

City Council Meeting

April 11, 2023

At

Gatesville Council Chamber

110 N. 8th Street

5:30 P.M.



INDEX
REGULAR CITY COUNCIL MEETING
APRIL 6, 2023
5:30 P.M.

PAGE 1 --- AGENDA – 4-11-2023

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

PAGE 2-10 - 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 2023-38: MINUTES FROM SPECIAL CITY COUNCIL MEETING
MARCH 23, 2023**

**RESOLUTION 2023-39: MINUTES FROM REGULAR CITY COUNCIL MEETING
MARCH 28, 2023**

**RESOLUTION 2023-40: MINUTES FROM SPECIAL CITY COUNCIL MEETING
APRIL 3, 2023**

**RESOLUTION 2023-41: APPOINTMENT OF GATESVILLE HOUSING AUTHORITY
BOARD COMMISSIONERS**

**RESOLUTION 2023-42: PROCLAMATION DECLARING APRIL AS PARKINSON'S
AWARENESS MONTH**

**NO MEMO -- DISCUSSION AND POSSIBLE ACTION REGARDING ENFORCEMENT OF
DEMOLITION ORDER NUMBER 2022-02 ISSUED ON JANUARY 25, 2022 AND
RENOVATION COMPLETION REPORT AND POTENTIAL PENALTY
REGARDING 2006 BRIDGE STREET, GATESVILLE, TEXAS**

**PAGE 11-14 - CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION
REGARDING A RESOLUTION SUSPENDING FOR 45 DAYS THE EFFECTIVE
DATE PROPOSED BY ATMOS ENERGY-MID-TEXAS DIVISION (ATMOS-
MIDTEX) IN ITS APPLICATION FILED ON OR ABOUT FEBRUARY 24, 2023,
PURSUANT TO SECTION 104.301 OF THE GAS UTILITY REGULATORY
ACT**

**NO MEMO- DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF
CONTRACT FOR THE CITY MANAGER OF GATESVILLE, TEXAS**

**PAGE 15- 17 -- CITY MANAGERS REPORT: CAPITAL PROJECTS, FUTURE
AGENDA TOPICS**

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
APRIL 11, 2023 AT 5:30 P.M
GATESVILLE COUNCIL CHAMBER
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 2023-38: Minutes from Special City Council Meeting March 23, 2023**
 - Resolution 2023-39: Minutes from Regular City Council Meeting March 28, 2023**
 - Resolution 2023-40: Minutes from Special City Council Meeting April 3, 2023**
 - Resolution 2023-41: Appointment of Gatesville Housing Authority Board Commissioners**
 - Resolution 2023-42: Proclamation declaring April as Parkinson's Awareness Month**
- 4. Discussion and possible action regarding enforcement of Demolition Order Number 2022-02 issued on January 25, 2022 and renovation completion report and potential penalty regarding 2006 Bridge Street, Gatesville, Texas**
- 5. Discussion and Possible Action regarding a Resolution suspending for 45 days the effective date proposed by Atmos Energy-Mid-Texas Division (Atmos-MidTex) in its application filed on or about February 24, 2023, pursuant to section 104.301 of the Gas Utility Regulatory Act.**
- 6. Discussion and possible action regarding approval of contract for the City Manager of Gatesville, Texas**
- 7. City Manager's Report: Capital Projects & Future Agenda Topics**
- 8. Adjourn Meeting**

I hereby attest that the above agenda was posted on this the 6th day of April, 2023 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.

SPECIAL CITY COUNCIL MEETING
MARCH 23, 2023 AT 8:30 A.M.
COUNCIL CHAMBER, 110 NORTH 8TH STREET
GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

1) CALL TO ORDER SPECIAL CITY COUNCIL MEETING AT 8:31 A.M. THIS 23RD DAY OF MARCH, 2023

PRESENT: Mayor Gary Chumley, Councilmembers Barbara Burrow, Meredith Rainer, Billy Sinyard, Greg Casey, and John Westbrook (arrived at 10:22 a.m.)

REGRETS: Councilmember Claude Williams

STAFF PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole

OTHERS PRESENT: Strategic Government Resources Senior Vice President, Larry Gilley, and Copperas Cove City Manager, Ryan Haverlah

2) RECESS SPECIAL MEETING AND ENTER INTO EXECUTIVE MEETING AT 8:32 A.M.-----

This closed session is in accordance with Local Government Code Section 551.074- Personnel Matters- Deliberate the appointment, employment, or duties of a public employee including Interview of City Manager candidates

3) END EXECUTIVE SESSION AND RECONVENE SPECIAL MEETING AT 2:48 P.M.---

4) DISCUSSION AND POSSIBLE ACTION REGARDING EXTENDING AN OFFER OF EMPLOYMENT FOR THE POSITION OF CITY MANAGER

City Manager candidates that were interviewed in Executive Session were David Harris, Neal Wendele, James Fisher, and Scott Albert

RESOLUTION 2023-33: Motion by Greg Casey, seconded by John Westbrook, to extend an offer of employment for the position of City Manager to James Fisher, authorize the Mayor to negotiate the terms of the agreement, and to present the final agreement to the City Council for approval at the regular City Council meeting on March 28, 2023; all five voting "Aye", motion passed.

5) ADJOURN MEETING AT 2:50 P.M., THIS 23RD DAY OF MARCH, 2023

ATTEST:

APPROVED:

Wendy Cole
City Secretary

Gary M. Chumley
Mayor

REGULAR CITY COUNCIL MEETING
MARCH 28, 2023 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 5:30 P.M. THIS 28TH DAY OF MARCH, 2023

COUNCIL PRESENT: Mayor Gary Chumley, Councilmembers Barbara Burrow, Meredith Rainer, Billy Sinyard, and Greg Casey

REGRETS: Councilmember John Westbrook

ABSENT: Councilmember Claude Williams

CITY STAFF PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Finance Director Mike Halsema, Planning Director Rene Ochoa, Police Chief Brad Hunt

OTHERS: Leo Corona, Josiah Wilson, Lauren Morrell, and Gatesville Messenger Senior Writer 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 TO APPROVE MINUTES FROM REGULAR CITY COUNCIL MEETING MARCH 14, 2023

RESOLUTION 2023-34: Motion by Barbara Burrow, seconded by Meredith Rainer, to approve the Minutes from the Regular City Council Meeting March 14, 2023; all four voting "Aye", motion passed.

Before the next agenda item started, Mr. Parry informed the Council that 308 Fennimore Street had passed the electrical inspection and had completed and passed all the other work that the City required to be permitted. The Certificate of Occupancy has been issued.

4) DISCUSSION AND POSSIBLE ACTION REGARDING ENFORCEMENT OF DEMOLITION ORDER NUMBER 2022-02 ISSUED ON JANUARY 25, 2022 AND RENOVATION COMPLETION REPORT AND POTENTIAL PENALTY REGARDING 2006 BRIDGE STREET, GATESVILLE, TEXAS

Mr. Josiah Wilson entered the Council meeting at 5:37 p.m. as City Manager Parry was updating the Council on the progress of renovation at 2006 Bridge Street regarding the plumbing and electrical aspects of the project. City Inspector Robert Featherston reported to Mr. Parry that the plumbing had not had a final inspection because the plumber was having issues finding an adapter to transition the PVC pipe to the clay pipe on the city side. Mr. Featherston had not heard from the electrician so a final electrical inspection had not been completed either. At a previous meeting the Council (serving as the Building Standards Commission (BSC)) voted to issue Mr. Wilson a citation for failure to comply with the order from the Building Standards Commission. City Manager Parry said that Mr. Wilson came in to the Municipal Court this week and has asked for a jury trial. Mr. Parry said that the BSC could consider issuing another citation if desired.

Mayor Chumley pointed out that all the extensions that the BSC had approved were all deadlines that were suggested by Mr. Wilson- not deadlines picked by the BSC. In some instances, the Council/BSC actually issued an extension further out than Mr. Wilson asked for. Mayor Chumley said that he is very unhappy with the timeline issue but commented that he drives by there every day and has seen a lot of work going on lately. If there is a supply chain issue, that would explain the plumbing inspection not getting done.

Mr. Wilson joined the meeting at this point of the discussion and verified what the Mayor and City Manager had just reported and also commented that he is very committed in getting the project completed, but other projects as well as contractor issues held him up. The electrician has assured him that he will be done and ready for the first electrical inspection this week. Other plumbers have been contacted to put in bids as Mr. Wilson and the contractor on this job are frustrated with the progress of the current plumber's work. As far as the timeline, Mr. Wilson said that he was looking at two more weeks.

Councilmember Rainer suggested contacting local plumbers as there are a lot of excellent plumbers in town. Mr. Wilson said that he has called local plumbers and are in the process of receiving bids.

Mayor Chumley told Mr. Wilson that although he had not met the timelines he was issued, he was accomplishing what the BSC/Council wants. Mayor Chumley said that even though the BSC could issue another citation he thought that perhaps the Council could consider not doing that since it looks like the project is progressing again.

Following a brief discussion regarding the two-week extension that Mr. Wilson asked for; Mayor Chumley asked for a motion.

RESOLUTION 2023-35: Motion by Greg Casey; seconded by Barbara Burrow; to order Mr. Josiah Wilson to provide the Council an update on the completion of the renovation at 2006 Bridge Street project including the electrical and plumbing completion at the next City Council meeting on April 11, 2023; all four voting "Aye," motion passed.

5) DISCUSSION AND POSSIBLE ACTION REGARDING THE BID AWARD FOR THE GATESVILLE REGIONAL WATER SUPPLY CLARIFIER #2 REHABILITATION PROJECT

City Manager Parry reminded the Council that both of the original clarifiers at the Water Treatment Plant are being rehabilitated this year. Clarifier #2 will be funded by a Community Development Block Grant in the amount of \$350,000 with a \$70,000 (20%) City match requirement. This was a re-bid as the first bid came in over \$800,000 and the engineers probable cost estimate to rehabilitate was approximately \$360,000. The Council directed the project to be re-scoped and go back out to bid. Walker Partners (the City's Engineers) prepared the plans and specifications for rehabilitating the #2 clarifier. The bid opening was conducted on March 15, 2023 and two (2) bids were received:

1. Associated Construction Partners, Ltd. in the amount of \$1,202,550.00
2. B-5 Construction Co. Inc. in the amount of \$383,772.00

Walker Partners reviewed the bids and recommended that the project be awarded to B-5 Construction Co. Inc. in the amount of \$383,772.00. The balance to complete this project (\$32,922) will come from the Water & Sewer Fund.

RESOLUTION 2023-36: Motion by Meredith Rainer; seconded by Billy Sinyard; to award the bid for the Gatesville Regional Water Supply Clarifier #2 Rehabilitation Project to B-5 Construction Company, Inc. in the amount of \$383,772.00; all four voting "Aye," motion passed.

6) DISCUSSION AND POSSIBLE ACTION REGARDING A CONTRACT FOR THE CITY MANAGER OF GATESVILLE, TEXAS

Mayor Chumley said that at this time the offer of the new City Manager's contract was ninety (90%) percent complete. Mayor Chumley informed the Council that Mr. Fisher has not accepted the offer and that he and Finance Director, Mike Halsema will meet with Mr. Fisher tomorrow to address any concerns and finalize the details. There was no action taken on this agenda item.

7) CITY MANAGERS REPORT:

Department Head Reports: Police Chief Brad Hunt briefed the Council on the homicide that happened in Gatesville March 26, 2023: The leads have been fruitful and there are several Texas Departments assisting the Police Department on this case- (Texas Rangers and Coryell County Sheriff). Police Chief Hunt said that the Crimestoppers organization is also available if anyone would want to submit information or a tip that way.

Capital Projects:

MILLS STREET WATER/SEWER LINE REPLACEMENT PROJECT (PHASE II): Advertisement for bids on this project will be posted on April 8th & April 15th. Non-mandatory pre-bid conference with interested bidders on April 19, 2023, bid opening on April 26, 2023, and Council action to approve bids at the Council Meeting on May 9, 2023.

LOVERS LANE WATER/WASTEWATER REPLACEMENT PROJECT: Advertisements for bids on this project was posted on March 25th and will post again on April 1st. This is the 10" trunk line replacement on the eastern side of Lovers Lane. Bid opening will be on April 12, 2023, and Council action to approve bids will be at the Council Meeting on April 25, 2023.

WESTERN PRESSURE PLANE IN-LINE PUMP: The in-line pump has been removed with no adverse effects- Texas Commission on Environmental Quality (TCEQ) have been notified. The report that will be filed with TCEQ (in the next few days) will satisfy the Notice of Violation that has been with the City of Gatesville for several years.

805 E. MAIN APPRAISAL: A commercial appraisal company out of Waco has been contracted to conduct the appraisal for 805 E. Main and should be complete within 4 weeks.

FEMA DISASTER DECLARATION- FAUNT LE ROY PARK REPLACEMENT PROJECT: A letter has been sent to FEMA through Congressman Carter's office as a follow-up on this project as it seems to have become stuck on Step 8.

BROWNFIELDS CLEANUP GRANT FOR THE ROTUNDA UPDATE: The "Request for Bids" document for the wet demolition of the Rotunda that have been posted on the City website. Will be advertised in the newspaper this Saturday and the following Saturday. Bids are due back April 20, 2023 with anticipation to award the bid for the demolition contract at the Council meeting on April 25, 2023.

SUBSTANDARD STRUCTURES FOR BUILDING STANDARDS COMMISSION CONSIDERATION (possibly in May): 1705 Saunders Street, 506 ½ South 6th Street, & 506 N. Lutterloh. Code Enforcement letters regarding non-compliance with City codes have already been sent out and letters that deem these structures as substandard have been signed by the Mayor will be mailed soon.

8) ADJOURN MEETING AT 6:01 P.M., THIS 28TH DAY OF MARCH, 2023

ATTEST:

APPROVED:

Wendy Cole
City Secretary

Gary M. Chumley
Mayor

SPECIAL CITY COUNCIL MEETING
APRIL 3, 2023 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 SPECIAL CITY COUNCIL MEETING AT 5:30 A.M. THIS 3RD DAY OF APRIL, 2023

PRESENT: Mayor Gary Chumley, Councilmembers Meredith Rainer, Billy Sinyard, Greg Casey, Claude Williams, and John Westbrook

REGRETS: Councilmember Barbara Burrow

STAFF PRESENT: City Finance/Human Resource Director, Mike Halsema and City Secretary Wendy Cole

2) RECESS SPECIAL MEETING AND ENTER INTO EXECUTIVE MEETING AT 5:30 P.M.-----

This closed session is in accordance with Local Government Code Section 551.074- Personnel Matters- Deliberate the appointment, employment, or duties of a public employee - City Manager

3) END EXECUTIVE SESSION AND RECONVENE SPECIAL MEETING AT 6:16 P.M.---

4) DISCUSSION AND POSSIBLE ACTION REGARDING EXTENDING AN OFFER OF EMPLOYMENT FOR THE POSITION OF CITY MANAGER

RESOLUTION 2023-37: Motion by Greg Casey, seconded by Claude Williams, to extend an offer of employment for the position of City Manager to Scott Albert, authorize the Mayor to negotiate the terms of the agreement, and to present the final agreement to the City Council for approval at the regular City Council meeting on April 11, 2023; all five voting "Aye", motion passed.

5) ADJOURN MEETING AT 6:17 P.M., THIS 3RD DAY OF APRIL, 2023

ATTEST:

APPROVED:

Wendy Cole
City Secretary

Gary M. Chumley
Mayor

April 11, 2022
Consent Agenda #3

CITY COUNCIL MEMORANDUM

AGENDA ITEM: Discussion and possible action regarding the re-appointment of two Gatesville Housing Authority Board Commissioners

ORIGINATING DEPARTMENT: Administration

BACKGROUND INFORMATION: The City Council must approve appointment of Commissioners to the Housing Authority Board.

DISCUSSION/CONCLUSION: Tommy Pope and Jimmie Kleshick currently serve on the Gatesville Housing Authority Board. Their current terms expire on May 3, 2023 and both are willing to serve another two year term.

RECOMMENDATION: Approve re-appointment of Tommy Pope and Jimmie Kleshick to the Gatesville Housing Authority Board and authorize the Mayor to sign the Certificate of Appointment.

HOUSING AUTHORITY OF THE CITY OF GATESVILLE, TEXAS

I hereby appoint the 2 person(s) hereinafter named to serve as commissioner(s) of the Housing Authority of the City of Gatesville, Texas from the 3rd day of May, 2023 until the expiration date as indicated below:

Tommy Pope succeeds Tommy Pope term expires 5/3/2025

Jimmie Kleshick succeeds Jimmie Kleshick term expires 5/3/2025

_____ succeeds _____ term expires _____

_____ succeeds _____ term expires _____

I hereby certify that none of the above newly designated commissioners is an officer or employee of the City of Gatesville, Texas.

IN WITNESS WHEREOF, I HAVE HEREUNTO SIGNED MY NAME AS MAYOR OF THE CITY OF GATESVILLE, TEXAS AND CAUSED THE OFFICIAL SEAL OF SAID CITY TO BE ATTACHED THIS _____ DAY OF _____.

Mayor

Attest:

City Clerk

Seal

CITY COUNCIL MEMORANDUM

AGENDA ITEM: Discussion and possible action to approve a proclamation declaring the month of April as Parkinson's Awareness Month

BACKGROUND INFORMATION: Parkinson's disease is estimated to affect approximately one million people in the United States. Commonly known for its movement or motor-related symptoms, people with PD are often more impacted by non-motor symptoms like apathy, depression, sleep behavior disorders, loss of sense of smell and cognitive impairment.

DISCUSSION/CONCLUSION: April is Parkinson's Awareness Month, and local resident Becky Adams along with the local Parkinson's support group urge everyone in Gatesville, Texas to join our community as we work together to promote awareness and help fund the fight against Parkinson's.

If you know someone who would like to join the support group, Becky's contact information is: 254-216-1032
ra76528@gmail.com

RECOMMENDATION: Approve the Month of April, 2023 as Parkinson's Awareness Month



**Office of the Mayor
Gatesville, Texas**

Proclamation



WHEREAS, Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States;

WHEREAS, Parkinson's disease is estimated to affect approximately one million people in the United States and the prevalence will rise to 1.2 million by 2030;

WHEREAS, Parkinson's disease is the 14th leading cause of death in the United States according to the Centers for Disease Control and Prevention;

WHEREAS, it is estimated that the economic burden of Parkinson's disease is at least \$25 billion annually, including direct and indirect costs, including treatment, social security payments and lost income, to patients and family members;

WHEREAS, research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown;

WHEREAS, there is no objective test or biomarker for Parkinson's disease, and there is no cure or drug to slow or halt the progression of the disease;

WHEREAS, the symptoms of Parkinson's disease vary from person to person and can include tremors; slowness of movement and rigidity; difficulty with balance, swallowing, chewing, and speaking; cognitive impairment and dementia; mood disorders; and a variety of other non-motor symptoms;

WHEREAS, volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life of persons living with Parkinson's disease and their families;

WHEREAS, increased research, education, and community support services such as those provided by the Parkinson's Foundation and other organizations are needed to find more effective treatments and to provide access to quality care to those living with the disease today;

NOW, THEREFORE, I, Mayor of the City of Gatesville, do hereby proclaim the month of April in twenty twenty- three as

PARKINSON'S AWARENESS MONTH

Given under my hand in these free United States in the City of Gatesville and to which I have caused the Seal of the City of Gatesville to be affixed and have made this proclamation public.

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Attest: _____

Date: _____

CITY COUNCIL MEMORANDUM

AGENDA ITEM: Discussion and possible action regarding a Resolution suspending for 45 days the effective date proposed by Atmos Energy Corporation – Midtex Division in its application filed on or about February 24, 2023 pursuant to Section 104.301 of the Gas Utility Regulatory Act.

ORIGINATING DEPARTMENT: City Manager

BACKGROUND INFORMATION:

1. The City is one of 54 members of the Atmos Texas Municipalities (ATM) coalition. The ATM group was organized by municipalities served by Atmos Energy Corporation – MidTex Division (“Atmos Energy”) and has been represented by the law firm of Herrera Law & Associates, PLLC to assist in reviewing applications to change rates submitted by Atmos Energy.
2. On or about February 24, 2023 Atmos Energy filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (GRIP) with the Texas Railroad Commission, effective April 25, 2023.
3. Residential rates would increase \$5.09/month; commercial rates will increase \$16.63/month. The increase represents capital expenditures by Atmos made during calendar year 2022.
4. To allow for a limited review of Atmos Energy’s GRIP application, Herrera Law & Associates recommend that the City suspend Atmos Energy’s proposed effective date of April 25, 2023 for forty-five days as allowed by State law, so that the City may evaluate whether the data and calculations in Atmos Energy’s rate application are correctly done.

DISCUSSION/CONCLUSION:

1. By suspending the proposed effective date, rates could not be increased until June 9, 2023.
2. The Texas Railroad Commission is the deciding agency on Atmos’ rate increases. The Railroad Commission rules dictate it is within the Commission’s authority to preclude cities from intervening and obtaining a hearing before the Commission.

RECOMMENDATION: That the City Council approve Resolution 2023-44 suspending by 45 days the proposed rate increase sought by Atmos Energy Mid-Tex Division to allow time for the ATM Attorneys to review the application.

RESOLUTION NO. 2023-44

A RESOLUTION BY THE CITY OF GATESVILLE, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF ATMOS ENERGY – MID-TEX DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY’S PARTICIPATION IN COORDINATION WITH OTHER CITIES IN A COALITION OF CITIES KNOWN AS THE ATMOS TEXAS MUNICIPALITIES; REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about February 24, 2023, Atmos Energy – Mid-Tex Division (Atmos-MidTex) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (‘GRIP’), resulting in a requested increase in the monthly customer charge as shown in the table below:

Rate Schedule	Current Customer Charge	Proposed 2022 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
Rate R – Residential Sales	\$34.29 per customer per month	\$5.09 per customer per month	\$39.38 per customer per month	\$5.09
Rate C – Commercial Sales	\$94.22 per customer per month	\$16.63 per customer per month	\$110.85 per customer per month	\$16.63
Rate I – Industrial Sales	\$1,772.54 per meter per month	\$306.86 per meter per month	\$2,079.40 per meter per month	\$306.86
Rate T – Transportation and	\$1,772.54 per meter per month	\$306.86 per meter per month	\$2,079.40 per meter per month	\$306.86

WHEREAS: the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by Atmos-MidTex is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in Atmos-MidTex' rate application are correctly done, and whether Atmos-MidTex' application otherwise conforms to the requirements of Texas Utilities Code § 104.301, commonly referred to as the GRIP statute; and

WHEREAS: the effective date proposed by Atmos-MidTex is April 25, 2023, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 9, 2023.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS THAT:

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by Atmos-MidTex for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application, and to determine whether Atmos-MidTex' application otherwise conforms to the requirements of the GRIP statute.

Section 3. The City continues to act in coordination with a group of cities known as the Atmos Texas Municipalities in its review of Atmos-MidTex' rates.

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to represent the City in connection with Atmos-MidTex' application to increase rates.

Section 5. Atmos-MidTex is ordered to reimburse the City's reasonable rate case expenses incurred in response to Atmos-MidTex' rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 11th day of April 2023.

CITY OF GATESVILLE, TEXAS

GARY M. CHUMLEY
MAYOR

ATTEST:

WENDY COLE
CITY SECRETARY

CITY MANAGER'S REPORT

11 APRIL 2023

1. CITY MANAGER INITIATIVES:

- Capital Projects:

- **Stillhouse WWTP Expansion – Project 2-01590 (Update).** Conducted an in-progress review with Walker Partners on 17 February concerning updated construction costs. TWDB desires to review the plans and project manual prior to going out for bids (30-45 day process). Plans will be submitted to TWDB by Walker Partners. Pending TWDB approval, anticipate bidding the project in June 2023; anticipated Notice to Proceed not later than August 2023, pending any additional issues.
- **Other Capital Projects in progress (Update).**



PROJECT NAME	WP PROJECT NUMBER	DATE	PROJECT AMOUNT (ENGR/CONSTR)	STATUS
WTP CLARIFIER #1 MECHANISM REPLACEMENT	2-01638	May 4, 2020	\$25,050/\$360,000	Bid awarded 8/9/22 (\$843,190); parts should arrive ~ 8 weeks
WTP CLARIFIER #2 REHABILITATION	NA	March 1, 2022	\$34,150/\$360,000	CDBG-funded; Bid awarded to B5 Construction 3/28/23 for \$383,772
CHLORINE BOOSTER STATIONS (BP 7 & MOUNTAIN)	2-01633	April 30, 2020	\$29,300/\$60,000	Design complete; bid after Clarifier #2
MILLS STREET WATER/SEWER LINE REPLACEMENT (PH. II – MARY/BARNES/MILLS)	2-01657	April 19, 2022	\$144,658/\$868,385	Advertise for bids on 4/8 and 4/15 and post on CivCast; bid opening 4/26. Council to award bid 5/9/23
DRAINAGE STUDY & MASTER PLAN	2-01644	Oct 12, 2020	\$250,000	Draft report sent to TWDB for review Exploring Phase 2 options with GLO under Resilient Communities Program

LOVERS LANE WATER/WASTEWATER REPLACEMENT	2-01635	November 4, 2021 – PSA	\$1,560,300	CLFRF-funded (tranche 1); pre-bid conference 4/5/23. Bid opening 4/11. Council to award bid 4/25/23. GISD notified
REPLACE WESTERN PRESSURE PLANE IN-LINE PUMP				Removed pump with no adverse effects – notified TCEQ
BP #2 BOOSTER PUMP STATION [Potential sale to Coryell City WSD]	2-XXXX	April 7, 2022	\$493,820	Electrical and building subs ready to start; anticipated completion 6/23
REPLACEMENT OF WASTEWATER FORCE MAIN			(T)\$466,000	Potential candidate project for CLFRF tranche 2, or FY 2024 Congressional Community Project Funding
OLD FORT GATES AND INTERMEDIATE LIFT STATION UPGRADE/DESIGN NEW 8-INCH FORCE MAIN ILS-INTERCEPT	2-01611	May 2, 2018	\$161,325	
TECH MEMO/PRELIM DESIGN & INSTALL NEW PUMPS AT 107 LIFT STATION		May 2, 2018	\$31,500	
VALLEY VIEW LIFT STATION IMPROVEMENTS	2-01639	May 4, 2020	\$13,750/	

Other activities:

- AWOS Replacement: system will be shipped for storage at the airport; waiting on FAA approval for siting.
- 805 E. Main Street appraisal conducted on 6 April 2023; should have results within 2-3 weeks.

Dates of Note

- Friday, April 7: Good Friday – City holiday. City Hall closed.
- Not Later Than May 3: Submit 2023-24 CDBG grant application.

2. ZONING ORDINANCE REVISION (No Change): City Council approved the 2020 Comprehensive Plan setting the stage for updating the City's 1995 Zoning Ordinance. Exploring opportunities for General Land Office "Resilient Communities" grant (no City match requirement) to move this process forward.

3. FEMA DISASTER DECLARATION 4416 – FALL 2018 FLOODING (No Change): The status of the one remaining project (Faunt Le Roy Park) which has not been funded is below. I executed a contract in the amount of \$49,500 with LJA Engineering on 10 November 2021 with an estimated completion of June 2022. Have notified TDEM of a preferred alternative; will schedule a briefing for the City Council on the preferred alternative once final costs are determined. Willing to host a public

meeting to receive comments on the proposal once TDEM/FEMA approve. Submitted the "Improved Project Request Letter" to TDEM on August 26th and the concept drawings/cost estimates to TDEM on 15 November for their approval and forwarding to FEMA. TDEM forwarded the project Statement of Work to FEMA and is it "due to be reviewed soon." Requested Congressman Carter's assistance with FEMA on 22 March 2023.

Leon River embankment	#88221	The total estimated cost to repair the damage to pre-flood (October 2018) condition is \$1,360,727.92. FEMA has approved that amount as the maximum cost; the City's 25% share would amount to \$340,181.98. I rejected FEMA's Fixed Cost Offer, which would restore FLRP to its pre-flooding condition, but not fix the root cause of the problem that causes the flooding to occur. TDEM and FEMA must approve the Improved Project.
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4. BROWNFIELDS CLEANUP GRANT FOR THE ROTUNDA (Update): EPA sent the grant award letter to the City on 7 October 2021. Baer Engineering and Environmental Consulting from Austin, TX - the Qualified Environmental Professional - provided amended language for request for bids; bid notice posted on website/advertised in newspaper with a due date of April 20, 2023. Exploring grant administrative services contract. We will work on scheduling a kick-off meeting once the demolition contractor is procured.

5. FAST (Fire, Ambulance, and Service Truck) Fund – (CDBG) Grant (No Change) – Grant application was submitted on 26 July 2022. Texas Department of Agriculture is currently scoring applications.

6. FUTURE COUNCIL MEETING AGENDA TOPICS:

April 25, 2023	Consider bids for Lovers Lane infrastructure project FY 2022 Audit Presentation Appoint P&Z Commission Members	
May 9, 2023	Consider bids for Mills Street Phase 2 infrastructure project	

FUTURE COUNCIL MEETING TOPICS -- DATE TBD

Various Ordinance Amendments (Chapter 12, Cemeteries; New Ordinances: Water Meter Tampering; Fats, Oil, and Grease (FOG); Shipping Containers as structures.)
Ambulance Agreement with CHEMS

2023

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