

# Special City Council Meeting

**April 23, 2024**

**At**

**Gatesville Council Chamber**

**110 N. 8<sup>th</sup> Street**

**5:30 P.M.**



**INDEX  
SPECIAL CITY COUNCIL MEETING  
APRIL 23, 2024**

**5:30 P.M.**

**PAGE 1-2 --- AGENDA – 4-23-2024**

**CALL TO ORDER  
ANNOUNCEMENT OF QUORUM  
INVOCATION AND PLEDGE OF ALLEGIANCE**

**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 & 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.**

**PAGE 3-14 - 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 2024-34: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF MINUTES FROM SPECIAL CITY COUNCIL MEETING HELD ON MARCH 26, 2024. (WENDY COLE)**

**RESOLUTION 2024-35: DISCUSSION AND POSSIBLE ACTION REGARDING FEBRUARY 2024 FINANCIALS (MIKE HALSEMA)**

**RESOLUTION 2024-36: DISCUSSION AND POSSIBLE ACTION REGARDING RE-APPOINTMENT OF A GATESVILLE HOUSING AUTHORITY BOARD COMMISSIONER (WENDY COLE)**

**PAGE 15-16- CITY COUNCIL MEMORANDUM - PROCLAMATION DECLARING APRIL AS PARKINSON'S AWARENESS MONTH (MAYOR CHUMLEY)**

**NO MEMO - BRIEFING/SUMMARY OF THE APRIL 8, 2024 ECLIPSE EVENT. (CHERI SHEPHERD)**

**NO MEMO - INTRODUCTION OF DAVID JONES FROM FREESE & NICHOLS INC. (FNI) AND A GENERAL OVERVIEW OF PLANNING & ZONING COMMISSION'S ROLE AND RESPONSIBILITIES (SCOTT ALBERT & DAVID JONES)**

**NO MEMO - CONDUCT A PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE CITY'S ZONING ORDINANCE BY AMENDING TABLE IV "UNIFORM HEIGHT AND AREA REGULATIONS", BY AMENDING VARIOUS SECTIONS OF SECTION 11 "ZONING DISTRICT DESCRIPTIONS" TO CLARIFY THE APPLICABILITY OF TABLE IV, AND BY AMENDING SECTION 13 "ADMINISTRATION AND ENFORCEMENT" BY ADDING A NEW SECTION 13-7 "CONFLICTS BETWEEN TABLES AND CODE TEXT".**

**PAGE 17-30- CITY COUNCIL MEMORANDUM- DISCUSSION REGARDING**

**ORDINANCE NO. 2024-02, AN ORDINANCE AMENDING “THE CITY’S ZONING ORDINANCE BY AMENDING TABLE IV “UNIFORM HEIGHT AND AREA REGULATIONS” BY AMENDING VARIOUS SECTIONS OF SECTION 11 “ZONING DISTRICT DESCRIPTIONS” TO CLARIFY THE APPLICABILITY OF TABLE IV, AND BY AMENDING SECTION 13, “ADMINISTRATION AND ENFORCEMENT” BY ADDING A NEW SECTION 13-7 “CONFLICTS BETWEEN TABLES AND CODE TEXT”. (1ST READING OF ORD. 2024-02) (SCOTT ALBERT, DAVID JONES & VICTORIA THOMAS)**

**NO MEMO- CONDUCT A PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE CITY’S ZONING ORDINANCE REGARDING MOBILE, MANUFACTURED, AND MODULAR HOMES.**

**PAGE 31- 40- CITY COUNCIL MEMORANDUM- DISCUSSION REGARDING ORDINANCE NO. 2024-03, AN ORDINANCE AMENDING THE CITY’S ZONING ORDINANCE IN REGARD TO MOBILE, MANUFACTURED, AND MODULAR HOMES. (1ST READING OF ORDINANCE 2024-03) (SCOTT ALBERT)**

**PAGE 41-46- CITY COUNCIL MEMORANDUM- DISCUSSION REGARDING ORDINANCE NO. 2024-04, AN ORDINANCE AMENDING THE CODE OF ORDINANCES AT CHAPTER 56 “UTILITIES”, ARTICLE 1, “IN GENERAL” BY AMENDING SECTION 56-6 “EXTENSION OF UTILITIES OUTSIDE CITY LIMITS”. (1ST READING OF ORDINANCE 2024-04) (SCOTT ALBERT)**

**NO MEMO- CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING BILL SHOAF UTILITY AGREEMENT. (SCOTT ALBERT)**

**NO MEMO- CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING KELLY ADAIR UTILITY AGREEMENT (SCOTT ALBERT)**

**EXECUTIVE SESSION:**

**THE CITY COUNCIL OF THE CITY OF GATESVILLE WILL CONVENE INTO A CLOSED, EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE:**

**\* SECTION 551.071 (CONSULTATION WITH ATTORNEY)**

**NO MEMO- DISCUSSION AND POSSIBLE ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION.**

**ADJOURN MEETING**

**NOTICE**  
**THIS NOTICE IS POSTED IN COMPLIANCE WITH THE OPEN MEETING ACT**  
**(TEX. GOVT. CODE CHAPTER 551, SEC. 551.041)**

**AGENDA**  
**SPECIAL CITY COUNCIL MEETING**  
**APRIL 23, 2024**  
**5:30 P.M.**  
**GATESVILLE CITY COUNCIL CHAMBERS**  
**110 NORTH 8<sup>TH</sup> STREET, GATESVILLE, TEXAS 76528**

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed, Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. Call Special Meeting to Order-----
2. Announcement of Quorum
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 & 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.

**CONSENT:**

5. 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 2024-34:** Discussion and possible action regarding approval of Minutes from Special City Council Meeting held on March 26, 2024.  
(Wendy Cole)

**Resolution 2024-35:** Discussion and possible action regarding February 2024 Financials (Mike Halsema)

**Resolution 2024-36:** Discussion and possible action regarding re-appointment of a Gatesville Housing Authority Board Commissioner (W. Cole)

**OTHER BUSINESS:**

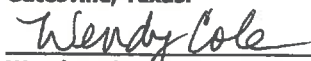
6. Proclamation declaring April as Parkinson's Awareness Month (Mayor Chumley)
7. Briefing/summary of the April 8, 2024 Eclipse Event (Cheri Shepherd)
8. Introduction of David Jones from Freese & Nichols Inc. (FNI) and a general overview of Planning & Zoning Commission's role and responsibilities. (Scott Albert & David Jones)

9. Conduct a Public Hearing regarding a proposed amendment to the City's Zoning Ordinance by amending Table IV "Uniform Height and Area Regulations", by amending various sections of Section 11 "Zoning District Descriptions" to clarify the applicability of Table IV, and by amending Section 13 "Administration and Enforcement" by adding a new Section 13-7 "Conflicts Between Tables and Code Text".
10. Discussion regarding Ordinance No. 2024-02, an Ordinance amending "The City's Zoning Ordinance by amending Table IV "Uniform Height and Area Regulations" by amending various sections of Section 11 "Zoning District Descriptions" to clarify the applicability of Table IV, and by amending Section 13 "Administration and Enforcement" by adding a new Section 13-7 "Conflicts Between Tables and Code Text". (1st reading of Ord. 2024-02) (Scott Albert, David Jones, & Victoria Thomas)
11. Conduct a Public Hearing regarding a proposed amendment to the City's Zoning Ordinance regarding Mobile, Manufactured, and Modular Homes.
12. Discussion regarding Ordinance No. 2024-03, an Ordinance amending the City's Zoning Ordinance in Regard to Mobile, Manufactured, and Modular Homes. (1st reading of Ordinance 2024-03) (Scott Albert)
13. Discussion regarding Ordinance No. 2024-04, an ordinance amending the Code of Ordinances at Chapter 56 "Utilities", Article 1 "In General" by amending Section 56-6 "Extension of Utilities Outside City Limits." (1st reading of Ordinance 2024-04) (Scott Albert)
14. Discussion and possible action regarding Bill Shoaf Utility Agreement. (Scott Albert)
15. Discussion and possible action regarding Kelly Adair Utility Agreement (Scott Albert)

**EXECUTIVE SESSION:**

16. The City Council of the City of Gatesville will convene into a closed, executive session in accordance with the Texas Open Meetings Act, Texas Government Code:
  - \* Section 551.071 (Consultation with Attorney)
17. Discussion and possible action resulting from deliberations in Executive Session.
18. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 19th day of April, 2024 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.

  
 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.

SPECIAL CITY COUNCIL MEETING  
MARCH 26, 2024  
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 5:34 P.M. THIS 26TH DAY OF MARCH, 2024

2) QUORUM CHECK/COUNCIL PRESENT: Mayor Gary Chumley, Councilmembers Barbara Burrow, Greg Casey, John Westbrook, Joe Patterson, and Aaron Smith.

REGRETS: Councilmember Meredith Rainer

CITY STAFF PRESENT: City Manager Scott L. Albert, City Secretary Wendy Cole, Finance/HR Director Mike Halsema, Library Director Shea Harp, and Police Chief Brad Hunt

OTHERS: Leo Corona, Scott Weddle, Ryan Basham, Matt Krock, and Gatesville Messenger Staff Writer Kaylee Dusang.

3) INVOCATION: Councilmember Westbrook/PLEDGE OF ALLEGIANCE: Led by Mayor Chumley

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. 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.

Visitors present were only concerned with an agenda item.

5) ALL CONSENT AGENDA ITEMS ARE CONSIDERED ROUTINE BY 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 2024-29: Discussion and possible action regarding approval of Minutes from Regular City Council Meeting held on March 12, 2024. (Wendy Cole)

RESOLUTION 2024-30: Discussion and possible action regarding Change Order No. 4 to the B-Corp Utilities contract for improvements to Lovers Lane. (Scott Albert)

Motion by Barbara Burrow, seconded by Aaron Smith, to approve the Consent Agenda; all five voting "Aye", motion passed.

OTHER BUSINESS:

6) DISCUSSION AND POSSIBLE ACTION REGARDING THE FISCAL YEAR 2023 ANNUAL COMPREHENSIVE FINANCIAL REPORT AND SINGLE AUDIT REPORT BY VAIL PARK P.C.  
(MIKE HALSEMA. & VAIL PARK PC)

Finance Director, Mike Halsema, provided the Council with audit documents and then introduced Susan K. Follett of Vail & Park, P.C. who presented the Annual Report and Audit for Fiscal Year 2023 by way-of-Zoom.

OBJECTIVES AND SCOPE OF AUDIT:

Objectives:

- Conducted an audit in accordance with Government Auditing Standards, issued by the Comptroller General of the United States.
- Planned and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.
- For the first time, a Single Audit was conducted in accordance with Uniform Guidance. The Single Audit was conducted because of the City's Fiscal Recovery Funds which documented and tested internal controls and compliance over the major program.

Full Scope Audit Included: Governmental Activities, Business-Type Activities, and each Major Fund.

ANNUAL FINANCIAL REPORT (which is the bound book):

Table of Contents:

- Independent Auditors' Report (pgs. 1-3)
- Management's Discussion and Analysis (pgs. 5-11)
- Government-Wide Financial Statements (pgs. 14-17)
- Fund Financial Statements (pgs. 18-29)
- Required Notes to Financial Statements (pgs. 33-72)
- Required Supplementary Information (pgs. 74-82)
- Other Supplementary Information (pgs. 84-87)
- Compliance Section (pgs. 91-99)

OVERVIEW OF AUDIT RESULTS: Vail & Park, P.C. will issue three (3) Auditor's Reports

Including:

- Independent Auditor's Report on the Financial Statements on pages 1-3. This is an Unmodified Audit Opinion- which is a "Clean Opinion" with all the standard language and is what is desired.
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements performed in accordance with Government Auditing Standards on pages 91-92. There were no findings identified and last years significant deficiency has been resolved down to just a recommendation which is a step in the positive direction.
- Independent Auditor's Report on Compliance for each Major Program and on Internal Control over Compliance Required by Uniform Guidance on pages 93-95. This is the Single Audit Report and no compliance or internal control findings were identified nor any questioned costs identified.

FINANCIAL HIGHLIGHTS- GOVERNMENT – WIDE STATEMENTS:

Full Accrual Basis (pgs. 14-17):

- End of FY Year net position of the City is \$25,408,334.00
- Overall, net position of the City increased by \$2.7 million or 12% from last year.
- Unrestricted net position of the City is \$1.9 million at end of FY23. This is a decrease of \$947,423.00 from last year.

FINANCIAL HIGHLIGHTS- FUND STATEMENTS – GENERAL FUND:

General Fund unassigned fund balances (pg. 18):

- \$2,410,848.00 at FY23.
- \$2,446,610.00 at FY22.
- Decrease of slight amount of \$35,762.00.
- These funds can be used to meet the City's ongoing obligations.
- Balances represent 3.8 months reserves at FY23- which is very good. Three (3) to six (6) months reserves are optimal.

FINANCIAL HIGHLIGHTS- FUND STATEMENTS – PROPRIETARY FUNDS:

Total Proprietary Funds unrestricted net position (pg. 27):

- \$1.5 million at FY 23.
- \$1.9 million at FY22.
- Decreased by \$416,497.00

Total net position increased by \$2.3 million (pg. 28) or 15% from FY22's ending net position which overall is a positive direction.

REQUIRED GOVERNANCE COMMUNICATIONS LETTER:

Miscellaneous matters discussed in this letter are corrected and uncorrected misstatements. Ms. Follett encouraged the Council to read the all the communications included in the letter. Ms. Follett noted that all recommended adjustments were accepted by the City (Attachment I). Also, one immaterial uncorrected adjustment was noted (Attachment II).

MANAGEMENT RECOMMENDATION LETTER:

Miscellaneous matters that Vail Park, P.C. recommended:

- **Internal Controls Over the Closing Process:** Strengthen internal controls over the closing process, including review and supervision, to properly close the financial records of the City at year end. Also, was recommended that the City work closely with their financial consultant to perform all closing procedures rather than engaging the audit firm to assist with this process. There were nineteen (19) adjustments overall for the year -which is a decrease from prior years – but the preferred amount is it to be less than ten (10).
- **Revenue Recognition:** Review the related Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) balances during the closing process to ensure funds spent have been properly recorded in the general ledger.
- **Miscellaneous matters that were recommended:**
  - Pension and Other Post- Employment Benefits (OPEB) Balances:** Incorporate adjusting Texas Municipal Retirement System pension and OPEB and the retiree health care plan OPEB related balances into the closing process.
- **Subscription Based Information Technology Arrangements and Leases:** Recommended that these get thoroughly reviewed during the closing process.

Ms. Follett thanked Finance Director, Mike Halsema, as he did a great job helping Vail & Park, P.C. during this audit process. Also thanked City Manager, Scott Albert and all finance department staff as everyone was very responsive to Vail & Park's audit requests.

There was a brief discussion regarding the deficiencies and how to make improvements for next year.

RESOLUTION 2024-31: Motion by John Westbrook, seconded by Greg Casey, to accept the Fiscal Year 2023 Annual Comprehensive Financial Report and Single Audit Report by Vail Park, P.C.; all five voting "Aye", motion passed.

7) DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST ON BEHALF OF THE GATESVILLE FRIENDS OF THE LIBRARY, CITY OF GATESVILLE PARKS DEPARTMENT, AND CITY OF GATESVILLE POLICE DEPARTMENT TO TEMPORARILY CLOSE VETERANS MEMORIAL DRIVE FOR THE CITY'S ECLIPSE EVENT. (BRAD HUNT)

Police Chief Brad Hunt said that this is one of the last pieces to confirm for the City's Eclipse preparations. Chief Hunt noted that he feels that the City is well prepared for this event as City staff has been working on this event for about a year. There were 2 Town Hall Meetings held yesterday and both went really well. The first meeting was for businesses and about 50 people were in attendance and the second meeting was for the citizens and about 20 people attended. The Chamber of Commerce helped get the word out for the meetings, which was very helpful. More information will be put out in the next two weeks by-way-of Facebook, Eclipseville page and the Police Department page.



The Gatesville Friends of the Library, City of Gatesville Parks Department, and City of Gatesville Police Department will hold a festival and allow paid parking / free seating on and near Box Field on April 8, 2024, for eclipse viewing. Chief Hunt said that he had reviewed and approved the event as planned and ensured that all necessary permissions and safety considerations are addressed.

Chief Hunt said that to ensure a safe event and control the traffic it is recommended to temporarily close a portion of Veterans Memorial Drive. The Friends of the Library have sold 197 spots for this event so far. The temporary closure of the road will be far enough up so that it won't impact the apartments or any roads to the east of the ballpark. The Police will also be patrolling this area.

RESOLUTION 2024-32: Motion by Greg Casey, seconded by Barbara Burrow, to approve the request from Gatesville Friends of the Library, City of Gatesville Parks Department, and City of Gatesville Police Department to hold their eclipse festival in and around Box Field and Civic Center parking lot, and regarding temporary closure of Veterans Memorial Drive as presented; all five voting "Aye", motion passed.

8) DISCUSSION AND POSSIBLE ACTION REGARDING ESTABLISHMENT OF AN HONORARY STREET NAME SIGN POLICY. (WENDY COLE)

City Secretary, Wendy Cole, presented the proposed Honorary Street Name Sign Policy for the city of Gatesville and provided the Council with example photos of honorary street signs that other cities have installed. City staff was asked several months ago from the President of Kalyn if the City had an Honorary Street Name Sign Policy or process to recognize individuals that have made significant contributions to the Gatesville Community. He had seen this in other cities and wanted to know if the City had a policy or could implement a policy to install honorary street signs.

This proposed policy is different than the Street Renaming Policy that was approved by Council in December of 2022 as this proposed Honorary Street Sign Policy would just place a sign on top of the designated street signs and not affect the current street names or addresses. Approved Honorary Street Name Signs will be displayed for a two-year period and then turned over to the applicant or donated to the honoree's family. Street designations will be assessed on a case-by-case basis, with a maximum of two honorary designations available to be awarded per calendar year. The program will be administered by City Staff and subject to final approval by the Gatesville City Council. The applicant would be responsible for all costs and the City Street Department would install the sign(s). Criteria and orientation of the sign(s) placement on the street sign was discussed and it was noted that the sign placement would be focused on the street that the applicant described in the application.

The policy has been reviewed and approved by the City Attorney to ensure that all responsibilities and procedures are in place. Ms. Cole said that staff recommended Council approval.

RESOLUTION 2024-33: Motion by Aaron Smith, seconded by John Westbrook, to approve the establishment of an Honorary Street Name Sign Policy as presented; all five voting "Aye", motion passed.

9) DISCUSSION AND POSSIBLE ACTION REGARDING CONTRIBUTION FROM CITY OF GATESVILLE TO CORYELL COUNTY TO ASSIST WITH THE SEWER LINE INSTALLATION FOR THE COUNTY'S NEW JAIL PROJECT IN THE AMOUNT OF \$58,810.18.  
(SCOTT WEDDLE & RYAN BASHAM)

Coryell County Precinct 2 Commissioner, Scott Weddle, introduced himself and Precinct 3 Commissioner Ryan Basham and said that they are the project managers for the ongoing construction projects which includes the County Jail Expansion project. There are always change orders with any project regarding unplanned issues when construction is underway. The sewer infrastructure became a

issue when the sewer line crumbled as the construction crew attempted to hook onto the city's sewer. Local contractor, TTG Utilities, potholed the line and determined that it was clay tile and that 119 feet of existing sanitary sewer line need to be replaced, which included an additional manhole and tying back in three (3) existing users onto the sewer line.

Commissioner Weddle said that since the County didn't budget for this unexpected expense, they had to use some reserve contingent funds to move forward and get this pipe replaced. Commissioner Weddle respectfully asked for any kind of financial help that the City could provide to pay for this unexpected expense.

Following a brief discussion with Commissioners Weddle and Basham, the Mayor indicated that Council would not take action during this meeting but would discuss during the upcoming budget season to consider contribution towards this project.

It was noted by City Manager Albert that although this wasn't in the budget, it is clay tile that would have eventually needed to be replaced. A new sewer line and a second manhole does provide benefits to the capacity, operation, and maintenance of the City's sewer collection system.

Commissioner Weddle noted that an occupancy inspection is scheduled to happen with the Commission on Jail Standards this Thursday with the possibility of opening the jail on Friday.

10) ADJOURN MEETING AT 6:15 P.M. THIS 26TH DAY OF MARCH, 2024

ATTEST:

APPROVED:

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

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

## General Fund

	FEBRUARY	2023-24 Budget	2023-24 YTD	% YTD
<b>Revenues</b>				
AV Taxes	600,195	2,799,236	2,827,867	101.0%
Sales Tax	284,088	2,909,568	1,238,968	42.6%
Franchise Fees	86,106	797,203	331,595	41.6%
Fines & Fees	17,409	151,000	68,866	45.6%
Other taxes	993	15,000	5,537	36.9%
Licenses & Permits	7,727	36,600	38,770	105.9%
Rental Income	5,344	33,500	33,190	99.1%
Parks & Rec	73,424	380,000	191,356	50.4%
Misc. Revenues	116,125	151,500	170,837	112.8%
Intergovernmental	-	-	-	
Inter fund Transfers	53,861	777,785	269,307	34.6%
<b>TOTAL REVENUES</b>	<b>1,245,274</b>	<b>8,051,392</b>	<b>5,176,292</b>	<b>64.3%</b>
<b>Expenditures</b>				
<b>LIBRARY</b>				
Personnel Svcs.	12,140	178,241	61,958	34.8%
O&M	15,468	96,355	51,303	53.2%
<b>Total</b>	<b>27,608</b>	<b>274,596</b>	<b>113,260</b>	<b>41.2%</b>
<b>ADMINISTRATION</b>				
Personnel Svcs.	49,794	686,597	260,397	37.9%
O&M	25,514	713,951	244,501	34.2%
<b>Total</b>	<b>75,308</b>	<b>1,400,548</b>	<b>504,899</b>	<b>36.1%</b>
<b>PLANNING</b>				
Personnel Svcs.	5,959	164,047	64,168	39.1%
O&M	1,255	19,160	11,383	59.4%
<b>Total</b>	<b>7,214</b>	<b>183,207</b>	<b>75,552</b>	<b>41.2%</b>
<b>POLICE</b>				
Personnel Svcs.	160,917	2,245,666	935,953	41.7%
O&M	34,599	462,549	253,422	54.8%
<b>Total</b>	<b>195,516</b>	<b>2,708,215</b>	<b>1,189,375</b>	<b>43.9%</b>
<b>COURT</b>				
Personnel Svcs.	11,518	149,766	60,150	40.2%
O&M	871	49,870	26,501	53.1%
<b>Total</b>	<b>12,389</b>	<b>199,636</b>	<b>86,651</b>	<b>43.4%</b>
<b>FIRE</b>				
Personnel Svcs.	83	1,000	417	41.7%
O&M	8,228	311,554	123,850	39.8%
<b>Total</b>	<b>8,311</b>	<b>312,554</b>	<b>124,267</b>	<b>39.8%</b>
<b>STREET</b>				
Personnel Svcs.	39,931	544,908	208,726	38.3%
O&M	68,719	862,338	247,608	28.7%
<b>Total</b>	<b>108,650</b>	<b>1,407,246</b>	<b>456,334</b>	<b>32.4%</b>
<b>FLEET SERVICES</b>				
Personnel Svcs.	6,029	76,377	32,251	42.2%
O&M	1,633	38,100	15,757	41.4%
<b>Total</b>	<b>7,662</b>	<b>114,477</b>	<b>48,008</b>	<b>41.9%</b>
<b>BUILDING INSPECTIONS</b>				
Personnel Svcs.	5,804	164,950	25,756	15.6%
O&M	1,575	48,777	13,420	27.5%
<b>Total</b>	<b>7,379</b>	<b>213,727</b>	<b>39,176</b>	<b>18.3%</b>
<b>PARKS &amp; RECREATION</b>				
Personnel Svcs.	36,585	475,883	187,894	39.5%
O&M	12,475	224,757	91,606	40.8%
<b>Total</b>	<b>49,060</b>	<b>700,640</b>	<b>279,501</b>	<b>39.9%</b>
<b>Fitness Center</b>				
Personnel Svcs.	10,592	155,679	54,633	35.1%
O&M	19,302	150,152	88,703	59.1%
<b>Total</b>	<b>29,894</b>	<b>305,831</b>	<b>143,336</b>	<b>46.9%</b>
<b>SWIMMING POOL</b>				
Personnel Svcs.	-	64,590	-	0.0%
O&M	104	45,814	11,337	24.7%
<b>Total</b>	<b>104</b>	<b>110,404</b>	<b>11,337</b>	<b>10.3%</b>
<b>CIVIC CENTER</b>				
Personnel Svcs.	7,506	81,183	38,032	46.8%
O&M	2,697	39,128	27,048	69.1%
<b>Total</b>	<b>10,203</b>	<b>120,311</b>	<b>65,079</b>	<b>54.1%</b>
<b>TRANSFER EXPENSE</b>				
	-	-	-	
<b>TOTAL EXPENDITURES</b>	<b>539,299</b>	<b>8,051,392</b>	<b>3,136,774</b>	<b>39.0%</b>
<b>Gain (Loss)</b>		-	<b>2,039,518</b>	

## Water & Sewer Fund

	FEBRUARY	2023-24 Budget	2023-24 YTD	% YTD
<b>Water</b>				
<b>Revenues</b>				
<b>Water Sales</b>				
Residential	129,116	1,949,288	740,143	38.0%
Commercial And institutional	178,275	2,294,232	939,256	40.9%
Wholesale	86,762	1,041,281	418,770	40.2%
<b>Connections &amp; Installs</b>	<b>3,683</b>	<b>31,300</b>	<b>9,685</b>	<b>30.9%</b>
<b>Misc.</b>	<b>7,155</b>	<b>71,000</b>	<b>38,165</b>	<b>53.8%</b>
<b>Subtotal</b>	<b>404,991</b>	<b>5,387,101</b>	<b>2,146,020</b>	<b>39.8%</b>
<b>Expense</b>				
<b>Distribution</b>				
Personnel	58,148	749,552	303,213	40.5%
O&M	51,465	710,034	400,680	56.4%
Capital Outlay	191,433	2,504,932	754,441	30.1%
<b>Production</b>				
Personnel	27,941	449,415	155,961	34.7%
O&M	219,212	2,508,918	755,759	30.1%
Capital Outlay	1,500	2,383,271	302,931	12.7%
<b>Subtotal</b>	<b>549,700</b>	<b>9,306,122</b>	<b>2,672,986</b>	<b>28.7%</b>
<b>Sewer</b>				
<b>Revenues</b>				
<b>Sewer Fees</b>				
Residential	109,214	1,023,717	544,059	53.1%
Commercial And Institutional	160,521	2,074,791	869,612	41.9%
<b>Connections &amp; Installs</b>	<b>165</b>	<b>9,300</b>	<b>869</b>	<b>9.3%</b>
<b>Misc.</b>	<b>2,787</b>	<b>19,250</b>	<b>14,125</b>	<b>73.4%</b>
<b>Subtotal</b>	<b>272,687</b>	<b>3,127,058</b>	<b>1,428,666</b>	<b>45.7%</b>
<b>Expense</b>				
Personnel	39,542	473,384	209,063	44.2%
O&M	109,473	1,658,462	399,044	24.1%
Capital Outlay	195,000	8,321,036	595,397	7.2%
<b>Subtotal</b>	<b>344,015</b>	<b>10,452,882</b>	<b>1,203,503</b>	<b>11.5%</b>
<b>Sanitation</b>				
<b>Revenues</b>	<b>70,836</b>	<b>794,280</b>	<b>354,342</b>	<b>44.6%</b>
<b>Expense</b>	<b>68,227</b>	<b>788,200</b>	<b>280,761</b>	<b>35.6%</b>
<b>Non Departmental</b>				
<b>Revenues</b>				
Grants & reimbursements	-	12,026,904	683,226	5.7%
Interest	48,998	300,400	253,691	84.5%
<b>Subtotal</b>	<b>48,998</b>	<b>12,327,304</b>	<b>936,916</b>	<b>7.6%</b>
<b>Expense</b>				
Transfers and Franchise fees	89,089	1,088,539	455,968	41.9%
<b>Grand Total</b>				
<b>Revenues</b>	<b>797,512</b>	<b>21,635,743</b>	<b>4,865,944</b>	<b>22.5%</b>
<b>Expense</b>	<b>1,051,030</b>	<b>21,635,743</b>	<b>4,613,218</b>	<b>21.3%</b>
<b>Gain (Loss)</b>	<b>(253,519)</b>	<b>-</b>	<b>252,726</b>	

## Water & Sewer Fund Report

### Revenues:

#### *Water Connections and Installs:*

Water meter installations vary depending on new development. Several projects are currently underway, requiring new services, but are in the construction phase during this quarter. We anticipate the commencement of several new projects within the next three quarters.

#### *Residential Sewer:*

Residential sewer revenues have seen a slight elevation. Fees for residential sewer services are recalculated based on usage from December to February and applied during the April billing cycle. Once the averages have been established, minimal fluctuation in revenues occurs.

#### *Grants and Reimbursements:*

Revenues from grants and reimbursements are directly tied to capital projects. As projects funded by grants or CLFRF funds progress, they are recorded as revenue to offset expenses.

#### *Interest:*

Interest rates have remained relatively stable but are higher than rates at the time of budget development. Staff took a conservative approach in projecting this revenue in case rates declined.

### Expenses:

#### *Water Distribution O&M:*

Water Distribution O&M expenses are elevated due to the Mills Street project expenses recorded in this department. The project is within budget and nearing completion.

#### *Water Production Capital Outlay:*

Water production involves several major projects, including the clarifiers and the mini-CIP. Work on the clarifiers is progressing, although reconstruction has not commenced at full pace in this quarter.

#### *Sewer O&M and Capital Outlay*

Work on the Stillhouse plant renovation notice to proceed was given in early April, increased expenses will begin in May to June. While system maintenance and repairs are being completed, major repairs have not exceeded budget at this time.

## General Fund Report

### Revenues:

#### *Property Taxes*

Property taxes are at 101% of the budget. Property taxes are due at the end of January, collections should taper off.

#### *Licenses & Permits*

Licenses and permits stand at 106% due to fees associated with a large development received in December and other new projects.

#### *Rental Income*

Rental income stands at 99%, primarily from Civic Center rentals.

#### *Miscellaneous*

Miscellaneous revenues are above budget due to insurance proceeds and proceeds from the disposal of assets.

### Expenses:

#### *Library*

Library operating and maintenance expenses are slightly elevated due to annual contract renewals occurring in the first part of the budget year.

#### *Planning/Development Services*

Operating expenses for development services are elevated due to the transition to Bureau Veritas plan review and inspection services. However, these expenses will be offset by the collection of permit fees. Additionally, if necessary, the Bureau Veritas fees can be further offset by the inspector's position that was not filled due to the retirement of Robert, which led to retaining Bureau Veritas.

#### *Police*

Operating and maintenance expenses are also higher than anticipated. One-time purchases, such as uniforms and various materials for the newly filled Narcotics officer position, contributed to this increase. While several training classes were completed early in the year, training costs are expected to align with the budget for the remainder of the year. Equipment purchases for one-time items were made early in the year but are not expected to exceed the budget. Additionally, five vehicles have been ordered, three of which are replacements for 2017 models with elevated maintenance and repair costs.

#### *Court*

Operating and maintenance expenses for the court are elevated due to annual software agreement payments and credit card fees. While online payment charges are passed on to defendants, other non-utility-related credit card payments are processed through the same merchant services account. Several large non-court payments were processed, leading to associated fees approaching budgeted amounts.

### *Streets*

Street O&M expenses are down slightly, and this is due to Mills street water & sewer project. Materials used in street reconstruction for the Mills project are expensed to the project, which is reported with the water & sewer funds.

### *Building Inspections*

Expenses related to building inspections are lower due to the elimination of one inspector position due to retirement, which was replaced by Bureau Veritas, a third-party plan review and inspection service. Operating and maintenance costs are also down due to the transfer of a vehicle from the vacant inspector position to the Police department for Animal Control.

### *Fitness Center*

Fitness center expenses are elevated due to one time budgeted repairs completed in January.

### *Civic Center*

Operating and maintenance costs for the Civic Center are elevated due to utility and maintenance expenses. Measures such as monitoring and adjusting temperatures while the building is vacant are being implemented to mitigate costs. Restocking of supplies was done early in the year, resulting in higher expenditures as well as increased costs for supplies.



**Consent Agenda Item: #5 (Resolution 2024-36)**

**CITY COUNCIL MEMORANDUM**

**Date:** April 23, 2024

**To:** Mayor & City Council

**From:** Wendy Cole, City Secretary

**Agenda Item:** Discussion and possible action regarding the re-appointment of one Gatesville Housing Authority Board Commissioner

**Information:** The Gatesville Housing Authority (GHA) is a nonprofit public entity that is not governed by the City of Gatesville. However, the GHA requires that the Mayor and City Council approve the appointment of Commissioners to the Gatesville Housing Authority Board and provide a signed copy to the Commissioners of the Board.

Tommy Pope currently serves on the Gatesville Housing Authority Board and his current term expires on May 3, 2024 and he is willing to serve another two-year term.

There are usually two (2) persons nominated during this term and the Gatesville Housing Authority Executive Director, Kerry Magee, noted that the seat that is not designated on the Certificate of Appointment is for a Resident Member and he is currently looking for a tenant willing to serve.

**Financial Impact:** N/A

**Staff Recommendation:** Approve re-appointment of Tommy Pope to the Gatesville Housing Authority Board.

**Motion:** I make the motion to approve re-appointment of Tommy Pope to the Gatesville Housing Authority Board and authorize the Mayor to sign the Certificate of Appointment.

**Attachments:** Certificate of Appointment of Commissioners of the Housing Authority of the City of Gatesville, Texas

**Staff Contacts:** Wendy Cole, City Secretary [wcole@gatesvilletx.com](mailto:wcole@gatesvilletx.com)



**CERTIFICATE OF APPOINTMENT OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF GATESVILLE, TEXAS**

I hereby appoint the 1 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, 2024 until the expiration date as indicated below:

Tommy Pope succeeds Tommy Pope term expires 5/3/2026  
\_\_\_\_ succeeds \_\_\_\_\_ term expires \_\_\_\_\_  
\_\_\_\_ 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



**Agenda Item: #6**

**CITY COUNCIL MEMORANDUM**

**Date:** April 23, 2024

**To:** Mayor & City Council

**From:** Wendy Cole, City Secretary

**Agenda Item:** Discussion and possible action regarding a proclamation declaring the month of April as Parkinson’s Awareness Month

**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. Research suggests that the cause and progression of Parkinson’s is still unknown and there is currently no cure or drug to slow or halt the progression of this disease.

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](mailto:ra76528@gmail.com)

**Financial Impact:** N/A

**Staff Recommendation:** Approve the Month of April, 2024 as Parkinson’s Awareness Month

**Motion:** I make the motion to approve the Month of April, 2024 as Parkinson’s Awareness Month.

**Attachments:** Proclamation

**Staff Contacts:** Wendy Cole, City Secretary [wcole@gatesvilletx.com](mailto:wcole@gatesvilletx.com)



*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 14<sup>th</sup> 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- four 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:* April 23, 2024



**Agenda Item # 10**

**CITY COUNCIL MEMORANDUM**

**Date:** April 23, 2024  
**To:** Mayor & City Council  
**From:** Scott L. Albert, City Manager

**Agenda Item:** Discussion and possible action on an Ordinance amending the City’s Zoning Ordinance by amending Table IV “Uniform Height and Area Regulations”, by amending various sections of Section 11 “Zoning District Descriptions” to clarify the applicability of Table IV, and by amending Section 13 “Administration and Enforcement by adding a new Section 13-7 “Conflicts Between Tables and Code Text”.

**Information:**

The administration recently became aware of discrepancies between the City’s zoning ordinance area regulations and the actual building permits issued by the city across various zoning districts.

Currently, the city addresses these discrepancies by seeking variances from the Board of Adjustments (BOA) when a builder’s request for a building permit does not align with a zoning district's area regulations. However, it is likely that the BOA may not be the appropriate mechanism for correcting these misalignments.

Therefore, the ordinance presented this evening marks the initial step in rectifying the city’s zoning ordinance. It aims to establish area regulations that better reflect the long-standing practices observed in the city. The staff acknowledges the necessity of initiating the process to rewrite the City’s zoning ordinance. We are presently in the process of seeking grant funds to finance the drafting of a new city zoning ordinance.

**Staff Recommendation:**

Discuss and review the amendments to the zoning city code as outlined in the ordinance presented this evening.

**Motion:**

This is the first presentation of the Ordinance. No motion will be made until the third & final reading of the Ordinance.

**Attachments:**

- Memorandum from the City’s Planning Consultant- David Jones.
- Ordinance amending the city code regarding mobile, manufactured, and modular homes.

**Staff Contacts:** Scott Albert, City Manager – [salbert@gatesvilletx.com](mailto:salbert@gatesvilletx.com)

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**DATE:** 4/23/2024

**AGENDA ITEM #:** 10

**ITEM TITLE:** Consider and Possible Action on an Ordinance amending the City’s Zoning Ordinance by amending Table IV “Uniform Height and Area Regulations”, by amending various sections of Section 11 “Zoning District Descriptions” to clarify the applicability of Table IV, and by amending Section 13 “Administration and Enforcement by adding a new Section 13-7 “Conflicts Between Tables and Code Text”

**DEPARTMENT:** Planning and Development Services

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**BACKGROUND INFORMATION:**

City records indicate that since 2021, building permits have been issued for homes that are below Gatesville’s current minimum single-family residential building size of 3,750 square feet in single-family districts and 8,000 square feet in estate districts. In the last three years, the average single-family residential building area permitted was 2,188 square feet. The smallest single-family residential building area permitted was 1,326 square feet and the largest was 3,443 square feet. None of these dwellings would be permissible under the current area regulations. The City’s height and area regulations are currently housed primarily within Table IV: Uniform Height and Area Regulations. This table is not housed in the Zoning Ordinance, making it difficult to cross reference and problematic to enforce. The language of the Zoning Ordinance refers to area regulations for zoning districts and buildings but does not reference the document correctly.

**PURPOSE OF AMENDMENT:**

The proposed draft amendment intends to correct the deficiency described above. The proposed amendment includes the following:

1. Update to Table IV: Uniform Height and Area Regulations as follows:
  - Revise the building area requirements for the Residential Single Family, Residential Two-Four Family, and Mobile Home Districts to a minimum of 1,200 square feet, reflecting the sizes of homes that have been permitted in Gatesville over the past ten years.
  - Revise the building area requirements for the Agricultural and Suburban Homesites District to a minimum of 1,600 square feet, to reflect the sizes of homes that have been permitted in Gatesville over the past years and to be in line with surrounding City’s standards for estate/agricultural residential building sizes,
  - Correct the language pertaining to the Interior Side Yard Setback to reflect the requirements found within the Zoning Ordinance for the Townhouse Single Family, Business Commercial, and Industrial Districts. The previous table did not list the requirements in line with the code text, so this is just a change to clean up the table, not a substantive change to the regulations.
  - Clean up several formatting issues with the current table to improve usability.
2. Revise the following sections of the Zoning Ordinance to ensure Table IV is properly referenced and enforceable:
  - Table of Contents; 11-1(E); 11-1-1(E); 11-3(E); 11-4(E); 11-5(E); 11-6(E); 11-7(E); 11-8(E); and 11-9(E).
3. Add Section 13-7 to the City’s Zoning Ordinance to clarify that the text of the ordinance shall govern if there is conflict between a table and the text of the ordinance.

**FINANCIAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

Staff recommends that City Council adopt the proposed amendment to the Zoning Ordinance.

**MOTION:**

This is the first presentation of the Ordinance. No motion will be made until the third & final reading of the Ordinance.

**ATTACHMENTS:**

- Draft Ordinance
- Table IV, Uniform Height and Area Regulations
- Example Dwelling Sizes from Past Three Years
- Dwelling Size Regulation Examples from Other Cities

**ORDINANCE NO: 2024-02**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GATESVILLE, AS PREVIOUSLY AMENDED, BY AMENDING TABLE IV: UNIFORM HEIGHT AND AREA REGULATIONS, BY AMENDING VARIOUS SECTIONS OF SECTION 11 “ZONING DISTRICT DESCRIPTIONS” TO CLARIFY THE APPLICABILITY OF TABLE IV, AND BY AMENDING SECTION 13 “ADMINISTRATION AND ENFORCEMENT” BY ADDING A NEW SECTION 13-7 “CONFLICTS BETWEEN TABLES AND CODE TEXT”; THE ZONING ORDINANCE PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Gatesville, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Gatesville, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Code of Ordinances of the City of Gatesville, Texas, as previously amended, should be further amended as set forth below.

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

**SECTION 1.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Table IV – Uniform Height and Area Regulations by repealing that table in its entirety and replacing it with the Table IV – Uniform Height and Area Regulations attached hereto and incorporated herein by this reference as Exhibit “A.”

**SECTION 2.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-1 “Residential/Single-Family” at its subsection E, “Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-1 RESIDENTIAL/SINGLE-FAMILY

...

E. Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

.....”

**SECTION 3.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-1-1 “Townhouse Residential/Single-Family”, at its subsection E, “Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-1-1 TOWNHOUSE RESIDENTIAL/SINGLE-FAMILY

...

E. Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. The side lot side yards shall be six feet (6’) when adjoining another lot and zero feet (0) feet when adjoining another dwelling unit on the same platted lot.

....”

**SECTION 4.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-3 “Agricultural and Suburban Homesites District” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

SECTION 11-3 AGRICULTURAL AND SUBURBAN HOMESITES DISTRICT

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”



**SECTION 5.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-4 “Family Dwelling Units” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

**SECTION 11-4 FAMILY DWELLING UNITS**

...

**E. Uniform Height and Area Regulations**

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 6.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-5 “Residential Multi-Family” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

**SECTION 11-5 RESIDENTIAL MULTI-FAMILY**

...

**E. Uniform Height and Area Regulations**

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 7.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-6 “Business/Commercial” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

SECTION 11-6 BUSINESS/COMMERCIAL

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. In addition to the Uniform Regulations, there shall be furnished minimum side yards as follows: six (6) feet when adjoining any residential district and zero (0) feet when adjoining nonresidential districts provided that if a side yard is provided it shall be not less than three (3) feet.

....”

**SECTION 8.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-7 “Mobile Home District” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

SECTION 11-7 MOBILE HOME DISTRICT

...

E. Uniform Height and Area Regulations

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 9.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-8 “Mobile Home Park District” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

**SECTION 11-8 MOBILE HOME PARK DISTRICT**

...

**E. Uniform Height and Area Regulations**

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance.

....”

**SECTION 10.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 11 “Zoning District Descriptions” by amending Section 11-9 “Industrial” at its subsection E “Uniform Height and Area Regulations” to read as follows:

“Section 11 ZONING DISTRICT DESCRIPTIONS

...

**SECTION 11-9 INDUSTRIAL**

...

**E. Uniform Height and Area Regulations**

The regulations set forth in Table IV, Uniform Height and Area Regulations, shall apply to all buildings, walls, and uses established on all properties contained within the district but shall be subject to the specific limitations and modifications set forth elsewhere in this ordinance. In addition to the Uniform Regulations, there shall be furnished minimum side yards as follows: six (6) feet when adjoining any residential district and zero (0) feet when adjoining nonresidential districts provided that if a side yard is provided it shall be not less than three (3) feet.

....”

**SECTION 11.** The Zoning Ordinance of the City of Gatesville, Texas, as heretofore amended, shall be, and the same is hereby amended by amending Section 13 “Administration and Enforcement”, to add a new Section 13-7 “Conflicts Between Tables and Code Text” which shall in its entirety read as follows:

“Section 13 – ADMINISTRATION AND ENFORCEMENT

...

**SECTION 13-7 CONFLICTS BETWEEN TABLES AND CODE TEXT**

Where the language or regulations found within a table associated with the Zoning Ordinance conflicts with the language or regulations found within the text of the Zoning Ordinance, the text of the ordinance shall govern.”

**SECTION 12.** All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of Gatesville are hereby repealed to the extent that said ordinances, orders, or resolutions or parts thereof are in conflict herewith.

**SECTION 13.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or application thereof to any person or circumstance be held to be invalid, void or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of said ordinance, which remaining portions shall remain in full force and effect.

**SECTION 14.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 15.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 16.** This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

The foregoing Ordinance No. 2024-02 was read the first time April 23, 2024, and passed to the second reading on the 14th day of May, 2024.

The foregoing Ordinance No. 2024-02 was read the second time on May 14, 2024, and passed to the third reading on the 28th day of May, 2024.

The foregoing Ordinance No. 2024-02 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 28th day of May, 2024.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**APPROVED:**

\_\_\_\_\_  
**GARY CHUMLEY, MAYOR**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Victoria W. Thomas, City Attorney**

**ATTEST:**

\_\_\_\_\_  
**Wendy Cole, City Secretary**

**EXHIBIT A**  
**Table IV – Uniform Height and Area Regulations**

# Exhibit A

City of Gatesville Table IV Uniform Height and Area Regulations											
Zoning District	Minimum Lot Requirements				Minimum Yard Setback Requirements				Maximum Height Requirements		
	Lot Area	Lot Width	Dwelling Size	Lot Area Per Dwelling	Front	Interior Side	Street Side	Rear	Building	Wall, Fence, Etc. Front	Wall, Fence, Etc. Other
Residential Single Family	8000sf		1200sf	8000sf	25ft	6ft	10ft	10ft	30ft	4ft	7ft
Townhouse Single Family		100ft	NR	NR	25ft	six feet when adjoining another lot and zero feet when adjoining another dwelling unit on the same platted lot	10ft	10ft	30ft	4ft	7ft
Community Facility											
Agricultural and Suburban Homesites	15000sf	100ft	1600sf	15000sf	30ft	See Zoning District Regulations	10ft	10ft	30ft	4ft	7ft
Residential Two-Four Family	6000sf	60ft	1200sf	15000sf	20ft	6ft	10ft	10ft	30ft	4ft	7ft
Multi-Family	16000sf	100ft	9800sf	NR	20ft	20ft	20ft	20ft	NR	4ft	7ft
Business Commercial	NR	NR	NR	NR	10ft	6 feet when adjoining any Living Area Zone; 0 feet along other zones, but if a side yard is provided it shall be not less than 3 feet.	10ft	20ft	NR	NR	NR
Manufactured Home											
Manufactured Home Park	6000sf	60ft	1200sf	6000sf	20ft	6ft	10ft	10ft	30ft	4ft	7ft
Industrial	NR	NR	NR	NR	NR	6 feet when adjoining any Living Area Zone; 0 feet along other zones, but if a side yard is provided it shall be not less than 3 feet.	10ft	10ft	30ft	4ft	7ft
Planned Development											

**New Single-Family Residential**  
**Last 3 Years, Permitted Dwelling Area**

Address	Sq. Ft
105 Elms Ln.	2,100
107 Elms Ln.	1,949
105 Westwood Park	3,215
116 Inwood Dr.	3,215
616 S. Lovers Ln.	3,443
109 Willow Ln.	1,575
110 Inwood Dr.	2,226
1205 Westview Dr.	1,406
128 Sunny Ln.	2,243
108 Inwood Dr.	2,088
630 River Rd.	2,895
101 Inwood Dr.	2,128
113 Northern Ave.	2,265
103 Inwood Dr.	2,226
112 Inwood Dr.	1,927
106 inwood Dr.	1,927
105 Inwood Dr.	2,088
104 Inwood Dr.	1,802
3605 Church Hill Dr.	1,954
301 Woods Dr.	1,476
303 Woods Dr	1,697
305 Woods Dr	1,326
331 Straws Mill Rd.	2,170
800 N Lovers Ln	3,164
<b>AVERAGE</b>	<b>2,188</b>
<b>MAXIMUM</b>	<b>3,443</b>
<b>MINIMUM</b>	<b>1,326</b>
<b>MEDIAN</b>	<b>2,094</b>



**Dwelling Size Regulation  
Other Cities in Gatesville Area**

City	Dwelling Type	Min Sq. Ft
McGregor	Single-Family	1,000
	Single-Family Estate	1,600
	Manufactured Home	1,200
Hewitt	Single-Family, Low Density (one bedroom)	1,000
	Single-Family, High Density (one bedroom)	650
Robinson	Single-Family Rural Estate	1,800
	Agricultural	1,600
	Single-Family Residential	1,350
	Manufactured Home	1,200
<b>AVERAGE</b>		<b>1,267</b>
<b>MEDIAN</b>		<b>1,200</b>



## Agenda Item # 12

### CITY COUNCIL MEMORANDUM

**Date:** April 23, 2024

**To:** Mayor & City Council

**From:** Scott L. Albert, City Manager

**Agenda Item:** Discussion to amend the city code of ordinances in regard to Mobile, Manufactured, and Modular homes.

**Information:**

Last summer, city staff determined that the city had been incorrectly permitting HUD code manufactured homes (mobile homes) anywhere in the city where a single-family dwelling would be allowed.

For some time, city staff operated under the belief that HUD code manufactured home dwellings/mobile homes, although not explicitly mentioned in the city's zoning ordinance, aligned with the definition of "single-family dwelling." Consequently, HUD Manufactured Homes/Mobile Homes were deemed permissible in any district where a single-family dwelling would be allowed. However, this interpretation was based on a previous version of the 1995 "single-family dwelling" definition in the Zoning Ordinance, overlooking a critical amendment to the definition of single-family dwelling" adopted by the City Council in 1998. As a result of not following the appropriate definition for "single family dwelling", the city has unknowingly issued permits for HUD Manufactured Homes/Mobile Homes to be placed unlawfully in various districts throughout the city for several years where they should not have been placed. This amendment clarifies the placement of HUD Manufactured Homes and Mobile Homes to only three specific districts: Mobile Home Districts, Mobile Home Park Districts, and Industrial Districts. Below the definitions for a single-family dwelling in 1995 and 1998.

**1995 single-family dwelling definition** – "a building designed for or occupied exclusively by one family". Under this definition, staff permitted the placement of mobile homes/HUD code manufactured homes anywhere in the city where a single-family dwelling would be allowed.

**1998 single-family dwelling definition** – "a building designed for or occupied exclusively by one family which may be a modular home or a home fully constructed upon premises where its located". It's important to note a modular home differs from a mobile home/HUD code manufactured home. Based on this definition a mobile home/HUD manufactured home is only permitted in three zoning districts; mobile home districts, mobile home park districts, and Industrial districts.

In September the City Council collaborated with the City Attorney to draft an amendment to the city's zoning ordinance aimed to rectify and clarify certain definitions within the city's zoning ordinance and specify the permissible locations where HUD Manufactured Homes/Mobile Homes can be placed within

the city limits. Additionally, the council, in coordination with the City Attorney, addressed the city's past errors with improperly placing HUD Manufactured/Mobile homes.

The revised ordinance, provides legal (as opposed to the currently existing illegal) nonconforming status to any manufactured homes existing on lots in districts where they are not legally allowed, provided they were in use as dwellings on the date of the ordinance's adoption. The grandfathering provision in the zoning ordinance allows replacement, repair, or substitution of a legal, nonconforming manufactured home that does not expand the area/footprint occupied at the time of passage of the ordinance, calls for the extinguishment of the legal nonconforming status if use ceases for 12 months, and allows the legal nonconforming status to continue if the property is sold. Finally, the ordinance provides that the City will provide a 180-day registration period (registration is at the option of the owner) for these legal, nonconforming manufactured homes and that registration creates a presumption of legal nonconforming status. The City could rebut that presumption with clear and direct evidence that, in fact, the use did not exist as required to be a legal nonconforming use.

The revised zoning ordinance also modifies the text of the City's Zoning Ordinance. It repeals numerous definitions related to mobile, manufactured, and/or modular homes, replacing them with updated definitions. The ordinance introduces several new definitions, including one for "manufactured housing," encompassing mobile homes, and HUD Code manufactured homes. Furthermore, it renames two zoning districts from Mobile Home District and Mobile Home Park District to Manufactured Home District and Manufactured Home Park District. Minor revisions were made to improve clarity.

**Why this Amendment to the Zoning Ordinance is Important for Property Owners in the City:**

If your property is an illegal use in a manner that violates zoning regulations, it may pose challenges when attempting to sell. A title company's determination of such illegal use could impede a potential buyer's ability to secure financing for the purchase. Additionally, insurance companies may be unwilling to provide coverage for your property under such circumstances.

**Staff Recommendation:**

Approve the amendments to the city zoning ordinance for mobile, manufactured, and modular homes as presented this evening in a draft ordinance amending the codes of ordinances.

**Motion:**

This is the first presentation of the Ordinance. No motion will be made until the third & final reading of the Ordinance.

**Attachments:**

- Memorandum from the City's Planning Consultant- David Jones.
- Ordinance amending the city code regarding mobile, manufactured, and modular homes.

**Staff Contacts:**

Scott Albert, City Manager – [salbert@gatesvilletx.com](mailto:salbert@gatesvilletx.com)

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**DATE:** 4/23/2024

**AGENDA ITEM #:** #12

**ITEM TITLE:** Discussion regarding an ordinance of the City of Gatesville, Texas, amending the Gatesville Code of Ordinances, as previously amended, in regard to Mobile, Manufactured, and Modular Homes.

**DEPARTMENT:** Planning and Development Services

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### **BACKGROUND INFORMATION:**

The City's prior zoning ordinance, adopted in 1995, did not differentiate between mobile and manufactured homes, as it predated 2003 federal legislation that drew a distinction between "mobile homes" and HUD Code "manufactured homes". After 2003, the city's zoning ordinance was not updated to reflect the required federal law distinctions. The City's zoning code does allow for mobile home dwelling as an acceptable use in certain zoning districts: Mobile Home Districts, Mobile Home Park Districts, and Industrial Districts. Since "manufactured home" is not specified as an allowed use at all, the City currently has two options under the current code language: (1) interpret its zoning ordinance and map as completely prohibiting manufactured homes in all districts, which may expose the City to Fair Housing challenges, or (2) take the stance that although the use is not expressly listed, it is implicitly included in the "mobile home dwelling" use because at the time of its inception, there was no distinction between mobile and manufactured homes, and the City has historically treated them as equivalent.

Prior to 1998, the definition of "single-family dwelling" in the Gatesville Code of Ordinances was simply "a building designed for or occupied exclusively by one family. In October 13, 1998, the definition was revised to include "A building designed for or occupied exclusively by one family which may be a modular home or a home fully constructed upon the premises where it is located." It is evident that a manufactured home does not meet the criterion of being fully constructed upon the premises where it is located. Similarly, it also does not fit the definition (in the zoning ordinance) of a modular home. Thus, the zoning ordinance's definition of a single-family dwelling does not encompass manufactured homes.

Recently, the city has practiced allowing "HUD Code manufactured home dwelling" as an acceptable use in Industrial, Mobile Home, and Mobile Home Park zoning districts, while disallowing it in other zoning districts, including business commercial.

### **PURPOSE OF UPDATE:**

The proposed draft amendment is intended to correct the issue described above. The proposed amendment includes the following:

1. Correct the definitions within the Zoning Ordinance regarding mobile, manufactured, and modular homes as follows:
  - Repeal the current definitions for "Dwelling, Doublewide Mobile Home," "Dwelling, Mobile Home," "Dwelling, Modular Home," "Mobile Home," "Mobile Home Park," "Mobile Home Space," and "Modular Building" set forth in Section 2, "Definitions", Section 2.3," General Definitions."
  - Add new definitions for "HUD-code manufactured home," "Manufactured home," "Manufactured Home Park," "Manufactured Home Space," "Manufactured Home Stand", "Mobile home," and "Modular home."
2. Replace references to the following:
  - All references to "Mobile Home Park" will be replaced with "Manufactured Home Park";

- All references to “Mobile Home District” will be replaced with “Manufactured Home District”;
  - All references to “Mobile Home Space” will be replaced with “Manufactured Home Space”; and
  - All references to “Mobile home stand” will be replaced with “Manufactured home stand”.
3. Rename Sections 11-7 and 11-8 of Section 11 “Zoning District Descriptions” to be, respectively, “Section 11-7 Manufactured Home District” and “Section 11-8 Manufactured Home Park District.”
  4. Amend portions of Sections 11-7 and 11-8 of Section 11 “Zoning District Descriptions”; and
  5. Add a new section 6-5 “Legal Non-Conforming Manufactured Homes” to Section 6 “Non-Conforming Lots, Structures, and Uses”.

The proposed amendments will allow the City to clearly delineate that manufactured homes are allowed within the City, are distinct from mobile homes, and are only allowed within the MH and MHP districts.

**FINANCIAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends that City Council to adopt the proposed amendment to the Zoning Ordinance on the final reading.

**MOTION:**

This is the first reading of the ordinance. No motion will be made until the third & final reading of the Ordinance.

**ATTACHMENTS:**

- Draft Ordinance

**ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES, AS PREVIOUSLY AMENDED, IN REGARD TO MOBILE, MANUFACTURED, AND MODULAR HOMES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Gatesville, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Gatesville, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Code of Ordinances of the City of Gatesville, Texas, as previously amended, should be further amended as set forth below.

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

**SECTION 1.** The City of Gatesville Zoning Ordinance, as heretofore amended, is hereby amended by repealing in their entirety the definitions of “Dwelling, Doublewide Mobile Home,” “Dwelling, Mobile Home,” “Dwelling, Modular Home,” “Mobile Home,” “Mobile Home Park,” “Mobile Home Space,” and “Modular Building” set forth in Section 2, “Definitions”, Section 2.3,” General Definitions.”

**SECTION 2.** The City of Gatesville Zoning Ordinance, as heretofore amended, is hereby amended at section 2, “Definitions”, Section 2.3 “General Definitions” by adding new definitions for “HUD-code manufactured home,” “Manufactured home,” “Manufactured Home Park,” “Manufactured Home Space,” “Manufactured Home Stand”, “Mobile home,” and “Modular home”, to read as follows:

**“SECTION 2 – DEFINITIONS**

**Section 2.3 General Definitions**

...

**HUD-CODE MANUFACTURED HOME** – A structure constructed at the factory on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 CFR Section 33282.8(g).

Prior to being brought into the City, a HUD code manufactured home that has been structurally changed since acquiring its HUD sticker or that does not appear to be habitable in its current condition, must undergo a habitability study by an approved HUD inspector and all recommended repairs must be made prior to entry into the City.

...

**MANUFACTURED HOME** – A HUD-code manufactured home or a mobile home and collectively means and refers to both.

**MANUFACTURED HOME PARK** – Any plot of ground upon which two or more manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

**MANUFACTURED HOME SPACE** - A plot of ground within a Manufactured Home Park designed for the accommodation of one manufactured home.

**MANUFACTURED HOME STAND** – That part of a manufactured home space which has been reserved for the placement of one manufactured home.

**MOBILE HOME** – A structure constructed at the factory before June 15, 1976 on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length, or when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home. Prior to being brought into the City, a mobile home must undergo a habitability study performed by an approved HUD inspector and recommended repairs must be made prior to entry into the City. Any replacement of a mobile home must be with a HUD-code manufactured home.

**MODULAR HOME** – A structure for use as a dwelling with a permanent foundation, such structure being prefabricated at the factory and designed to be transported in room-size sections, with all plumbing, heating, air conditioning, and electrical systems installed so that sections can be joined together at the home site to form a finished product; must be constructed in accordance with all applicable state and local building codes. A modular home is assembled at the site as a permanent structure that is not designed to be moved once it is in place.

....”

**SECTION 3.** The Gatesville Zoning Ordinance is hereby amended to replace all references in the Gatesville Zoning Ordinance to “Mobile Home Park” with “Manufactured Home Park,” to “Mobile Home District” with “Manufactured Home District”, to “Mobile Home Space” with “Manufactured Home Space,” and to “Mobile home stand” to “Manufactured home stand”. This amendment will include, but is not limited to, the renaming of Sections 11-7 and 11-8 of Section

11 "Zoning District Descriptions" to be, respectively, "Section 11-7 Manufactured Home District" and "Section 11-8 Manufactured Home Park District."

**SECTION 4.** The Gatesville Zoning Ordinance is hereby amended at Section 11 "Zoning District Description", Section 11-7 "Mobile Home District" by renaming Section 11-7 "Manufactured Home District" and by further amending the section 11-7 to read as follows:

"SECTION 11-7 MANUFACTURED HOME DISTRICT

A. Purpose of District

The Manufactured Home District is designed to provide sufficient areas for manufactured homes and open space. Urban type public improvements are required for adequate service for dwellings of this area.

B. Principal Uses

1. Manufactured Home (one per lot)
2. Any use allowed in the Business Commercial zoning district.

C. Accessory Uses

...

- e. In this district a manufactured home must only be utilized as a dwelling and for no other use or purpose. Recreational vehicles may not be occupied in a manufactured home district.

...."

**SECTION 5.** The Gatesville Zoning Ordinance is hereby amended at Section 11 "Zoning District Description", Section 11-8 "Mobile Home Park District" by renaming section 11-8 "Manufactured Home Park District" and by amending section 11-8 to read as follows:

"SECTION 11-8 MANUFACTURED HOME PARK DISTRICT

A. Purpose of District

The manufactured home park district is designed for the specific residential environmental needs of manufactured home dwellers. Individual manufactured home spaces are located in designated manufactured home parks. Traditional urban-type public improvements must be supplemented by special on-site facilities for recreation, storage, fire protection, and waste disposal.

B. Principal Use

In this district, no building, structure, or land shall be used, and no structure or building shall be erected, constructed, reconstructed, or structurally altered or enlarged except for one or more of the following principal uses:

1. Manufactured home park.
2. All principal uses allowed in the Manufactured Home District.

...



E. Uniform Height and Area Regulations

...

3. Tract requirements: ...

...

c. Bulk controls: Maximum floor area ration for manufactured homes: 0.4, based upon total area in park less commercial and common use areas, driveways, and permanent dwelling.

d. Length of residential occupancy: No space shall be rented for residential use of a manufactured home in any such park except for periods of thirty (30) days or more.

....”

**SECTION 6.** The Gatesville Zoning Ordinance, as heretofore amended, is hereby amended by adding a new section 6-5 “Legal Non-Conforming Manufactured Homes” to Section 6 “Non-Conforming Lots, Structures, and Uses” to read in its entirety as follows:

“SECTION 6-5 LEGAL NON-CONFORMING MANUFACTURED HOMES

A. Grant of Legal Nonconforming Status. Any manufactured home, as that term is defined in this ordinance, existing, on the date of adoption of this Section 6-5 and further on that date being occupied and used as a dwelling and located on a lot in a zoning district other than manufactured home district, manufactured home park district, or industrial district, although otherwise not legally allowed in such district, is hereby granted legal, non-conforming status such that the manufactured home and its use as a dwelling may remain and continue on such lot upon the following conditions:

1. Replacement.

a. The owner of any such manufactured home which is owner-occupied may replace such manufactured home with a newer HUD Code manufactured home without losing the legal, non-conforming status.

b. The owner of any such manufactured home which is not owner-occupied may make one replacement of such manufactured home with a newer HUD Code manufactured home without losing the legal nonconforming status in the following circumstances:

i. the manufactured home is destroyed by fire, weather, or natural disaster and is replaced with a newer HUD Code manufactured home within twelve (12) months of such destruction; or

- ii. the manufactured home is removed and replaced by the owner with a newer HUD Code manufactured home where (1) the application for construction permit for the replacement is filed with the City within thirty (30) days of removal of the original manufactured home and (2) construction and installation of the replacement HUD Code manufactured home is completed within six (6) months of issuance of the construction permit.
  - c. The deadlines set forth in subsection 1.b.i and ii of this section 6-5 may be extended by the City's Building Official upon presentation of evidence of unforeseeable and unavoidable events beyond the manufactured home owner's control which interrupt the course of events and prevent or are reasonably likely to prevent the owner from complying with such deadlines.
  - d. All replacement HUD Code manufactured homes shall be used as a dwelling. Any replacement other than as allowed by this section shall result in loss of legal, nonconforming status.
2. Transfer. Transfer of ownership of the real property together with the manufactured home shall not extinguish the legal, non-conforming status of the manufactured home.
  3. Abandonment. The legal non-conforming status of such manufactured home shall be considered abandoned and shall be extinguished if the property, lot, structure, manufactured home, or use is discontinued, ceases or is vacated for more than one (1) year.
- B. Optional Registration Period. The City shall make available at City Hall and on the City's official website for a period of 180 days from adoption of this section 6-5, an optional registration form by which an owner of any manufactured home that meets the criteria for legal, non-conforming status as of the date of adoption of this Section 6-5, may register the manufactured home with the City. Such registration will result in a presumption of the legal, non-conforming status of the manufactured home."

**SECTION 7.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 8.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 9.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.** This ordinance shall take effect immediately from and after its passage.

The foregoing Ordinance No. 2024-03 was read the first time April 23, 2024, and passed to the second reading on the 14th day of May, 2024.

The foregoing Ordinance No. 2024-03 was read the second time on May 14, 2024, and passed to the third reading on the 28th day of May, 2024.

The foregoing Ordinance No. 2024-03 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 28th day of May, 2024.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**APPROVED:**

\_\_\_\_\_  
**GARY CHUMLEY, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Victoria W. Thomas, Special Counsel**  
4864-4188-6596, v. 3

\_\_\_\_\_  
**Wendy Cole, City Secretary**



**Agenda Item # 13**

**CITY COUNCIL MEMORANDUM**

**Date:** April 23, 2024

**To:** Mayor & City Council

**From:** Scott L. Albert, City Manager

**Agenda Item:** Discussion and possible action regarding an ordinance amending Chapter 56 regarding the extension of city utilities outside the city limits (First Reading).

**Information:**

On March 12, the City Council agreed to implement an interim policy regarding the provision of utility services outside the city. The policy entails:

1. If a property is immediately adjacent to the city limits and the property owner requests utility service, the land/development must be annexed into the city limits before utility service is provided.
2. If the property is not immediately adjacent to the city limits, but city staff and the city attorney can identify a way for the property to be annexed, annexation must occur before utility service is provided.
3. If the property is in the ETJ (Extraterritorial Jurisdiction) and the city cannot annex the property, the City Council will consider providing utility service on a case-by-case basis.

All utility services outside the city limits, including the annexation of land, must be approved by the City Council before any service is provided. Past arrangements made with staff to provide utility service outside the city limits are not considered binding agreements with the city.

This evening, the City Council will consider approving an ordinance that formally adopts the interim policy approved on March 12.

**Staff Recommendation:**

The staff recommends that the City Council conduct the first reading of the ordinance.

**Motion:**

A motion is not necessary for the first reading.

**Attachments:**

Ordinance.

March 12, City Council Memo.

**Staff Contacts:**

Scott Albert, City Manager – [salbert@gatesvilletx.com](mailto:salbert@gatesvilletx.com)

**ORDINANCE NO. 2024-04**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES, CHAPTER 56 "UTILITIES", ARTICLE I, "IN GENERAL" BY AMENDING AND RENAMING SECTION 56-6 THEREOF; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 10.10 of the City Home Rule Charter provides that the City Council shall have the right but not the obligation to sell and distribute electricity, gas, water, and sewer services or any other utilities and services to any person, firm or corporation outside the limits of the City and to permit connection to City's utility systems under the terms and conditions set forth in a contract which are approved by the City Council as being in the best interests of the City; and

**WHEREAS**, City staff has recommended amendment of the City's Code of Ordinances to establish requirements for the provision of utility services outside of the limits of the City; and

**WHEREAS**, the City Council finds that the proposed amendment is in the best interest of and serves the general welfare of the City and its citizens;

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

**SECTION 1.** The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 56, "Utilities," Article I, "In General" by amending and renaming section 56-6 to read in its entirety as follows:

"Chapter 56 Utilities

Article I In General

...

**Section 56-6 Extension of Utilities Outside City Limits**

- (a) Any person, firm, or corporation desiring electricity, gas, water, sewer, or any other utility service from the city and whose property for which service is desired is located outside the city limits shall request annexation into the city and the requested utility service will only be provided upon annexation of the property into the city.
- (b) If, at the time the request for utility service is made, the city is unable to annex the property, the City may, at its sole option, enter into a written development agreement that addresses whether and under what terms, if any, the City will provide the requested utility service.
- (c) When the City provides utility services in response to a request to extend services outside City limits:
  - a. the requesting person, firm or corporation requesting such service extension shall be responsible for all costs to extend

- the city's utility service and shall enter into a development agreement with the City that contains the details, including costs, of such provision of services; and
- b. the requesting person, firm or corporation shall grant a permanent recorded public utility easement for poles, wires, conduits, drainage channels and related facilities, sanitary sewers and related equipment, water lines and related equipment, gas lines, and other utilities to the City. These easements shall be at least 20 feet wide; however, the City may determine that a greater width up to 30 feet is necessary. Required easements shall extend along all roadway frontages of the property and shall parallel as closely as possible the street line frontage. Failure to grant the required easement(s) shall result in denial of service.”

**SECTION 2.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 3.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage.

The foregoing Ordinance No. 2024-03 was read the first time April 23, 2024, and passed to the second reading on the 14th day of May, 2024.

The foregoing Ordinance No. 2024-03 was read the second time on May 14, 2024, and passed to the third reading on the 28th day of May, 2024.

The foregoing Ordinance No. 2024-03 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas this 28th day of May, 2024.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

**APPROVED:**

\_\_\_\_\_  
**GARY CHUMLEY, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST**

\_\_\_\_\_  
**Victoria W. Thomas, Special Counsel**  
4865-6119-8772, v. 1

\_\_\_\_\_  
**Wendy Cole, City Secretary**



**CITY COUNCIL MEMORANDUM**

**Date:** March 12, 2024

**To:** Mayor & City Council

**From:** Scott L. Albert, City Manager

**Agenda Item:** Discussion and possible action on providing utility service outside the city limits.

Staff is seeking policy guidance from the City Council regarding how to address requests for utility services outside the city limits. The city has received multiple requests to provide utility service outside the city, and in my opinion, a few of these requests would be advantageous to the city.

Some requests have been established previously through verbal agreements with staff, which should not serve as an appropriate process for affirming whether utility service should be provided outside the city limits.

The city code currently provides the following policy guidance regarding utility services outside the city:

**(a) Section 10.10 City Code - Sale of Water and Sewer Services:**

The city council has the right, power, and authority to sell and distribute water and sewer services to any entity outside the city limits, permitting them to connect with the system under contract with the city, under terms and conditions deemed best for the city's interests. Charges for such services outside the city limits shall be reasonable, as determined by the city council.

**(b) Section 56-6 City Code – No right to service outside the city:**

Nothing in the code or any other ordinance compels the city water department to furnish water, sewer, or garbage service beyond the city limits or to continue such service once begun. The city reserves the right to furnish such service as it deems advisable and to wholly or partially discontinue such service upon violations of any code terms, as if such customer resided within the city limits.

Tonight, my goal is to begin discussions with the council on establishing a policy for providing utility service outside the city limits. I understand that this matter may require additional deliberation at future meetings and further information before you are comfortable setting a policy regarding service outside the city limits. However, I would like to suggest the following interim policy:

1. If land is immediately adjacent to the city limits and the property owner is requesting utility service, the land/development must be annexed into the city limits before utility service will be provided.
2. If land is not immediately adjacent to the city limits, however, staff and the city attorney are able to identify a way for the land to be annexed, the land must be annexed before utility service is provided.



3. If land is in the ETJ and the city is unable to annex the land, the City Council will consider providing utility service on a case-by-case basis.

Finally, all utility service outside the city limits, including annexing land, must be approved by the city council before any service is provided. Arrangements made in the past with staff to provide utility service outside the city limits are not considered binding arrangements with the city.

# 2024

January							February							March							
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