



TREE CITY USA
An Arbor Day Foundation Program

*** **OFFICIAL PROCLAMATION** ***

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Gary Chumley, Mayor of the City of Gatesville, do hereby proclaim April 18th as **ARBOR DAY** In the City of Gatesville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 8th day of April, 2025

Mayor Gary Chumley

CITY COUNCIL MEETING
MARCH 25, 2025
5:30 P.M.
COUNCIL CHAMBERS, 110 NORTH 8TH STREET,
GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

- 1) **CALL TO ORDER** REGULAR CITY COUNCIL MEETING AT 5:30 P.M. THIS 25TH DAY OF MARCH 2025.
- 2) **QUORUM CHECK/COUNCIL PRESENT:** Mayor Gary Chumley, Mayor Pro-Tem Greg Casey, Councilmembers Meredith Rainer, 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, Seth Phillips, Shea Harp, and Police Chief Jeff Clark.

OTHERS: Gatesville Messenger Staff Writer Alex Meelbusch, Leo Corona, and Chamber of Commerce Yvonne Williams.

- 3) **INVOCATION:** Councilmember Westbrook and **PLEDGE OF ALLEGIANCE:** Led by Councilmember Westbrook.

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.

There were no public/citizen comments.

CONSENT: 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.

- 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 2025-025:** Discussion and possible action regarding approval of minutes from Regular City Council Meeting held on March 11, 2025. (Holly Owens)
- b. **Resolution 2025-026:** Discussion and possible action regarding the January 2025 Financials. (Mike Halsema)

CONSENT AGENDA: Motion by Meredith Rainer, seconded by Greg Casey to **APPROVE** the **CONSENT AGENDA** as written (Items 4a and 4b). All five voting “Aye”, motion passed, 5-0-0.

OTHER BUSINESS:

- 5) Discussion and possible action regarding the FY 2024 Annual Comprehensive Financial Report and special examination by Vail Park PC, Resolution 2025-027. (Mike Halsema)

Susan LaFollet, CPA with Vail Park PC, gave a presentation via Teams Meeting (Virtual).

Councilmember Westbrook had questions regarding the numbers on page 8 under Business-type Activities and Governmental Activities. Ms. LaFollet stated she would need to re-check the numbers and report back to Mr. Halsema.

RESOLUTION 2025-27: Motion by Jon Salter, seconded by Aaron Smith to **APPROVE RESOLUTION 2025-027**, accepting the FY 2024 Annual Comprehensive Financial Report and special examination by Vail Park PC. All five voting “Aye”, motion passed, 5-0-0.

- 6) Discussion and possible action regarding Resolution 2025-028 approving a crosswalk on Memorial Drive between Coryell Health Hospital and Coryell Health Dialysis Center. (Brad Hunt)

Councilmember Rainer asked about signage being installed once the crosswalk is completed. Mr. Hunt stated yes.

RESOLUTION 2025-028: Motion by Aaron Smith, seconded by Meredith Rainer to **APPROVE RESOLUTION 2025-028**, approving a crosswalk on Memorial Drive between Coryell Health Hospital and Coryell Health Dialysis Center. All five voting “Aye”, motion passed, 5-0-0.

- 7) Discussion and possible action regarding Resolution 2025-029, approving the renewal of the depository agreement with Cadence Bank for one year. (Mike Halsema)

RESOLUTION 2025-029: Motion by Greg Casey, seconded by Meredith Rainer to **APPROVE RESOLUTION 2025-029**, extending the Depository Services Agreement with Cadence Bank under the same terms and conditions for the period beginning May 1, 2025 through April 30, 2026.. All five voting “Aye”, motion passed, 5-0-0.

- 8) Discussion and possible action to approve Ordinance 2025-05, amending the Comprehensive Zoning Ordinance, Comprehensive Plan and Zoning Map of the City of Gatesville, Texas by establishing an initial zoning designation of Residential 2-4 Family Dwelling Units District situated in the Chrisanta Cozenoba Survey, Abstract 150 to the next meeting. (*3rd and Final Reading*) (Holly Owens)

ORDINANCE 2025-05: Motion by Jon Salter, seconded by Greg Casey to **APPROVE ORDINANCE 2025-05**, amending the Comprehensive Zoning Ordinance, Comprehensive Plan and Zoning Map of the City of Gatesville, Texas by establishing an initial zoning designation of Residential 2-4 Family Dwelling Units District situated in the Chrisanta Cozenoba Survey, Abstract 150. All five voting with four “Aye” and one “Abstain”, motion passed, 4-0-1 (*Smith*).

- 9) Discussion and possible action to approve Ordinance 2025-09, amending Chapter 10, Article IV “Substandard Structures”, establishing a Building Standards Commission. (*2nd Reading*)
(Brad Hunt and Holly Owens)

Councilmember Rainer is concerned that there is no language that the Council has the final decision and would prefer such language be added to the ordinance. Ms. Owens stated the intent is to bring the board’s decision to Council, but understands it needs to be added to the ordinance for clarification.

ORDINANCE 2025-09: Motion by Meredith Rainer, seconded by Kalinda Westbrook to **APPROVE ORDINANCE 2025-09**, amending Chapter 10, Article IV “Substandard Structures”, establishing a Building Standards Commission to the next meeting with the discussed changes. All five voting “Aye”, motion passed, 5-0-0.

- 10) City Manager Report. (Brad Hunt)

Mr. Hunt gave a presentation updating the Council on each department.

- 11) Adjourn Meeting

City Council adjourned at 7:00 P.M.

Mayor Gary Chumley

ATTEST:

City Secretary, Holly Owens



Date 4/8/2025
Agenda Item #6 and #7
Ordinance 2025-010

CITY COUNCIL MEMORANDUM FOR ORDINANCE

To: Mayor & Council

From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action to consider Ordinance 2025-010, Repealing Sec. 10-21 of Chapter 10, and Repealing Section 5 of Ordinance 1995-17, dissolving the Board of Adjustment and the Construction Board of Appeals.

Information: The Board of Adjustments (BOA) has not convened for a meeting in the past four (4) years and Staff has found no record of the Construction Board of Appeals meeting in the past ten (10) years.

The current Construction Board of Appeals, as outlined in Section 10-21, is a remnant from a previous era when the City established a review/appeal board to address construction-related decisions made by the Building Official, particularly regarding the interpretation and application of various ICC codes. This section no longer aligns with current state law requirements. This section will need complete legal revision to bring into compliance with current standards.

In contrast, Section 5 of the Zoning Ordinance, which outlines the duties and powers of the BOA, is consistent with current state law and aligns with the responsibilities of the Planning and Zoning Commission (PZC). A review of minutes from previous PZC meetings indicates that the PZC has discussed and made recommendations on matters such as variances and conditional permits, which fall under the BOA's purview. Some municipalities prefer to maintain separate boards for these responsibilities, while others consolidate them into a single board to handle all related recommendations.

This is the 2nd Reading and public hearing. A public hearing and a public notice in the newspaper is required anytime there is an amendment to the Zoning Ordinance. The public notice was published in the Gatesville Messenger on March 29th (10 days prior to the public hearing) and was published on the city website on March 31st (8 days prior to the public hearing).

Staff are bringing forward 2 options for the Council to decide on.

Financial Impact: There is no financial impact.

Staff Recommendation(s):

- 1) Staff's recommendation is to pass Ordinance 2025-10, amending the Gatesville Code of Ordinances by Repealing Sec. 10-21 of Chapter 10, and Repealing Section 5 of Ordinance

Date 4/8/2025

Agenda Item #6 and #7

Ordinance 2025-010

1995-17, dissolving the Board of Adjustment and the Construction Board of Appeals, passing to the next meeting.

OR

- 2) Council prefers to keep the Board of Adjustment and the Construction Board of Appeals and would like Staff to prepare an ordinance reflecting the appropriate changes needed to Ordinance 2025-10 and bring back for 2nd Reading.

Motion(s):

- 1) Motion to pass **Ordinance 2025-10**, amending the Gatesville Code of Ordinances by Repealing Sec. 10-21 of Chapter 10, and Repealing Section 5 of Ordinance 1995-17, dissolving the Board of Adjustment, **2nd Reading** and passing to the next meeting.

OR

- 2) Motion to have Staff prepare the appropriate changes needed to keep the Board of Adjustment and the Construction Board of Appeals active and current and bring back for a 2nd Reading.

Attachments:

- Draft Ordinance
- Sec. 10-21 Construction Board of Appeals
- Zoning Ordinance, Section 5 Board of Adjustment

Sec. 10-21. Creating a construction board of adjustment and appeals.

- (a) *Appointment.* There is hereby established a board to be called the construction board of adjustment and appeals, which shall consist of seven members and two alternates. The board shall be appointed by the city council.
- (b) *Membership.* Such board members should be composed of individuals with knowledge and experience in the technical codes adopted by the city council of the city governing construction. The alternate members shall be from the public at-large and the other members shall be from the building industry. A board member shall not act in a case in which he has a personal or financial interest.
- (c) *Terms.* The terms of office of the board members shall be staggered so that no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the city council, render any such member subject to immediate removal from office.
- (d) *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of the National Electrical Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, or the International Building Code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.
- (e) *Secretary of board.* The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any failure of a member to vote.
- (f) *Appeals.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
 - (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - (2) The provisions of the particular code being interpreted do not apply to the specific case.
 - (3) That an equally good or more desirable form of installation can be employed in any specific case.
 - (4) The true intent and meaning of the aforementioned codes or any of the regulations there under have been misconstrued or incorrectly interpreted.
- (g) *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would be to manifest injustice and would be contrary to the spirit and purpose of this Code or the technical codes or public interest, and the board also finds all of the following:
 - (1) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.

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- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the national and standard codes adopted by the city to other buildings, structures or service system.
- (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
- (5) That the grant of the variance will be in harmony with the general intent and purpose of this section and the various standard codes adopted by the city and will not be detrimental to the public health, safety and general welfare.
- (h) *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
- (i) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.
- (j) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.
- (k) *Rules and regulations.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this section. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.
- (l) *Decisions.* The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reason for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of the various codes adopted by the city, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject however to an appeal of the same by any interested party to the city council of the city, whose decision shall be final and binding upon all parties.
- (m) *Violations and penalties.* Any person, firm, corporation, or agent who violate a provision of this section or the provisions of the National Electrical Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, and the International Building Code in their form when last adopted by the city, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or remove any structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section, the National Electrical Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, and the International Building Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

(Code 2013, § 5-38; Ord. No. 2001-07, 6-12-2001)

SECTION 5

BOARD OF ADJUSTMENTS

SECTION 5-1 MEMBERSHIP AND ORGANIZATION

The Board of Adjustments shall be appointed by the City Council and composed of five regular members with two alternates. Three regular members and one alternate term will begin on November 1st each year and expire on October 31 of each odd number year and the remaining members terms will expire on the same date in even numbered years. The Council may appoint members to fill unexpired terms in the event of vacancies caused by members resigning or Board members missing three meetings during their term at Council discretion. The Board will choose from the membership a chairman and vice chairman. Minutes of the meeting will be maintained. Four members will be required for a quorum in order to conduct any business.

SECTION 5-2 DUTIES AND POWERS:

Shall include hearing and deciding of the following appeals and applications with the necessary authority to insure compliance with its decision (Art 1011g, Revised Civil Statutes of Texas).

A. Interpretation

To render an interpretation of the Zoning Regulations or the manner of their application where it is alleged that there is an error in any order, requirement or determination made by the Zoning Official in the administration of such provision. In reaching a decision the Board shall establish firm guidelines for future administrative actions on like matters.

B. Special Exception

To decide upon those applications for a special exception use or develop property when the same is authorized under this ordinance subject to Board approval. In reaching its decision the Board shall not grant the application if it finds:

1. That the use is not specifically permitted under the ordinance, or
2. That the locations of proposed activities and improvements are not clearly defined on the site plan filed by the applicant, or
3. That the exception will not be wholly compatible with the use and permitted development of adjacent properties.

C. Variance

To authorize upon appeal in specific cases such variance from the development controls set forth in this ordinance will not be contrary to the public interest. In reaching its decision the Board shall not grant the variance appeal if it finds:

1. That the literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
2. That the situation causing the hardship or difficulty is not unique to the affected

- property or is self-imposed, or
3. That the relief sought will injure the permitted use of adjacent conforming property, or
 4. That the granting of the variance will not be in harmony with the spirit and purposes of this ordinance.

Any variance granted by the Board shall terminate automatically when:

1. The specified period of use has expired, or
2. When the use ceases to be in full compliance with any condition imposed by the Board.

SECTION 5-3 HEARING AND DECISION

A. GENERAL

1. The Board shall fix a reasonable time for the hearing of an appeal, and decide the same within a reasonable period of time. Upon the hearing, any party may appear in person or by attorney or agent. Evidence supporting the granting or denial of an appeal shall be submitted only through the zoning official or to the Board in public meeting.
2. Any appeal or application may be withdrawn upon written notice to the zoning official but no appeal shall be withdrawn after posting of hearing notice and prior to Board action thereon without formal consent of the Board.

B. DECISION AND VOTING

1. Every decision by the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings.
2. Nothing herein contained shall be construed to empower the Board to change the terms of this ordinance, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of this ordinance will be strictly enforced.
3. In exercising its powers, the Board, in conformity with the provisions of Articles 1011a through 1011j of the revised civil statutes of Texas, may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
4. The concurring vote of four (4) members of the Board shall be necessary to reverse an appeal, any order, requirement, decision or determination of the Zoning Official, or to approve any application upon which it is required to pass under this ordinance or to affect any variance in said ordinance.
 - a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the Board
 - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the members vote on the appeal, other than in public hearing.

C. APPROVAL OF REQUEST

1. In approving any request, the Board may designate such conditions in connection therewith in order to secure substantially the objectives of the regulation or provision

to which such variance is granted and the integrity and character of the zone in which such permit is granted.

2. When necessary the Board may require guarantees, in such form as it deems proper, to ensure that conditions designate in connection therewith are being or will be complied with. Where any condition under which a request has been granted is violated, the approval shall cease to exist and the permits issued there-under shall become null and void.
3. Approval of an application for special exception or of a variance appeal shall expire sixty (60) days after the Board's decision unless a greater time is requested in the application and is authorized by the Board. Any proposal may be granted one emergency extension of sixty (60) days on written request filed with the Board before expiration of the original approval.

D. DENIAL OF REQUEST

No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans and obtaining of a new decision from the Zoning Official unless:

1. The new plans materially change the nature of the request, or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of changed conditions.

E. APPEAL OF BOARD ACTION

Any person or persons, jointly or separately, aggrieved by any decision of the Board or any taxpayer, or any officer, department, or board of the City, may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be to the court within ten (10) days after the filing of the decision complained of in the offices of the Board and not thereafter.

SECTION 5-4 OTHER DUTIES AND REGULATIONS

A. ACCIDENTAL DAMAGE TO BUILDINGS

If a building occupied by a non-conforming use is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the Zoning Official may issue a permit for reconstruction. If greater than fifty (50) percent and less than total, the Board may grant a permit for repair but for no enlargement or refurbishing of the building.

B. PARKING

A management entity for any combination of facilities which are located on one or more properties and which are owned or controlled as a unit may apply to the Board of Adjustment for a special exception for Joint Use Parking Facilities. Such facility may provide a total amount of parking less than the sum of parking spaces which would be furnished by each facility

individually. The application shall state how the individual uses are expected to generate a lesser parking demand, or demand at alternating periods, such as for a church and office building. If the uses are all of a commercial nature the parking furnished shall be not less than 5.5 spaces for each one thousand (1,000) square feet of gross leasable area.

SECTION 5-5 PROCEDURE

A citizen may request a hearing, interpretation or appeal for variance from development controls by the following procedures.

CITIZEN initiates action by paying \$75.00 to offset expenses incurred by City and filing all pertaining paper work as required by Zoning Official and B.O.A.

OFFICIAL written notice given to all property owners within two hundred (200) feet of subject property(ies). Notice must be mailed ten (10) days before public hearing.

HEARING date is set by Zoning Official and public notice published fifteen (15) days prior to hearing date.

HEARING HELD on specified date.

SECTION 5-6 AUTHORIZED SPECIAL EXCEPTIONS

Unless specifically permitted as a named use or as a categorized use the following special exceptions may be permitted by the Board, in the Districts listed, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose. Special exceptions listed in each district will be progressive to the following zone (See zoning chart).

SPECIAL EXCEPTION

1. Aviation field, airport or aircraft landing area.
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT R/SF
2. Quarry, mine, sand and gravel pit or excavation for the purpose of removing screening, crushing, washing or storage of ore, clay, stone, gravel, or similar materials.
 - a. Conditions: No permit shall be issued unless the site, location and plan of operation and restoration, including necessary structures, has been submitted to and approved in writing by the Board, which approval shall be for a limited time designated by the Board.
 - b. DISTRICTS REQUIRING BOARD APPROVAL: INDUSTRIAL ONLY
3. Cemetery, mausoleum or crematory for the disposal of human dead.
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT R/SF
4. Split-zoned lots, extension of use.
 - a. Condition: Extension of a use to the lot line or for a distance of not more than 100 feet where the boundary line of a district divides a lot held in single ownership on the effective date of this ordinance or divides a lot held in single

- ownership as of the date of subsequent annexation of said lot.
- b. DISTRICTS REQUIRING BOARD APPROVAL: ALL
- 5. Sanitary landfills.
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: INDUSTRIAL ONLY
- 6. Shooting range:
 - a. Conditions: Big bore and small-bore rifle, pistol, trap and skeet.
 - b. DISTRICTS REQUIRING BOARD APPROVAL: INDUSTRIAL ONLY
- 7. Community Recreation or Welfare Center
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: CF ONLY
- 8. Radio, television, micro-wave broadcast, relay, receiving towers, transmission and re-transmission facilities.
 - a. Condition: Subject to such safeguards as the Board may require.
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT R/SF
- 9. Sexually Oriented Business
 - a. Conditions: None Listed
 - b. DISTRICTS REQUIRING BOARD APPROVAL: ALL EXCEPT: R/SF, CF, AG/SB HMS, RES 2-4, MULTI-FAM

ORDINANCE 2025-10

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY REPEALING SEC. 10-21 OF CHAPTER 10, DISOLVING THE CONSTRUCTION BOARD OF APPEALS; REPEALING SECTION 5 OF ORDINANCE 1995-17, DISOLVING THE BOARD OF ADJUSTMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE.

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

WHEREAS, Ordinance 2001-07 was adopted June 12, 2001, establishing a Construction Board of Appeals; and

WHEREAS, Ordinance 1995-17 was adopted in 1995, establishing a Board of Adjustment; and

WHEREAS, the City Council of the City of Gatesville would like to repeal Ordinance 2001-07 which is noted as Sec. 10-21 “Creating a construction board of adjustment and appeals.” in the Gatesville Code of Ordinances; and

WHEREAS, the City Council of the City of Gatesville would like to repeal Section 5 “Board of Adjustment” of the Zoning Ordinance.

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 true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended at Chapter 10, Article II, Division 1, “Generally”, Repealing Sec. 10-21. “Creating a construction board of adjustment and appeals.”.

SECTION 3. The Zoning Ordinance, Section 5 “Board of Adjustment” is Repealed.

SECTION 4. 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 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 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. 2025-10 was read the first time and passed to the second reading
this ____ day of _____, 2025.

The foregoing Ordinance No. 2025-10 was read the second time and passed to the third reading
this ____ day of _____, 2025.

The foregoing Ordinance No. 2025-10 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



CITY COUNCIL MEMORANDUM FOR ORDINANCE

To: Mayor & Council

From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action to approve Ordinance 2025-08, adding Chapter 3, "Boards and Commissions".

Information: The Planning and Zoning Commission (PZC) is referenced in Article 8 of the Gatesville Charter; however, it lacks specific details regarding membership qualifications, rules, procedures, and overall protocol. In 1995, the PZC was addressed in Section 4, yet the qualifications for membership were not clearly defined. This ordinance serves to clarify the qualifications for membership and provides updates to the Commission's terms, rules, procedures, duties, and powers.

During the first reading, the ordinance was initially presented as an amendment to Chapter 48. However, at the request of the city attorney, it was determined that the PZC should have its own distinct chapter to facilitate future amendments more efficiently. This ordinance will also repeal Section 4 of Ordinance 1995-17. "Boards and Commissions" was chosen for future additions of other boards and commissions as needed.

Notable changes:

I. Selection of Members – Sec. 48-151

a) Members shall have the following qualifications:

1. Own property within the city limits and;
2. Resident citizen or ETJ citizen within 5 miles of the city limits and;
3. Not indebted to the City of Gatesville (taxes paid, no citations, no code violations, no liens).

II. Variances – Sec. 48-152

Variance and grounds to grant a variance is defined.

III. Rules and Procedures – Sec. 48-154.

Rules of Order and Suspension of Rules was removed due to the reference of Robert's Rules of Order reference. The Charter states the "City Council shall determine its own rules of procedure and may compel the attendance of its members."

This is the 2nd reading and public hearing. A public hearing and a public notice in the newspaper is required anytime there is an amendment to the Zoning Ordinance. The public notice was published in the Gatesville Messenger on March 29th (10 days prior to the public hearing) and was published on the city website on March 28th (11 days prior to the public hearing).

Financial Impact: There is no financial impact.

Staff Recommendation: Staff recommends passing **Ordinance 2025-08**, adding Chapter 3, “Boards and Commissions” to the Code of Ordinances to the next meeting.

Motion: Motion to pass **Ordinance 2025-08**, adding Chapter 3, “Boards and Commissions” to the Code of Ordinances, **2nd reading** to the next meeting.

Attachments:

- Ordinance 1995-17, Section 4
- Draft Ordinance

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 of the City Charter to act as an advisory body on all zoning matters. The responsibilities, organization, duties and procedures of the Commission are:

1. To identify community needs and to advise the City Council of their short-range and long-range implications for the total development of the City; and
2. To recommend achievable community goals as a basis for long range planning and development programs; and
3. To recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and
4. To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

The Planning and Zoning Commission shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than fifteen (15) days before the date set for hearing by depositing a notice properly addresses and postage paid in the United States Post to such property owners as the ownership appears on the last approved tax roll.

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. At least fifteen (15) days notice of time and place of such hearing shall be published in the official newspaper of the City of Gatesville.

If such proposed amendment, supplement or change has been denied by the Commission, or if a protest against such proposed amendment supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet there from or of those directly opposite thereto extending two hundred (200) feet from street frontage of such opposite lots, such amendment shall not become effective except by a three-quarter (3/4) vote of all members of the City Council of the City of Gatesville.

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.

A. Terms of Office

The terms of four (4) of the members shall begin on May 1st of each odd-numbered year and expire on April 30th two years thereafter and the terms of three of the members shall begin on May 1st of each even-numbered year and shall expire on April 30th two years thereafter. The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places expire shall in odd-numbered years and the even places shall expire in even-numbered years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

B. Organization

The Commission shall hold an organizational meeting in May of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall elect a Secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the City Manager to work with the Commission. The Commission shall meet regularly and shall designate the time and place of its meetings, as stipulated hereinafter. The Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of the law.

SECTION 4-2 DUTIES AND POWERS

The Planning and Zoning Commission is hereby charged with the duty and vested with authority to:

1. Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.
2. Formulate and recommend to the Council for its adoption a zoning ordinance for the orderly growth and development of the City and its environs, and from time to time recommend such changes in the zoning ordinance as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City.
3. Formulate a plan as may be deemed best to carry out the goals of the zoning ordinance; hold public hearings and make recommendations to the Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Articles 1011a to 1011j, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said statutes are specifically adopted and a part thereof.
4. Approve or disapprove plans, plats, or re-plats and vacating of plans, plats or re-plats

set out in statutes of the State of Texas, and with consideration for the requirements of the City's Subdivision Ordinance and Standard Specifications.

5. Study and recommend on the location, extension and planning of public right-of-ways, parks or other places, and on the vacating or closing of the same.
6. Study and recommend on the general design and location of public buildings, bridges, viaducts, streets fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the City.
7. Initiate, in the name of the City, for consideration at public hearings all proposals:
 - a. form the opening, vacating or closing of public right-of-way, parks or other public places;
 - b. for the original zoning of annexed areas; and
 - c. for the change of zoning district boundaries on an area-wide basis.
8. Keep itself informed with the reference to the progress of City Planning in the United States and other countries and recommend improvements in the adopted plans of the City.

SECTION 4-3 RULES

A. Rules of Order

Roberts Rules of Order, latest revision, shall be the Commission's final authority on all questions of procedure 22 and parliamentary law not covered by these Rules of Procedures.

B. Sustentation of Rules

Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered upon the minutes.

SECTION 4-4 MEETINGS AND QUORUM

A quorum for the conduct of business shall consist of five members of the Commission. The members shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except reimbursement of authorized expenses attendant to the performance of their duties. The Commission shall meet monthly, unless deemed not necessary, at a regularly scheduled time on regularly scheduled dates, and shall conduct special meetings and hearings as may be necessary. A minimum of four (4) votes shall be required for approval of any motion before the Commission.

A. Agenda

An agenda shall be prepared by the Secretary for each meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

B. Regular Meetings

Regular meetings shall be held on the first Monday at the established time in the Public Library unless otherwise determined by the Commission.

C. Special Meetings

Special meetings for any purpose may be held: on the call of the Chairman; or on request of two or more members having given written notice to all members deposited in the mail at least 48 hours before the meetings; or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

D. Public Meetings

All meetings shall be held in full compliance with the provision of State law, ordinances of the City and these Rules of Procedure. Any part in interest may appear in his own behalf or be represented by counsel or agent.

E. Planning Sessions

The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session provided that no official action shall be taken there and no quorum shall be required.

Section 4-5 OFFICIAL RECORDS

A. Definition

The official records shall be these rules and regulations and the minutes of the Commission meetings together with all findings, decisions and other official records of the Commission.

B. Recording of Votes

The minutes of the Commission's proceeding shall show the vote of each member, or if absent or failing to vote, shall indicate that fact.

C. Files

All matters coming before the Commission shall be filed in the City's records. Original papers of all requests and proposals shall be retained as a part of permanent record.

D. Public Records

The official records and citizen request files for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspections during customary working.

Section 4-6 APPLICATION AND PROCEDURE

A. Written Request

Every proposal submitted for Commission action shall be made in writing. Where appropriate

application forms are provided by the City; the proposal shall be filed on said forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before being accepted for filing. Procedures for processing zoning changes and subdivision approval are outlined in Appendix B and Appendix C at the end of these regulations.

B. Schedules and Instructions

Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted as Appendix to these Rules of Procedure, and to the pertinent requirements of the City's Subdivision Ordinance and Rules.

C. Submission of Supporting Information

Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the City Secretary in writing or to the Commission in a public meeting.

D. Proposal Withdrawal

When any applicant desires to withdraw his proposal, he may do so by filing a written request to that effect with the City Secretary. Such request shall be effective upon the date of its official receipt, provided that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall then be closed.

SECTION 4-7 HEARINGS

A. Order of Business

The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any proceeding meeting shall be submitted by approval. The public shall be advised of the procedures to be followed in the meeting. The Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and report as the Commission requires.

B. Presentation or Hearing of Proposals

1. The Commission shall call, or cause to be called by the secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.
2. The Chairman shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.
3. The Chairman shall then call on persons present who wish to speak for or against the proposal and shall direct that they speak in the following order:
 - a. The applicant and/or their representative
 - b. Those persons in support

- c. Those persons in opposition whenever necessary the chairman shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.
4. The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

C. Motions

1. A motion may be made by any member except the presiding officer.
2. A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a majority vote of the members present. When fewer than all members are present for voting and when all motions to recommend on a given application fail to carry a majority of votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. No request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

D. Disqualification from Voting

1. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or he will be directly affected by the decision of the Commission.
2. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing. If a member does disqualify himself, he shall state the reason for his abstention.

ORDINANCE 2025-08

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY ADDING CHAPTER 3, “BOARDS AND COMMISSIONS”; PROVIDING DUTIES AND POWERS; MEETINGS AND QUORUM; RULES AND PROCEDURES; APPLICATIONS; AND AMENDMENTS; REPEALING SECTION 4 OF ORDINANCE 1995-17; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE.

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 determined that it would be advantageous and beneficial to the citizens and developers of the City of Gatesville to characterize the Planning and Zoning Commission; and

WHEREAS, defining duties and powers, meetings and quorums, procedures, applications, and amendments; and

WHEREAS, this ordinance is repealing Section 4 of Ordinance 1995-17;

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 true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended adding a Chapter 3 “Planning and Zoning” which shall read in its entirety as follows:

ARTICLE I. PLANNING AND ZONING COMMISSION

Sec. 48-150. - GENERAL

This Chapter addresses the duties and responsibilities of the Planning and Zoning Commission, hereafter referred to as “the Commission”, and other such officials and agencies, with respect to the administration of this code. The establishment of the Commission shall be in accordance with the policies and procedures as set forth in state law.

Sec. 48-151. - ESTABLISHMENT OF THE COMMISSION

Terms for members

The Commission shall consist of seven members, for two-year terms each. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity in policy and personnel.

1. The terms of four (4) of the members shall begin on May 1st of each odd-numbered year and expire on April 30th two years thereafter and the terms of three of the members shall begin on May 1st of each even-numbered year and shall expire on April 30th two years thereafter.
2. The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places shall expire in odd-numbered years and the even places shall expire in even-numbered years.

Compensation

Members of the Commission shall serve without compensation, except for reimbursement for authorized expenditure as attendant to the performance of their duties and shall not hold any other office or position with the City while serving on the Board.

Selection of Members

Members shall be appointed and approved by the City Council by Resolution.

- a) Members shall have the following qualifications:
 1. Own property within the city limits and;
 2. Resident citizen or ETJ citizen within 5 miles of the city limits and;
 3. Not indebted to the City of Gatesville (taxes paid, no citations, no code violations, no liens).
- b) The Council may appoint members to fill unexpired terms in the case of vacancies for any member whose term is not completed. A member shall continue to serve until a successor has been appointed and approved by the City Council.
- c) Appointments shall be made at the second council meeting during April or as soon thereafter as practical, and the terms of office shall commence on May first. No member shall be appointed for a single term in excess of two years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

Removal

Members of the Commission shall be removed for cause by the Council upon written charges after a public hearing before the Council following reasonable notice of the charges. Members may be removed by City Council following three consecutive unexcused absences or more during their term. A vacancy on the Commission shall be filled for the unexpired term.

Commission Liaison

The Zoning Code Official shall serve as liaison to the Commission. The Zoning Code Official shall have the right to attend all meetings and take part in all discussions but shall not vote on Commission decisions.

Chairperson Election and Rules Adoption

The Commission shall hold an organizational meeting in May of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall meet regularly and shall designate the time and place of its meetings, as stipulated hereinafter. The Commission shall adopt its own rules of procedure and keep a public record of its proceedings consistent with the provisions of this ordinance and the requirements of the law.

Commission Secretary

A secretary to assist the Commission shall be appointed by the Zoning Code Official. The secretary shall keep minutes of the Commission meetings for public record and conduct all correspondence, including the notification of decision. The secretary shall certify records. The secretary shall prepare and submit the minutes of Commission meetings to the chairperson and the Commission.

Sec. 48-152. - DUTIES AND POWERS

Comprehensive Plan

It shall be the duty of the Commission, after holding public hearings, to recommend to the City Council with Staff recommendation a comprehensive plan for the development of the City, which shall be permitted to include areas outside of its boundaries that bear consideration to the planning jurisdiction. The Commission shall be permitted to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code with Staff recommendation.

Zoning Code

It shall be the duty of the Commission to develop and recommend to the City Council for its adoption a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zoning districts within the City with Staff recommendation. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the City. The Commission shall make periodic reports and recommendations to the City Council with Staff recommendations.

Division of Land Regulations

It shall be the duty of the Commission to develop and certify regulations governing the division of land. Divisions of land shall be in accordance with the adopted regulations. The Commission shall also approve or disapprove plans, plats, or re-plats and vacating of plans, plats or re-plats set out in statutes of the State of Texas, and with consideration for the requirements of the City's Subdivision Ordinance, Standard Construction Specifications, and Design Criteria.

Conditional-Use Permits [Special Use Permits (SUP)]

It shall be the duty of the Commission to review all conditional-use permit applications and provide the City Council with a recommendation. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances. Each zoning district shall specify which conditional uses may be permitted upon review.

Official Zoning Map

The City Council shall adopt an official zoning map for all areas included within the City based upon the recommendation of the Commission. The Commission shall initiate for consideration at public hearings all proposals for the original zoning of annexed areas; and any change of zoning district boundaries on an area-wide basis with Staff recommendation.

Variances

To authorize upon appeal in specific cases such variance from the development controls set forth in this ordinance will not be contrary to the public interest. In reaching its decision the Board shall not grant the variance appeal if it finds:

1. That the literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
2. That the situation causing the hardship or difficulty is neither financial in nature, not unique to the affected property or is self-imposed, or
3. That the relief sought will injure the permitted use of adjacent conforming property, or
4. That the granting of the variance will not be in harmony with the spirit and purposes of this ordinance.

Other

It shall be the responsibility of the Commission to perform other duties as the City Council may designate.

Sec. 48-153. - MEETINGS AND QUORUM

General

A quorum for the conduct of business shall consist of four members of the Commission. The members shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except reimbursement of authorized expenses attendant to the performance of their duties. The Commission shall meet monthly, unless deemed not necessary, at a regularly scheduled time on regularly scheduled dates, and shall conduct special meetings and hearings as may be necessary. A minimum of four (4) votes shall be required for approval of any motion before the Commission.

Agenda

An agenda shall be prepared by the Secretary for each meeting of the Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

Regular Meetings

Regular meetings shall be held on the first Monday at the established time at a location designated by the Commission.

Special Meetings

Special meetings for any purpose may be held: on the call of the Chairman; or on request of two or more members having given written notice to all members deposited in the mail at least 72 hours before the meetings; or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

Public Meetings

All meetings shall be held in full compliance with the provisions of State law, ordinances of the City and these Rules of Procedure. Any party in interest may appear in their own behalf or be represented by counsel or agent.

Planning Sessions

The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session provided that no official action shall be taken there, and no quorum shall be required.

Sec. 48-154. - RULES AND PROCEDURE

Order of Business

The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any proceeding meeting shall be submitted for approval. The public shall be advised of the procedures to be followed in the meeting. The Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and report as the Commission requires.

Procedure

First - The Commission shall call, or cause to be called by the secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.

Second - The Chairman shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.

Third - The Chairman shall then call on persons present who wish to speak for or against the proposal and shall direct that they speak in the following order:

1. The applicant and/or their representative,
2. Those persons in support,
3. Those persons in opposition. Whenever necessary the chairman shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.

Fourth - The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

Disqualification from Voting

A member shall disqualify himself from voting whenever he or she finds that they have a personal interest in the property under appeal or will be directly affected by the decision of the Commission.

A member may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.

If a member does disqualify themselves, they must fill out and sign an Abstention Affidavit.

Rules of order

~~Roberts Rules of Order, the latest revision, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by this code.~~

Sustentation of Rules

~~Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered upon the minutes.~~

Motions

- a) A motion may be made by any member except the presiding officer.
- b) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a minimum of four affirmative votes by the Commission.
- c) When fewer than all members are present for voting and when all motions to recommend on a given application fail to carry a majority of votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present.
- d) No request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

Action by the Commission

The concurring vote of four members of the Commission shall be necessary to decide in favor of the applicant on any matter upon which the Commission is required to pass or recommend under this ordinance.

Sec. 48-155. - APPLICATIONS

Applications

An application requiring Commission action or recommendation shall be made in writing using forms prescribed by the city and shall be accompanied by an application fee in accordance with the City Council's adopted fee schedule, and any information as may be requested to properly review the application. Applications shall be complete in all respects before being accepted for filing.

Schedules and Instructions

Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted

as Chapter 48 - Subdivisions Rules of Procedure, and to the pertinent requirements of the City's Subdivision Ordinance and Rules.

Submission of Supporting Information

Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the City Secretary in writing or to the Commission in a public meeting.

Proposal Withdrawal

When any applicant desires to withdraw their proposal, they may do so by filing a written request to that effect with the City Secretary.

- a) Such request shall be effective upon the date of its official receipt, provided that no such request shall be valid after notices have been mailed, except on action of the Commission.
- b) Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall then be closed.

Official Submission Date and Completeness of Application

The "official submission date" shall be the date on which a complete application of a zoning change request (that contains all elements and information required by this Code) is submitted to the Zoning Code Official.

- a) No application shall be considered officially submitted until the Zoning Code Official determines that the application is complete and the appropriate fee received.
- b) Failure by the Zoning Code Official to make a determination of incompleteness within 10 calendar days following the date on which the application was first received by the City shall result in the application being deemed complete and the official submission date shall become the 11th calendar day following initial receipt of the application by the City.
- c) Applications which do not include all required information shall be considered incomplete, shall not be accepted for official submission and shall not be scheduled on the Commission agenda until the proper information is provided to the Zoning Code Official.

Repeat applications

No application for a request may be received or filed, if six months prior thereto, the same request has been denied.

Time limitations

Where a request is granted by the Commission under this ordinance and no action is taken within one year after the date of the hearing thereon, said request becomes null and void and of no force or effect.

Appeals

Any person with standing aggrieved by any decision of the Commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

Sec. 48-156. - AMENDMENTS

General

The City Council may from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Official Zoning Map. Any Ordinance regulations or Official Zoning Map amendments may be ordered for consideration by the City Council, the Commission, or requested by the owner of real property or the authorized representative of an owner of real property.

Application

Each application for a change to the Official Zoning Map or for an amendment or change to the existing regulations of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City and shall be accompanied by payment of the appropriate fee as established by the City. Applications for a change to the Official Zoning Map must be signed by the owner of the property, when not initiated by the Commission or to the City Council.

Planning and Zoning Commission

The Planning and Zoning Commission shall hold a Public Hearing at which parties in interest and citizens have an opportunity to be heard. For Amendments to the regulations of the Zoning Ordinance notice of the Public Hearing shall be placed in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing. For Amendments to the Official Zoning Map written notice of the Public Hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property affected by the proposed change of zoning classification and real property owners within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the City, properly addressed with postage paid, in the United States mail before the 10th day before the date of the hearing. After the Public Hearing the Commission shall submit a final report to the City Council for approval or disapproval of any proposed amendment.

Planning and Zoning Commission Consideration and Report

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan.

City Council

After Planning and Zoning Commission consideration the amendment shall be presented to the City Council for final action. City Council shall hold a Public Hearing before acting on any amendment to the Zoning Ordinance or Official Zoning Map. Notice of the Public Hearing shall be placed in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing.

- a) The affirmative vote of three-fourths of all members of City Council is required for the approval of any proposed change to the Official Zoning Map when it is opposed in writing and signed by the owners of at least 20 percent of either: the area of the lots or land covered by the proposed change; or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall be included.
- b) The City Council may not hold a public hearing until it receives the final report of the Commission, unless the public hearing will be held jointly by the Commission. In either case, the City Council may not act on the matter until it receives the final report of the Commission.

Other Public Hearing Notice Considerations

If the City Council conducts a hearing, the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing.

- a) Notice requirements prescribed under this subsection are in addition to the notice requirements listed above.
- b) The City Council, by a two-thirds vote, may prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Commission.

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. 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 public notice of the time, place and purpose

of this meeting was given as required by law.

SECTION 5. This Ordinance shall become effective immediately upon its passage and approval.

The foregoing Ordinance No. 2025-08 was read the first time and passed to the second reading
this ___ day of _____, 2025.

The foregoing Ordinance No. 2025-08 was read the second time and passed to the third reading
this ___ day of _____, 2025.

The foregoing Ordinance No. 2025-08 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



Date 4/8/2025

Agenda Item #10

Ordinance 2025-09

CITY COUNCIL MEMORANDUM FOR ORDINANCE

To: Mayor & Council

From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action to approve Ordinance 2025-09, amending Chapter 10, Article IV "Substandard Structures".

Information: City Council approved and passed Ordinance 2020-13 establishing City Council as the Building Standards Commission. The first reading was heard on March 11th with a unanimous vote to pass forward to the 2nd reading. The second reading was heard on March 25th with a unanimous vote to pass forward to the 3rd and final reading with a request to add language regarding the BSC making recommendations to Council for a final decision.

This ordinance is amending Chapter 10, Article IV with the following notable items:

- The Planning and Zoning Commission have unanimously agreed to also serve as the Building Standards Commission. **Sec. 10-161 (b)**
- Hearing and Procedures: (these were added after legal review and were part of their recommendation)
 - Added removal and/or relocation of any occupants to give BSC the authority to order removal of vagrants/squatters who are not entitled to be there. **Sec. 10-168 (a)(3)**
 - Deleted "written evidence shall be admitted only if the BSC determines ... relevant..." It's legally better to let evidence in, even if it has very little or no probative value. That way, we don't give the other side ammunition to argue on appeal that we should have allowed this evidence in. **Sec. 10-168 (b)(3)**
- Recommendations. **Sec. 10-169 (d)** All recommendations will be heard for a final decision by the City Council.

This ordinance is to streamline the process and update the ordinance with current legislation for substandard procedures.

Financial Impact: There is no financial impact.

Staff Recommendation: Staff recommends passing Ordinance 2025-09, amending Chapter 10, Article IV "Substandard Structures".

Date 4/8/2025

Agenda Item #10

Ordinance 2025-09

Motion: Motion to approve **Ordinance 2025-09**, amending Chapter 10. Article IV “Substandard Structures” for the **3rd and Final Reading**.

Attachments:

- Draft Ordinance
- Chapter 10, Article IV Code of Ordinances

ARTICLE IV. SUBSTANDARD STRUCTURES¹

Sec. 10-159. Definitions.

For the purpose of this article, the following definitions shall apply:

Building: The term "building" shall include buildings, appurtenances or other structures or excavations existing above or below the ground level.

Building standards: The term "building standards" refers to all standards or requirements set forth in any building or other code adopted by the city's Code of Ordinances including, but not limited to article I through article V of chapter 5 of the city's ordinances, which articles are updated from time to time, and which standards and requirements are incorporated herein.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-160. Compliance; nuisance.

All buildings within the city shall comply with the provisions of this article. Any building or dwelling constructed, construed, existing, or otherwise maintained in violation of this ordinance constitutes a nuisance, is substandard, and is therefore illegal.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-161. Building standards commission.

- (a) The city shall establish a buildings standards commission. As provided in this article, the building standards commission shall hear any person with respect to the repair, vacation, or demolition of any building which may have been found by the city building inspector to be an uninhabitable or dangerous dwelling or building. As provided in this article, the building standards commission is authorized to conduct hearings, make determinations, and issue orders as set forth in this ordinance.
- (b) The Gatesville City Council is hereby designated as the building standards commission.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

¹Ord. No. 2020-13, § 1, adopted Sep. 22, 2020, repealed the former Art. IV, §§ 10-159—10-173, and § 2(Exh. A) of the same ord. enacted a new article as set out herein. The former Art. IV pertained to similar subject matter and derived from Code 2013, §§ 5-65—5-79; and Ord. No. 2016-01, adopted Feb. 23, 2016.

State law reference(s)—Authority to require demolition or repair of dilapidated, substandard, unfit or hazardous buildings, Texas Local Government Code § 214.001 et seq.

Sec. 10-162. Substandard buildings; action on substandard buildings and dwellings.

- (a) The following buildings are in violation of the city's building standards and, in such condition, are unfit for human occupation or are considered dangerous and in violation of this article:
- (1) All buildings that violate the International Building Code, International Residential Code, or any other International Code or building standards adopted by the city as set forth in section 10-22 to the extent that such building is in a condition that is unsafe, unsanitary, or dangerous;
 - (2) All buildings, dwellings, or dwelling units in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls more than 50 percent outside of the middle width of its base;
 - (3) All buildings, dwellings, or dwelling units in which, exclusive of the foundation, show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
 - (4) Those which have improperly distributed loads upon the roof or floor or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose;
 - (5) All buildings, dwellings, or dwelling units which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants thereof or the citizens of the city;
 - (6) All buildings, dwellings, or dwelling units which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
 - (7) Those having height, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
 - (8) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
 - (9) Those which have parts thereof which are so attached that they may fail and injure members of the public or property.
 - (10) Those which because of their condition are a public nuisance, unsafe, unsanitary or dangerous to the health, safety or general welfare.
- (b) The building standards commission is authorized to determine whether any of the above conditions or defects exist- and to determine what action, if any, is appropriate if such conditions or defects are found to exist. The building standards commission is authorized to take such actions, as authorized by this ordinance or statute. Specifically, the building standards commission is authorized: to order the vacation of a building; the relocation of its occupants; the demolition of the building; or the repair or removal of a building.
- (c) The employees of the fire, police, health or other administrative departments, finding the same, shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to "substandard buildings" within the terms of this article.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-163. Standards of repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector and the building standards commission in ordering repair, vacation, or demolition:

- (1) If the "substandard building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the "substandard building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.
- (3) In any case where a "substandard building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a "substandard building" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it shall be demolished, or repaired to the extent that the fire hazard will be eliminated.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-164. Inspections.

The building inspector shall:

- (1) Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing, or loft buildings, for the purpose of determining whether any conditions exist which render such places a "substandard building" within the terms of this article.
- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (3) Inspect any building, wall or structure reported, as hereinafter provided, by the fire or police or other departments of this city as probably existing in violation of the terms of this article.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-165. Pre-hearing notices; identification of owner, lienholder and mortgagee.

- (a) The building inspector shall, within a reasonable time of the reported violation of the building standards, use his best and most diligent efforts to locate all owners, lienholders, and mortgagees through a search of the following records: Coryell County real property records; Coryell Central Appraisal District records; Texas Secretary of State records; assumed named records of the county; and/or utility records.
- (b) Before the building standards commission conducts a public hearing on a reported violation of the city's building standards, the commission shall send, via certified mail/return receipt requested and regular mail, notice including:
 - (1) The name and address of the owner, if known;
 - (2) A description of the suspected or reported violation;
 - (3) The street or legal address of the affected property;
 - (4) The date, time, and place of the public hearing;

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- (5) A conspicuous statement to all owners, lienholders, and mortgagees of the subject property, to the effect of:

"THE OWNER, LIENHOLDER, OR MORTGAGEE AS APPLICABLE, WILL BE REQUIRED TO SUBMIT AT THE HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE CITY'S MINIMUM BUILDING STANDARDS AND THE AMOUNT OF TIME IT WILL TAKE TO REASONABLY PERFORM SUCH WORK."

- (c) Reasonably promptly after the building standards commission sends its notice under subsection (b) above, the city building inspector shall place a notice on the front door (or as near as practicable) of the building which notice shall be sufficient if it follows the intent of this form:

WARNING

The City of Gatesville Building Inspector has determined this structure is in violation of the city's minimum building standards and, as such deems this building to be an uninhabitable and dangerous structure. This building is to be vacated immediately and remain vacant, and this notice is to remain in place until the condition(s) of this building has been addressed by the City of Gatesville Building Standards Commission, and/or this building has been repaired, removed, or demolished as determined by the building standards commission at a public hearing - notice of which has been sent to all known persons having an interest in the building or property. Unauthorized removal of this notice is punishable by a fine of up to \$2,000.00.

Building Inspector, City of Gatesville

- (d) Before the building standards commission conducts a hearing on a violation of the city's minimum building standards, the building inspector shall file a notice with the Coryell County Clerk (as the office of Official Public Records of real property) containing:

- (1) The name of the owner;
- (2) A legal description of the property affected; and
- (3) The date, time, and location of the public hearing.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-166. Notice to utility companies.

The building inspector shall issue notice to the utility companies to discontinue service on any building determined in accordance with section 10-163(2) and/or section 10-196(3) above to be a "dangerous building" under the terms of this article.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-167. Hearing; procedures.

- (a) A public hearing on a violation of the city's minimum building standards shall be before the city council acting as the building standards commission, and the commission shall have the power to administer oaths/affirmations and to certify official acts as permitted under Texas law. The issues pertaining to a hearing under this section shall be limited to:

- (1) Whether the affected structure is in violation of the city's building standards;

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- (2) If a violation is found, the scope of work required, and the progress to bring the substandard building into compliance with the city's building standards whether by repair, removal, or demolition of such structure; and
 - (3) As necessary, the vacation and/or relocation of any legally-entitled occupant to possession of the affected property.
- (b) The following procedures shall apply to the hearing under this section:
- (1) A tape recording of the entire proceeding shall be made.
 - (2) A copy of the record of the proceeding shall be made available after payment of a reasonable fee to all parties upon request. If there is no judicial review of the city council's final decision, the city shall maintain a record of the proceeding for two years. If there is judicial review of the commission's final decision, the city shall maintain the record of the proceeding until all court proceedings - including any additional/further appeals are exhausted.
 - (3) The Texas Rules of Civil Procedure and Texas Rules of Evidence do not apply. Oral testimony given by an owner, lienholder, mortgagee, or other interested party shall be given only under oath. Each party shall have the right to testify; introduce documents; call and examine witnesses, cross-examine witnesses, or otherwise rebut evidence offered against them. Written evidence shall be admitted only if the building standards commission determines that such evidence is relevant and of the type that may be reasonably relied upon in deciding subsection (a)(1) through (3) above.
 - (4) The owner, lienholder, and/or mortgagee shall have the burden of proof to demonstrate the scope of any work and the time required to comply with the city's minimum building standards.
 - (5) The building standards commission may grant a continuance for good cause shown. If a continuance is granted, notice of the date, time and location of the rescheduled hearing shall be stated and acknowledged by all parties on record, and reduced to writing and provided to the parties before they leave the hearing. No other notice of the rescheduled hearing must be provided.
 - (6) The building inspector shall appear at all hearings conducted by the building standards commission to testify as to the condition of "substandard buildings."

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-168. The order—Building standards commission final decision.

- (a) After deliberation, the building standards commission decision shall be reduced to written order with an effective date, and the contents of the order shall be read into the record. The order shall specifically state whether the substandard structure(s) shall be repaired, removed, or demolished and the allowable time for the owner, lienholder, and/or mortgagee to repair, remove, or demolish the structure(s). If vacation and/or relocation of occupants otherwise lawfully entitled to possession of the structure is necessary, the order shall provide appropriate and lawful instructions to that effect.
 - (1) If the commission finds the structure to be in violation of the city's building standards, the commission shall allow the owner, lienholder and/or mortgagee 30 days to secure the structure from unauthorized entry and accomplish the needed repairs, removal, or demolition of the substandard structure.
 - (2) If supported by information presented by the owner, lienholder, or mortgagee at the public hearing, the commission may allow the owner, lienholder, or mortgagee no more than 90 days to accomplish the needed repairs, removal, or demolition. The order shall stipulate securing the property from unauthorized entry while the work is being performed, and a specific time schedule for the

commencement, performance, and completion of the work. The commission's order may require the owner, lienholder, or mortgagee to demonstrate compliance with the established time schedules.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-169. Post-hearing notice.

- (a) After the public hearing is conducted in accordance with section 10-167, the commission shall promptly send a copy of its order by certified mail/return receipt requested, regular mail, or personally deliver to all owners, lienholders, and mortgagees of the subject property. The order shall include the following:
 - (1) An identification, which is not required to be a legal description, of the building and the property on which it is located.
 - (2) A description of the violation of municipal standards that is present at the building; and
 - (3) A statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- (b) Within ten days after the date that the order is issued, the commission shall file a copy of the order in the office of the city secretary and further publish notice in the local newspaper that shall contain the following information:
 - (1) The street address or legal description of the property at which the substandard structure is located;
 - (2) The date that the public hearing took place;
 - (3) A brief statement of the commission's decision; and
 - (4) Instructions indicating that a copy of the order may be obtained at the office of the city secretary.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-170. Alternative action.

As an alternative to the procedure prescribed by section 10-169, the city may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of and an opportunity to comment at the hearing. In addition, the city may file notice of the hearing in the official public records of real property in the county. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the city operates under this section, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this section, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-171. City action pursuant to its order; exigent circumstances.

- (a) If the owner, lienholder, and/or mortgagee fail to comply with the building standards commission order, and no timely appeal is commenced within the 30-day period set forth in section 10-168(1), the city may take action set forth in the commission's order at its own expense. However, it may assess a privileged lien against the property for the expenses it incurs in taking such action - unless the property is a homestead protected by the State Constitution. The city must have the lien recorded and indexed in the office of the county clerk to be valid. The lien is extinguished if the property owner or some other person having an interest in the legal title to the property reimburses the city for its expenses.
- (b) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "substandard building" is immediately repaired, vacated or demolished, the building inspector is authorized to secure, repair, or abate the removal of the condition of such "substandard building" without a hearing. The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in subsection (a) of this section.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-172. Enforcement.

- (a) After any order of the building standards commission made pursuant to this ordinance shall become effective, no person to whom any such order is directed shall fail, neglect or otherwise refuse to obey any such order. Any person who fails to comply with such an order is guilty of a misdemeanor or subject to a civil suit in which the city may seek to enforce the order of the building standards commission and to assert other claims as appropriate under Texas law.
- (b) No person shall obstruct, impede, or otherwise interfere with any owner, lienholder, mortgagee, city officer, employee, or a contractor or other authorized representative of the same who is affecting or attempting to effect the building standards commission order to repair, vacate, remove, or demolish a substandard building under this article. Any person so interfering is guilty of a misdemeanor.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

Sec. 10-173. Judicial review.

- (a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the building standards commission issued under this article may file in district court a verified petition against the city setting forth that the order is illegal (in whole or in part) and specifying the grounds of the illegality. An owner, lienholder, or mortgagee must file the petition within 30 calendar days after the respective date a copy of the order is mailed or personally delivered, as set forth in section 10-171(a) or such decision shall become final as to each of them upon the expiration of such 30 calendar day period.
- (b) Any judicial review of the building standards commission order shall be limited to a hearing under the substantial evidence rule. The district court may reverse or affirm (in whole or in part) or may modify the decision brought up for review.
- (c) Costs may not be allowed against the city. However, if the building standards commission order is affirmed or not substantially reversed (but only modified) the district court shall allow to the city all attorney's fees and other expenses incurred by it and shall enter a judgement for those items, which may be entered against the property owners, lienholders, or mortgagees or any other person properly before the court.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

ORDINANCE 2025-09

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS” BY REPEALING AND REPLACING IN ITS ENTIRETY ARTICLE IV “SUBSTANDARD STRUCTURES”; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$2,000; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Ordinance 2020-13 was adopted September 22, 2020, establishing the Building Standards Commission; and

WHEREAS, the City Council has determined that it would be advantageous and beneficial to the citizens and developers of the City of Gatesville to amend and clarify certain provisions related to the substandard structures and the Building Standards Commission;

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 true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended at Chapter 10 “Buildings and Building Regulations” by repealing and replacing Article IV “Substandard Structures” which shall henceforth read in its entirety as follows:

“ARTICLE IV. SUBSTANDARD STRUCTURES

Sec. 10-159. – Definitions.

For the purposes of this article, the following definitions shall apply:

Building: The term "building" shall include buildings, appurtenances or other structures or excavations existing above or below the ground level.

Building standards: The term "building standards" refers to all standards or requirements set forth in any building or other code adopted by the city's Code of Ordinances including but not limited to article I through article V of chapter 5 of the city's ordinances, which articles are updated from time to time, and which standards and requirements are incorporated herein.

Sec. 10-160. – Compliance; nuisance.

All buildings within the city shall comply with the provisions of the City’s Code of Ordinances, including this article. Any building or dwelling constructed, construed, existing, or otherwise maintained in violation thereof constitutes a nuisance, is substandard, and is therefore illegal.

Sec. 10-161. – Building Standards Commission.

- a) There is hereby established a Building Standards Commission. As provided in this article, the building standards commission shall hear any person with respect to the condition, repair, vacation, or demolition of any building or structure which may have been found by the city building inspector to be an uninhabitable or dangerous dwelling, building, or structure. As provided in this article, the building standards commission is authorized to conduct hearings, make determinations, and issue orders as set forth in this ordinance.
- b) The Gatesville ~~City Council~~ **Planning and Zoning Commission** is hereby designated as and shall serve as the Building Standards Commission. Accordingly, the Building and Standards Commission shall consist of seven members whose terms shall be coextensive with their respective terms on the Planning and Zoning Commission.
- c) **Members of the Building Standards Commission (the “Commission”) shall serve without compensation, except for reimbursement for authorized expenditure as attendant to the performance of their duties and shall not hold any other office or position with the City while serving on the Board.**
- d) **Members of the Commission serve at the pleasure of the City Council and may be removed by the Council at any time with or without cause. Members shall be removed by the City Council following three consecutive absences from meetings of the Commission for which the Commission has not, by majority vote, excused such absences. A vacancy on the Commission shall be filled for the unexpired term by majority vote of the Council.**
- e) **The Zoning Code Official shall serve as liaison to the Commission. The Zoning Code Official shall have the right to attend all meetings and take part in all discussions but shall not vote on Commission decisions.**
- f) **The officers of the Planning and Zoning Commission shall also serve in the same positions as officers for the Building Standards Commission.**

Sec. 10-162. - Building Standards Commission Meetings and Quorum.

- a) **A quorum for the conduct of business shall consist of four members, regular or alternate, of the board. The board shall meet monthly, unless deemed not necessary, at a regularly**

scheduled time on a regularly scheduled date and shall conduct special meetings and hearings as may be necessary.

- b) A minimum of four (4) affirmative votes of members of the Commission is required for any official action of the Commission. When fewer than all members are present for voting and a motion on an agenda item fails, reconsideration of the item may be scheduled for the next regular meeting upon motion carried by a majority of those present. Upon such reconsideration, regardless of the number of members present, if the matter fails, it may be reconsidered again under this subsection.
- c) An agenda shall be prepared by the Secretary for each meeting of the Commission. A copy of the agenda, as official notice of the meeting, shall be posted at City Hall and as otherwise required by law, for a period of 72 hours prior to the date and time of the meeting.
- d) All meetings of the Commission shall, except as allowed by law, be open to the public. The Commission shall hold a regular monthly meeting at City Hall on the first Thursday of the month at the time established by the Commission. The Commission chairperson may call special meetings at such times and on such dates as s/he determines is necessary for conducting the business of the Commission.
- e) Minutes shall be kept of all Commission meetings. The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any meeting shall be submitted for approval.
- g) A member of the Commission is prohibited from voting on or participating in a matter involving a business entity or real property in which the official (or any person related by blood or consanguinity within the first degree to the official) has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of substantial interest in real property, where it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public. A member of the Commission having such interest is required to file, before a vote or decision on the matter, an affidavit with the Secretary, stating the nature and extent of the interest. The member is required to abstain from participation and vote on the matter.

Sec. 10-163. – Substandard Buildings Defined; Building Standards Commission Authority.

- a) The building standards commission is authorized to determine whether any of the conditions or defects set forth in subsection (b) of this section exist and to determine what action, if any, is appropriate if such conditions or defects are found to exist. The building standards commission is authorized to take such actions, as authorized by this article or by state law. Specifically, the building standards commission is authorized:

to order the closure and vacation of a building; the relocation of its occupants; the demolition of the building; and/or the repair or removal of a building.

- b) The following buildings are in violation of the city's building standards and, in such condition, are unfit for human occupation or are considered dangerous and in violation of this article and are deemed substandard buildings:
1. All buildings that violate the International Building Code, International Residential Code, or any other International Code or building standards adopted by the city as set forth in section 10-22 to the extent that such building is in a condition that is unsafe, unsanitary, or dangerous;
 2. All buildings, dwellings, or dwelling units in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls more than 50 percent outside of the middle width of its base;
 3. All buildings, dwellings, or dwelling units in which, exclusive of the foundation, show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
 4. Those which have improperly distributed loads upon the roof or floor or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose;
 5. All buildings, dwellings, or dwelling units which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants thereof or the citizens of the city;
 6. All buildings, dwellings, or dwelling units which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
 7. Those having height, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
 8. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
 9. Those which have parts thereof which are so attached that they may fail and injure members of the public or property.
 10. Those which because of their condition, are a public nuisance, unsafe, unsanitary or dangerous to the health, safety or general welfare.
- c) The employees of the fire, police, health and other administrative departments, finding any of the conditions identified in subsection (b) of this section, shall make a report in

writing to the building inspector of all buildings or structures which are, may be, or are suspected to be substandard buildings within the terms of this article.

Sec. 10-164. - Standards of repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector, code compliance official, and the building standards commission in making any order under this article, including an order for repair, closure, securing, vacation, or demolition:

- 1) If the "substandard building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired and, as may be appropriate, closed and made secure pending the commencement of such repair.
- 2) If the "substandard building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and, as may be appropriate, closed and made secure to prevent entry.
- 3) In any case where a "substandard building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered demolished and, as may be appropriate, closed and secured pending the commencement of such demolition. In all cases where a "substandard building" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it shall be demolished or repaired to the extent that the fire hazard will be eliminated.

Sec. 10-165. – Inspections.

The building inspector shall:

- 1) Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing, or loft buildings, for the purpose of determining whether any conditions exist which render such places a "substandard building" within the terms of this article.
- 2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- 3) Inspect any building, wall or structure reported, as hereinafter provided, by the fire or police or other departments of this city as probably existing in violation of the terms of this article.

Sec. 10-166. – Pre-hearing Notices; Identification of owner, lienholder, and mortgagee.

- a) The building inspector shall, within a reasonable time of the reported violation of the building standards, use his best and most diligent efforts to locate all owners, lienholders, and mortgagees through a search of the following records: Coryell County

real property records; Coryell Central Appraisal District records; Texas Secretary of State records; assumed named records of the county; and/or utility records.

- b) Before the building standards commission conducts a public hearing on a reported violation of the city's building standards, the commission shall send, via certified mail/return receipt requested and regular mail, notice including:
- 1) The name and address of the owner, if known;
 - 2) A description of the suspected or reported violation;
 - 3) The street or legal address of the affected property;
 - 4) The date, time, and place of the public hearing;
 - 5) A conspicuous statement to all owners, lienholders, and mortgagees of the subject property, to the effect of:

"THE OWNER, LIENHOLDER, OR MORTGAGEE AS APPLICABLE, WILL BE REQUIRED TO SUBMIT AT THE HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE CITY'S MINIMUM BUILDING STANDARDS AND THE AMOUNT OF TIME IT WILL TAKE TO REASONABLY PERFORM SUCH WORK."

- c) Reasonably promptly after the building standards commission sends its notice under subsection (b) above, the city building inspector shall place a notice on the front door (or as near as practicable) of the building which notice shall be sufficient if it follows the intent of this form:

WARNING

The City of Gatesville Building Inspector has determined this structure is in violation of the city's minimum building standards and, as such deems this building to be an uninhabitable and dangerous structure. This building is to be vacated immediately and remain vacant, and this notice is to remain in place until the condition(s) of this building has been addressed by the City of Gatesville Building Standards Commission, and/or this building has been repaired, removed, or demolished as determined by the building standards commission at a public hearing - notice of which has been sent to all known persons having an interest in the building or property. Unauthorized removal of this notice is punishable by a fine of up to \$2,000.00.

Building Inspector, City of Gatesville

- d) Before the building standards commission conducts a hearing on a violation of the city's minimum building standards, the building inspector shall file a notice with the Coryell County Clerk (as the office of Official Public Records of real property) containing:

- 1) The name of the owner;
- 2) A legal description of the property affected; and
- 3) The date, time, and location of the public hearing.

Sec. 10-167. – Notice to utility companies.

The building inspector shall issue notice to the utility companies to discontinue service on any building determined in accordance with this article to be a dangerous building under section 10-171 or any other relevant provisions of this article.

Sec. 10-168. - Hearing; Procedures.

- a) A public hearing on a violation of the city's minimum building standards shall be conducted by the Commission prior to an order being entered thereon. The commission shall have the power to administer oaths/affirmations and to certify official acts as permitted under Texas law. The issues pertaining to a hearing under this section shall be limited to:
 - 1) Whether the affected building is in violation of the city's building standards;
 - 2) If a violation is found, the scope of work required, and the progress to bring the substandard building into compliance with the city's building standards whether by repair, removal, or demolition of such structure; and
 - 3) As necessary, the closure and/or vacation of the building **and/or the removal and/or relocation of any occupants**
- b) The following procedures shall apply to the hearing under this section:
 - 1) An **audio** tape recording of the entire proceeding shall be made.
 - 2) A copy of the record of the proceeding shall be made available after payment of a reasonable fee to all parties upon request. If there is no judicial review of the City Council's final decision, the city shall maintain a record of the proceeding for two years. If there is judicial review of the Commission's final decision, the city shall maintain the record of the proceeding until all court proceedings - including any additional/further appeals are exhausted.
 - 3) The Texas Rules of Civil Procedure and Texas Rules of Evidence do not apply. Oral testimony given shall be given under oath. Each party shall have the right to testify, introduce documents; call and examine witnesses, cross-examine witnesses, and otherwise rebut evidence offered against the party. **Written evidence shall be admitted only if the building standards commission determines that such evidence is relevant and of the type that may be reasonably relied upon in deciding subsection (a)(1) through (3) above.**
 - 4) The owner, lienholder, and/or mortgagee shall have the burden of proof to demonstrate the scope of any work, and the time required to comply with the city's minimum building standards.

- 5) The building standards commission may grant a continuance for good cause shown. If a continuance is granted, notice of the date, time and location of the rescheduled hearing shall be stated and acknowledged by all parties on record, and reduced to writing and provided to the parties before they leave the hearing. No other notice of the rescheduled hearing must be provided other than the posting of the meeting agenda required by the Texas Open Meetings Act.
- 6) The building inspector and code compliance official shall appear at all hearings conducted by the building standards commission to testify to the condition of substandard buildings and other relevant matters.

~~Sec. 10-168.~~ Sec. 10-169. - The order – Building Standards Commission final decision recommendation.

- a) After deliberation, the building standards commission ~~decision~~ **recommendation** shall be reduced to written order with an effective date, and the contents of the order shall be read into the record. The order shall specifically state whether the substandard building(s) shall be repaired, removed, or demolished and the allowable time for the owner, lienholder, and/or mortgagee to repair, remove, or demolish the building(s). The order may also specify vacation and/or closure of the building and vacation, removal and/or relocation of occupants. If removal, vacation and/or relocation of occupants otherwise lawfully entitled to possession of the structure is necessary, the order shall provide appropriate and lawful instructions to that effect.
- b) If the commission finds the structure to be in violation of the city's building standards, the commission shall allow the owner, lienholder and/or mortgagee 30 days to secure the structure from unauthorized entry and accomplish the needed repairs, removal, or demolition of the substandard structure.
- c) If supported by information presented by the owner, lienholder, or mortgagee at the public hearing, the commission may allow the owner, lienholder, or mortgagee no more than 90 days to accomplish the needed repairs, removal, or demolition. The order shall stipulate securing the property from unauthorized entry while the work is being performed, and a specific time schedule for the commencement, performance, and completion of the work. The commission's order may require the owner, lienholder, or mortgagee to demonstrate compliance with the established time schedules.
- d) **All recommendations will be forwarded to the City Council for final approval.**

~~Sec. 10-169.~~ Sec. 10-170. - Post-Hearing Notice

- a) After a public hearing under section 10-1689, the ~~commission~~ **Council** shall promptly send a copy of its order by certified U.S. mail/return receipt requested, first class U.S. mail, or personally deliver to all owners, lienholders, and mortgagees of the subject property. The order shall include the following:

1. An identification, which is not required to be a legal description, of the building and the property on which it is located.
 2. A description of the violation of municipal standards that is present at the building; and
 3. A statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- b) Within ten days after the date that the order is issued, the ~~commission~~ **Council** shall file a copy of the order in the office of the city secretary and further publish notice in the local newspaper that shall contain the following information:
1. The street address or legal description of the property at which the substandard structure is located;
 2. The date that the public hearing took place;
 3. A brief statement of the commission's decision; and
 4. Instructions indicating that a copy of the order may be obtained at the office of the city secretary.

Sec. 10-170. - Alternative action.

As an alternative to the procedure prescribed by section 10-169, the city may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of and an opportunity to comment at the hearing. In addition, the city may file notice of the hearing in the official public records of real property in the county. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the city operates under this section, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this section, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

Sec. 10-171. - City action pursuant to order; Exigent circumstances

- a) If the owner, lienholder, and/or mortgagee fail to comply with the building standards commission order, and no timely appeal is commenced within the 30-day period set forth in section 10-173, the city may take action set forth in the commission's order at City

expense. However, the City may assess a privileged lien against the property for the expenses it incurs in taking such action unless such lien is prohibited by state law (for instance, homestead protections under the State Constitution). The city shall have any such lien recorded and indexed in the office of the county clerk. The lien is extinguished if the property owner or some other person having an interest in the legal title to the property reimburses the city for its expenses.

- b) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a substandard building is immediately repaired, secured, vacated or demolished, the building inspector is authorized to secure, repair, or abate the removal of the condition of such substandard building without a hearing. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in subsection (a) of this section.

Sec. 10-172. - Enforcement

- a) After any order of the building standards commission made pursuant to this ordinance shall become effective, no person to whom any such order is directed shall fail, neglect or otherwise refuse to obey any such order. Any person who fails to comply with such an order is guilty of a misdemeanor or subject to a civil suit in which the city may seek to enforce the order of the building standards commission and to assert other claims as appropriate under Texas law.
- b) No person shall obstruct, impede, or otherwise interfere with any owner, lienholder, mortgagee, city officer, employee, or a contractor or other authorized representative of the same who is affecting or attempting to affect the building standards commission order to repair, vacate, remove, or demolish a substandard building under this article. Any person so interfering is guilty of a misdemeanor.

Sec. 10-173. – Judicial review

- a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the building standards commission issued under this article may file in district court a verified petition against the city setting forth that the order is illegal (in whole or in part) and specifying the grounds of the illegality. An owner, lienholder, or mortgagee must file the petition within 30 calendar days after the respective date a copy of the order is mailed or personally delivered as set forth in section 10-170 or such decision shall become final as to each of them upon the expiration of such 30 calendar day period.
- b) Any judicial review of the building standards commission order shall be limited to a hearing under the substantial evidence rule. The district court may reverse or affirm (in whole or in part) or may modify the decision brought up for review.
- c) Costs may not be allowed against the city. However, if the building standards commission order is affirmed or not substantially reversed (but only modified) the district court shall allow to the city all attorney's fees and other expenses incurred by it and shall enter a

judgement for those items, which may be entered against the property owners, lienholders, or mortgagees or any other person properly before the court.”

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. 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 public notice of the time, place and purpose of this meeting was given as required by law.

SECTION 5. This Ordinance shall become effective immediately upon its passage and approval.

The foregoing **Ordinance No. 2025-09** was read the first time and passed to the second reading this **11th day of March, 2025.**

The foregoing **Ordinance No. 2025-09** was read the second time and passed to the third reading this **25th day of March, 2025.**

The foregoing **Ordinance No. 2025-09** was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this **8th day of April, 2025.**

BY: _____
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM:

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

VICTORIA THOMAS
CITY ATTORNEY



CITY COUNCIL MEMORANDUM

To: Mayor & Council

From: Bradford Hunt, City Manager

Agenda Item: Updates on FEMA Process, Faunt Le Roy Park and Library Rehabilitation Projects, and Recommendation to Conduct an On-Site Visits to Library and Faunt Le Roy Park.

Information:

Since our last update in September 2024, the City has continued working with FEMA and TDEM to obtain approvals for repairs related to the April-June 2024 weather-related damages to City facilities. We have hosted about 15 meetings with state and federal representatives, directed our grant contactor, Langford, to process online submissions, and coordinated with now our fourth FEMA Project Manager.

While we continue to work on the 17 known loss areas from the spring 2024 weather events, over 90 subsets of damages have been identified within those 17 areas. FEMA conducted on-site inspections on three separate occasions from October 2024 through March 2025. The City continues to meet all deadlines and requirements for its application for federal funds to recover losses associated with the weather events, but will likely begin seeking extensions due to the delays associated with Project Manager changes, US Army Corps of Engineers, and online portal access. Please see Attachment 1 for the summary list of damages.

While working with FEMA, City Manager Hunt, Deputy City Manager Halsema, and City Staff have worked with City Council to fund (via budget adjustments and CLFRF/ARPA funds) and implement the following rehabilitation projects:

- Faunt Le Roy Park
 - Clean-up and electrical work along walking trail portion completed by July 2024.
 - Lower portion: fencing added, trees and limbs trimmed, and electrical work nearly complete.
 - Estimated to reopen lower portion in next few weeks.
- Library
 - G2 Construction project for mold remediation, roof repair, and building rehabilitation is complete.
 - We are undertaking the final steps towards reopening, including:
 - Testing, assessment, and completion of HVAC system by Muegge Air.
 - Reconstruction of masonry work around the exterior HVAC units.
 - Assembling shelves and re-stocking books.

- Landscaping
- Final punch list of minor interior items.
- Reorganizing materials.
- Taking inventory of all cataloged materials.
- City Hall – roof repaired.
- Water Production Plant – pump shack removed, not needed for operations.

In the interest of full transparency and understanding, we now invite council members and all present to take a tour of the Library, followed by the lower portion of Faunt Le Roy Park. If approved, the tours will take approximately 45 minutes, and the council meeting will conclude on-site at the park.

Financial Impact:

Staff Recommendation:

Staff recommends moving this open meeting to an alternate location by approving the guided tour of the Library, followed by Faunt Le Roy Park, to be conducted directly after an approved motion, and further recommends concluding the council meeting on-site at the park when the tour is completed.

Motion:

I make a motion to move this open meeting to an alternate location by approving the guided tour of the Library and Faunt Le Roy Park, to be conducted directly after this motion, and furthermore to conclude the council meeting on-site at the park when the tour is completed.

Attachments:

“Flood / Weather Damage – Overview – DR 4781 – TX” spreadsheet

Attachment 1: FEMA Damages List

Category	Name	Work Comp	SI Status	Approx# Cost
A	Damage for Project [796286] DR 4798 TX City of Gatesville CAT A Debris Removal	50%	Not Required	\$0.00
B	Overtime from May 4 flood, May 22 tornado response / water intake power outage.	100%	Not Required	\$4,498.81
C	Culvert @ Shady Lane	0%	Requested for 1/15/2025 09:00 AM	\$37,300.00
C	Road @ Shady Lane	0%	Required and Unscheduled	\$13,700.00
C	Culvert @ Faunt Le Roy Park SITE #2	0%	Requested for 1/15/2025 09:00 AM	\$79,900.00
C	Culvert @ South Levita & West Leon Street	0%	Requested for 1/15/2025 09:00 PM	\$3,225.20
E	Gatesville Public Library	25%	Requested for 1/15/2025 09:00 AM	\$197,426.00
E	Gatesville City Hall	0%	Requested for 1/16/2025 09:00 AM	\$93,500.00
E	Gatesville Auditorium	5%	Requested for 1/16/2025 09:00 AM	\$154,000.00
E	Gatesville City Hall Annex	0%	Requested for 1/16/2025 09:00 AM	\$100,000.00
F	Stillhouse WWTP	0%	Requested for 1/16/2025 09:00 AM	\$54,100.00
F	Leon WWTP	0%	Requested for 1/17/2025 09:00 AM	\$23,400.00
F	Water Production Plant	75%	Requested for 1/17/2025 09:00 AM	\$2,500.00
F	Central/NE Sewer Line	0%	Requested for 1/17/2025 09:00 AM	\$30,000.00
G	Raby Park	0%	Requested for 1/17/2025 09:00 AM	\$15,300.00
G	Brown Park	5%	Requested for 1/17/2025 09:00 AM	\$559,415.50
G	Faunt Le Roy Park	0%	Requested for 1/17/2025 09:00 AM	\$3,193,626.90