

NOTICE

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

**AGENDA
REGULAR CITY COUNCIL MEETING
AUGUST 24, 2021 AT 5:30 P.M
GATESVILLE COUNCIL CHAMBERS
110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528**

An Open Meeting will be held concerning the following subjects:

- 1. Call to Order**
- 2. Hear Visitors/Citizens Forum: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council for a maximum of three (3) minutes. No formal action can be taken on these items at this meeting.**
- 3. Discussion and possible action regarding the Consent Agenda: (all consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)**
 - Resolution 2021-56: Minutes from the Regular City Council meeting August 10, 2021**
 - Resolution 2021-57: Minutes from the Special City Council meeting August 12, 2021**
 - Resolution 2021-58: Minutes from the Special City Council meeting August 16, 2021**
- 4. Discussion and possible action regarding the request of the City of Gatesville to change the zoning of 101 S. 34th St., legally known as Lot 1 Block 6 Eastern Annex from C/F Community Facility to B/C Business Commercial (2nd reading of Ordinance 2021-04)**
- 5. Discussion and possible action to either approve, conditionally approve, or disapprove an application submitted by Joby Mooney, to subdivide a 3.0709-acre lot located at 1509 Golf Course Road, Gatesville, Tx formally known as VFW Subdivision, Block 1, Lot 1, 3.073 acres**
- 6. Discussion and possible action regarding amending Chapter 18 (Fees) of the City of Gatesville Code of Ordinances (1st reading of Ordinance 2021-07)**
- 7. Briefing regarding Karst Invertebrates- City Manager William Parry**
- 8. City Manager's Report: Capital Projects and Future Agenda Topics
Department Head Reports: Finance, Fire, Code Enforcement/Building Permits, Utility, Police, Court, Recreation, Convention and Visitor's Bureau**
- 9. Adjourn Meeting**

I hereby attest that the above agenda was posted on this the 20th day of August, 2021 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 110 N. 8th Street, Gatesville, Texas.

Wendy Cole, City Secretary

The City of Gatesville council chambers are wheelchair accessible and accessible parking spaces are available at the back entrance of City Hall. Requests for accommodations or interpretive services must be made 24 hours prior to this meeting. Please contact the city secretary's office at 254-865-8951 or FAX 254-865-8320, or email wcole@gatesvilletx.com for further information.

REGULAR CITY COUNCIL MEETING
AUGUST 24, 2021 AT 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 REGULAR CITY COUNCIL MEETING AT 5:32 P.M. THIS 24TH DAY OF AUGUST, 2021

PRESENT: Mayor Gary Chumley, Council Members Meredith Rainer, Greg Casey, Jack Doyle, Barbara Burrow, and Billy Sinyard

ABSENT: Councilmember Claude Williams

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, City Planning Director Rene Ochoa, Finance Director Mike Halsema, Robert Featherston, Joby Mooney, Sarah Erber, Amanda Shaw, Justin Veazey, Trey D. Simpson, Seth Phillips, Wyllis Ament, Tyrell Crozier, Chad Newman, Jim Shepard, Nathan Gohlke, Niki Foster, Whisper Hitt, Kaleb Hitt, Carla Manning, Steve Manning, Taylor Branch, Cheri Shepherd, Dana Palmer, Dax Palmer, Van Palmer, Jennifer Warren, Michael Steward, Kris Raney, Cody Bushong, Ethan Branch, Azahel Martinez, Thor Morgan, Ken Mallach, and Kristen Meriwether

2) HEAR VISITORS/CITIZENS FORUM: AT THIS TIME, ANY PERSON WITH BUSINESS BEFORE THE COUNCIL NOT SCHEDULED ON THE AGENDA MAY SPEAK TO THE COUNCIL FOR A MAXIMUM OF THREE (3) MINUTES. NO FORMAL ACTION CAN BE TAKEN ON THESE ITEMS AT THIS MEETING.

Niki Foster, of 116 Surrey Lane, spoke to the Council about the Skate Park and said that there had been discussion on Facebook the last couple weeks regarding the condition of the Skate Park and how it needs to be repaired. Ms. Foster said that she painted a few years ago to cover up some of the graffiti because it was getting ready to be repaired but then was never repaired. Ms. Foster stated that Skate Parks are a gathering place for youth and families and is a big part of our community and was even an Olympic event this year. Ms. Foster suggested either replacing or repairing equipment and that she knew contractors that would donate time and labor to get the repairs done for the community. Ms. Foster recognized Ethan Branch who was present at the meeting; and noted that he is the person that started the Skate Park initiative all those years ago. Ms. Foster asked on behalf of the Skate Park supporters what the City can do to repair the Skate Park.

Mayor Chumley stated that since the Skate Park is not an agenda item the Council cannot engage in conversation during the Citizen's Forum. Mayor Chumley thanked the residents present at the meeting for showing interest in the community and said that working together will help get things accomplished. However, the City's budget that was just approved does not include the funds to make repairs at the Skate Park. The City is planning to pursue a Parks Master Plan and this issue could be implemented in the future but is always contingent on the City's budget and tax rate. Mayor Chumley said that at some point in the future an Advisory Committee could be formed which could include city staff and the young people that are interested in the Skate Park so their input could be considered in future plans. Ms. Foster said that she researched grants and Gatesville does not qualify but said she could possibly pursue fund raising events if that would be possible.

Mayor Chumley said that city staff will research the cost to repair the Skate Park.

Kris Raney of Coryell City stated that he has been a resident of this area for about 25 years. When he was young there was not a Skate Park and he and his friends rode their skateboards all over town. If this skate park would close down; what would be the future of the kids where skateboarding is their passion? They may get in trouble for skateboarding all over town as he did when he was young. Mr. Raney said that he knows citizens that are ready to donate their time and money to make the repairs. Anything the City can do would be appreciated.

3) DISCUSSION AND POSSIBLE ACTION REGARDING THE CONSENT AGENDA: (ALL CONSENT AGENDA ITEMS ARE CONSIDERED ROUTINE BY CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILMEMBER REQUESTS AN ITEM BE REMOVED AND CONSIDERED SEPARATELY.)

RESOLUTION 2021-56: Minutes from the Regular City Council Meeting August 10, 2021

RESOLUTION 2021-57: Minutes from the Special City Council Meeting August 12, 2021

RESOLUTION 2021-58: Minutes from the Special City Council Meeting August 16, 2021

Motion by Meredith Rainer, seconded by Greg Casey, to approve the Consent Agenda:

RESOLUTION 2021-56: Minutes from the Regular City Council Meeting August 10, 2021;

RESOLUTION 2021-57: Minutes from the Special City Council Meeting August 12, 2021;

RESOLUTION 2021-58: Minutes from the Special City Council Meeting August 16, 2021; all five voting "Aye", motion passed.

4) DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST OF THE CITY OF GATESVILLE TO CHANGE THE ZONING OF 101 S. 34TH ST., LEGALLY KNOWN AS LOT 1 BLOCK 6 EASTERN ANNEX FROM C/F COMMUNITY FACILITY TO B/C BUSINESS COMMERCIAL (2ND READING OF ORDINANCE 2021-04)

City Manager William Parry reminded the Council that this is the former Hillside Nursing Home located on East Main Street that is currently owned by Gatesville Independent School District Educational Foundation. Gatesville ISD has requested that the City of Gatesville change the zoning of this property to Business Commercial which is consistent with the City's Future Land Use Map and Zoning Ordinance. There have been no changes to the ordinance since the first reading at the last meeting and is recommended for approval on the second reading.

ORDINANCE 2021-04-02: Motion by Barbara Burrow, seconded by Billy Sinyard, to approve the second reading of Ordinance 2021-04 to change the zoning of 101 S. 34th St., legally known as Lot 1 Block 6 Eastern Annex from C/F Community Facility to B/C Business Commercial; all five voting "Aye", motion passed.

5) DISCUSSION AND POSSIBLE ACTION TO EITHER APPROVE, CONDITIONALLY APPROVE, OR DISAPPROVE AN APPLICATION SUBMITTED BY JOBY MOONEY, TO SUBDIVIDE A 3.0709-ACRE LOT LOCATED AT 1509 GOLF COURSE ROAD, GATESVILLE, TEXAS, FORMALLY KNOWN AS VFW SUBDIVISION, BLOCK 1, LOT 1, 3.073 ACRES

City Manager Parry stated that the Planning and Zoning Commission (P & Z) met to consider this subdivision on August 11, 2021 and ultimately did not approve or disapprove the request. A motion to approve failed and prior to adjourning the P & Z meeting the P & Z failed to legally disapprove the request with a motion, second and Commission vote. The failed motion to approve an agenda item does not legally constitute disapproval. Therefore, by default this subdivision was approved by the P & Z. The City Council has thirty (30) days from the P & Z action to approve, conditionally approve, or disapprove this subdivision.

Parry said that this subdivision technically meets the requirements of the City's ordinance but there were two (2) concerns that needed to be discussed.

Parry referred to the plat in the Council's read ahead book and noted the two (2) tracts of land labeled as A and B. The plat says that these are drainage easements which are dedicated to public use.

Easements do not convey title to the property. There would clearly be drainage challenges in tracts A and B and because there is no mechanism in place to maintain these tracts city staff recommends that the City not take responsibility of these drainage easements.

The second concern is in regards to fire suppression. While the actual subdivision technically meets the infrastructure requirements in the City's subdivision ordinance, it is fed by a Fort Gates Water Supply Corporation 4-inch water line and the City Engineer had concerns about fire-flow in this subdivision due to the 4-inch line. In accordance with the Texas Health & Safety Code, the City cannot require Fort Gates Water Supply Corporation to upgrade their line to 6-inch (which is the standard for City water mains) because Ft Gates WSC is a non-public water utility.

The City's ordinance references a Texas Commission of Environmental Quality (TCEQ) standard for fire suppression of 250 gallons per minute (gpm) for two hours while maintaining a minimum of 20 pounds per square inch (PSI) system pressure. The Fire Chief determines the fire flow requirements for residential fires and he is not 100% certain that 250 gpm (which is the City's current standard) is adequate for this subdivision. The City Engineer's opinion is that the 4-inch line may be sufficient today to meet the current requirement in the subdivision ordinance but any additional development in this area of the City will likely be a problem.

Mr. Parry's recommendation was to approve the subdivision and not assume responsibility for the drainage easements labeled Tract A and Tract B on the plat and to also let the Fire Official determine the requirement of the fire flow standard which would become the fire flow standard in the City's Subdivision Ordinance. Given that the City's subdivision ordinance implies that the fire flow standard of 250 gpm for 2 hours while maintaining a system pressure of 20 psi was in effect at the time that the plat was filed and the correct standard cannot be proved within the thirty (30) day deadline it was recommended that this subdivision be approved but no future subdivisions in this area of the city until there is confidence that the infrastructure provides sufficient fire flow.

There was a lengthy discussion regarding drainage easements, lot configuration, sidewalks, TCEQ standards for fire hydrants, fire flow, and the International Organization for Standardization suppression rating system. A hydraulic flow modeling test could be performed on the 4 inch line for 2 hours by the developer's engineer to see if there is sufficient pressure and flow. There are two (2) existing fire hydrants that can be flow tested and see if the distance of these hydrants from the proposed subdivision is adequate.

The subdivision design engineer of this project, Trey Simpson, of Clark and Fuller Engineering from Temple told the Council that the intention of this project was not to just meet TCEQ standards but to exceed and to meet subdivision standards. Because Ft Gates Water is a rural water system it is true that state law does not require them to provide fire flow. Mr. Simpson said that Clark and Fuller Engineering has experienced no fire suppression requirements in other city situations similar to this and were approved because state law does not require rural water systems to provide fire suppression.

Councilmember Rainer said that although the City of Gatesville can't require Ft. Gates Water to upgrade their line it is the Council's duty to make sure that the citizens of Gatesville are as safe as possible and a standard needs to be set.

Councilmember Doyle suggested that perhaps a flow study can be requested so City Staff and Council will know what the pressure actually is and future builders will know what is there.

Ft. Gates Water Supply Corporation President and Facilities Operator Justin Veazey told the Council that he thinks that there will be 250 gpm pressure and the fire flow can be tested to be certain. Mr. Veazey said there is a 6-inch line coming off of Straws Mill Road and intersects at Golf Course Road; so combined with the two (2) fire hydrants on Golf Course Road should be able to provide good pressure. Mr. Veazey said he is more than willing to run the flow test.

Councilmember Rainer made a motion to conditionally approve the application submitted by Joby Mooney to subdivide a 3.0709 acre lot located at 1509 Golf Course Road formally known as VFW Subdivision, Block 1, Lot 1, 3.073 acres with the conditions that the fire hydrant pressure is required to be 250 gallons per minute minimum standard and that the City of Gatesville will not take responsibility of the drainage easements at Tracts A and B on the plat. Councilmember Burrow seconded the motion.

Mayor Chumley pointed out that the way that the motion was made it could be possible that the City might have to maintain the drainage easements if not assigned to one of the other lots.

Councilmember Rainer amended the motion that the Tract B drainage easement will be sold with Lot 1 and the Tract A drainage easement will be sold with Tract 12.

RESOLUTION 2021-59: Motion by Meredith Rainer, seconded by Barbara Burrow, to conditionally approve the application submitted by Joby Mooney, to subdivide a 3.0709 acre lot located at 1509 Golf Course Road, Gatesville, Texas, formally known as VFW Subdivision, Block 1, Lot 1, 3.073 acres with the conditions that the fire hydrant pressure is required to be 250 gallons per minute minimum standard; and that the Tract B drainage easement will be sold with Lot 1 and the Tract A drainage easement will be sold with Tract 12; all five voting “Aye”, motion passed.

6) DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING CHAPTER 18 (FEES) OF THE CITY OF GATESVILLE CODE OF ORDINANCES (1ST READING OF ORD. 2021-07)

City Manager Parry said that when the Council adopted the amended Code of Ordinances one request from city staff was for Municode to separate the fees out of each chapter within the ordinances and put them into one consolidated fee schedule; as it is easier to view the city’s fees in one schedule. The fee schedule was included in the Council’s read-ahead book and Mr. Parry said that any fees that had previously been set by resolution will be incorporated in the fee schedule and will be highlighted at the next meeting.

Department Heads were present at the meeting if Council had any questions and there were no questions. Following the briefing Mayor Chumley asked for a motion.

ORDINANCE 2021-07-01: Motion by Greg Casey, seconded by Billy Sinyard, to approve the first reading of Ordinance 2021-07 amending Chapter 18 (Fees) of the City of Gatesville, Texas Code of Ordinances; all five voting “Aye”, motion passed.

7) BRIEFING REGARDING KARST INVERTEBRATES:

City Manager Parry provided a briefing on Karst Invertebrates and said that these are considered an endangered species and have been found in Bexar, Travis and Williamson counties and were discussed in the County Commissioners meeting today. In April of this year the Austin Ecological Office of the United States Fish and Wildlife Service (USFWS) notified the Bell County Judge that Bell County was a “county of interest” as it related to Karst Fauna Regions. A Karst Fauna Region means that the Karst Invertebrates is, or is likely to be present. This information is important as it could possibly impact endangered species on private land owners if the endangered species end up being listed in Coryell County. It is probable that at some point in the future that the USFWS will notify the County Judge that Coryell County is now a “county of concern”. If any endangered species are found in any counties where landowners or non-federal entities (which Gatesville is) wish to pursue a project that could possibly threaten endangered species, an “Incidental Take Permit” would be required. The permit would be submitted with a Habitat Conservation Plan (HCP) that must be approved by the USFWS and Bell County is considering this approach and is seeking other interested non-federal partners to join in their efforts.

There was lengthy discussion regarding the definitions and terminology of the Karst Invertebrates: Karst meaning sinkhole and caves; and Invertebrates meaning animal species that spend their entire lives underground. These particular invertebrates are characterized by small or absent eyes, pale coloration, and long and slender legs and are approximately an eighth of an inch long.

While currently none of the listed species have been found on Fort Hood, the United States Army Construction Engineering Research Laboratory has issued a sole-source contract to Zara Environmental of Austin, TX to document and monitor karst features on Fort Hood. The Bell County Judge has a high degree of confidence that endangered species will be found on Fort Hood. Following the briefing

Mr. Parry said that given the likelihood Coryell County will be a “county of interest” for endangered species, city staff could convey to the Bell County Judge that the City of Gatesville would likely participate as a partner in a regional Habitat Conservation Plan. Percentage cost of share for Gatesville should be low compared to Bell County since they would be more economically impacted. If Gatesville did not join in and participate now and was identified in the future as a “county of interest” the cost to Gatesville would be significantly higher. Parry said that more details would be provided as they become available.

8) CITY MANAGER’S REPORT - Capital Projects:

Stillhouse Wastewater Treatment Plant Expansion: The Environmental Information Document was approved and the Finding of No Significant Impact document was issued on August 18, 2021. It must be posted for a 30-day period for public comment; assuming there are no comments the Engineering Feasibility Report will be approved. Following approval the Wastewater Treatment Plant expansion project will officially move into the design phase.

Drainage Study and Master Plan Grant: Talked with the Texas Water Development Board (TWDB) regarding the drainage study/master plan and said that they are a few weeks out with completion of the draft funding agreement for city staff to review.

CORONAVIRUS LOCAL FISCAL RECOVERY FUND: \$1,536,396.78 was deposited in the City’s bank account yesterday. Authorized uses of this money is in discussion with the City Engineer and he is recommending to be used for infrastructure projects.

COVID: The county wide weekly conference calls have begun again since the Coronavirus is ramping up again. All cities, schools, and hospitals are invited to participate. This is an opportunity for all entities to be updated on any COVID facts and concerns. Currently, it is being reported that hospitals are overwhelmed and in some cases understaffed. It seems that communities are getting hit harder right now than at this time last year.

9) ADJOURN MEETING AT 7:06 P.M., THIS 24TH DAY OF AUGUST, 2021

ATTEST:

Wendy Cole
City Secretary

APPROVED:

Gary M. Chumley
Mayor