁽⁶⁾	S ⁽⁶⁾	S ⁽⁶⁾	S ⁽⁶⁾	N/A	N/A
Surface application Non-standard treatment	S ⁽⁶⁾	S ⁽⁶⁾	S ⁽⁶⁾	S ⁽⁶⁾	N/A	N/A
Soil Substitution ⁽²⁾ Septic tank	S	S	U	S	2 feet	2 feet
Soil Substitution ⁽²⁾ Secondary Treatment	S	S	U	S	2 feet	2 feet

S = Suitable**U = Unsuitable**

- (1) An absorptive drainfield may be used, if a rock horizon is at least 6 inches above the bottom of the excavation, see §285.33(b)(1).
- (2) If the slope in the drainfield area is greater than 30% or is complex, the area is unsuitable for the disposal method.
- (3) Can only be installed in an area where the slope is less than or equal to 2.0%.
- (4) Can only be installed in an area where the slope is less than 10%.
- (5) Requires disinfection before disposal. A form of pressure distribution shall be used for effluent disposal in fractured or fissured rock.
- (6) Requires vegetation cover and disinfection.
- (7) When no media exists, measure from the bottom of the excavation or pipe, whichever is less.
- (8) May require gravel analysis for further suitability analysis (see §285.30(b)(1)(B)).
- (9) If OSSF is located within a Flood Hazard, see §285.31(c)(2) for special planning requirements.
- (10) Includes fissured rock.

All OSSFs require surface drainage controls if slope is less than 2%.



Agenda Item # 12

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action to approve Ordinance 2025-02, annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan.

Information:

Tracy Summers and Stacy Summers are the owners of the property located at 2204 Coryell City Road and described as the Henry Farley and J.A. Clayton Survey situated in Coryell County, Texas. On December 10, 2024, the City Council accepted the application for annexation. The first reading and public hearing were heard on January 14, 2025, with no changes and the second reading was heard on January 28, 2025. The vote was unanimously approved to move forward for both readings. This is the third and final reading.

The public notice was published in the Gatesville Messenger and on the City Website on December 28, 2024. Approximately 13 notices were mailed out.

The use of the property located at 2204 Coryell City Road is currently an RV Park. **Texas Local Government Code (TLGC) Sec. 43.002.** a) A municipality may not, after annexing an area, prohibit a person from: (1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time.

Exhibit B is a standard service agreement to provide City of Gatesville services that include water (already provided), sewer, trash, police/fire, and emergency medical per **TLGC Sec. 43.056.** The Summers have also agreed to finance and construct a lift station and lay the necessary pipes to connect their property to the City of Gatesville's sewer system.

If approved, the boundaries will be noted on the City map and Coryell County will be notified with the boundary changes.

Financial Impact:

There is no fiscal impact.

Staff Recommendation:

The staff recommend passing **Ordinance 2025-02**, annexing the property described as Henry Farley and J. A. Clayton Surveys situated in Coryell County, Texas and addressed as 2204 Coryell City Road.

Motion:

I make a motion to pass **Ordinance 2025-02**, annexing the property described as the Henry Farley and J. A. Clayton Surveys situated in Coryell County, Texas and addressed as 2204 Coryell City Road.

Attachments:

- Draft Ordinance
- Exhibit "A" Metes and Bounds
- Exhibit "B" Service Agreement
- GIS Map of property.
- Public Notice Copy (Newspaper and Letter)
- Mailing List

Staff Contacts:

Holly Owens howens@gatesvilletx.com

EXHIBIT "A"

All that certain five (5) acres, being a part of the Henry Farley and J. A. Clayton Surveys situated in Coryell County, Texas, and being further described by metes and bounds as follows:

BEGINNING S 60 deg. 18' W, 332.02 feet and S 48 deg. 58' 29", W, 146.64 feet from the most northly corner of that certain 177 acre tract described in Volume 173, Page 580, Deed Records, Coryell County, Texas;

THENCE S 74 deg. 18' 14" E, 376.14 feet to the NE corner of this tract;

THENCE S 15 deg. 41' 33" W, 720.43 feet to the SE corner of this tract;

THENCE N 28 deg. 01' 09" W, 728.49 feet to the NW corner of this tract, also beng on the South boundry line of FM Road 929;

THENCE N 48 deg. 58' 29' E, with the South boundry line of FM Road 929, 231.92 feet to the Place of Beginning.

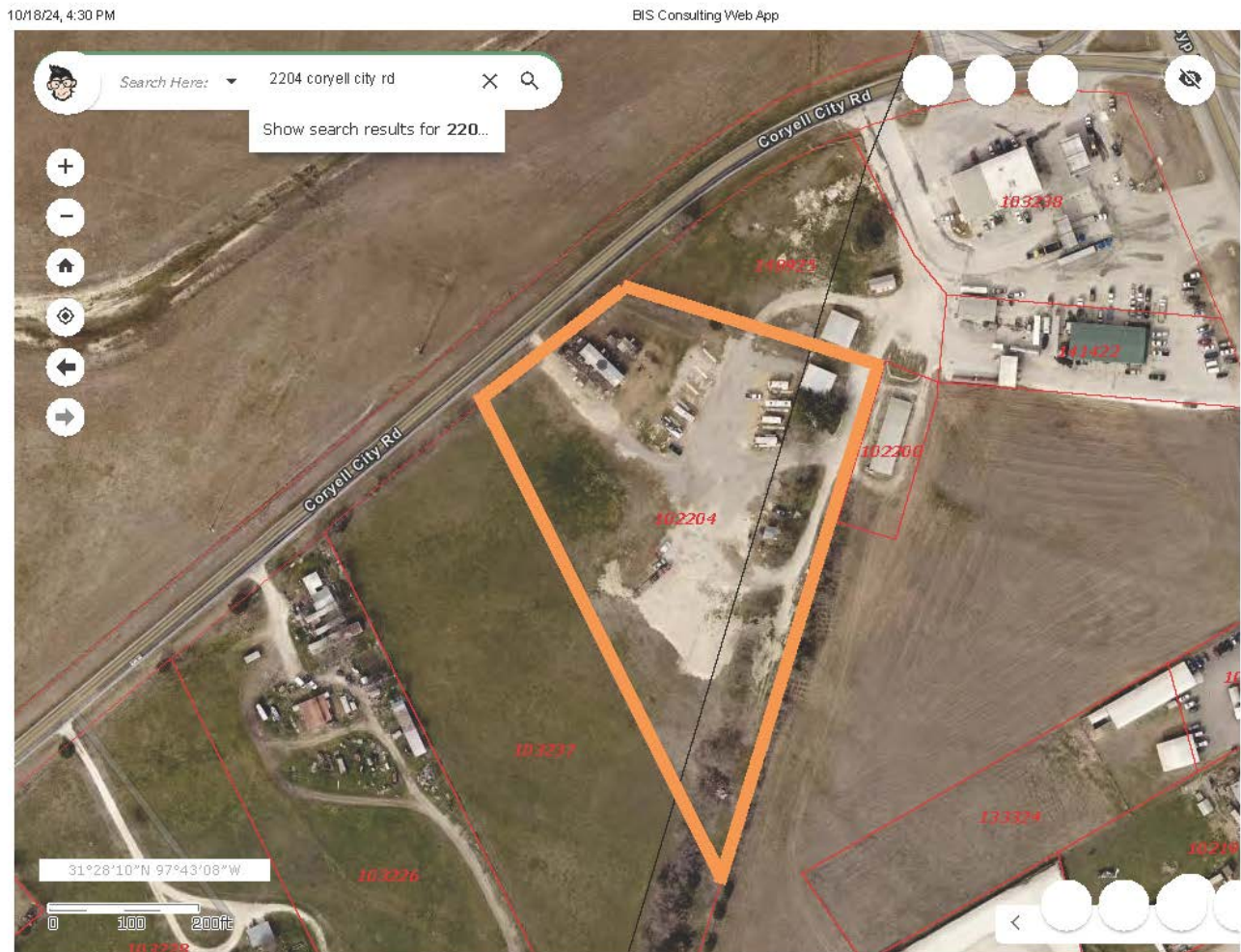


EXHIBIT “B”

ANNEXATION SERVICE PLAN AGREEMENT

For land described in Ordinance 2025-02 effective on the date of annexation, the following services are to be provided as set forth below:

1. POLICE PROTECTION

The City of Gatesville, Texas will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Gatesville, Texas, with similar topography, land use and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Gatesville, Texas will provide fire protection and ambulance service to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Gatesville, Texas, with similar topography, land use and population with the City of Gatesville.

3. SOLID WASTE COLLECTION AND RECYCLING PROGRAM

At the present time the City of Gatesville, Texas. is using a designated, specified contractor for collection of solid waste and refuse and a recycling program within the city limits of the City of Gatesville, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection and recycling program will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced. Also, periodic community wide roll-off disposal of hazardous household waste will be available.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City of Gatesville, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Gatesville, Texas. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Gatesville, Texas, to the extent of its ownership.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City of Gatesville, Texas, or which are owned by the City of Gatesville, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Gatesville, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Gatesville, Texas, is not aware of the existence of any parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Gatesville, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Gatesville, Texas.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Gatesville, Texas is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City of Gatesville, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Gatesville, Texas.

8. CAPITAL IMPROVEMENTS

A. GENERAL

The City provides water and wastewater treatment facilities and major distribution and collection facilities to areas within the City for which the City is authorized to provide such services (this does not include areas for which a certificate of convenience and necessity has been issued to a special district or other water provider). The City does not extend water distribution or wastewater collection mains at its own cost to new developments as part of its municipal services; instead, property owners are expected to bear such costs. Water and wastewater mains will be extended only on an as needed basis when development applications or subdivision plats that require urban level supporting services are submitted to the City in accordance with the City's subdivision and development ordinances. Once such developments begin to occur, the City also may adopt capital improvements plans for additional treatment or major distribution or collection facilities to serve the area, while property owners must pay for the mains necessary to serve their land.

B. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Gatesville, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purpose of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Gatesville, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

C. WATER FACILITIES

The area to be annexed shall be annexed into the City of Gatesville Certificate of Convenience and Necessity (CCN) but water will not be provided by the City. The area to be annexed is already being serviced by Coryell City Water Supply District. Capital improvements are not necessary to provide full municipal service for water.

D. WASTEWATER FACILITIES

The City Council of the City of Gatesville, Texas, has determined that given the current expected development in the next ten (10) years within the area to be annexed, if such development concerning the extension or expansion of wastewater facilities will be in accordance with the City's utility policies as generally set forth in section 8A of this Plan, in the City's development regulations and the service plan. Upon connection to existing mains, sewer will be provided at rates established by the City.

E. ROADS AND STREETS

Within 2 ½ years the City of Gatesville, Texas, with a cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City of Gatesville, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density as the annexed property. The City has determined that there are no current or proposed developments within the area to be annexed that require construction of supporting collector or arterial streets. As development occurs in the future, developers will be required pursuant to the ordinances of the City of Gatesville, Texas to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Gatesville, Texas, for street dedication and construction. City participation in capital expenditures will be in accordance with generally applicable city policies. Once urban level developments begin to occur, the City also may adopt road improvements plans to serve the area, and the service plan may be amended under such circumstances. The City may also plan road improvements that are necessary to serve the area being annexed into the City.

SPECIFIC FINDINGS

The City Council of the City of Gatesville, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

The City Council of the City of Gatesville, Texas further finds that there are areas within city limits with similar characteristics of topography, land utilization and population density that have service levels similar to those proposed in this service plan. Because of the differing characteristics of

topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City of Gatesville, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Gatesville, Texas will undertake to perform consistently with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Gatesville, Texas who reside in areas of similar topography, land utilization and population.

Property owners, Tracy Summers and Stacy Summers agree to fully finance the construction of a lift station and laying the necessary pipes to connect their property to the City of Gatesville's sewer system.

1. Lift Station Construction:
 - a. Pump
 - b. Control systems
 - c. Storage tank
2. Piping and Infrastructure
 - a. Digging trenches
 - b. Laying pipes
 - c. Installing manhole
3. Permits and Fees
 - a. Plumbing permits
 - b. Sewer Tap
4. City of Gatesville's Role
 - a. Specifications for the lift station design
 - b. Location of the connection to the City's sewer system
 - c. Public Work's inspection

Tracy Summers

Stacy Summers

Brad Hunt
City Manager

ATTEST:

Holly Owens
City Secretary





December 28, 2024

RE: Public Hearing and Public Notice to annex 22024 Coryell City Road

The City of Gatesville has scheduled a Public Hearing on January 14, 2025 at 110 N 8th Street at 5:30 P.M. to consider annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan.

FIELD NOTES FOR APPROXIMATELY 5 ACRES OF LAND LOCATED IN THE HENRY FARLEY AND J. A. CLAYTON SURVEYS SITUATED IN CORYELL COUNTY, TEXAS, ADDRESSED AS 2204 CORYELL CITY ROAD, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING S 60 DEG. 18' W, 332.02 FEET AND S 48 DEG. 58' 29", W, 146.64 FEET FROM THE MOST NORTHLY CORNER OF THAT CERTAIN 177 ACRE TRACT DESCRIBED IN VOLUME 173, PAGE 580, DEED RECORDS, CORYELL COUNTY, TEXAS;

THENCE S 74 DEG. 18' 14" E, 376.14 FEET TO THE NE CORNER OF THIS TRACT;

THENCE S 15 DEG. 41' 33" W, 720.43 FEET TO THE SE CORNER OF THIS TRACT;

THENCE N 28 DEG. 01' 09" W, 728.49 FEET TO THE NW CORNER OF THIS TRACT, ALSO BEING ON THE SOUTH BOUNDARY LINE OF FM ROAD 929;

THENCE N 48 DEG. 58' 29' E, WITH THE SOUTH BOUNDARY LINE OF FM ROAD 929, 231.92 FEET TO THE PLACE OF BEGINNING.

If you have any questions, please contact me directly.

Holly Owens, T.R.M.C.
City Secretary
254-865-8951, ext. 105

PID	Property Address	Owner	Mailing Address	City	State	Zip	Letters Returned
103237	2070 Coryell City Rd	WIBBENMEYER NORMAN	2016 CORYELL CITY ROAD	GATESVILLE	TX	76528	
102195	1111 N Hwy 36	PRUITT JOYCE MARIE M TRUSTEE OF THE DANNY	KYLE PRUITT ESTATE TAX EXEMPTION TRUST 4215 FM 929	GATESVILLE	TX	76528	
102200	2224 Coryell City Rd	PRUITT DANNY KYLE ESTATE TAX EXEMPTION TRUST	JOYCE PRUITT 4215 FM 929	GATESVILLE	TX	76528	
141422	13312 N Hwy 36	KDA PARTNERS LLC	785 COUNTY ROAD 258	VALLEY MILLS	TX	76689	
148925	2224 Coryell City Rd	PRUITT DANNY KYLE ESTATE TAX EXEMPTION TRUST	JOYCE PRUITT 4215 FM 929	GATESVILLE	TX	76528	
103238	1316 N Hwy 36	PRUITT JOYCE MARIE M TRUSTEE OF THE DANNY	KYLE PRUITT ESTATE TAX EXEMPTION TRUST 4215 FM 929	GATESVILLE	TX	76528	
102204	2204 Coryell City Rd	SUMMERS RENTAL	448 CATTLE ROAD	GATESVILLE	TX	76528	Applicant
		Coryell County	620 E Main St.	GATESVILLE	TX	76528	
		TNMP	201 N 8th St.	GATESVILLE	TX	76528	
		Gateville ISD	311 S Lovers Lane	GATESVILLE	TX	76528	
		Atmos Energy	409 TX-36	GATESVILLE	TX	76528	
		Coryell Health	1507 W Main St.	GATESVILLE	TX	76528	
		Waste Management	2201 W Avenue D	TEMPLE	TX	76504	



Agenda Item # 13

CITY COUNCIL MEMORANDUM

Date: February 11, 2025

To: Mayor & City Council

From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action regarding an ordinance annexing an approximately 4.7 acres located in the C Cazanoba Survey situated in Coryell County, Texas and extending the boundary limits of the City of Gatesville as to include such property within the City's corporate limits.

Information:

Patrick Washburn and Colten Washburn are the owners of the property located on Stillhouse Road and described as the C Cazanoba Survey situated in Coryell County, Texas. The owners have formally requested to have the 4.7 acres described property to be annexed into the City of Gatesville. City Council accepted the application to annex into the City of Gatesville on January 14, 2025, with Resolution 2025-009. The first reading and public hearing were heard on January 28, 2025, with no changes. The vote was unanimous to move forward for the second reading.

E&P Washburn Rentals are proposing to build duplexes as an extension of their existing development located on Stillhouse Road.

The public notice was published in the Gatesville Messenger and on the City Website on January 18, 2025. Approximately 13 notices were mailed out.

Exhibit B is a standard service agreement to provide City of Gatesville services that include water, sewer, trash, police/fire, and emergency medical per **TLGC Sec. 43.056**.

Financial Impact:

There is no fiscal impact.

Staff Recommendation:

The staff recommends passing **Ordinance 2025-04** annexing the property described as the C Cazanoba Survey in Coryell County, Texas to the next meeting.

Motion:

I make a motion to pass **Ordinance 2025-04** annexing the property described as the C Cazanoba Survey in Coryell County, Texas to the next meeting.

Attachments:

- Exhibit A – Meets and Bounds
- Exhibit B – Service Agreement
- GIS Map of property.
- Public Notice/Letter
- Mailing List

Staff Contacts:

Holly Owens howens@gatesvilletx.com

Exhibit 'A'
Meets and Bounds

BEING 2.08 Acres, more or less, in the Chrisanta Cozenoba Survey, Abstract No. 150, and being part of that certain called 7.92 Acres tract described in a deed to Patrick Lynn Washburn and Colten Blake Washburn, as recorded in Inst. # 368010, of the Deed Records of Coryell County, Texas.

THENCE, around a curve in a counterclockwise direction having a delta angle of $07^{\circ} 02' 15''$, an arc distance of 122.76 Feet, a radius of 999.40 Feet, and a chord of $S 24^{\circ} 31' 05'' E$, 122.68 Feet, to a $\frac{1}{2}$ " Iron Rebar, set with (GOODSONS 4330) cap, for the Southeast corner hereof, and in the West R.O.W. of said State Hwy. 36;

THENCE, $N 88^{\circ} 14' 24'' W$, over and across said 7.92 Acre tract, 437.27 Feet, to a $\frac{1}{2}$ " Iron Rebar, set with (GOODSONS 4330) cap, for an inner ell corner hereof;

THENCE, $S 00^{\circ} 51' 29'' E$, over and across said 7.92 Acre tract, 305.38 Feet, to a $\frac{1}{2}$ " Iron Rebar, set with (GOODSONS 4330) cap, for the Southeast corner hereof;

THENCE, $S 89^{\circ} 08' 31'' W$, over and across said 7.92 Acre tract, 110.00 Feet, to a $\frac{1}{2}$ " Iron Rebar, set with (GOODSONS 4300) cap, Southwest corner hereof and being in the East line of said Stillhouse Road, from whence a Pipe Fence Post at the Southwest corner of said 7.92 Acre tract $Brs. S 00^{\circ} 51' 29'' E$, 60.00';

$N 00^{\circ} 51' 29'' W$, 372.68' (Rec. $N 01^{\circ} 15' 35'' E$, 432.89') with the East line of said Stillhouse Road, to a Pipe Fence Post, for angle hereof;

$N 29^{\circ} 25' 47'' E$, 53.96' (Rec. $N 31^{\circ} 34' 48'' E$, 53.92') with the Southeast line of said Stillhouse Road, to a Pipe Fence Post, for angle hereof;

THENCE, $S 88^{\circ} 14' 24'' E$, (Rec. $S 86^{\circ} 09' 38'' E$, 470.97') with the common lines of said 7.92 Acre tract and said Stillhouse Road, 470.83 Feet, to the PLACE OF BEGINNING

EXHIBIT 'B'

ANNEXATION SERVICE PLAN AGREEMENT

For land described in Ordinance 2025-04 effective on the date of annexation, the following services are to be provided as set forth below:

1. POLICE PROTECTION

The City of Gatesville, Texas will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Gatesville, Texas, with similar topography, land use and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Gatesville, Texas will provide fire protection and ambulance service to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Gatesville, Texas, with similar topography, land use and population with the City of Gatesville.

3. SOLID WASTE COLLECTION AND RECYCLING PROGRAM

At the present time the City of Gatesville, Texas. is using a designated, specified contractor for collection of solid waste and refuse and a recycling program within the city limits of the City of Gatesville, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection and recycling program will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced. Also, periodic community wide roll-off disposal of hazardous household waste will be available.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City of Gatesville, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Gatesville, Texas. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Gatesville, Texas, to the extent of its ownership.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City of Gatesville, Texas, or which are owned by the City of Gatesville, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Gatesville, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Gatesville, Texas, is not aware of the existence of any parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Gatesville, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Gatesville, Texas.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Gatesville, Texas is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City of Gatesville, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Gatesville, Texas.

8. CAPITAL IMPROVEMENTS

A. GENERAL

The City provides water and wastewater treatment facilities and major distribution and collection facilities to areas within the City for which the City is authorized to provide such services (this does not include areas for which a certificate of convenience and necessity has been issued to a special district or other water provider). The City does not extend water distribution or wastewater collection mains at its own cost to new developments as part of its municipal services; instead, property owners are expected to bear such costs. Water and wastewater mains will be extended only on an as needed basis when development applications or subdivision plats that require urban level supporting services are submitted to the City in accordance with the City's subdivision and development ordinances. Once such developments begin to occur, the City also may adopt capital improvements plans for additional treatment or major distribution or collection facilities to serve the area, while property owners must pay for the mains necessary to serve their land.

B. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Gatesville, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purpose of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Gatesville, Texas, with the same or similar topography, land use and population density, without reducing by

Exhibit B for Ordinance 2025-04

more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

C. WATER FACILITIES

The area to be annexed shall be annexed into the City of Gatesville Certificate of Convenience and Necessity (CCN) and water will be provided by the City. Capital improvements are not necessary to provide full municipal services for water.

D. WASTEWATER FACILITIES

The City Council of the City of Gatesville, Texas, has determined that given the current expected development in the next ten (10) years within the area to be annexed, if such development concerning the extension or expansion of wastewater facilities will be in accordance with the City's utility policies as generally set forth in section 8A of this Plan, in the City's development regulations and the service plan. Upon connection to existing mains, sewer will be provided at rates established by the City.

E. ROADS AND STREETS

Within 2 ½ years the City of Gatesville, Texas, with a cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City of Gatesville, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density as the annexed property. The City has determined that there are no current or proposed developments within the area to be annexed that require construction of supporting collector or arterial streets. As development occurs in the future, developers will be required pursuant to the ordinances of the City of Gatesville, Texas to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Gatesville, Texas, for street dedication and construction. City participation in capital expenditures will be in accordance with generally applicable city policies. Once urban level developments begin to occur, the City also may adopt road improvements plans to serve the area, and the service plan may be amended under such circumstances. The City may also plan road improvements that are necessary to serve the area being annexed into the City.

SPECIFIC FINDINGS

The City Council of the City of Gatesville, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Exhibit B for Ordinance 2025-04

The City Council of the City of Gatesville, Texas further finds that there are areas within city limits with similar characteristics of topography, land utilization and population density that have service levels similar to those proposed in this service plan. Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City of Gatesville, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Gatesville, Texas will undertake to perform consistently with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Gatesville, Texas who reside in areas of similar topography, land utilization and population.

Patrick Washburn

Colten Washburn

Brad Hunt
City Manager

ATTEST:

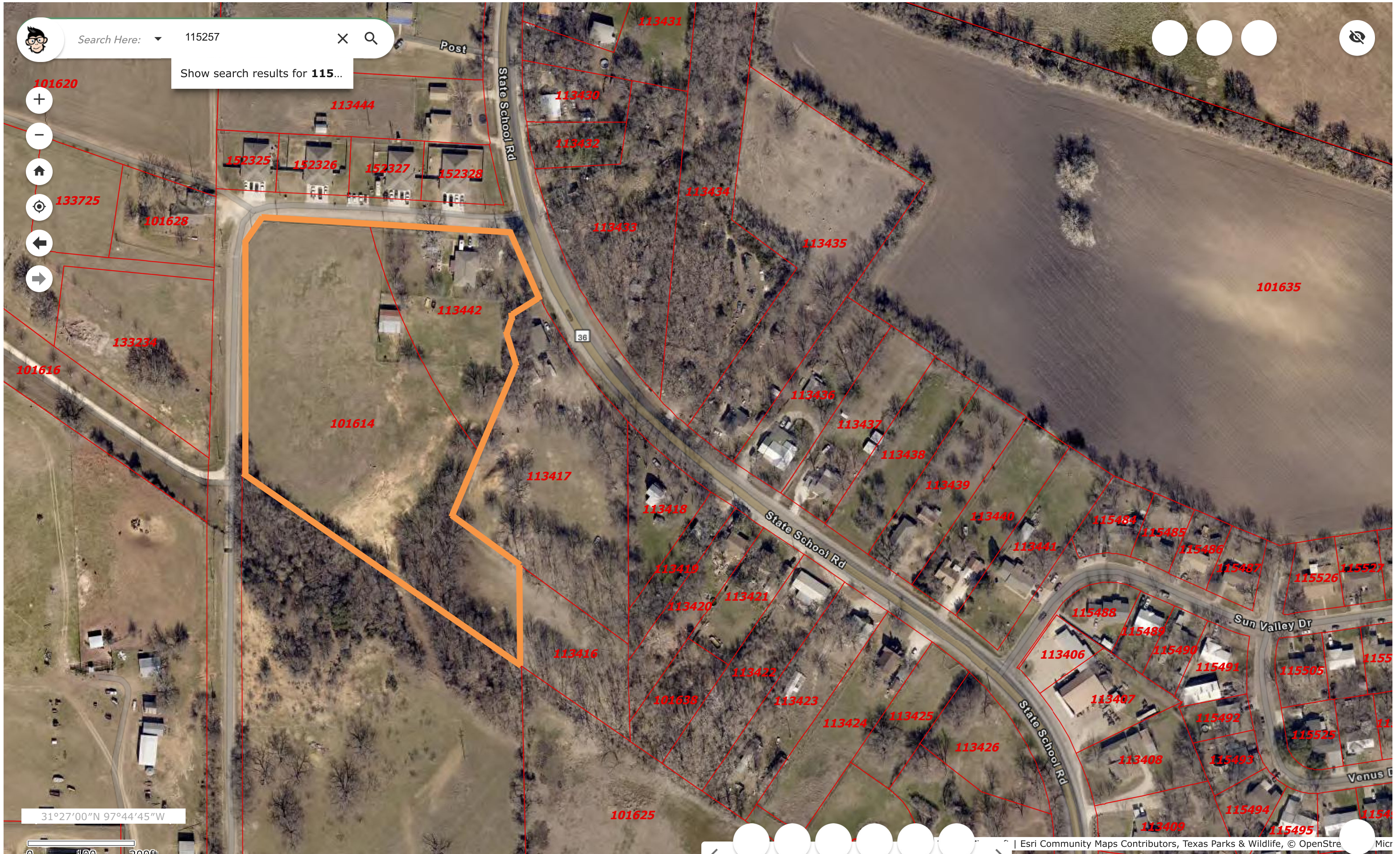
Holly Owens
City Secretary



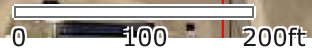
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31°27'00"N 97°44'45"W





January 17, 2025

RE: Public Hearing and Public Notice to annex approximately 4.7 acres located in the C Cazanoba Survey.

The City of Gatesville has scheduled a Public Hearing on January 28, 2025 at 110 N 8th Street at 5:30 P.M. to consider annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan.

BEING 2.08 Acres, more or less, in the Chrisanta Cozenoba Survey, Abstract No. 150, and being part of that certain called 7.92 Acres tract described in a deed to Patrick Lynn Wasburn and Colten Blake Washburn, as recorded in Inst. # 368010, of the Deed Records of Coryell County, Texas.

THENCE, around a curve in a counterclockwise direction having a delta angle of 07° 02' 15", an arc distance of 122.76 Feet, a radius of 999.40 Feet, and a chord of S 24° 31' 05" E, 122.68 Feet, to a ½" Iron Rebar, set with (GOODSONS 4330) cap, for the Southeast corner hereof, and in the West R.O.W. of said State Hwy. 36;

THENCE, N 88° 14' 24" W, over and across said 7.92 Acre tract, 437.27 Feet, to a ½" Iron Rebar, set with (GOODSONS 4330) cap, for an inner ell corner hereof;

THENCE, S 00° 51' 29" E, over and across said 7.92 Acre tract, 305.38 Feet, to a ½" Iron Rebar, set with (GOODSONS 4330) cap, for the Southeast corner hereof;

THENCE, S 89° 08' 31" W, over and across said 7.92 Acre tract, 110.00 Feet, to a ½" Iron Rebar, set with (GOODSONS 4300) cap, Southwest corner hereof and being in the East line of said Stillhouse Road, from whence a Pipe Fence Post at the Southwest corner of said 7.92 Acre tract Brs. S 00° 51' 29" E, 60.00';

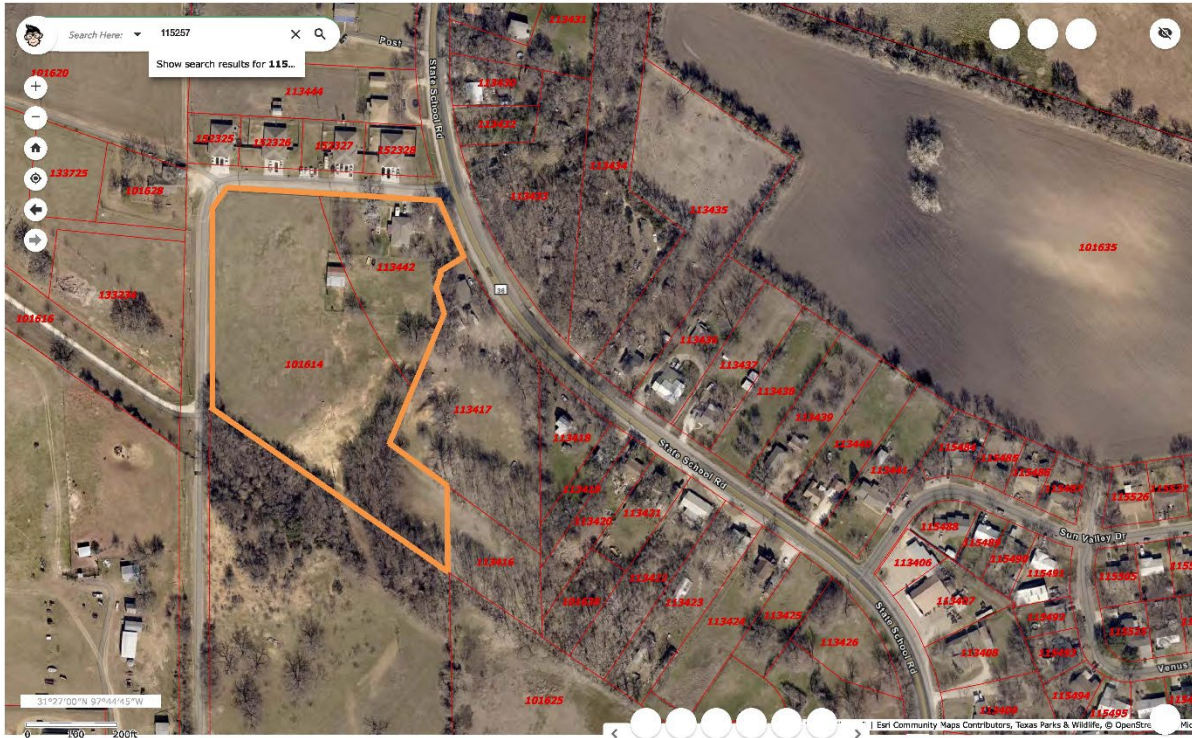
N 00° 51' 29" W, 372.68' (Rec. N 01° 15' 35" E, 432.89') with the East line of said Stillhouse Road, to a Pipe Fence Post, for angle hereof;

N 29° 25' 47" E, 53.96' (Rec. N 31° 34' 48" E, 53.92') with the Southeast line of said Stillhouse Road, to a Pipe Fence Post, for angle hereof;

THENCE, S 88° 14' 24" E, (Rec. S 86° 09' 38" E, 470.97') with the common lines of said 7.92 Acre tract and said Stillhouse Road, 470.83 Feet, to the PLACE OF BEGINNING

If you have any questions, please contact me directly.

Holly Owens, T.R.M.C.
City Secretary
254-865-8951, ext. 105



PID	Property Address	Owner	Mailing Address	City	State	Zip
113442	223 State School Rd	Washburn Patrick Lynn & Colten Blake	906 Cedar Ridge Rd	GATESVILLE	TX	76528
152328	126 Stillhouse Rd	E&P Washburn Rentals LLC	906 Cedar Ridge Rd	GATESVILLE	TX	76528
152327	128 Stillhouse Rd	E&P Washburn Rentals LLC	906 Cedar Ridge Rd	GATESVILLE	TX	76528
152326	172 Stillhouse Rd	E&P Washburn Rentals LLC	906 Cedar Ridge Rd	GATESVILLE	TX	76528
152325	174 Stillhouse Rd	E&P Washburn Rentals LLC	906 Cedar Ridge Rd	GATESVILLE	TX	76528
113444	303 State School Rd	Doyle Kenneth & Cheryl Ann	300 State School Rd	GATESVILLE	TX	76528
101620	184 Stillhouse Rd	Lam Max & Lera	122 Gateway Circle	GATESVILLE	TX	76528
101628	202 Stillhouse Rd	Doyle Kenneth & Cheryl Ann	300 State School Rd	GATESVILLE	TX	76528
133233	Stillhouse Rd	Doyle Kenneth & Cheryl Ann	300 State School Rd	GATESVILLE	TX	76528
133234	Stillhouse Rd	Doyle Kenneth & Cheryl Ann	300 State School Rd	GATESVILLE	TX	76528
101616	300 Stillhouse Rd	Doyle Kenneth & Cheryl Ann	300 State School Rd	GATESVILLE	TX	76528
101636	Stillhouse Rd	Morse Jack Wesley Etal	1050 County Road 301	OGLESBY	TX	76561
101625	State School Rd	Erwin Corinne W	2275 FM 107	GATESVILLE	TX	76528
113416	223 State School Rd	Washburn Patrick Lynn & Colten Blake	906 Cedar Ridge Rd	GATESVILLE	TX	76528
113417	219-221 State School Rd	Wells Pamela A	221 State School Rd	GATESVILLE	TX	76528
		Coryell County	620 E Main St.	GATESVILLE	TX	76528
		TNMP	201 N 8th St.	GATESVILLE	TX	76528
		Gateville ISD	311 S Lovers Lane	GATESVILLE	TX	76528
		Atmos Energy	409 TX-36	GATESVILLE	TX	76528
		Coryell Health	1507 W Main St.	GATESVILLE	TX	76528
		Waste Management	2201 W Avenue D	TEMPLE	TX	76504



Agenda Item # 14

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action regarding Ordinance 2025-01, amending the Gatesville Code of Ordinances at Chapter 36 Nuisances; providing a severability clause; and providing a penalty of fine not to exceed \$2,000.00.

Information:

The primary purpose of amending Chapter 36 – Nuisances is to enhance clarity and ensure compliance with current legislative standards. Significant portions of the ordinance have been restructured to improve its readability and alignment with updated requirements concerning abatement procedures, court actions, and acknowledging the authority to issue citations. Additionally, related provisions have been consolidated to reduce redundancy and streamline enforcement. These revisions aim to make the ordinance more efficient, easier to understand, and better suited to modern legal and operational need.

Notable changes:

1. Sec. 36-1 Definitions (pages 1 and 2)
 - a. Additional definitions added:
 - i. Abandoned Swimming Pool
 - ii. Abandoned Property (unoccupied is included in this definition - continuously for 90 days)
 - iii. High Grass definition change (25-ft.)
2. Sec. 36-2 Declaration of nuisance (page 3)
 - a. Reference only - (d) Normal barrier height and clearance is 48" (4-ft.) with self-closing and self-latching features (2021 ISPSC 305.2.1).
 - b. State Law reference added.
3. Sec. 36-3 Authority to issue citations to appear in Municipal Court (page 3 and 4)
4. Sec. 36-18 Abatement by City (page 5 and 6)
5. Sec. 36-24 Penalty (page 7)
6. Sec. 36-41 Definitions (page 7 and 8)

7. Sec. 36-46 Removal and impoundment of abandoned vehicles or property obstructing traffic (page 11)
8. Article IV. Public Tree Care (page 14-16)
9. Article V. Penalty (page 16)

The addition of Article IV addresses proper planting and care of trees, establishing guidelines and best practices for planting and maintaining trees on public property. It also provides for the emergency removal of trees on private property if they pose a threat to public safety or property.

The first reading was heard on January 14, 2025, with no changes requested and the second reading was heard on January 28, 2025, with a request to define abandoned/unoccupied property and reduce (page 2) the minimum to adjacent to a public street or any occupied property to 25-ft. The vote was unanimously approved to move forward to the third and final reading.

Financial Impact:

There is no fiscal impact.

Staff Recommendation:

The staff recommends passing **Ordinance 2025-01** adopting the amendment to the Gatesville Code of Ordinances at Chapter 36 Nuisances.

Motion:

I make a motion to pass **Ordinance 2025-01** adopting the amendment to the Gatesville Code of Ordinances at Chapter 36 Nuisances.

Attachments:

- Draft Ordinance

Staff Contacts:

Holly Owens howens@gatesvilletx.com

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 36 – NUISANCES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$2,000.00; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council may establish nuisance regulations within the corporate limits of the city; and

WHEREAS, the nuisance ordinance was last amended in 2013 and is in need of updating certain procedures pertaining to Code Enforcement; and

WHEREAS, the City Council finds that the amendments to the Code of Ordinances, as set forth herein, updating the general nuisances abatement procedures, serves the public health, safety and welfare and is in the best interest of the citizens of the City;

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

SECTION 1. The findings set forth in the above preamble to this Ordinance are determined by the City Council to be true and correct and are hereby adopted as though fully set forth herein.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended at Chapter 36 “Nuisances,” by repealing and replacing Article II “General Nuisances Abatement Procedure” to read in its entirety as follows:

“Chapter 36 – Nuisances

ARTICLE I. GENERAL NUISANCE

Sec. 36-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Property means any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for at least 90 (ninety) continuous days or commercial real estate for which taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties.

Abandoned Swimming Pool means a pool that is no longer in use or is in a state of disrepair.

Code Compliance Official means the official who is charged with the administration and enforcement of this code, or duly authorized representative.

Commercial Real Estate means any real estate for which the present use is other than residential or for agricultural purposes.

Easement means that portion of land or property or an interest therein reserved for present or future use by a person or agency other than the legal owner(s) of the property. The easement may be permitted for use under, on and/or above a said lot(s).

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

High grass means all varieties of grasses normally cultivated for purposes of ground cover, landscaping, erosion control, or forage for domesticated livestock, and all noxious plants and rank and uncultivated vegetable growth or matter that has grown to a height of more than 12 inches for properties two acres or less, or regardless of height, is objectionable or unsightly, may create a fire hazard, an unsanitary condition, or become a harborage for rodents, vermin, or other disease-carrying pests. For property in excess of two acres, grass shall be cut or shredded so as not to exceed 12 inches maximum for a minimum of ~~50~~ 25 feet adjacent to a public street or any occupied property.

Junk means any abandoned, discarded or worn-out machinery, appliance or furniture, such as a refrigerator, stove, freezer, vending machine and other types of machinery or furniture or appliance, or any other item which is detrimental to the health or safety of the citizens or to the aesthetic value of the neighborhood.

Occupant means any individual living or sleeping in a building or having possession of a space within a building.

Owner means any person, agent, operator, firm, or corporation having legal or equitable interest in the property recorded in the official records of the state, county, or municipality as holding title to the property or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means individual, corporation, partnership or any other group acting as a unit.

Premises means a lot, plot or parcel of land, easement or public way, including any structure thereon.

Property means a lot, plot or parcel of land, easement or public way, including any structures thereon. This term is intended to be synonymous with the term "Premises".

Public Way means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to public or public use.

Rubbish means all waste materials, including but not limited to garbage from a public or private establishment or residence not properly contained in rubbish or recycling receptable or properly set out for bulk or brush pickup. The term "rubbish" shall include tires, paper, rags, cartons, boxes, wood, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and other similar materials that are not intended to be recycled.

Weeds means any grass, annual plants and/or vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens.

Sec. 36-2. Declaration of nuisance.

- a) For the purposes of enforcement of these regulations, a person commits an offense if the person maintains a public nuisance described in this article.
- b) The presence of any junk, garbage, rubbish or weeds on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by abandoning or discarding any such item on the real property of another or to suffer, permit or allow any such item to be maintained on his own real property.
- c) It shall be a public nuisance and unlawful for any owner, lessee, occupant, or any person in charge of any premises in the city to allow brush, garbage, rubbish, handbills, junk, or litter to accumulate upon such premises to such an extent that it:
 - 1) could reasonably be deemed to create a fire hazard,
 - 2) is injurious to the health of the citizens of the city,
 - 3) tends to reduce the property values of adjacent and surrounding properties,
 - 4) creates unsightly esthetics to the reasonable person, or
 - 5) creates breeding and living places for insects, rodents, and other vermin. This duty shall extend to any sidewalk or parkway abutting the property.
- d) It shall be a public nuisance and unlawful for any owner, lessee, occupant, or any person in charge of any premises in the city to allow an abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with:
 - 1) a fence that is at least four feet high and that has a latched and locked gate, and
 - 2) a cover over the entire swimming pool that cannot be removed by a child.
- e) Any violation of this article is hereby declared to constitute a public nuisance and is subject to the abatement, enforcement and penalty provisions set forth in this Chapter.

State Law reference – Health and Safety Code § Sec. 343.011. Public Nuisance.

Sec. 36-3. Authority to issue citations to appear in Municipal Court.

- a) Applicability. This chapter does not apply to law enforcement by licensed peace officers who are employed by the City as peace officers.
- b) Designated employees.
 - 1) In addition to any express authority provided in this Code, a director of a City department may issue one (1) or more citations to a person to appear in Municipal Court, if the director reasonably believes that the person has engaged in conduct that violates a law or ordinance that relates to the operations of the department for which the director is responsible as assigned by the City Manager.
 - 2) A department director may designate employees to issue citations.
 - 3) A person designated under this section must:
 - i. Be an employee of the director's department; and
 - ii. Successfully complete a training program approved by the director.
 - 4) A person designated under this section:

- i. Is not a peace officer; and
 - ii. Is not authorized to arrest an individual for violation of a City ordinance.
- c) Citation.
 - 1) A citation issued under this section must be on a form approved by the Municipal Court Clerk that includes the following information:
 - i. The name and address of the person cited;
 - ii. The offense for which the person is charged;
 - iii. The date and location of the offense;
 - iv. A timeframe providing a deadline for appearance (“appearance time”);
 - v. A statement requiring the person receiving the citation to appear at Municipal Court on or before the appearance time indicated on the citation;
 - vi. A statement of the person’s promise to respond to the citation by the appearance time indicated on the citation, including a place for the person cited to provide the person’s signature;
 - vii. The name of the person issuing the citation; and
 - viii. Other information as determined by the director of the issuing department.
 - 2) Upon receipt of a completed citation, the Municipal Court Clerk shall process the citation in the same manner as a citation issued by a peace officer.
- d) Duty to respond to citation.
 - 1) On or before the appearance time indicated on a citation, a person cited shall submit a plea to charge indicated on the citation. The person may enter a plea of guilty, not guilty, or no contest. The plea may be submitted by mail, in person, or by other method acceptable to the Municipal Court.
 - 2) A person may enter a plea of guilty or no contest to a charge on a citation by paying the fine for the charge.
- e) Additional Offenses.
 - 1) A person commits an offense if the person interferes with, hinders, or molests a City employee in the performance of the employee’s duties under this chapter.
 - 2) A person commits an offense if the person gives a false or fictitious name, address, or other information to a director or designated employee to issue a citation in lieu of other remedies.

State Law reference – Municipal courts, V.T. C.A. Government Code, § 29.001 et seq.; general law for municipal courts of record, V.T.C.A. Government Code, § 30.481 et seq., court procedures, Vernon’s Ann. C.C.P. art. 45.01 et seq.

Sec. 36-4 – 36-15. Reserved.

ARTICLE II. GENERAL NUISANCES’ ABATEMENT PROCEDURE

Sec. 36-16. Notice of order to abate nuisance– Service; Contents.

Whenever any public nuisance defined in Article I of this Chapter exists on premises within the city in violation of this article, the authorized code **compliance official** shall order the owner of the

premises whereon such public nuisance exists to abate or remove the same. Such an order shall be in writing, specify the public nuisance and its location, specify the corrective measures required, and provide for compliance within ten days from service thereof.

- a) Notice of the order to abate may be given:
 - 1) Personally, to the owner in writing;
 - 2) By letter addressed to the owner at the owner's address as recorded in the Coryell County Tax Rolls; or
 - 3) If personal service cannot be obtained or the owner's postal address is unknown:
 - i. By publication in the official newspaper of the city at least once within ten (10) consecutive days of the declared nuisance;
 - ii. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - iii. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- b) The notice, when given, will contain:
 - 1) An identification of the property;
 - 2) A description of the violation that is present on the property;
 - 3) A statement that if the owner commits another violation of the same kind or nature on or before the first anniversary of the date of the notice, and the city has not been informed in writing by the owner of an ownership change, the city without further notice may correct the violation at the owner's expense and assess the expense against the property; and
 - 4) A statement that if the owner of the property in the city does not comply with the requirements within ten (10) days after receiving the notice of violation the City will either:
 - i. Refer the property to municipal court for criminal prosecution; or
 - ii. Abate the nuisance in accordance with the provisions of this Article.

Sec. 36-17. Request for hearing.

If the owner or occupant of the premises identified in a notice of order to abate nuisance so desires, he may, within ten days after service of notice of order to abate the nuisance, request of the clerk of the municipal court, either in person or in writing and without the requirement of bond, that a date and a time be set when he may appear before the judge for a hearing to determine whether he is in violation of this Article I.

Sec. 36-18. Abatement by City.

- a) If an owner or person in charge of the premises fails to comply with this article and allows a nuisance to be created and remain unabated, such nuisance may be abated by the city in accordance with the provisions of this article and in accordance with Texas Health and Safety Code § 342.006 et seq. The expense incurred in abating such nuisance shall be charged against the property and a lien created for the amount of such charges, including salary and wages of all employees and reasonable charges for machinery, tools and vehicles used, and any filing fees. Such lien shall be set forth in a statement of the expenses incurred, signed by the city manager or their designee, and filed in the county real property records in accordance with Texas Health and Safety Code § 342.007 et seq. Interest shall accrue

on the lien at the rate of ten (10) percent per annum, beginning on the date that work by the city is completed. Payment of all liens created in accordance with the article shall be made to the city. For payment in full made subsequent to the filing of a lien with the county clerk, an appropriate release will be prepared. and the city manager is authorized to sign all such releases for the city.

- b) Suit may be filed by the city for collection of any lien so created and foreclosure had in the name of the city. The statement of the city manager or city health authority shall be prima facie proof of the amount of money expended to abate any accumulation of trash or rubbish that constitutes a public nuisance.

Sec. 36-19. Emergency abatement of tall grass and weeds, without notice.

- a) The city may abate, without notice, weeds, grass, and other vegetation:
 - 1) That have grown higher than forty-eight (48) inches; and
 - 2) Are an immediate danger to the health, life or safety of any person.
- b) Not later than the tenth (10) day after the date the city abates weeds, grass or other vegetation pursuant to this Sec. 36-19, the city will give notice to the property owner of the abatement.
 - 1) The notice will be given in the manner required by Sec. 36-16; and
 - 2) The notice will contain:
 - i. An identification, which is not required to be a legal description of the property;
 - ii. A description of the violation of the ordinance that occurred on the property;
 - iii. A statement that the city abated the weeds, grass, or other vegetation; and
 - iv. An explanation of the property owner's right to request a hearing about the city's abatement.

Sec. 36-20. Hearing.

Upon receiving a request for hearing, the clerk of the court shall set a date and a time for such hearing on the court docket. The clerk of the court shall notify the city attorney of the date and time of such hearing. The city attorney shall cause to be prepared, filed, and served on the defendant a written complaint charging that the owner or occupant of the premises, as the case may be, has violated this article. After service, such complaint shall be on file with the clerk of the court not less than ten days prior to the date of hearing.

Sec. 36-21. Finding of violation; order of judge.

The judge shall hear any case brought before said court as set out herein, and shall determine whether the defendant is, in fact, in violation of this article. Upon finding that said defendant is in violation of this article, said defendant shall be deemed guilty of a misdemeanor. The judge shall further order such defendant to remove and abate said nuisance within ten days, the same being a reasonable time. If the defendant shall fail and refuse, within ten days, to abate or remove the nuisance, the judge may issue an order directing the authorized code enforcement official to have the same removed, and the authorized code enforcement official shall take possession of said

nuisance in such manner as the city council may provide. Failure to appear before the court within a ten (10) day period shall be a separate offense under this chapter. It shall not be a defense to any action initiated by a citation that a prior notice was not issued.

Sec. 36-22. Removal from unoccupied premises by order of municipal court.

- (a) If there are materials determined to be a nuisance on premises that are unoccupied, and neither the owner of the premises nor the owner of said materials can be found and notified to remove same, then upon a showing of such facts to the judge, the court may issue an order directing the code enforcement official to have same removed, and the code enforcement official shall take possession of said materials.
- (b) The disposition of any junked property other than junked motor vehicles shall be by the method provided by law for the disposition of excess property in the event that it is likely that the proceeds from such sale cover the costs of such disposition. In the event that it is likely that the proceeds from such sale shall be insufficient to pay the costs of complying with the disposition of surplus property, then, in that event, the same shall simply be placed in the trash.

Sec. 36-23. Lien in favor of City.

Whenever any work is done or improvements are made by the city under the provisions of sections 36-18, 36-19, or 36-21, the appropriate city official shall file a statement of the expenses incurred hereby with the county clerk. Such statement shall give the amount of such expenses and the date on which the work was done or the improvements were made. Upon filing this statement, the city shall have a privileged lien on the lot or real estate upon which the work was done or improvements made, to secure the expenses thereof. Such liens shall be second only to tax liens.

Sec. 36-24-36-40. Reserved.

ARTICLE III. ABANDONED AND JUNKED VEHICLES

Sec. 36-41. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned nuisance vehicle means a motor vehicle that is at least ten years old and is of a condition only to be junked, crushed, or dismantled.

Aircraft has the meaning assigned by Texas Transportation Code § 24.001.

Department means the state department of motor vehicles.

Garage keeper means an owner or operator of a storage facility.

Junked vehicle means a vehicle that is self-propelled; and is wrecked, dismantled or partially dismantled, or discarded; or inoperable and has remained inoperable for more than 72 consecutive hours, if the vehicle is on public property or 30 consecutive days, if the vehicle is on private property. The term "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This division applies only to a motor vehicle that displays an expired license plate or does not display a license plate; an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation

Administration aircraft registration regulations in 14 CFR 47; or a watercraft that does not have lawfully on board an unexpired certificate of number, and is not a watercraft described by Texas Parks and Wildlife Code § 31.055.

Law enforcement agency means the police department of the city, a sheriff or a constable.

Motor vehicle means a vehicle that is subject to registration under Texas Transportation Code Ch. 501.

Motor vehicle demolisher means a person in the business of converting motor vehicles into processed scrap or scrap metal or wrecking or dismantling motor vehicles.

Outboard motor means an outboard motor subject to registration under Texas Parks and Wildlife Code Ch. 31.

Storage facility includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

Vehicle storage facility means a vehicle storage facility, as defined by Texas Occupations Code § 2303.002, that is operated by a person who holds a license issued under Texas Occupations Code Ch. 2303 to operate that vehicle storage facility.

Watercraft means a vessel subject to registration under Texas Parks and Wildlife Code Ch. 31.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.001.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.071.

Sec. 36-42. Exemptions.

The provisions of this article shall not apply to any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately-owned drag strips or raceways, any motor vehicle retained by the owner for antique collection purposes rather than for salvage or for transportation, any motor vehicle stored as the property of a member of the U.S. Armed Forces who is on active duty assignment, nor shall it apply to any personal property kept inside of a building.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Antique vehicle means a passenger car or truck that is at least 25 years old.

Motor vehicle collector means a person who owns one or more antique or special interest vehicles; and acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

- (b) The provisions of this division shall not apply to a vehicle or vehicle part:

- (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
- (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.077.

Sec. 36-43. Public nuisance declared.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.072.

Sec. 36-44. Abandoned motor vehicle designated.

For the purposes of this division, a motor vehicle is abandoned if the motor vehicle:

- (1) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (4) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;
- (5) Has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the state turnpike authority division of the state department of transportation or a controlled access highway; or

- (6) Is considered an abandoned motor vehicle under Texas Transportation Code § 644.153(r).
- (b) In this section, the term "controlled access highway" has the meaning assigned by Texas Transportation Code § 541.302.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.002.

Sec. 36-45. Abandoned vehicles removal, etc.

Abandoned vehicles shall be removed, impounded and disposed of in accordance with Texas Transportation Code Ch. 683.

State law reference(s)—Seizure and auction of abandoned motor vehicles, Texas Transportation Code § 683.011 et seq.; vehicles abandoned in storage facilities, Texas Transportation Code § 683.031 et seq.; demolition of motor vehicles, Texas Transportation Code § 683.051 et seq.

Sec. 36-46. Removal and impoundment of abandoned vehicles or property obstructing traffic.

- (a) Members of the police department are hereby authorized to remove property of any description from a street or highway to a place designated or maintained by the police department when:
 - (1) Such property is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel and constitutes an obstruction to traffic.
 - (2) Such property upon a street or highway is disabled so as to constitute an obstruction to traffic and the person in charge of it is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (3) Such property is left unattended on the street and constitutes a definite hazard or obstruction to the movement of traffic.
 - (4) Such property is left unattended on a street either in a place at which parking is prohibited or beyond the legal limit of parking time.
 - (5) A police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is or may be required by law to take the one arrested immediately before a magistrate, or if the arrested one is immediately taken before a magistrate, and when the arrested one is the sole occupant or the owner of the vehicle and is immediately placed in custody.
 - (6) Any vehicle is illegally parked so as to block the entrance of any private driveway, and it is impracticable to move such vehicle from in front of the driveway to any point on the highway.
 - (7) Any vehicle constitutes a hazard or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstances the safety of the vehicle is imperiled.
 - (8) Any vehicle is found upon a street, avenue, alley way, or public place and a report has been previously made that such vehicle has been stolen or complaint has been filed and a warrant issued thereon, charging that such vehicle has been stolen or converted in violation of law.

- (9) Any vehicle is left standing or parked unattended for more than 48 hours in violation of any applicable section of this Code, state law or city ordinance, rule or regulation. ~~provided, however, in the event such vehicle is parked or standing immediately in front of or immediately adjacent to property owned by the owner of such vehicle, or property rented by such owner, before such vehicle shall be removed, the owner thereof shall be given written notice after the expiration of 48 hours and shall be given an additional 24 hours to remove or cause to be removed such vehicle. Such written notice may be given by depositing the same in the United States mail, addressed to the owner at the address given on the registration receipt of the vehicle, or his last known address.~~
- (b) If an abandoned vehicle, trailer, or other vehicle is impounded from a public street by a police officer and the officer knows or is able to ascertain from the registration records of the vehicle the name and address of the owner thereof, ~~such officer~~ the code compliance official shall notify said owner in writing by certified mail after three days, if the owner has not reclaimed vehicle, but no later than the tenth day, of the fact of such removal and the reasons therefor, and of the place to which such vehicle has been removed. If the ~~officer~~ code compliance official does not know and is not able to ascertain the name of the owner, and in the event the vehicle is not returned to the owner within a period of ten days, then the ~~officer~~ code compliance official shall send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles. The officer shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal and the name of the garage or place where the vehicle is stored.
- (c) Property removed under the provisions of this section shall be kept at a place designated by the police chief until application for its redemption shall be made by the verified owner or his authorized agent, who shall be entitled to the possession thereof upon payment as provided in chapter 18. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided. In the event the property impounded is not redeemed by the owner or his authorized agent, it shall be disposed of in the manner authorized by law.

State law reference(s)—Authority to take abandoned motor vehicle into custody, Texas Transportation Code § 683.011; vehicle towing and booting, Texas Occupations Code Ch. 2308; local regulation of towing and booting, Texas Occupations Code § 2308.201 et seq.

Sec. 36-47. Removal personnel.

- (a) This division shall be administered by regularly salaried, full-time employees designated by the city manager, except that any authorized person may remove the nuisance.
- (b) A person authorized to administer this division may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.074(d), (e).

Sec. 36-48. Court orders.

The municipal court may issue necessary orders to enforce the procedures in this division.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.074(c).

Sec. 36-49. Offense committed when; removal required.

- (a) A person commits an offense if the person maintains a public nuisance described by section 36-108.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the nuisance on conviction.
- (d) A public nuisance under this division shall be abated as provided in this division. If no hearing is requested as provided in this division and the nuisance is not abated within ten days after service of notice to abate, the city shall abate the nuisance. If a hearing is held as provided in this division and an abatement order is issued by the municipal judge, the nuisance shall be abated by the city if the nuisance is not abated within ten days after the issuance of the abatement order by the municipal judge.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.073.

Sec. 36-50. Notice to abate.

Prior to removal of a public nuisance under this division, not less than ten days' notice of the nature of the nuisance must be given. The notice must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the U.S. Postal Service with signature confirmation service to:

- (1) The last-known registered owner of the nuisance;
 - (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of:
 - a. The property on which the nuisance is located; or
 - b. If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state that:
- (1) The nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed; and
 - (2) Any request for a hearing must be made before that ten-day period expires.
- (c) If the post office address of the last-known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- (d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

State law reference(s)—Similar provisions, Texas Transportation Code § 684.075.

Sec. 36-51. Public hearing and order.

- (a) The municipal court shall hold a public hearing on request of a person who receives notice as provided by section 36-50 if the request is made not later than the date by which the nuisance must be abated and removed. The hearing shall be held not earlier than the 11th day after the date of the service of notice. At the hearing, the junked motor vehicle is presumed, unless

demonstrated otherwise by the owner, to be inoperable. If the information is available at the location of the nuisance, an order issued by the municipal judge requiring removal of the nuisance must include:

- (1) For a motor vehicle, the vehicle's:
 - a. Description;
 - b. Vehicle identification number; and
 - c. License plate number;
 - (2) For an aircraft, the aircraft's:
 - a. Description; and
 - b. Federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 CFR 47; and
 - (3) For a watercraft, the watercraft's:
 - a. Description; and
 - b. Identification number as set forth in the watercraft's certificate of number.
- (b) If after the hearing is conducted the municipal judge determines that a public nuisance as defined in this division exists, the municipal judge shall order the removal of the nuisance.

State law reference(s)—Similar provisions, Texas Transportation Code §§ 683.074(b)(2), 683.076.

Sec. 36-52. Notice to state.

Notice identifying the vehicle or part of the vehicle shall be given to the department not later than the fifth day after the date of removal.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.074(b)(3).

Sec. 36-53. Effect of relocation of vehicle.

The relocation of a junked vehicle that is a public nuisance to another location in the city after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.074(g).

Sec. 36-54. Reconstruction prohibited.

A vehicle that is removed pursuant to this division shall not be reconstructed or made operable.

State law reference(s)—Similar provisions, Texas Transportation Code § 683.074(b)(1).

See Ch. 54, Article II for additional parking regulations.

Sec. 36-55 – 36-75. Reserved.

ARTICLE IV. PUBLIC TREE CARE

Sec. 36-76. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Sec. 36-77. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Sec. 36-78. Authority and power.

- (a) *Delegation of authority and responsibility.* The Parks & Recreation Director and/or their designee, hereinafter referred to as the "Director", shall have the authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all city streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insects, or other pest disease.
- (b) *Coordination among city departments.* All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public property not under the direct jurisdiction of the Director.

- (c) *Interference.* No person shall hinder, prevent, delay, or interfere with the Director or their agents while engaged in carrying out the execution or enforcement of this Ordinance.

Sec. 36-79. Tree planting and care standards.

- (a) *Requirements of franchise utility companies.* Franchise utility companies shall provide advance notice to the City of their intended non-emergency tree pruning schedule and location of impacted area. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (b) *Tree species list.* The Director shall develop and maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Only trees from this approved list may be planted without written approval from the Director.
- (c) *Planting distances.* The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within ten (10) feet of a fire hydrant.
- (d) *Planting trees under electric utility lines.* Only trees listed as Ornamental trees on the official city tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.
- (e) *Protection of public trees during construction.* Any person, firm, corporation, or city department performing construction in the area of any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent any damage.

Sec. 36-80. Adjacent owner responsibility.

- (a) With prior written permission from the Director, the owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the adjacent parkway area.
- (b) No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent parkway to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner as explained in Article II of this ordinance.

Sec. 36-81. Prohibition against harming public trees.

- (a) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

Sec. 36-82. Certain trees declared a nuisance.

Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

Sec. 36-83-36-100. Reserved.

ARTICLE V. PENALTY

Sec. 36-101. Penalty.

- a) A person commits an offense if that person creates, causes or allows to be created or caused a public nuisance as set forth herein. Each separate occurrence and each separate day of the commission of the offense is a separate offense under this section. A person who commits an offense hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each such offense.
- b) If it is shown at the trial of the defendant that the defendant has been previously convicted of an offense under Article I, Article II, Article III, and/or Article IV, the defendant may be punishable by a fine or not less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00).
- c) Notwithstanding subsections (a) and (b), the penalty for the violation of any defined nuisance herein that governs fire safety, public health, or sanitation, including dumping of refuse, may not exceed two thousand dollars (\$2,000.00).

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Gatesville, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and the public notice of the time, place and purpose of this meeting was given as required by law.

SECTION 6. This Ordinance shall become effective immediately upon its passage and approval.

The foregoing Ordinance No. 2025-01 was read the first time and passed to the second reading
this 14th day of January 2025.

The foregoing Ordinance No. 2025-01 was read the second time and passed to the third reading
this 28th day of January 2025.

The foregoing Ordinance No. 2025-01 was read the third time and was passed and adopted as an
Ordinance to the City of Gatesville, Texas, this 11th day of February 2025.

BY: _____
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM AND SUBSTANCE:

HOLLY OWENS, T.R.M.C.
CITY SECRETARY

VICTORIA THOMAS
CITY ATTORNEY