

**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**  
**5:30 P.M**  
**GATESVILLE CITY COUNCIL CHAMBERS**  
**110 NORTH 8<sup>TH</sup> STREET, GATESVILLE, TEXAS 76528**  
**NOVEMBER 14, 2023**

**An Open Meeting will be held concerning the following subjects:**

- 1. Call to Order**
- 2. Quorum check**
- 3. Invocation and Pledge of Allegiance**
- 4. 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. Speakers must conduct themselves in a civil 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.**
- 5. Recognize Gatesville Police Officers Anthony Martinez, Michael Suniga, and Anna Perrow  
(Brad Hunt)**

**CONSENT:**

- 6. 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.**

**Resolution 2023-133:**

**Discussion and possible action regarding approval of Minutes from the Regular City Council Meeting held on October 24, 2023. (Wendy Cole)**

**Resolution 2023-134:**

**Discussion and possible action regarding Change Order No. 1 to the B-5 Construction Company contract for improvements to the regional water supply clarifier No. 2 rehabilitation project. (Scott Albert)**

**OTHER BUSINESS:**

- 7. Discussion and possible action regarding the November 7, 2023 Election:**
  - A. Canvass Votes**
  - B. Declare Election Results**
  - C. Administer Oath to newly elected Council Members**
  - D. Issue Certificates of Election**
- 8. Recognize Outgoing Councilmember Claude Williams**
- 9. Discussion and possible action to appoint a Mayor Pro-Tem**

**EXECUTIVE SESSION:**

- 10. Recess Regular Meeting and Call for an Executive Session - Closed Meeting**

**The City Council of the City of Gatesville is hereby recessing the regular meeting and calling for an Executive Session in accordance with the Texas Open Meetings Act, Texas Government Code:**

- \* Section 551.071 (Consultation with Attorney)
- \* Section 551.072 (Deliberations about Real Property)
- \* Section 551.074 (Personnel Matters)
- \* Section 551.076 (Deliberations about Security Devices)
- \* Section 551.087 (Deliberations Regarding Economic Development Negotiations)
- \* Section 551.086 (Concerning municipally owned utility-competitive matters)

This closed session is convened in accordance with Local Government Code Section 551.071, Consultation with Attorney. This session addresses confidential matters in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code:

During Executive Session, the following matter will be discussed:

A. Obtain legal advice, discussion, and possible action regarding a professional services agreement with Freese and Nichols, Inc. to review a drainage study prepared by Walker Partners as relates to potential responsibility for claimed flooding. (Victoria Thomas, Kimberly Patak, & Scott Albert)

11. End Executive Session and Reconvene the Open Meeting-----

**OTHER BUSINESS:**

12. Discussion and possible action resulting from deliberations in Executive Session

13. Recess Regular Meeting and call a -----

**Public Hearing**

Hear comments regarding a proposed voluntary annexation of area into the corporate limits of the City of Gatesville. The area in question encompasses 135.05 acres situated in the William Suggett Survey, Abstract No. 912, Coryell County, Texas. Additionally, in accordance with state law, this annexation would include the portion of the adjacent county road known as Old Pidcoke Rd, along with the right-of-way on either side. This extension of the city's boundary limits aims to encompass both the annexed property and the abutting County Road (Old Pidcoke Rd), thus granting all inhabitants and property owners within the annexed area the same rights and privileges as other city residents. Furthermore, this annexation would bind the inhabitants of the annexed property by all the acts, ordinances, and regulations of the City of Gatesville. A service plan for the annexed property will also be adopted for the annexed property. (Scott Albert)

14. End Public Hearing and reconvene Regular Meeting

15. Discussion and possible action regarding an ordinance annexing into the corporate limits of the City of Gatesville, Texas, 135.03 ± acres situated in the Willam Suggett Survey, Abstract No. 912, Coryell County, Texas, as well as by operation of State law, the portion of the abutting County Road (Old Pidcoke Rd), including the right-of-way on either side; therefore extending the boundary limits of he City so to include within the City's limits said annexed property and abutting County Road (Old Pidcoke Rd); and granting all inhabitants and owners of the annexed property all of the rights and privileges of other citizens and binding the inhabitants and owners of the annexed property by all the acts, ordinances and regulations of the City and adopting a service plan for the annexed property and providing an effective date. (1st reading of Ordinance No. 2023-08) (Scott Albert)

16. Discussion and possible action regarding an Ordinance of The City of Gatesville, Texas amending Chapter 18 "Fee Schedule" of the Code of Ordinances of the City of Gatesville regarding fees related to Texas Department of Criminal Justice, fees related to buildings and building regulations, and repealing Solid Waste Fees and adopting a new Solid Waste Fee Schedule for the City of Gatesville; and providing an Effective Date (1st reading of Ordinance No. 2023-07) (Scott Albert & Mike Halsema)

17. Discussion and possible action regarding an Ordinance of the City of Gatesville, Texas, amending the Fiscal Year 2022-23 budget of the City of Gatesville to allow for adjustments to the General Fund revenues and expenditures of Seven Hundred Thirty Thousand Dollars (\$730,000); and allowing for adjustments to the Airport Fund revenues and expenditures of One Hundred Seventeen Thousand Dollars (\$117,000); declaring a Municipal Purpose; providing a Severability Clause; providing for an Open Meetings Clause; and providing for an Effective Date (3rd & Final Reading of Ordinance No. 2023-06) (Mike Halsema)
18. Discussion and possible action regarding a platting application to subdivide a .97-acre tract of land from the Arocha Survey to be known as the Paskett Addition (Scott Albert)
19. Discussion and possible action regarding a platting application to subdivide a 12.00-acre tract of land from the William Suggett Survey to be known as the Berry Estates (Scott Albert)
20. City Managers Report: Capital Projects and Future Agenda Topics
21. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 9th day of November, 2023 by 5:00 p.m. on the official City of Gatesville website, [www.gatesvilletx.com](http://www.gatesvilletx.com) and the official bulletin boards at the Gatesville City Hall, 803 E. Main Street and Gatesville Council Chambers, 110 N. 8th Street, Gatesville, Texas.

**The wording on Agenda items #13 and #15 regarding the Public Hearing and Ordinance 2023-08 was amended November 9, 2023 at 6:00 p.m. on the previously posted agenda for the regular City Council Meeting scheduled on Tuesday, November 14, 2023.**

**I hereby certify that the amended agenda was posted for the required 72 continuous hours preceding the scheduled time of said meeting.**

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**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](mailto:wcole@gatesvilletx.com) for further information.

REGULAR CITY COUNCIL MEETING  
NOVEMBER 14, 2023  
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 14TH DAY OF NOVEMBER, 2023

2) QUORUM CHECK/COUNCIL PRESENT: Mayor Pro-Tem Meredith Rainer, Councilmembers Barbara Burrow, Greg Casey, Joe Patterson, Claude Williams, and Councilmember Elect Aaron Smith

REGRETS: Mayor Gary Chumley and Councilmember John Westbrook

CITY STAFF PRESENT: City Manager Scott L. Albert, Municipal Court Clerk Kelsey Cole, Finance/HR Director Mike Halsema, Police Chief Brad Hunt, and Lieutenant Cody Lee, Officer Anthony Martinez, Officer Michael Suniga, Officer Anna Perrow

OTHERS: Leo Corona, Rachelle Smith, Krista Moreland, Colby Moreland, Chase Massingill, Lynn Massingill, Jerry Casey, Vicki Casey, Seth Casey, Eloise Smith, Lewis Smith, Paul Daugereau, and Gatesville Messenger Staff Writer, Kaylee Dusang

3) INVOCATION: Councilmember Casey/PLEDGE OF ALLEGIANCE: Led by Meredith Rainer

4) CITIZENS/PUBLIC COMMENTS FORUM: PERSONS WHO DESIRE TO ADDRESS THE CITY OF GATESVILLE CITY COUNCIL WILL BE RECEIVED AT THIS TIME. IF A PERSON WISHES TO COMMENT ON A PARTICULAR AGENDA ITEM, THEN THE SPEAKER SHOULD INDICATE SUCH ITEM(S) ON THE SIGN IN SHEET PRIOR TO THE MEETING. PUBLIC COMMENT IS LIMITED TO 3 MINUTES PER SPEAKER. SPEAKERS MUST CONDUCT THEMSELVES IN A CIVIL 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.

Leo Corona of 409 State School Road provided handouts to the councilmembers and spoke of a concern that he brought up at a previous meeting in regards to citizens contacting councilmembers. Mr. Corona encouraged the Council to place and discuss on a future agenda the ‘benefits of city council members having official city email accounts.’”

6) 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)

City Manager Albert requested to proceed to the Consent Agenda and pull Resolution 2023-134 off the consent agenda to discuss separately.

Mayor Pro-Tem Rainer pulled Resolution 2023-134 from the Consent Agenda for discussion and asked for a motion regarding Resolution 2023-133:

RESOLUTION 2023-133: Approval of Minutes from the Regular City Council Meeting held on October 24, 2023.

Motion by Barbara Burrow, seconded by Greg Casey, to approve Resolution 2023-133, City Council Meeting Minutes, on the Consent Agenda; all five voting “Aye”, motion passed.

RESOLUTION 2023-134: City Manager Albert said that he pulled this item from the Consent Agenda because there were amendments made to the original Council memorandum in regards to the budget table. The revised amount is an increase of \$8,738.00 to this project. This specific issue became apparent during removal of the water line which revealed a significant amount of erosion which was not visible during the initial project scope assessment.

Motion by Joe Patterson, seconded by Barbara Burrow, to approve Resolution 2023-134 to approve a budget increase to Change Order No. 1 for the Water Treatment Plant No. 2 Clarifier, Project 2-01650 in the amount of \$8,738.00; all five voting “Aye”, motion passed.

5) RECOGNIZE GATESVILLE POLICE OFFICERS ANTHONY MARTINEZ, MICHAEL SUNIGA, AND ANNA PERROW (BRAD HUNT)

Police Chief Brad Hunt presented awards and recognized the actions of Gatesville Police Officers Anthony Martinez, Michael Suniga, and Anna Perrow which occurred while assisting Coryell County Deputy Willingham on a traffic stop and subsequent arrest for narcotics possession. After conducting a field test of the suspected narcotics, Deputy Willingham fell ill, exhibiting signs of a life-threatening exposure to fentanyl. Officer Martinez quickly went to this patrol vehicle to retrieve his personally purchased fentanyl antidote, “Narcan,” and administered the dose. He then retrieved a second dose of Narcan from Deputy Willingham’s patrol vehicle and administered it as well. Deputy Willingham then began to recover from the exposure, and was subsequently transported to the hospital. He recovered fully, and has resumed his duties with the Coryell County Sheriff’s Office.

Officers Martinez, Suniga, and Perrow worked together to ensure the scene and suspect were secure. Other Coryell Deputies arrived in a timely manner, and Deputy Willingham received the urgent medical care he needed. While under an unresolved threat to their own personal safety, in the fact that dangerous fentanyl particles could have still been in the air they were breathing, each officer exhibited great courage. With extreme professionalism under duress, they supported one other, and each acted in support of their fellow law enforcement member. Their combined actions, and especially those of Officer Martinez, are worthy of the utmost praise that can be bestowed upon them.

Police Chief Hunt presented awards to Gatesville Police Officers:

Officer Anthony Martinez	Life-Saving Award
Officer Michael Suniga	Meritorious Conduct Award
Officer Anna Perrow	Meritorious Conduct Award

7) DISCUSSION AND POSSIBLE ACTION REGARDING THE NOVEMBER 7, 2023 ELECTION:

Mayor Pro-Tem Rainer and the City Council canvassed the votes for the City of Gatesville November 7, 2023 election. The figures on the tally sheets and the following vote totals for Councilmember offices were certified and corresponded with the figures on the official returns:

	<u>Votes Received</u>
Councilmember, Ward 1, Place 1:	
Lewis Aaron Smith	357
Leo Corona	320
Councilmember, Ward 1, Place 3:(unopposed)	Meredith Rainer 646
Councilmember, Ward 2, Place 5: (unopposed)	Greg Casey 657

Declared Elected:	Lewis Aaron Smith	Councilmember	Ward 1, Place 1
	Meredith Rainer	Councilmember	Ward 1, Place 3
	Greg Casey	Councilmember	Ward 2, Place 6

Gatesville Municipal Court Clerk, Kelsey Cole, administered the Oath of Office to the new Councilmembers and issued the Certificates of Election.

RESOLUTION NUMBER 2023-135: Motion by Greg Casey, seconded by Barbara Burrow, to approve the canvassed votes regarding the election of Council Members, and declare the results final: Lewis Aaron Smith, Meredith Rainer, and Greg Casey as Council Members to Ward 1 Place 1, Ward 1 Place 3, and Ward 2 Place 5 respectively; all five voting “Aye”, motion passed.

8) RECOGNIZE OUTGOING COUNCILMEMBER CLAUDE WILLIAMS

Mayor Pro-Tem Rainer presented outgoing Council Member Claude Williams a commemorative clock and thanked him for his dedication and service to the City of Gatesville. Mr. Williams served as council member from November 2020 to November 2023.

9) DISCUSSION AND POSSIBLE ACTION TO APPOINT A MAYOR PRO-TEM

Following discussion Council decided to defer the appointment of a Mayor Pro-Tem to the next regular meeting on December 12, 2023 since Councilmember Westbrook was not in attendance at tonight’s meeting.

10-12) EXECUTIVE SESSION REGARDING LEGAL ADVICE, DISCUSSION, AND POSSIBLE ACTION REGARDING A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. TO REVIEW A DRAINAGE STUDY PREPARED BY WALKER PARTNERS AS RELATES TO POTENTIAL RESPONSIBILITY FOR CLAIMED FLOODING. (VICTORIA THOMAS, KIMBERLY PATAK, & SCOTT ALBERT)

Mayor Pro-Tem Rainer stated that the Executive Session would not be held tonight due to Special Counsel Victoria Thomas was ill.

13) RECESS REGULAR MEETING AND CALL A PUBLIC HEARING AT 5:50 P.M.-----

Public Hearing

Hear comments regarding a proposed voluntary annexation of area into the corporate limits of the City of Gatesville. The area in question encompasses 135.05 acres situated in the William Suggett Survey, Abstract No. 912, Coryell County, Texas. Additionally, in accordance with state law, this annexation would include the portion of the adjacent county road known as Old Pidcoke Rd, along with the right-of-way on either side. This extension of the city's boundary limits aims to encompass both the annexed property and the abutting County Road (Old Pidcoke Rd), thus granting all inhabitants and property owners within the annexed area the same rights and privileges as other city residents. Furthermore, this annexation would bind the inhabitants of the annexed property by all the acts, ordinances, and regulations of the City of Gatesville. A service plan for the annexed property will also be adopted for the annexed property. (Scott Albert)

City Manager Albert discussed the aerial and vicinity map regarding the proposed voluntary annexation of the 135.03 acres of land located along the borders of Old Pidcoke Road and F.M. Hwy 116. This annexation also includes the part of Old Pidcoke Road and right-of-way adjacent to the Moreland property.

Mayor Pro-Tem asked if anyone from the public wished to comment regarding the annexation and no one wished to speak.

There was a brief discussion that the financial impact on the City will be minimal (maintenance on the

existing roads & right-of way) and that the proposed plat will be divided into four (4) three (3) acre plats for ranch estate type lots and will all front Old Pidcoke Road. Zoning will be Agricultural.

14) END PUBLIC HEARING AND RECONVENE REGULAR MEETING AT 5:54 P.M.

15) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF GATESVILLE, TEXAS, 135.03 ACRES SITUATED IN THE WILLAM SUGGETT SURVEY, ABSTRACT NO. 912, CORYELL COUNTY, TEXAS, AS WELL AS BY OPERATION OF STATE LAW, THE PORTION OF THE ABUTTING COUNTY ROAD (OLD PIDCOKE RD), INCLUDING THE RIGHT-OF-WAY ON EITHER SIDE; THEREFORE EXTENDING THE BOUNDARY LIMITS OF HE CITY SO TO INCLUDE WITHIN THE CITY'S LIMITS SAID ANNEXED PROPERTY AND ABUTTING COUNTY ROAD (OLD PIDCOKE RD); AND GRANTING ALL INHABITANTS AND OWNERS OF THE ANNEXED PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS AND OWNERS OF THE ANNEXED PROPERTY BY ALL THE ACTS, ORDINANCES AND REGULATIONS OF THE CITY AND ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTY AND PROVIDING AN EFFECTIVE DATE. (1ST READING OF ORDINANCE NO. 2023-08) (SCOTT ALBERT)

City Manager Albert said that this is the first of three required readings of the ordinance to annex the 135 acres of land that was just discussed in the Public Hearing. Staff requests that the annexation process be expedited and call two (2) special council meetings within the next two (2) weeks to complete the annexation process. There was a brief discussion regarding councilmember date availability and it was decided that City Secretary Cole would reach out to councilmembers next week to confirm council meeting dates for the special meetings.

ORDINANCE 2023-08-01: Motion by Greg Casey, seconded by Barbara Burrow, to approve the first reading of Ordinance 2023-08 annexing into the corporate limits of the City of Gatesville, Texas, 135.03 acres situated in the Willam Suggett Survey, Abstract No. 912, Coryell County, Texas, as well as by operation of State law, the portion of the abutting County Road (Old Pidcoke Rd), including the right-of-way on either side; therefore extending the boundary limits of he City so to include within the City's limits said annexed property and abutting County Road (Old Pidcoke Rd); and granting all inhabitants and owners of the annexed property all of the rights and privileges of other citizens and binding the inhabitants and owners of the annexed property by all the acts, ordinances and regulations of the City and adopting a service plan for the annexed property and providing an effective date; all five voting "Aye", motion passed.

16) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING CHAPTER 18 "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE CITY OF GATESVILLE REGARDING FEES RELATED TO TEXAS DEPARTMENT OF CRIMINAL JUSTICE, FEES RELATED TO BUILDINGS AND BUILDING REGULATIONS, AND REPEALING SOLID WASTE FEES AND ADOPTING A NEW SOLID WASTE FEE SCHEDULE FOR THE CITY OF GATESVILLE; AND PROVIDING AN EFFECTIVE DATE (1ST READING OF ORDINANCE NO. 2023-07) (SCOTT ALBERT & MIKE HALSEMA)

Finance Director, Mike Halsema, said that during the budget process, it was discovered that the sewer rates proposed for TDCJ (Texas Department of Criminal Justice) were inconsistent with the findings of the rate study conducted by Newgen. The recommended rates for TDCJ sewer services are as follows: a base charge of \$389.65 per month and \$3.01 per 1,000 gallons of water used. This represents an approximate 1% increase compared to last year. Staff recommends aligning the TDCJ rates with the rate structure identified through the NewGen study.

Next, Mr. Halsema introduced Waste Management's Public Sector Solutions Manager, Paul Daugereau, to discuss Gatesville's solid waste agreement. The contract was signed in December of 2022 but the actual service didn't start until February of 2023. The contract determined that the annual Consumer

Price Increase (CPI) would take place in December which is less than a year when service actually started. Mr. Daugereau said that Waste Management has agreed to defer the impending rate increase to reflect on the February 1, 2024 invoicing. The CPI formula/measurement periods were discussed and the new proposed rate per the WM calculations will increase by 4.59% which is lower than the previously presented CPI rate. An amendment to the contract will be provided to city staff before the previous December rate increase happens- as indicated in the contract. Mr. Daugereau also noted that Gatesville's recycling participation has been tremendous (40 tons per month) with reports from WM staff that the recycling items are really clean with not many unacceptable materials. Mr. Daugereau reported that there are no funds that come back to the cities regarding recycling – there is a fee associated to the time and extra work to process the recycling materials.

Lastly, City Manager Albert discussed the Bureau Veritas (BV) fees and after further review by staff it was decided that the fee schedule will come back to Council for consideration at a future meeting as amendments needed to be reviewed regarding various in-house fees and fees charged by BV.

Leo Corona of 409 State School Road discussed his concerns with how BV fee schedule was structured and if a private homestead resident would have the choice to choose a city in-house inspector or the BV inspector. Also, if a refund would be issued if a city inspector conducted the inspection and not the BV inspector the resident paid for? Mr. Corona said that he realized that the BV Plan review and inspection fees are still a work in progress but thought these questions needed to be addressed.

Mayor Pro-Tem Rainer and City Manager Albert said that these questions will be addressed with BV as the fee schedule is reviewed and transition occurs.

ORDINANCE 2023-07-01: Motion by Barbara Burrow, seconded by Greg Casey, to approve the first reading of Ordinance 2023-07 regarding fees related to Texas Department of Criminal Justice, and repealing Solid Waste Fees and adopting a new Solid Waste Fee Schedule for the City of Gatesville; and providing an Effective Date but exception regarding the amendments set out in Section One (1) of the ordinance related to buildings and building regulations which amendments shall not be approved at this time; all five voting “Aye”, motion passed.

17) DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE FISCAL YEAR 2022-23 BUDGET OF THE CITY OF GATESVILLE TO ALLOW FOR ADJUSTMENTS TO THE GENERAL FUND REVENUES AND EXPENDITURES OF SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$730,000); AND ALLOWING FOR ADJUSTMENTS TO THE AIRPORT FUND REVENUES AND EXPENDITURES OF ONE HUNDRED SEVENTEEN THOUSAND DOLLARS (\$117,000); DECLARING A MUNICIPAL PURPOSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE (3RD & FINAL READING OF ORDINANCE NO. 2023-06) (MIKE HALSEMA)

Finance Director, Mike Halsema, said that this was the third and final reading of Ordinance 2023-06 and asked the Council if there were any questions and there were no comments or questions.

ORDINANCE 2023-06-03: Motion by Barbara Burrow, seconded by Greg Casey, to approve the third and final reading of Ordinance 2023-06 amending the Fiscal Year 2022-23 Budget of the City of Gatesville to allow for adjustments to the General Fund revenues and expenditures of Seven Hundred Thirty Thousand Dollars (\$730,000); and allowing for adjustments to the Airport Fund revenues and expenditures of One Hundred Seventeen Thousand Dollars (\$117,000); declaring a municipal purpose; providing a severability clause; providing for an open meetings clause; and providing for an effective date; all five voting “Aye”, motion passed.

18) DISCUSSION AND POSSIBLE ACTION REGARDING A PLATTING APPLICATION TO SUBDIVIDE A .97-ACRE TRACT OF LAND FROM THE AROCHA SURVEY TO BE KNOWN AS THE PASKETT ADDITION (SCOTT ALBERT)



City Manager Albert said that Planning & Zoning did approve this plat at the regularly scheduled meeting on November 6th. The property is located at 208 Pamela Drive and the plat application complies with all other provisions outlined in the city's subdivision ordinance and applicable State Statutes. Staff recommends approval of the plat application to subdivide a .97-acre tract of land from the Arocha Survey to be known as the Paskett Addition.

RESOLUTION 2023-136: Motion by Joe Patterson, seconded by Barbara Burrow, to approve the platting application filed by property owners Stacy and Amanda Summers to subdivide a .97-acre tract of land from the Arocha Survey to be known as the Paskett Addition; all five voting "Aye", motion passed.

19) DISCUSSION AND POSSIBLE ACTION REGARDING A PLATTING APPLICATION TO SUBDIVIDE A 12.00-ACRE TRACT OF LAND FROM THE WILLIAM SUGGETT SURVEY TO BE KNOWN AS THE BERRY ESTATES (SCOTT ALBERT)

City Manager Albert said that this plat application filed with the city is to subdivide 12 acres into four 3-acre lots. The 12 acres will be subdivided from a larger, unplatted 135-acre parcel. All four lots shown on the plat front Old Pidcoke Road and already have permits from the County to access Old Pidcoke Road. They all have access to water and sewer. The County discussed this annexation item at the Commissioner's Court meeting today and Coryell County Judge Roger Miller said that there was no issue with the City moving forward with the annexation and platting process. On November 6, 2023, the Planning and Zoning Commission conditionally approved the Berry Estates final plat, consisting of four 3-acre lots along Old Pidcoke Road. The conditional approval was based on the pending full annexation of the property, and failure to annex the property would result in disapproval of the final plat. The P&Z Commission also stated that the plat would not go to City Council until the P&Z conditional approval is satisfied.

Despite the P&Z Commission's reluctance to forward the plat to the City Council, staff wishes to seek City Council consideration of the final plat. There is no legal or technical reason for not forwarding the plat to the City Council for consideration. If the property is ultimately annexed, the approved plats carry forward (i.e. do not need to be re-approved). Additionally, state law (Texas Local Gov't Code 212.009(b)) mandates that if the Council does not act on the plat within 30 days of P&Z's action, the plat is deemed approved by operation of law. Therefore, it is in the City's best interest to include the Berry plat on the agenda for City Council consideration.

There was a discussion regarding the City's Extraterritorial Jurisdiction (ETJ), for which the city has authorization to regulate land subdivision based on an interlocal agreement with Coryell County. The interlocal agreement with the county requires that:

1. The city will deliver a courtesy copy of the plat to the County Attorney's Office to ensure the Commissioners Court has an opportunity to provide input on any effect that the plat may have on other areas of the county inside or outside the city's ETJ.

The County Attorney confirmed he received a copy of the plat.

2. If the developer intends that each lot is to be serviced by an On-Site Sewage Facility (OSSF) septic system, no final plat shall be accepted until the County's DR has approved the sewage disposal plan.

All four lots will be serviced by an existing city sewer collection system adjacent to the property. OSSF systems are not necessary for the four lots.

3. If any street in the subdivision will connect to a County Road, the developer must obtain written permission from the Coryell County Commissioners Court to tie into the existing County Road before the approval of the Final Plat.

All four lots fronting Old Pidcoke Road have received County approval for ROW access and annexation.

The process was discussed briefly and Mr. Albert noted that according to Development Services, the plat complies with all provisions outlined in the city's subdivision ordinance and applicable State Statutes. If a plat complies with all the city's legal requirements, which are dictated by law rather than policy, the City Council must grant approval as per Texas Local Government Code 212.005 and 212.010."

RESOLUTION 2023-137: Motion by Joe Patterson, seconded by Greg Casey, to approve the Berry Estates Final Plat; all five voting "Aye", motion passed.

20) CITY MANAGERS REPORT: There was not a City Manager's report as Mr. Albert said that he is working on restructuring it differently which will include every project going on in the city with an updated funding mechanism regarding each project so Council will know where each project is financially.

21) ADJOURN MEETING AT 6:40 P.M, THIS 14TH DAY OF NOVEMBER, 2023

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Gary Chumley  
Mayor