

REGULAR CITY COUNCIL MEETING

JANUARY 12, 2016

5:30 P.M.AND 6:00 P.M.

COUNCIL CHAMBER, 110 NORTH 8TH STREET

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

REGRETS: Council Member Jack Doyle

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, City Attorney Sandy Gately, Nathan Gohlke, Jim Shepard, Lolo Villagrana, Brenda Kiphen, Tim Woodlock, Liz Reinhardt, K. C. Johnson, David A. Killen, John Dossey, Jack D. Herring, Robert Featherston, Robert Reinhardt, Tim Parrish, Corey Jones, Larry Kennedy, and Raymond Perkins

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS

1) CALL WORKSHOP TO ORDER AT 5:30 P.M., THIS 12<sup>th</sup> DAY OF JANUARY, 2016

Mayor Chumley welcomed everyone and explained that starting off this year the council meeting was going to be a little different by beginning with a workshop prior to the actual council meeting.

City Manager William H. Parry III discussed the rules and guidelines for the workshop. Mr. Parry said that most other cities conduct workshops and while a workshop is not required it is recommended that Councils have a thorough discussion and vetting of all questions when needed from or to the city staff on topics prior to the City Council taking formal action.

Texas Government Code, Chapter 551.001 (4) differentiates between a “meeting” and a “gathering”:

- Meeting - a deliberation between a quorum of a governmental body during which public business/policy is discussed or considered and formal action is taken.
- Gathering (workshop) conducted by a quorum of a governmental body where members receive information, give information, ask questions, or receive questions from any third person and no formal action is taken. Notices of workshop meetings should be posted in the same manner as notices of regular council meetings since the Texas Open Meetings Act applies to all council meetings, whether formal or informal. Minutes or a tape recording must be made of the meetings. Even though the public is invited to attend, public comments are reserved for regular City Council meetings. Holding a workshop on major or complicated topics should make the city’s regular council meetings more efficient, effective and a way to ensure all questions are asked and answered before topics are taken to a formal meeting for action.

2) BRIEFING/DISCUSSION OF POSSIBLE REVISION TO CITY OF GATESVILLE CODE OF ORDINANCES, CHAPTER 5, BUILDINGS AND STRUCTURES, ARTICLE VI, DANGEROUS STRUCTURES

Mr. Parry presented a Power Point briefing and the following points were discussed concerning Dangerous/Substandard Structures:

- To go forward the Council must approve the revision of Chapter 5, Buildings and Structures, Article VI, Dangerous Structures (which was probably approved in 1984) of the City of Gatesville Code of Ordinances.
- Discussed that the current ordinances is incomplete to resolve issues concerning buildings/dwellings that require repairs to make them safe.

- That most particularly the current ordinances does not meet legal precedent requirements regarding the notification process to property owners to notify them of a violation of the building standards.
- The City Council would be designated as the Building Standards Commission for the City of Gatesville.
- There would always be a Public Hearing during a City Council Meeting to determine how to move forward on a Building Standard violation.

The proposed revision, which was included in the council books, would satisfy the current legal standards and precedents that are needed to update and conform with the current building violation process.

City Manager Parry compared the current process to the proposed process for the “Unsafe Structures” Ordinance.

Following the presentation discussion and questions ensued. After a lengthy discussion City Manager Parry explained that the goal is not to tear buildings down within the city, but to compel owners to bring their buildings into standard.

Mr. Parry asked the Council to please review the ordinance one more time and let him know of any comments, concerns, or questions that need to be clarified before this revised ordinance is put on the agenda for a future council meeting.

### 3) DISCUSSION OF PREVIOUS CONSIDERATION OF TWO REPLAT REQUESTS ON BROWN STREET

City Manager Parry reminded the Council that this second workshop item will have no action, only discussion. This discussion concerns a previous replat request consideration on Brown Street that had been on a previous agenda.

Mr. Parry discussed concerns that were raised by the citizens at a previous meeting:

- Lots not big enough for a duplex.  
Mr. Parry said that this area is zoned 2-4 family with the replat requests meeting the 6,000 foot requirement.
- Drainage issue.  
Mr. Parry stated that the ditches need to be cleaned and tin horns squared away and that both issues can easily be fixed by the city.
- Narrow Street.  
Mr. Parry explained that Brown Street is a normal size street but grass has grown up on both sides.
- Increased traffic and safety issues.  
The Police Department and Fire Department have both looked at these concerns and have determined that there are no issues.
- Insufficient infrastructure to support additional water and sewer lines.  
City staff has determined there is adequate infrastructure.

Mr. Parry said that the drainage issues can be rectified fairly easily by the city cleaning out ditches and the street shoulders could possibly be bladed to widen the streets. Mr. Parry stated that the replat request was in accordance with the zoning ordinance as it is zoned 2-4 family and the lots meet the replat requirements.

There was a brief discussion regarding these issues and concern that the city could be in violation if not approved. City Attorney Gately said that the Council has the right to approve or not approve since it had been on the agenda for consideration. City Attorney Gately also noted that anyone can file a lawsuit against anyone at any time.

Mr. Parry reminded the Council this request was done in accordance with the zoning ordinance and was approved and recommended by the Planning and Zoning Commission.

Following the discussion Mr. Parry asked if all reservations and concerns were answered in case this issue comes up on a future agenda.

#### 4) ADJOURN WORKSHOP

1) CALL REGULAR CITY COUNCIL MEETING TO ORDER AT 6:05 P.M. THIS 12<sup>th</sup> DAY OF JANUARY, 2016

#### 2) APPROVAL OF MINUTES FROM PREVIOUS MEETING

Motion by Viss, seconded by Mitchell, all voting "Aye" to approve Resolution Number 2016-01

RESOLUTION NUMBER 2016-01 - approve Minutes of December 8<sup>th</sup>, 2015 Regular City Council Meeting.

#### 3) RECOGNIZE EMPLOYEE OF THE MONTH

Mayor Gary Chumley congratulated and recognized each member of the Street Department for being selected as Employees of the Month for December 2015. They were praised for their dedication and hard work, but were specifically recognized for their teamwork in setting up and sustaining the 2015 "Christmas in the Park" display. Jack Herring, John Dossey, Lolo Villagrana, Tim Parrish, David Killen, Corey Jones, Robert Reinhardt, Raymond Perkins, and Department Head Jim Shepard were each presented a certificate and thanked for supporting the City of Gatesville.

#### 4) HEAR VISITORS

Visitors present were only concerned with an Agenda item.

#### 5) CONSIDER SECOND READING OF ORDINANCE NUMBER 2015-09 ABOLISHING ON-SITE SEWAGE FACILITY ORDINANCE 96-07

City Manager Parry reminded the Council that there is a requirement from the Texas Commission of Environmental Quality to regulate septic systems within the city limits. The City of Gatesville does not have a qualified septic inspector or a lot of septic systems in the city so the City of Gatesville has entered into an interlocal agreement with Coryell County which allows the county to take over this responsibility. Therefore, the City of Gatesville's Sewage Facility Ordinance 96-07 must be abolished to accomplish and complete the interlocal agreement. There have been no changes to Ordinance Number 2015-09 since the first reading at the previous meeting. Staff recommends approval of the second reading of Ordinance Number 2015-09 to abolish Ordinance 96-07.

Motion by Shepherd-Cain, seconded by Inmon, all voting "Aye" to approve Resolution Number 2016-02

RESOLUTION NUMBER 2016-02 - approve second reading of Ordinance Number 2015-09 abolishing on-site sewage facility Ordinance Number 96-07.

6) CONSIDER REQUEST FROM STEVE BUCKNER TO REVISE THE 1977 PLAT FOR THE LAKEWOOD GREENS ADDITION PART 1, BLOCK 1, LOT 11 AND ELIMINATE A PROPERTY SETBACK EASEMENT ON SAID LOT.

City Manager Parry stated that this request was presented to the Planning and Zoning Commission on January 4, 2016 and was unanimously voted to approve. Mr. Parry presented a power point presentation describing the Lakewood Greens plat request. Mr. Parry said that this request involves a plat from 1977 that was at that time owned by the Golf Course. In 1977 the Golf Course sold land to a group of investors who then subdivided into lots. This request concerns Lot 10 and Lot 11, how it looked in 1977, and a current survey map that the Central County Appraisal District now has that shows a road running through Lots 10 and 11 that was not on the original plat. When the road came in, a section of Lot 11 was carved off and given to Lot 10. There is also a property easement setback that runs through Lot 11 which makes this Lot insufficient to build a house on as requested. The City has checked with all the Utility Companies and there are no utilities placed here. The City researched, and there have been legal actions through deeds over the years but the subdivision was never replatted to show the new Lot 11 and the new Lot 10 showing Woodcreek Drive that exists between the two of them. The challenge is the plat needs to be cleaned up with a surveyor to make this request legal. The plat cleanup process is being conducted now. The City staff has no objection to abandoning this easement so a house can be built on Lot 11 as long as this plat gets cleaned up. Planning and Zoning asks the Council to approve this replat request to combine these lots with the provision that Mr. Buckner gets the plat cleaned up. Mr. Parry assured the Council that the City staff will not approve any building permits until the plats are fixed. Mr. Parry recommends this process be completed to protect future buyers of a house on this piece of property. The City wants to ensure there is a clear deed and title to a survey that is platted property.

Council Member Mitchell asked if there was any known opposition to this request?

City Manager Parry said there has been no opposition.

Council Member Rainer requested that a stop sign be put at Lakewood and Woodcreek. She said there is much traffic and no one slows down.

Mr. Parry said he would see about conducting a traffic survey.

Motion by Viss, seconded by Inmon, all voting "Aye" to approve Resolution Number 2016-03

RESOLUTION NUMBER 2016-03 - approve request from Steve Buckner to revise the 1977 Plat for the Lakewood Greens Addition, Part 1, Block 1, Lot 11, and eliminate a property setback easement on said lot.

7) CONSIDER RESOLUTION IN SUPPORT OF, AND AUTHORIZE THE MAYOR TO SIGN A PARTICIPATION- WAIVED ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF GATESVILLE AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO REPLACE THE 1904 LEON RIVER BRIDGE

City Manager Parry said as previously discussed Texas Department of Transportation (TxDOT) is willing to work with the City of Gatesville to replace the existing 1904 Leon River Bridge with a new bridge, but must go through a design process. The Advance Funding Agreement is the first step to kick off the design process which should take approximately one year because the process will involve environmental studies of the old bridge and as all options are considered. To rehabilitate the old bridge would mean being able to handle about 40,000 pounds where now, the current bridge can handle about 8,000 pounds.

Mr. Parry highlighted a few points of the Advance Funding Agreement:

- 10% match of the replacement costs are traditionally required from the entity that owns the bridge (City of Gatesville) to enter into the design phase. TxDOT has agreed if the City Council decides to not replace the bridge, they would waive the requirement for the 10%.
- TxDOT will accept two Coryell County Equivalent Match Projects to satisfy the City's local government participation 10% match requirement and the county has agreed to do this.

The city would be responsible for any cost associated with relocating utility lines or purchasing right-of-way for a new bridge. At this point there is no plan to demolish, tear down, or move the existing bridge and TxDOT does not intend to build a replacement bridge on the same line of access as the old bridge.

Mr. Parry explained that the City Council is not committed to anything at this point other than to ask TxDOT to move forward with the design phase of this bridge. There will be public meetings where citizens can be involved and then at the end of the design phase TxDOT will present their plan of action.

It is recommend that the Council approve a resolution that would authorize the mayor to sign on behalf of the City to enter into a participation – waived Advance Funding Agreement which means the City would not be responsible for any funding at this point.

Motion by Inmon, seconded by Mitchell, all voting "Aye" to approve Resolution Number 2016-04

## **ATTACHMENT A**

### **RESOLUTION OR ORDINANCE OF LOCAL GOVERNMENT**

The State of Texas  
City of Gatesville

WHEREAS, the federal off-system program is administered by the Texas Department of Transportation (the State) to replace or rehabilitate structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated highway system; and

WHEREAS, the City of Gatesville, hereinafter referred to as the Local Government owns a bridge located at Leon River, on City Street 175. National Bridge Inventory (NBI) Structure Number 09-050-0-C001-75-001, Local Designation Number Leon Street; and

WHEREAS, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number 114335, dated August 2015, Control-Section-Job (CSJ) Number 0909-39-129; and

WHEREAS, the usual fund participation ration for projects on such program is 80 percent federal, 10 percent state, and 10 percent Local Government; and

WHEREAS, Texas Administrative Code, Title 43, Section 15.55(d) (43TAC Section 15.55(d)) provides that under specified conditions the 10 percent Local Government match fund participation requirement may be waived with agreement by the Local Government to perform or cause to be reformed, an equivalent dollar amount of structural improvement work on other deficient bridges or deficient main lane cross-drainage structures within its jurisdiction, such a project of structural improvement work being referred to as an “equivalent match project” (EMP); and

WHEREAS, the County has been approved as an Economically Disadvantaged County, the required local match participation has been adjusted to 3.9 percent as authorized by Texas Transportation Commission Minute Order 114381, dated September 24, 2015; and

WHEREAS, the estimated local match fund participation requirement on the approved federal off-system bridge project is \$31,797.00 (Thirty one thousand, seven hundred ninety seven dollars), hereinafter referred to as the “participation-waived” (PWP) project, such participation requirement the Local Government proposes be waived and in return perform or cause to be performed equivalent-match project structural improvement work; and

WHEREAS, Coryell County, by its Resolution dated December 14, 2015, and in accordance with 43 TAC Section 15.55(d), has assigned the excess equivalent-match work from their participation-waived project(s) to the City of Gatesville to be used towards equivalent-match work needed to complete their participation-waived project(s).

THEREFORE, BE IT RESOLVED, that the excess EMP work assigned by Coryell County be applied as follows:

LOCATION (and NBI structure identification number, if applicable)	ON SCHOOL BUS ROUTE?	DESCRIPTION OF STRUCTURAL IMPROVEMENT WORK	ESTIMATED COST
Coryell CR 344 over No Name Creek	Yes	Replace existing non-bridge class Structure with non Bridge class culvert	\$26,000
Coryell CR 101 over Honey Creek	Yes	Replace existing non-bridge class Structure with non Bridge class culvert	\$14,000

BE IT FURTHER RESOLVED that in receiving this waiver the Local Government acknowledges its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions that include but are not restricted to the following:

1. The Local Government must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under US Code of Federal Regulations, Title 23, Section 650.303  
The equivalent match project work increases the load capacity of the existing bridge or other main lane cross-drainage structure, or upgrades the structure to its original load capacity with a minimum upgrade to safely carry school bus loading if located on a school bus route.
2. In performing, or causing to be performed, the equivalent-match project(s), the Local Government assumes all responsibilities for engineering and construction, and complying with all applicable state and federal environmental regulations and permitting requirements for the structures being improved.
3. The work on proposed equivalent match project(s) has not begun and will not begin until the local match fund participation waiver approval process has been completed.
4. The Local Government will be allowed three years after the contract award of the participation-waived project to complete the structural improvement work on the equivalent-match project(s).
5. Should this waiver request be approved, an appropriate written agreement or amendment to a previously executed agreement will be executed between the State and Local Government.

RESOLVED this 12th day of January, 2016 by City of Gatesville City Council.

RESOLUTION NUMBER 2016-04 - approve resolution in support of and authorize the Mayor to sign a participation - waived Advance Funding Agreement between the City of Gatesville and the Texas Department of Transportation to replace the 1904 Leon River Bridge.

8) CONSIDER STAFF RECOMMENDATION TO PROHIBIT THE CARRYING OF FIREARMS, OPEN OR CONCEALED, DURING MEETINGS GOVERNED BY THE TEXAS OPEN MEETINGS ACT

City Manager Parry said this discussion involves the open carry handgun laws that the State Legislature approved last year, and that went into effect January 1, 2016. The new law approves the open carry of handguns unless they are specifically prohibited by signage for concealed handgun license holders. An individual with a concealed handgun license is authorized to openly carry a handgun if it is only in a holster. The way the law was written, the body can take action to allow or prohibit weapons to be carried into any meeting that is governed by the Texas Open Meetings Act ( ie: City Council, Workshops, or Planning and Zoning Meetings).

Mr. Parry stated that many cities in our area are going through this same discussion and that both he and the Police Chief recommends that the City prohibit the carrying of concealed or open handguns into meetings in the council chambers that are subject to the Texas Open Meetings Act. Additionally, if approved, proper signage must be posted in the exact language contained in the Texas Penal Code.

Police Chief Gohlke brought forward the two signs and showed the Council; one for open carry and one for concealed. Chief Gohlke pointed out all the specific details of the signs that made it legal and explained that it has to be written in English and Spanish and that the signs must be placed in a conspicuous place easily observed by the public. Also discussed was that signage is already posted by the entrance into the Water Department office because they share space with the Municipal Court where guns are already prohibited.

Motion by Shepherd-Cain, seconded by Rainer, all voting "Aye" to approve Resolution Number 2016-05

RESOLUTION NUMBER 2016-05 - approve the recommendation to prohibit the carrying of firearms, open or concealed, during meetings at City Hall governed by the Texas Open Meetings Act.

9) CITY MANAGER'S REPORT

- Facilitated a meeting between Gatesville Independent School District (GISD) and Foursquare Health Care regarding the donation of the Hillside Nursing Home Facility to GISD. Gatesville Independent School District Education Foundation has concerns about maintenance and sustainment costs for which they are not funded. It is still being considered by GISD. It is in the best interest of the City that this facility not sit vacant after the Nursing Home moves out to their new facility on January 28, 2016. Ribbon cutting at the new facility will be January 26<sup>th</sup> and the Council is invited.
- There are two meetings of the Fort Hood Joint Land Use Study (JLUS) tomorrow which Mayor Pro-Tem Viss and City Manager Parry will attend representing the City. Mayor Pro-Tem Viss will be attending the JLUS policy committee and Mr. Parry will attend the JLUS Technical Committee.
- The City is ready to issue the Burger King building permit once they have selected their general contractors and subcontractors.
- Budget: To date, we have received 43 percent of our projected property taxes. Capital Spending is still being withheld until we receive the rest of the property taxes at the end of January. Sales taxes are up and Texas Department of Criminal Justice continues to pay the increased sewer rate that was approved last year. Reconciled financial reports for the month of December will be presented at the next council meeting. We will look at targets and where the City is at with revenue and spending at that meeting also.
- Have not heard from TTG or Wyllis Ament yet regarding the estimate for the cost to upgrade approximately 200 feet of sewer line off of Live Oak going in a southerly direction towards the main distribution line.
- Discussed future dates of note:  
February 2, 2016 is "Taste of Gatesville" at the Civic Center.  
February 19, 2016 is the "Gatesville Military Affairs and City Military Fish Fry" at the Civic Center which the Council is invited to attend.
- April 9, 2016 is Household Hazardous Waste Day at the Civic center which is funded 50% by the Central Texas Council of Governments and 50% by the City of Gatesville. An initiative the City would like to include with this day is a City clean up, "Make a Difference Day". This action would assist citizens who are financially or physically unable to clean their properties. Mr. Parry said he has been in contact with the Gatesville Ministerial Alliance and they are interested in assisting the City with this project by volunteering their services. Hopefully other clubs and organizations would be interested as well. Local response has been very encouraging. More details to follow.  
Councilmember Shepherd-Cain questioned insurance and liability because volunteers would be getting on other people's property. Mr. Parry said he will find out the answer to that question.

Councilmember Rainer expressed her desire to help any way possible.

- Councilmember Mitchell requested that the topic of reopening the 1904 Leon River Bridge be discussed at the workshop at the upcoming council meeting on January 26, 2016.
- Councilmember Inmon stated that he went to the Airport yesterday and was told the airport fence project should be completed this week. Mr. Parry stated that their contract and deadline is this week or fines would begin to be imposed.

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10) ADJOURN AT 6:45 P.M., THIS 12<sup>th</sup> DAY OF JANUARY, 2016.

ATTEST:

APPROVED:

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

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



