

REGULAR CITY COUNCIL MEETING AND WORKSHOP

FEBRUARY 9, 2016

5:30 P.M.

COUNCIL CHAMBER, 110 NORTH 8TH STREET  
GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS

1) CALL TO ORDER AT 5:31 P.M., THIS 9<sup>th</sup> DAY OF FEBRUARY, 2016

PRESENT: Mayor Gary M. Chumley, Council Members, Viss, Shepherd-Cain, Inmon, Mitchell, Doyle and Rainer

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, City Attorney Sandy Gately, Liz Reinhardt, Brenda Kipphen, Nathan Gohlke, Larry Kennedy, Amber Wilson, Eric Penrod

2) APPROVAL OF MINUTES FROM PREVIOUS MEETING

Motion by Viss, seconded by Doyle, all voting "Aye" to approve Resolution Number 2016-09

RESOLUTION NUMBER 2016-09 - approve Minutes of January 26, 2016 Regular City Council Meeting.

3) HEAR VISITORS

Amber Wilson of 209 Watts Lane came before the Council and stated that she wanted to be added to the February 23<sup>rd</sup> agenda to discuss an ordinance for Child Safety Zones and possibly posting signs in yards of registered sex offenders.

Mayor Chumley told Ms. Wilson that she needed to contact City Secretary, Wendy Cole, at least five working days before the agenda is posted to apply for this request.

4) CONSIDER APPOINTMENT OF DWIGHT SUSON TO PLACE #4 OF THE PLANNING AND ZONING COMMISSION

Zoning Official, Liz Reinhardt recommended that Dwight Suson be appointed to Place #4 of the Planning and Zoning Commission as a partial term beginning March 1, 2016 through April 30, 2017 to replace resigned member, Pat Johnson.

Motion by Shepherd-Cain, seconded by Mitchell, all voting "Aye" to approve Resolution Number 2016-10

RESOLUTION NUMBER 2016-10 - approve the appointment of Dwight Suson to Place #4 of the Planning and Zoning Commission as a partial term, March 1, 2016 through April 30, 2017 to replace resigned member, Pat Johnson.

5) CONSIDER APPOINTMENT OF DEBBIE HILL TO PLACE #3 OF THE BOARD OF ADJUSTMENTS COMMITTEE

Zoning Official, Liz Reinhardt recommended that Debbie Hill be appointed to Place #3 of the Board of Adjustments as a partial term through April 2017 to replace resigned member, Valerie Ferrell.

Motion by Inmon, seconded by Rainer, all voting "Aye" to approve Resolution Number 2016-11

RESOLUTION NUMBER 2016-11 - approve the appointment of Debbie Hill to Place #3 of the Board of Adjustments Committee for a partial term through April 2017 to replace resigned member, Valerie Ferrell.

6) CONSIDER SECOND READING OF ORDINANCE NUMBER 2016-01 AMENDING CHAPTER 5, ARTICLE VI, DANGEROUS STRUCTURES OF THE CODE OF ORDINANCES FOR THE CITY OF GATESVILLE

City Manager, William H. Parry III noted that there have been no changes to this proposed ordinance amending the City's current ordinance governing Dangerous/Sub-Standard Structures and recommended that the Council approve the second reading of Ordinance Number 2016-01.

Motion by Viss, seconded by Shepherd-Cain, all voting "Aye" to approve Resolution Number 2016-12

RESOLUTION NUMBER 2016-12 - approve the second reading of Ordinance Number 2016-01 amending Chapter 5, Article VI, Dangerous Structures of the Code of Ordinances for the City of Gatesville.

7) CITY MANAGER'S REPORT:

City Manager Parry pointed out that in the City Manager's report there are several items noted with "No Change" which means that the action is still out there with nothing new to report.

- The effort to revise the 1995 zoning ordinance is going extremely well. The Planning and Zoning Commission has divided into two groups – one to analyze the Residential Zoning Districts and the other one to analyze Business/Commercial, Community, and Industrial Zoning Districts. There is a meeting scheduled with City Staff and the Committees on February 19<sup>th</sup> at 10:00 am to discuss any actions they would like to have considered. The intent going forward is to present the proposed changes to the Council in sections in workshops for discussing, so the Council will be comfortable with the recommended revisions.
- Met this morning with the Gatesville Ministerial Alliance and briefed them on the proposed concept for an effort in conjunction with Household Hazardous Waste Day on April 9<sup>th</sup> to clean up dilapidated and run down properties within the city limits of Gatesville. The ministers present at this meeting reacted positively to the idea of gathering volunteers from their congregations to assist residents needing assistance in cleaning up their properties.
- Budget. Property taxes were due January 31<sup>st</sup> and to –date the City has received 96.27 percent of the budgeted revenue for property taxes for this year so far. Additional funds should come in as some citizens pay their taxes late. The General Fund and Enterprise Fund are in the black and all accounts payable are up to date, but Mr. Parry noted that capital spending has been curtailed and the city is still being cautious with spending until revenues and expenses are stabilized.
- Estimated amount quoted from TTG Utilities to replace approximately 200 feet of sewer line on Live Oak Street is \$37,463. TTG has two other jobs going on right now and would not be able to start this job anytime soon. This is an unbudgeted expense so the city staff and council will need to examine this project and decide how it can fit into the City's financial picture.
- Fema Funding to repair flood damage. The Federal Emergency Management Agency has approved reimbursement for 75% of the costs to restore infrastructure damaged from the flood to its pre-flooding condition. Most of the severe flood area is located in and by Faunt Le Roy Park. The City is responsible for 25% of the costs and can be services-in-kind which is the way the City will go since the street department can do the chip seal road repair. The flooding also washed out the majority of the rip rap under the bridge footings of the 1904 Leon River Bridge. This project would have to be contracted out since it is beyond the City's ability to repair. The City's share of this part of the project would be \$5,926.

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- Future Dates of Note:
- Friday, February 26, 2016 at 6:00 p.m. – Gatesville Military Affairs and City Military Appreciation Fish Fry at the Civic Center.  
Mr. Parry asked all council members to attend if possible.  
March 10, 2016 – Fort Hood Garrison Commander, COL. Todd Fox, is to visit Gatesville. Colonel Fox will arrive at noon for lunch and perhaps some of you will be able to attend.

Councilmember Questions:

- Mitchell – During cleanup day, where will volunteers who load trailers drop off the items? Mr. Parry answered that since the City is doing this in conjunction with the Household Hazardous Waste Day, the items should be taken to the Civic Center parking lot. There was a discussion on what items will be accepted and that other counties will be able to participate in the Household Hazardous Waste Day.
- Viss – An update on the WaterCare program? Mr. Parry answered that the City has not heard anything from the Environmental Protection Agency. Mr. Parry said that he will call the EPA for an update.

8) ADJOURN CITY COUNCIL MEETING AT 5:50 P.M., THIS 9<sup>th</sup> DAY OF FEBRUARY, 2016.

WORKSHOP:

1) CALL TO ORDER AT 5:50 P.M., THIS 9<sup>th</sup> DAY OF FEBRUARY, 2016

Mayor Chumley reminded the Council that they were provided a workshop Procedures and Protocol handout to refer to if needed.

2) GATESVILLE INDEPENDENT SCHOOL DISTRICT STATE OF THE DISTRICT REPORT

Mr. Eric Penrod, Gatesville ISD Superintendent presented an information update to the Council on the 2015 “State of the District”. He provided the following information about the Gatesville Independent School District:

- Serves 488.32 square miles from Turnersville to The Grove to Pidcoke to Arnett.
- 2,861 students enrolled
- Using State Health Services statistics for live births compared to kindergarten enrollment, in 2015, 94 percent of kindergarten students were born in Gatesville.
- Using current demographics, enrollments are forecasted to peak at 3,015 students in 2019.
- 71% of students identify as White; 22% are Hispanic; 4% are categorized as “2 races”; 3% are Black, Asian or Native American.
- Hispanic students have increased 6.5% since 2010 while Whites have decreased approximately 8% over the same period; this is a trend seen across Texas, but is occurring at a slower rate in Gatesville.
- Gatesville ISD has 423 employees and maintains a student:teacher ratio of 14.2 – below State average.
- Gatesville ISD debt service ratio per student is 43% of the State average.
- Gatesville ISD’s tax rate (at \$1.17 per \$100 valuation) is 14% lower than the State average.
- 80% of the Operating Budget is dedicated to payroll.
- 57 cents of every dollar in revenue goes towards instruction.
- Gatesville ISD’s near term priorities: Curriculum alignment; Campus Action Plans; Effective Professional Development Plan; Technology Infrastructure.

3) ECONOMIC DEVELOPMENT BOARD BRIEFING

City Manager Parry presented a power point program briefing on Economic Development:

Reminded the Council that on June 12, 2012 the City Council created the Gatesville Economic Development Board (EDB) to serve as an advisory board to the City Council concerning economic development in Gatesville. This effort has been going on for a little more than three years, has seven members, and meets once a month.

Mr. Parry stated that at the last EDB meeting, the consensus was that the effort is essentially close to culminating at this point. The EDB asked Mr. Parry to briefly talk to the City Council about how the council would like to go forward with economic development.

Discussed were the following points:

Mission:

Improving the economic well being of a community that entail job creation, job retention, tax base enhancements and quality of life.

Three major channels of City Economic Development:

1. Chapter 380 (Local Government Code) Agreements – establishes city grants and loans for economic purposes; normally tied to number of jobs created, or business persistence. 380 Agreements are not used universally by cities in Texas but are available.
2. Type 4A/4B Economic Development Corporations are more commonly used by cities. This is a dedicated portion of City sales tax revenue for economic development.  
4A – basic industrial and manufacturing  
4B – retail, commercial and service economic development.  
It would take an election by the City if the Council would want to create a 4A or a 4B economic development corporation.
3. Property Tax incentives – tax abatement (forgiving) and tax increment (dedicated to improving) financing. The City has used this option for economic development.

Mr. Parry suggested that perhaps the traditional way of going forward with economic development; targeting a specific business and offering incentives, could be replaced with talent, industry, and place. “Talent is defined as people who want to come and work and contribute while also ensuring that companies that are here already and growing give them a reason to stay.

“Place” is defined as the place people choose to live because of the quality of life offered to them and is what they are looking for.

“Industry” is not the traditional manufacturing that has mostly gone overseas. Perhaps look to entrepreneurship or other options.

Also discussed was the recent survey conducted by the Gatesville EDB and Texas A & M University – Central Texas which studied the economic development in Gatesville. The findings and challenges were discussed with two of the biggest challenges being that approximately half of Gatesville’s population is institutionalized locally at Texas Department of Criminal Justice and almost half of the population don’t have a high school diploma.

It is hard for a business that is considering building in Gatesville to determine how much disposable income Gatesville citizens really have.

Councilmember Viss asked how other cities with large prison populations handle this?

Mr. Parry answered that Huntsville can handle this challenge because they have the advantage of having a university.

Councilmember Shepherd-Cain asked if any property owner around the Courthouse square had taken advantage of the EDB's Program with the local banks offering low interest loans to improve their properties?

Mayor Chumley said no one showed any interest in that program.

Mr. Parry said that these are the roadblocks that the EDB is facing and so they are asking for Council guidance going forward.

#### 4) DISCUSS THE STATE'S PROCEDURES FOR CHILD SAFETY ZONES

City Manager Parry presented a power point program and said that the purpose of this workshop topic is to ensure that the Council has all the background information regarding what the Texas Laws are concerning Child Safety Zones, and what the city's process is for ensuring compliance with those zones, and that it is something that must be studied very carefully including discussion of recent developments and ordinances for a child safety zone.

City Secretary Cole provided handouts to the Council:

A draft of how child safety zones of 1000 foot would look in the City of Gatesville and an article from the February 7, 2016 Killeen Daily Herald concerning this issue in other cities.

There is a non-profit group headquartered in Austin, known as the Texas Voices for Reason and Justice, and this group has filed a lawsuit against forty-six general laws cities (which are cities with a population of less than 5,000 and without a charter) in which those cities have adopted an ordinance regarding child safety zones that are more stringent than the State law. The City of Gatesville is a home rule city and can adopt any ordinance that does not violate State law. The forty-six cities are being charged that they have no constitutional authority to enact such ordinances which essentially bars sex offenders from residing in the city limits. There are some Home rule cities that are having their ordinances being challenged also.

Texas Municipal League is now working these issues to see if they think they can defend them or if they will recommend these cities pull their ordinances.

Texas Government Code, Section 508.225. Child Safety Zone:

If the nature of the offense for which an inmate is serving a sentence warrants the establishment of a child safety zone, a parole panel may establish such zone, which would prohibit the offender from places that children congregate and must live 500 feet from these places.

The cities being sued are the ones exceeding 500 foot. Safety Zones lasts as long as the offender is on community supervision (probation), parole, or mandatory supervision.

The challenge that cities are facing is that families that include a sex offender feel they are being discriminated as families and violating their access to fair housing standards.

While State law does not preempt a home –rule city from adopting an ordinance prohibiting registered sex offenders from living within a specified distance from locations where children typically congregate it is being questioned whether such an ordinance is permitted by the Texas Constitution, and therefore must be determined by a court.

Mayor Chumley asked how many sex offenders live in Gatesville?

Police Chief Gohlke said that 26 live in the 76528 zip code (which could mean some live outside the city limits) and of the 26 sex offenders, 2 of these are in the city limits that are on probation or parole that would have to follow the child safety zone rules, if it is a condition of their parole.

City Attorney Sandy Gately said that in her opinion the map presented to the Council would guarantee a law suit because half of Gatesville would be excluded from fair housing. The sex offender's family that they live with are being discriminated against. Ms. Gately recommended leaving this issue up to the State because it is very complicated and the possibility of litigation is very real. There was discussion of allowing sex offender signs in the yard and again City Attorney Gately said that it is a complicated issue and challenging because the whole family is being labeled.

Councilmember Doyle requested data that reports how often registered sex offenders repeat an offense that is the same or are they rehabilitated?

City Attorney Gately said that the Department of Public Safety (DPS) website is the reliable place to view to see where the offenders live. City Attorney Gately explained that when sex offenders move into a part of town, DPS sends a post card to every residence and business in that area. Mr. Parry said he understands that this is an emotional issue and wants everyone to understand that the city can overlay an ordinance on top of the State's law but the bottom line is that this is a challenging issue that must be thought through:

1. What is the crime?
2. What was the sentence?
3. What provisions were placed on the offender by the parole board?
4. State law currently says that if one is convicted with a certain range of crimes as described in the Texas Government Code and the Penal Code and the parole board mandates community supervision as part of that then the offender is not permitted to go in, on, or within 500 feet where children congregate.

Mr. Parry explained that this is only for discussion which should help the Council understand the facts and be able to make a determination if in fact they wish to bring this issue forward.

City Attorney Gately said that if anyone has any specific questions or areas that need further research, please tell Mr. Parry and he will pass the questions to her.

Councilmember Rainer asked Chief Gohlke if he felt comfortable with how the system is now handled and he said that the Police Department is notified by the State and is given detailed information that satisfies all requirements.

Mayor Chumley asked if there were any further questions and there were none.

5) ADJOURN WORKSHOP AT 7:09 P.M., THIS 9<sup>th</sup> DAY OF FEBRUARY, 2016

ATTEST:

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Wendy Cole  
City Secretary

APPROVED:

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Gary M. Chumley  
Mayor



