

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
DECEMBER 14, 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 2021-86: Minutes from Regular City Council meeting November 9, 2021

Resolution 2021-87: Appointment of Board Member to the City of Gatesville Board of Adjustments

4. Administer Oath of Office to Councilmember Elect John Westbrook
5. Recognize retiring employee Wesley Fisk for 23 years of service to the City of Gatesville
6. Discussion and possible action regarding a Resolution for an Assistance to Firefighters Grant for the Gatesville Volunteer Fire Department
7. Recess Regular meeting and call a-----
Public Hearing

Hear comments concerning Substandard Structure located at 308 Fennimore, Gatesville, Texas
8. End Public Hearing and reconvene Regular Meeting
9. Discussion and possible action regarding the Substandard Structure located at 308 Fennimore, Gatesville, Texas
10. City Manager's Report: Capital Projects, Future Agenda Topics, Coronavirus Update, Department Head Reports: Finance, Fire, Code Enforcement/Building Permits, Utility, Police, Court, Recreation, Convention and Visitor's Bureau
11. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 10th day of December, 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
DECEMBER 14, 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 14TH DAY OF DECEMBER, 2021

PRESENT: Mayor Gary Chumley, Councilmembers Barbara Burrow, Greg Casey, Billy Sinyard, Claude Williams, and Councilmember Elect John Westbrook

REGRETS: Councilmember Meredith Rainer

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Rene Ochoa, Robert Featherston, Robert (Bobby) Buster, Wesley Fisk, Mike Halsema, Billy Vaden, Kalinda Westbrook, Dennis Berry, and Jeff Osborne

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

Visitors present were only concerned with an agenda item.

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 2021-86: Minutes from the Regular City Council Meeting November 9, 2021

RESOLUTION 2021-87: Appointment of Board Member to the City of Gatesville Board of Adjustments

Motion by Greg Casey, seconded by Barbara Burrow, to approve the Consent Agenda:

RESOLUTION 2021-86: Minutes from the Regular City Council Meeting November 9, 2021;

RESOLUTION 2021-87: Appointment of Jack Doyle as a Board Member to the City of Gatesville Board of Adjustments; all five voting "Aye", motion passed.

4) ADMINISTER OATH OF OFFICE TO COUNCILMEMBER ELECT JOHN WESTBROOK

City Secretary Cole administered the Oath of Office to appointed Councilmember John Westbrook for Ward 2, Place 6, one year unexpired term. Mayor Chumley welcomed Mr. Westbrook to the Council.

5) RECOGNIZE RETIRING EMPLOYEE WESLEY FISK FOR 23 YEARS OF SERVICE TO THE CITY OF GATESVILLE

Mayor Chumley recognized retiring employee Wesley Fisk and congratulated him for 23 years of service to the City of Gatesville and wished him well in his retirement. Wesley's employment with the City included the Parks Department, Shop Technician, and the Wastewater Treatment Department.

6) DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION FOR AN ASSISTANCE TO FIREFIGHTERS GRANT FOR THE GATESVILLE VOLUNTEER FIRE DEPARTMENT

City Manager Parry stated that this is a Federal Emergency Management Agency (FEMA) grant and if approved would require a five (5) percent City match of \$4,717.20. This grant would procure Personal Protective Equipment for the Gatesville Volunteer Fire Department (GVFD).

Fire Chief Billy Vaden said that the GVFD is requesting twenty-eight (28) sets of lightweight coats and pants to replace the much heavier equipment that the fire department is currently using. This grant application will be the department's third year to apply as the last two grant applications had not been awarded. This particular grant application is a long process and won't be awarded until an unknown time in 2022.

Following a brief discussion regarding the age of the current equipment, the grant application process, criteria of grading the applications, and alternative grant options, Mayor Chumley asked for a motion.

RESOLUTION 2021-88: Motion by Billy Sinyard; seconded by Greg Casey; to approve the Resolution in support of the Assistance to Firefighters Grant application and designating the Fire Chief as the Authorized Representative; all six voting "Aye", motion passed.

7) RECESS REGULAR MEETING AND CALL A PUBLIC HEARING AT 5:45 P.M. -----

PUBLIC HEARING

HEAR COMMENTS CONCERNING THE SUBSTANDARD STRUCTURE LOCATED AT
308 FENNIMORE STREET, GATESVILLE, TEXAS

Chairman of the Building Standards Commission, Mayor Chumley, explained the processes and procedures of this Public Hearing to the City Council – who was designated and is serving as the Building Standards Commission (BSC) for the City of Gatesville. Chumley stated that this is a second Public Hearing regarding the structure located at 308 Fennimore Street that the City Building Inspector has determined violates one or more codes adopted by the City Council of the City of Gatesville. The Commission conducted the first Public Hearing on this structure on October 26, 2021. At that time, the spouse of one of the heirs to this estate was present and presented the tentative plan to bring the structure into compliance. However, because there are three (3) heirs to this estate, and on the advice of the City Attorney to meet legal standards, city staff notified all three (3) by certified letter and regular mailed letter of tonight's Public Hearing so they could be present (if desired) and provide comment and input on what has been done and what is planned to be done.

The Building Standards Commission will receive a report from the City Building Inspector detailing the specific deficiencies that causes the structure to be non-compliant with city codes. Following the report the owner or owners or anyone holding an interest in the property will be allowed to address the Commission detailing the scope of work required to bring the structures into compliance with codes. That scope should contain:

- What They Intend To Do To Remedy the Deficiencies;
- When the Corrections Will Be Made

State Statute and the City's Ordinance grant the owner 30 days to correct the deficiency or deficiencies- However the state statute allows up to 90 days to correct the deficiency/deficiencies if the Commission determines that it is reasonable to give more time. However, as part of the decision tonight, the extra time allowed by the Commission will be captured.

The Commission will need to answer 2 questions:

1. Does the structure in its current condition violate Building Standards?
2. If the owner(s) desires to make repairs to bring the structures into compliance, is the owner's scope of work and timeline acceptable to the Commission (I.E. an assurance the repairs will be made on the timeline the owner stipulates)? Oral testimony shall be given under oath.
3. The property is not occupied, so the issue of vacating lawful occupants is not applicable.

The Public Hearing will be conducted and then a decision will be made. The Council/Commission were encouraged to ask any questions of the building inspector or the owner.

BSC Chairman Chumley asked Mr. Featherston if the owners/lienholders/mortgagees notified of tonight's public hearing?

Mr. Featherston answered yes, Sir.

Chairman Chumley then asked City Secretary Wendy Cole if the notice of tonight's public hearing had been posted, and will a tape recording be made of this evening's public hearing?

Ms. Cole answered yes.

City Manager Parry said that the deficiencies were the same as were presented on the checklist at the meeting on October 26th. The certified letters were sent to the Estate of Adelia McDonald and Mr. Berry made his presentation at the meeting on the 26th. The challenge was that an Estate cannot own a piece of property so all three heirs were notified of this Public Hearing tonight and could attend if desired to present their case. There has been a bit of work done to the structure since October 26th and City Manager Parry invited Mr. Berry and City Inspector Featherston to address the Commission with any updates.

Mr. Dennis Berry indicated that he would like to address the Council.

Mayor Chumley administered the oath to Mr. Berry that the testimony that Mr. Berry was about to give to the City of Gatesville Building Standards Commission would be the truth, the whole truth, and nothing but the truth?

Mr. Berry answered yes.

Mr. Berry said that the contractor that he had told the Commission was going to do the renovation has backed out. Mr. Berry said that he has contacted several other contractors and is now fairly certain that he has one that will do the renovations but is still waiting to get a final confirmation. Mr. Berry reported that the exterior of the house has been cleaned up and is no longer an eyesore. A dumpster was filled up with debris as well as approximately six (6) pickup loads taken away. Two bedrooms have water damage and both have been totally cleaned out so the contractor can now get in to evaluate the damage and see what needs to be done to repair them. The rest of the house should be cleared out by this weekend so the contractor can thoroughly inspect the inside for scope of repairs. A contractor from Waco is supposed to come and evaluate the foundation. Mr. Berry could not provide a timeline for repairs since a contractor had not been retained yet.

Mr. Berry said that he considers his sister-in-law, Yvonne McDonald, the owner of the house as she lived in the house for twenty (20) years but if she doesn't choose to live in it after it is completed, it would probably be put on the market to sell.

City Manager Parry reminded the Commission that state statute says that the condemned structure must be brought back into standard conditions within thirty (30) days; but the Commission has the authority to grant an extension for no more than a total of ninety (90) days.

City Inspector Featherston verified that the back room was cleared out and a roof was put on (without a permit). Mr. Featherston stated that he was able to get under the house and view the foundation and confirmed that it did need repair as it was damaged from water that had run down from the outside wall. There was also plumbing issues that the contractor will be able to assess and include in the scope of work to be done.

Mayor Chumley said that having heard the report from the Building Inspector and the testimony of the owner, the Commission must decide if the structure violates City building standards and if the Owner has a plan to correct, does the Commission accept the Owner's Plan?

There was a brief discussion regarding the condition of the structure, the timeline that could be approved after the contractor is retained for the project, and when the plan needs to be presented to the Commission.

8) END PUBLIC HEARING AND RECONVENE REGULAR MEETING AT 6:05 P.M. -----

9) DISCUSSION AND POSSIBLE ACTION REGARDING THE SUBSTANDARD STRUCTURE AT 308 FENNIMORE, GATESVILLE, TEXAS

Mayor Chumley stated that if the Commission has determined that the structure does violate City Building standards, an approximate thirty (30) days would allow the owner time to hire a contractor and present a plan to the Commission at the January 11, 2022 meeting.

RESOLUTION 2021-89: Motion by Barbara Burrow; seconded by Claude Williams; to approve an approximate thirty (30) day extension until January 11, 2022 to allow the presentation of the scope of work and timeline of the rehabilitation of 308 Fennimore Street ; all six voting "Aye", motion passed.

10) CITY MANAGER'S REPORT:

CAPITAL PROJECTS:

Stillhouse Water/Wastewater Expansion Project: Walker Partners Engineers met with the subcontractors at the Stillhouse Wastewater Treatment Plant on October 14th to revalidate the cost estimates of the project since the initial cost estimates for the budget were in 2018. City staff is expecting a technical memorandum in mid -January verifying the current cost for the project according to the original design scope. This memorandum will determine if anything will need to be deferred from the original plan because of cost. Staff should receive the Wastewater Master Plan draft next week and can start the review process; with Walker Partners presenting the long term plan to the Council after staff's review.

The Texas Water Development Board (TWDB) has requested an appraisal of the buffer easement which was acquired 18-24 months ago. The appraisal is required to be reviewed and an appraiser has been contacted and should get this step completed in January so staff can submit it to the TWDB and finally get this project going forward.

Water Treatment Plant Clarifier Mechanism: This will be funded with a Community Development Block Grant and will be bid in the January time frame.

Mills Street Water/Sewer Line Replacement: The Council approved the bid award to Leetech Solutions with the pre-construction meeting scheduled for the 16th of December at 10:00 a.m. Staff is anticipating the Notice- to- Proceed will occur immediately after the pre-construction meeting.

Drainage Study & Master Plan: Scheduled to conduct a kick -off meeting in January with Walker Partners and with the project to be managed out of the Waco office.

Other activities/dates of note: Noted holiday closures for the City regarding Christmas and New Year's.

FEMA DISASTER DECLARATION REGARDING FAUNT LE ROY PARK PROJECT: The engineers are currently working on this project and will be an approximate six (6) month process before a plan can be brought to the Council for review.

AIRPORT HANGARS: Staff received the structural drawings for the hangars but are still needing the electrical plan aspect of the project and have requested from the contractor.

SKATE PARK UPDATE: Nothing new to report on the skate park and will delete from future City Manager reports. The people that spoke during citizen’s forum several months back obviously have no interest in getting the equipment from the Zapata’s. Mayor Chumley said that he will get a few volunteers and go get the donated equipment from the Zapata salvage yard and get it to the City yard. It will greatly reduce cost to the City if the skate park goes forward with an upgrade in the future.

DEPARTMENT HEAD REPORTS:

Finance: The reconciled financial statements included in the council book have been submitted to the auditors, and it is possible there will be some required adjustments in the course of the audit; however, City staff’s initial assessment was that the City finished FY 2021 in a positive position for revenues and expenses.

Building Permits: There were permits issued in October for four new duplexes and five new single-family residences.

Water Distribution Call Log for Water & Sewer issues: There were 21 sewer stop ups in October and 25 sewer stop ups in November which were in regard to sewer services or sewer mains. In most cases there was significant amounts of grease involved which caused the stop ups. These grease issues mostly involve commercial restaurants; even ones that have grease traps. Fryer grease may mostly get emptied into a grease trap but then the equipment gets washed in the sink which then get washed into the wastewater system where it will solidify and cause backups. City staff is in the process of researching Fats, Oils, and Grease (FOG) ordinances and will bring a proposed FOG ordinance to the council at a future council meeting for consideration.

FUTURE COUNCIL MEETING AGENDA TOPICS: A discussion regarding local option sales and use tax is scheduled for the meeting on January 11, 2022. Councilmember Burrow furthered explained that the City has a half cent of the City’s sales tax that is allocated to offset property taxes. In researching this topic it appears that it is holding back the City’s progress in that these funds are being given away instead of coming back to General Revenue. This is impeding City progress and therefore have been unable to meet citizen demand in certain areas. This proposal would not increase the ad valorem taxes but would just allow the City to reclaim these funds. City Manager Parry said that this half cent now impacts the City’s No-New-Revenue rate during the annual property tax rate evaluation- and will for years to come- due to recent Comptroller’s changes. The voters would be required to approve this change during the November election.

WASTE MANAGEMENT OPTIONS: Parry provided the Council with an information packet which highlighted Waste Management’s proposal for enhanced residential trash, recycle, and bulky waste collection options. Parry explained that this information is to familiarize the Council with Waste Management’s proposal that will then be discussed at the meeting on January 11, 2022. Parry briefly discussed the proposal and asked the Council to review these options which will be discussed in detail at the next meeting. In order to get resident input a survey is being drafted by city staff which could be posted on the City’s website and printed on the back of the City’s water bills directing customers to the website and survey. Keep Gatesville Beautiful could also post the survey on their Facebook page.

Mayor Chumley asked that a development moratorium be discussed regarding subdivision development at a future meeting.

11) ADJOURN MEETING AT 6:30 P.M., THIS 14TH DAY OF DECEMBER, 2021

ATTEST:

APPROVED:

Wendy Cole, City Secretary

Gary M. Chumley, Mayor

