

Regular City Council Meeting

May 14, 2024

At

Gatesville Council Chamber

110 N. 8th Street

5:30 P.M.



**INDEX
REGULAR CITY COUNCIL MEETING
MAY 14, 2024**

5:30 P.M.

PAGE 1-2 ---- AGENDA – 5-14-2024

**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.

EXECUTIVE SESSION:

THE CITY COUNCIL OF THE CITY OF GATESVILLE WILL RECESS THE REGULAR MEETING AND CONVENE INTO A CLOSED, EXECUTIVE SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE: SECTION 551.071 (CONSULTATION WITH ATTORNEY) TO SEEK LEGAL ADVICE OF ITS ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION AND OR SETTLEMENT, TO WIT: CAUSE NO. DC-23-55054 IN THE 440TH JUDICIAL DISTRICT COURT OF CORYELL COUNTY, CHASE AND LYNN MASSINGILL AS DEVELOPERS FOR FIREFLY RV RESORT VS. WILLIAM PARRY, III INDIVIDUALLY AS FORMER CITY MANAGER FOR THE CITY OF GATESVILLE, AND THE CITY OF GATESVILLE. (VICTORIA THOMAS/COURTNEY MORRIS & SCOTT ALBERT)

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

CONSENT:

PAGE 3-21 - 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 2024-39: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF MINUTES FROM SPECIAL CITY COUNCIL MEETING HELD ON APRIL 23, 2024. (WENDY COLE)

RESOLUTION 2024-40: DISCUSSION AND POSSIBLE ACTION REGARDING THE RE-APPOINTMENT OF MEMBERS TO THE PLANNING AND ZONING COMMISSION. (WENDY COLE)

RESOLUTION 2024-41: DISCUSSION AND POSSIBLE ACTION REGARDING MARCH 2024 FINANCIALS. (MIKE HALSEMA)

RESOLUTION 2024-42: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF SECOND QUARTER FY 23-24 INVESTMENT REPORT. (MIKE HALSEMA)

RESOLUTION 2024-43: DISCUSSION AND POSSIBLE ACTION TO APPROVE KEEP GATESVILLE BEAUTIFUL COMMITTEE BOARD MEMBERS. (WENDY COLE)

- PAGE 22- LETTER- MORE INFO WIL BE PROVIDED AT MEETING - DISCUSSION AND POSSIBLE ACTION REGARDING TEMPORARY STREET CLOSURES REGARDING THE GATESVILLE SHIVAREE- 50TH ANNIVERSARY, MAY 30TH- JUNE 2ND 2024. (MASON MATTHEWS)**
- PAGE 23-32 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING KELLY ADAIR UTILITY AGREEMENT. (SCOTT ALBERT)**
- PAGE 33 -40 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING BILL SHOAF UTILITY AGREEMENT. (SCOTT ALBERT)**
- PAGE 41-54 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING AMENDMENT TO CONTRACT BETWEEN CORYELL CITY WATER SUPPLY DISTRICT AND THE CITY OF GATESVILLE, TEXAS. (SCOTT ALBERT & JOE JONES)**
- PAGE 55-61 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING ACCEPTING A QUOTE FROM ENVIRONMENTAL IMPROVEMENTS FOR REPAIRS TO THE PRIMARY CLARIFIER AT THE LEON WASTEWATER TREATMENT PLANT. (SCOTT ALBERT & BOBBY BUSTER)**
- PAGE 62-65 CITY COUNCIL MEMORANDUM- DISCUSSION AND POSSIBLE ACTION REGARDING WORK CHANGE DIRECTIVE NO. 1 FOR THE STILLHOUSE BRANCH WASTEWATER TREATMENT PLANT. (SCOTT ALBERT & BOBBY BUSTER)**
- NO MEMO- INFO WILL BE PROVIDED AT MEETING- DISCUSSION AND POSSIBLE ACTION REGARDING WORK CHANGE DIRECTIVE NO. 2 FOR THE STILLHOUSE BRANCH WASTEWATER TREATMENT PLANT. (SCOTT ALBERT & BOBBY BUSTER)**
- PAGE 66-85 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 SECTON 13, "ADMINISTRATION AND ENFORCEMENT" BY ADDING A NEW SECTION 13-7 "CONFLICTS BETWEEN TABLES AND CODE TEXT". (2ND READING OF ORD. 2024-02) (SCOTT ALBERT & LORA SOCARRAS)**
- PAGE 86- 95 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. (2ND READING OF ORDINANCE 2024-03) (SCOTT ALBERT)**
- PAGE 96-101 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". (2ND READING OF ORDINANCE 2024-04) (SCOTT ALBERT)**

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

AGENDA
REGULAR CITY COUNCIL MEETING
5:30 P.M
GATESVILLE CITY COUNCIL CHAMBERS
110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528
MAY 14, 2024

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.

An Open Meeting will be held concerning the following subjects:

1. Call to Order
2. Quorum check
3. Invocation and Pledge of Allegiance
4. Citizens/Public Comments Forum: Individuals wishing to address the Gatesville City Council may do so during this segment. If you intend to comment on a specific agenda item, please indicate the item(s) on the sign-in sheet before the meeting. Each speaker is allotted a maximum of 3 minutes for their remarks, and speakers are expected to conduct themselves in a respectful & 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.

EXECUTIVE SESSION:

5. The City Council of the City of Gatesville will convene into a closed Executive Session pursuant to Texas Government Code section 551.071 (Consultation with Attorney) to seek legal advice of its attorney about pending or contemplated litigation and/or settlement, to wit: Cause No. DC-23-55054 in the 440th Judicial District Court of Coryell County, Chase and Lynn Massingill as Developers for Firefly RV Resort vs. William H. Parry, III individually as Former City Manager for the City of Gatesville, and the City of Gatesville. (Victoria Thomas/Courtney Morris & Scott Albert)
6. End Executive Session and Reconvene Open Meeting-----
7. Discussion and possible action resulting from deliberations in Executive Session

CONSENT:

8. 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 2024-39: Discussion and possible action regarding approval of Minutes from Special City Council Meeting held on April 23, 2024. (Wendy Cole)

RESOLUTION 2024-40: Discussion and possible action regarding the re-appointment of members to the Planning and Zoning Commission. (Wendy Cole)

RESOLUTION 2024-41: Discussion and possible action regarding March 2024 Financials (Mike Halsema)

RESOLUTION 2024-42: Discussion and possible action regarding approval of Second Quarter FY 23-24 Investment Report. (Mike Halsema)

RESOLUTION 2024-43: Discussion and possible action to approve Keep Gatesville Beautiful Committee Board members. (Wendy Cole)

OTHER BUSINESS :

9. Discussion and possible action regarding temporary street closures regarding the Gatesville Shivarree- 50th Anniversary, May 30th -June 2nd 2024. (Mason Matthews)
10. Discussion and possible action regarding Kelly Adair Utility Agreement. (Scott Albert)
11. Discussion and possible action regarding Bill Shoaf Utility Agreement. (Scott Albert)
12. Discussion and possible action regarding amendment to contract between Coryell City Water Supply District and the City of Gatesville, Texas. (Scott Albert & Joe Jones)
13. Discussion and possible action regarding accepting a quote from Environmental Improvements for repairs to the Primary clarifier at the Leon Wastewater Treatment Plant. (Scott Albert & Bobby Buster)
14. Discussion and possible action regarding Work Change Directive No. 01 for the Stillhouse Branch WWTP. (Scott Albert & Bobby Buster)
15. Discussion and possible action regarding Work Change Directive No. 02 for the Stillhouse Branch Wastewater Treatment Plant. (Scott Albert & Bobby Buster)
16. 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". (2nd reading of Ord. 2024-02) (Scott Albert & Lora Socarras)
17. Discussion regarding Ordinance No. 2024-03, an Ordinance amending the City's Zoning Ordinance in Regard to Mobile, Manufactured, and Modular Homes. (2nd reading of Ordinance 2024-03) (Scott Albert)
18. 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." (2nd reading of Ordinance 2024-04) (Scott Albert)

EXECUTIVE SESSION:

19. The City Council of the City of Gatesville will convene into a closed Executive Session pursuant to Texas Government Code section 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Manager
20. End Executive Session and Reconvene Open Meeting-----
21. Discussion and possible action resulting from deliberations in Executive Session.
22. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 10th day of May, 2024 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 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 for further information.

SPECIAL CITY COUNCIL MEETING
APRIL 23, 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 5:32 P.M. THIS 23RD DAY OF APRIL, 2024

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

REGRETS: Councilmember John Westbrook

CITY STAFF PRESENT: City Manager Scott L. Albert, City Secretary Wendy Cole, Finance/HR Director Mike Halsema, Library Director Shea Harp, Police Chief Brad Hunt, Special Events Coordinator Cheri Shepherd, Parks & Recreation Director Seth Phillips, Fitness Center Supervisor Patrice Gilbert, Civic Center Manager Morgan Smart, and City Attorney Victoria Thomas by-way-of-Zoom.

OTHERS: Leo Corona, George Jeffers, David Jones (Freese & Nichols Inc.) Diana Barnett, and Gatesville Messenger Staff Writer Kaylee Dusing.

3) INVOCATION: Councilmember Casey/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 2024-34: 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)

Mayor Chumley stated that the incorrect Certificate of Appointment form was provided to staff for the Council's read ahead books regarding Resolution 2024-36. The correct form has been submitted and now all Councilmembers have been provided the correct Certificate of Appointment form which included three (3) Commissioners instead of one (1) which was noted on the original form.

Motion by Joe Patterson, seconded by Barbara Burrow, to approve the Consent Agenda; Resolution 2024-34, Resolution 2024-35, and Resolution 2024-36: appointment of Bob Meharg, Charles Scheiner, and Gene Wolske to two (2) year terms as Commissioners of the Housing Authority; all five voting "Aye", motion passed.

OTHER BUSINESS:

6) PROCLAMATION DECLARING APRIL AS PARKINSON'S AWARENESS MONTH (Mayor)

Mayor Chumley said that Ms. Adams was not present to accept the Proclamation but asked Council for a motion to declare April as Parkinson's Awareness Month.

RESOLUTION 2024-37: Motion by Greg Casey, seconded by Aaron Smith, to approve the Proclamation declaring April as Parkinson's Awareness Month; all five voting "Aye", motion passed.

7) BRIEFING/SUMMARY OF THE APRIL 8, 2024 ECLIPSE EVENT (Cheri Shepherd & Brad Hunt)

Special Events Coordinator, Cheri Shepherd and Police Chief Brad Hunt presented an "After Action Review" of the Eclipse activities that occurred April 6-8, 2024 and the impact that it had on the City of Gatesville.

Other staff involved with the Eclipse preparation and activities were present at the meeting and were introduced:

Library Director, Shea Harp: Coordinated the "Friends of the Library" Eclipse viewing event at the City Complex with NASA Ambassador, Liam Finn. Approximately 2,500 persons attended. Parking fees and donations netted approximately \$7,000 and will be used for the Gatesville Summer Reading program.

Parks & Recreation Director, Seth Phillips: Coordinated the RV spaces and camping rentals at Faunt Le Roy Park. Estimated to have made a little over \$5,000 after expenses.

Fitness Center Supervisor, Patrice Gilbert: Assisted with the Faunt Le Roy reservations and checking in and welcoming the campers. Raby Park was full of Eclipse- Day watchers also (at no charge).

Civic Center Manager, Morgan Smart: Was an invaluable assistant/ right-hand-workmate to all staff.

Fire Chief, Billy Vaden: Was not in attendance at the meeting but was recognized for the huge part that he had in preparations.

Ms. Shepherd thanked Mayor Chumley for his guidance, interest, and leadership during the planning process. Cheri expressed her appreciation for the opportunity to be involved with the preparation plans and also thanked City Manager Albert and city staff for all the support during this process.

It was estimated that 6,000 people came to Gatesville to experience the Eclipse. The year-long preparations that Gatesville staff made paid off as everyone involved were ready for the Eclipse activities regardless of not knowing the number of people that might travel to Gatesville. The number one goal that staff wished to achieve was public safety and also to ensure that it was a positive event for visitors and Gatesville residents.

Ms. Shepherd recognized the excellent press coverage for Gatesville which included local television stations and the Gatesville Messenger.

There were visitors from 30 states and 19 countries that staff was able to document. Ms. Shepherd encouraged the Council to visit the gatesvilleteclipse.com website and read the comments and messages written in the guest book. Ms. Shepherd also encouraged Council to leave a comment in the guestbook as it will be printed out and put in a time capsule that will be opened in 20 years for people to read about Eclipse memories.

Airport: The Gatesville Municipal Airport did not have as many airplanes fly in as expected because of the uncertainty of the weather but there was still a good turnout. The Gatesville Pilots Association did a great job of taking care of the airport visitors.

Financial Standpoint: Lodging facilities and most retail establishments did well but unfortunately, restaurants did not see the economic impact that was anticipated. The vendors (local & small business owners) at the market around the courthouse on Saturday and Sunday were very pleased with the exposure their businesses received and also pleased with the results of their sales.

The festival around the courthouse was not set up to be a moneymaker for the City but the vendor fees did cover the City's expenses for the portable restrooms and other efforts to make the event nice. It is too early to know the impact of the Sales Tax and Hotel Occupancy Tax but anticipate additional taxes because of the Eclipse events.

Police Chief Hunt reported that after it was made apparent that the amount of visitors and traffic were not as large as expected, safety patrol shifts and overtime schedules were pulled from the original plan. Chief Hunt pointed out that because of the extensive planning that was done for this event there is now a plan in place for any future events in Gatesville.

Mayor Chumley expressed appreciation on behalf of the Council for all the hard work that was done for this historic event.

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)

City Manager Albert said that this item was going to be passed. Mayor proceeded to Agenda Item #9.

Mayor Chumley recessed the Special Meeting at 5:58 p.m.-----

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". (SCOTT ALBERT, DAVID JONES)

City Manager Albert introduced David Jones from Freese & Nichols Inc. who has been helping with planning & zoning initiatives for the past couple of months and has over fifteen (15) years in planning & development experience.

The City has been talking about revising the Zoning Ordinance for a long time and there are a few items that need to be addressed relatively quickly as it has created issues for builders. 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 (3) 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, which means that none of these dwellings would be permissible under the current area regulations. Planning & Zoning reviewed this Ordinance last night which was their first option to review the Ordinance and they have asked to have a workshop on May 6, 2024 regarding this Ordinance to receive more details and discuss further.

Mr. Jones said that the proposed draft amendment intends to correct the deficiencies presented and which were also presented in a recent memo that outlined the ideas behind the proposed changes. Mr. Jones discussed the proposed changes:

1. The update to Table IV: Uniform Height and Area Regulations.
2. Revisions to sections of the Zoning Ordinance to ensure that Table IV is properly referenced and enforceable.
3. Addition of Section 13-7 to the Ordinance to clarify that the text of the ordinance shall govern if there is a conflict between a table and the text of the ordinance.

These proposed revisions are recommended to be approved to assist local builders who are trying to pull permits as well as homeowners in the future who are trying to sell their homes and can do so without discovering non-conforming issues.

There was a lengthy discussion regarding the proposed changes including the possible misinterpretation of building area vs. buildable area. Also discussed was how Freese & Nichols Inc. would help with these changes and permit communications until the City has a new Director of Public Services.

City Attorney Thomas said that these proposed zoning amendments will remove the gray area and uncertainty for those property owners and developers when they are trying to buy and sell the properties as they work with title companies, insurance companies, and banks.

Council possibly attending the Planning & Zoning Workshop on May 6th was discussed as well as ordinance reading procedure recommendations by City Attorney Thomas.

City Manager Albert said that he will inform the proposed terminology change in the ordinance of "building" to "buildable" to the Planning & Zoning Commissioners at the workshop on May 6th.

Mayor Chumley ended the Public Hearing and reconvened the Special Meeting at 6:48 p.m.-----

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)

ORDINANCE 2024-02-01: Motion by Barbara Burrow, seconded by Joe Patterson, to pass Ordinance 2024-02 to the second reading at the next scheduled Council Meeting; all five voting "Aye", motion passed.

Mayor Chumley recessed the Special Meeting at 6:50 p.m.-----

11) CONDUCT A PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE CITY'S ZONING ORDINANCE REGARDING MOBILE, MANUFACTURED, AND MODULAR HOMES.

City Manager Albert reminded the Council that this topic had been discussed earlier in the year and the Ordinance presented is the same that Council worked on with City Attorney Thomas.

Earlier this last year, 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, which was an inaccurate interpretation. The Ordinance presented will 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.

Mr. Jones explained that in 1995, the City's zoning ordinance definition of single-family residential was very expansive and appeared to include the thought that it included mobile homes and manufactured homes. The ordinance did not differentiate between mobile homes and manufactured homes. The definition was updated in 1998 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. In 2003, federal legislature drew a distinction between "mobile homes" and HUD Code "manufactured homes" but the City's zoning ordinance was not updated to reflect the required federal law distinctions. The proposed draft amendment would correct the definition regarding mobile, manufactured, and modular homes, replace the references in the appropriate places with the correct definition in the ordinance, rename appropriate sections to specify where manufactured homes are allowed, and add a new section to clarify legal non-conforming manufactured homes.

The proposed amendments will update definitions, clarify interpretations, and 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 Manufactured Home and Manufactured Home Park districts.

Mr. Jones noted that this Ordinance was presented to the Planning & Zoning Commission last night and voted 4 to 1 to approve recommendation to the City Council.

Following the presentation and comments from the public;

Mayor Chumley ended the Public Hearing and reconvened the Special Meeting at 7:00 p.m.-----

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)

ORDINANCE 2024-03-01: Motion by Barbara Burrow, seconded by Joe Patterson, to pass Ordinance 2024-03 to the second reading at the next scheduled City Council meeting; all five voting "Aye", motion passed.

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)

City Manager Albert reminded the Council that on March 12, the Council agreed to implement an interim policy regarding the provision of utility services outside the city limits. The three (3) specifics regarding the policy are as follows:

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 with an agreement 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.

Councilmembers Rainer and Patterson noted that the ordinance number at the end of the copy of the Ordinance needed to be corrected from 2024-03 to 2024-04.

ORDINANCE 2024-04-01: Motion by Joe Patterson, seconded by Barbara Burrow, to pass Ordinance 2024-04 to the second reading at the next scheduled City Council meeting and to correct the ordinance number at the end of the ordinance from 2023-03 to 2024-04; all five voting "Aye", motion passed.

14) DISCUSSION AND POSSIBLE ACTION REGARDING BILL SHOAF UTILITY AGREEMENT.
(SCOTT ALBERT)

City Manager Albert pulled this agenda item as all the required documents were not yet completed.

15) DISCUSSION AND POSSIBLE ACTION REGARDING KELLY ADAIR UTILITY AGREEMENT
(SCOTT ALBERT)

City Manager Albert pulled this agenda item as all the required documents were not yet completed.

16-17) EXECUTIVE SESSION: The Executive Session listed on the agenda was not needed as there was no reason to convene into a closed meeting on any agenda item herein.

18) ADJOURN MEETING AT 7:10 P.M. THIS 23RD DAY OF APRIL, 2024

ATTEST:

APPROVED:

Wendy Cole
City Secretary

Gary M. Chumley
Mayor



Agenda Item: # 8 Consent Agenda

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Wendy Cole, City Secretary

Agenda Item: Discussion and possible action regarding the re-appointment of members to the Planning and Zoning Commission (P & Z)

Information:

- As per the Zoning Ordinance, the Planning and Zoning Commission shall consist of seven members, appointed by Council, for two-year terms each.
- The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places expire shall in odd-numbered years and the even places shall expire in even-numbered years.
- The terms of the members shall begin on May 1st and expire on April 30th two years thereafter.
- Commissioners Wyllis Ament and John Westbrook’s terms expire in 2024 and both are willing to serve another term.
- Additionally, there are 2 vacant seats that need to be filled: Place 4 and Place 7. Staff is seeking citizens that may be interested serving as members on the P&Z. Anyone interested in becoming a member on the P & Z will need to fill out an application and provide a resume. After reviewing qualifications, they will be asked to meet with City Staff for an interview.

Financial Impact: N/A

Staff Recommendation: Staff recommends the following re-appointments to the Planning and Zoning Commission: Wyllis Ament to Place 2 and John Westbrook to Place 6.

Motion: I make the motion to approve the re-appointments of Wyllis Ament to Place 2 and John Westbrook to Place 6 as Commissioners to the Planning & Zoning Commission for another two year term.

Attachments: Planning & Zoning Commission Application

Staff Contacts: wcole@gatesvilletx.com

Gatesville Application for Planning & Zoning Commission

110 N. 8th Street, Gatesville, TX 76528 * Fax # 254-865-8320

INSTRUCTIONS: Answer each question clearly and completely. **If questions are not applicable, enter "NA". Do not leave questions blank.** Be sure to sign when completed. Incomplete applications will not be considered. If more space is required for any question, please attach additional sheets as necessary. Resumes will not be accepted in lieu of an application; you may attach a resume to this completed application. This application will only be considered for the position applied for. To be considered for other positions you will need to complete an additional application per position. The City of Gatesville is an Equal Opportunity Employer and all applicants will receive consideration without regard to race, color, religion, national origin, gender, sexual orientation and/or gender identity, age, and veteran or disability status.

General Information

Name: _____ Other names used: _____
Last, First, Middle Initial

Mailing Address: _____
Number, Street, City, State, Zip Code

Phone #: _____ Alternate Phone #: _____ E-mail: _____

Position Title Applying for: _____ Requisition #: _____ Supervisor: _____

Date you are available to start: _____ Are you 18 or older? Yes No If no, how old? _____

Do you speak, read, or write languages other than English? Yes No

If yes, what languages? _____ How well? Good Fair Excellent

Are you related by blood or marriage to any City employee or Council Member? Yes No If yes, please list below:

NAME	DEPARTMENT/DIVISION	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you currently or have you ever been employed by the City? Yes No If yes, please list below:

POSITION	DEPARTMENT	DATES (From/To)	REASON FOR LEAVING
_____	_____	_____ to _____	_____
_____	_____	_____ to _____	_____

Driver's License or ID & Driving Record Information

Please check one: Driver's License ID If applicable- Is your license a Commercial License? Yes No

State Issued: _____ Number: _____ Expiration Date: _____ Type/Class: _____

* Please list and give date(s) or every moving violation and/or traffic accident in the last three (3) years. (Report any DWI-DUI's under criminal history area on page 6)

Incident	Location	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Education

Name of High School: _____ Diploma GED Did not Graduate

Please indicate highest level of education achieved after High School: _____
Some College, Technical Certificate, Associates, Bachelors, Masters, PhD, etc

Please list additional education information below:

Copies of college transcripts are required when applying for positions requiring degrees; official transcripts are required within the first 30 days of employment.

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

Name/Type of School: _____ Location (City, St): _____

Dates Attended: _____ Date Graduated: _____ Degree Achieved: _____

Major: _____ Minor: _____ If No Degree- Hours Completed: _____

* If you need additional space to list your education history, attach a sheet providing the same information requested above.

Certifications

If Certification, Registration, or a Special License is required for the position, then please complete the following:

License/Certification: _____ Date Issued: _____ Date Expires: _____

Issued by/Location of Issuing Authority: _____ License #: _____

License/Certification: _____ Date Issued: _____ Date Expires: _____

Issued by/Location of Issuing Authority: _____ License #: _____

Other Skills Please list any additional training, machine/equipment operating experience, computer skills, technical skills, or professional knowledge that would support your application.

Employment History

This information will be the official record of your employment history and must accurately reflect all significant duties performed. Include all employment for at least the past ten (10) years as well as military experience. You may add any other relevant experience including volunteer and internship experience. **Begin with your current or most recent job.** Employment history should include each position held, even those with the same employer. Do not use the comment "See Resume". If you need additional space to adequately describe your employment history, you may attach additional pages. This information will be used to determine if you meet the minimum work related experience for the position you are applying for.

Job Title: _____ Employer: _____

Employer Address: _____

Supervisor's Name & Title: _____ Supervisor's Phone #: _____

Average Hours Worked Per Week _____ Starting Date: _____ Ending Date: _____ Final Salary: _____

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Job Title: _____ Employer: _____

Employer Address: _____

Supervisor's Name & Title: _____ Supervisor's Phone #: _____

Average Hours Worked Per Week _____ Starting Date: _____ Ending Date: _____ Final Salary: _____

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Employment History- continued

Job Title: _____ Employer: _____

Employer Address: _____

Supervisor's Name & Title: _____ Supervisor's Phone #: _____

Average Hours Worked Per Week _____ Starting Date: _____ Ending Date: _____ Final Salary: _____

If applicable, How many employee's did you supervise? _____ May we contact this employer? Yes No

Specific Reason for Leaving or Wanting to Leave: _____

Summary of Job Duties and Responsibilities:

Personal References

Please do not list former employers or relatives. Those listed should be familiar with your qualifications for employment.

Name and Occupation:

City/State of Residence:

Phone Number:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Please Read Before Signing

I certify that all information in this application is true and correct. I understand and agree that any false information, misrepresentation, or concealment of fact is sufficient grounds for either my immediate discharge without recourse, or refusal by the City of Gatesville.

I understand and agree that all information in this application may be verified by the City of Gatesville. I also understand that any position is subject to a satisfactory check of references.

I authorize all individuals and organizations named or referenced to in this application, or given otherwise by me as references, to give the City of Gatesville all information relative to my employment, work habits, and character. I authorize the City of Gatesville to verify and investigate the status of my driver's license and to conduct any background check it deems necessary, including review of criminal history records. I hereby release the City, and any individual who provides or obtains information pursuant to this authorization, from any and all liability for damages of any kind that may result to me on account of compliance, or attempts to comply with this authorization. I am also aware that my application is subject to the Texas Open Records Law and may be released as a public document.

I understand that this is not an agreement between the City of Gatesville and the applicant.

X _____
Applicant Signature

Date

Personal Declaration Statement.

Using this page please state your reason and motivation for volunteering to sit on the Planning and Zoning Commission for the City of Gatesville, TX:

[Empty box for personal declaration statement]

General Fund

Revenues	MARCH	2023-24	2023-24	% YTD
		Budget	YTD	
AV Taxes	134,360	2,799,236	2,962,227	105.8%
Sales Tax	219,859	2,909,568	1,458,827	50.1%
Franchise Fees	186,162	797,203	517,757	64.9%
Fines & Fees	11,572	151,000	80,438	53.3%
Other taxes	980	15,000	6,517	43.4%
Licenses & Permits	61,435	36,600	100,205	273.8%
Rental Income	5,679	33,500	38,187	114.0%
Parks & Rec	39,118	380,000	230,474	60.7%
Misc. Revenues	24,954	151,500	203,495	134.3%
Intergovernmental	-	-	-	
Inter fund Transfers	53,861	777,785	323,169	41.5%
TOTAL REVENUES	737,981	8,051,392	5,921,295	73.5%
Expenditures				
LIBRARY				
Personnel Svcs.	12,374	178,241	74,332	41.7%
O&M	3,360	96,355	54,663	56.7%
Total	15,734	274,596	128,995	47.0%
ADMINISTRATION				
Personnel Svcs.	51,562	686,597	311,960	45.4%
O&M	82,004	713,951	326,505	45.7%
Total	133,566	1,400,548	638,465	45.6%
PLANNING				
Personnel Svcs.	5,870	164,047	70,039	42.7%
O&M	30,395	19,160	41,779	218.1%
Total	36,266	183,207	111,817	61.0%
POLICE				
Personnel Svcs.	150,940	2,245,666	1,086,893	48.4%
O&M	62,819	462,549	311,304	67.3%
Total	213,759	2,708,215	1,398,197	51.6%
COURT				
Personnel Svcs.	11,552	149,766	71,702	47.9%
O&M	3,571	49,870	30,072	60.3%
Total	15,123	199,636	101,774	51.0%
FIRE				
Personnel Svcs.	83	1,000	500	50.0%
O&M	18,701	311,554	143,318	46.0%
Total	18,784	312,554	143,818	46.0%
STREET				
Personnel Svcs.	56,516	544,908	265,242	48.7%
O&M	23,845	862,338	279,656	32.4%
Total	80,361	1,407,246	544,897	38.7%
FLEET SERVICES				
Personnel Svcs.	6,618	76,377	38,869	50.9%
O&M	4,007	38,100	19,764	51.9%
Total	10,625	114,477	58,633	51.2%
BUILDING INSPECTIONS				
Personnel Svcs.	5,813	164,950	31,568	19.1%
O&M	1,020	48,777	14,440	29.6%
Total	6,833	213,727	46,009	21.5%
PARKS & RECREATION				
Personnel Svcs.	38,121	475,883	226,016	47.5%
O&M	16,334	224,757	108,780	48.4%
Total	54,455	700,640	334,796	47.8%
Fitness Center				
Personnel Svcs.	10,646	155,679	65,279	41.9%
O&M	6,397	150,152	95,128	63.4%
Total	17,043	305,831	160,407	52.4%
SWIMMING POOL				
Personnel Svcs.	-	64,590	-	0.0%
O&M	1,143	45,814	12,480	27.2%
Total	1,143	110,404	12,480	11.3%
CIVIC CENTER				
Personnel Svcs.	7,519	81,183	45,550	56.1%
O&M	1,587	39,128	28,635	73.2%
Total	9,106	120,311	74,186	61.7%
TRANSFER EXPENSE				
	-	-	-	
TOTAL EXPENDITURES	612,798	8,051,392	3,754,474	46.6%
Gain (Loss)			2,166,821	

Water & Sewer Fund

	MARCH	2023-24 Budget	2023-24 YTD	% YTD
Water				
Revenues				
Water Sales				
Residential	137,949	1,949,288	878,093	45.0%
Commercial And Institutional	180,775	2,294,232	1,120,031	48.8%
Wholesale	70,097	1,041,281	488,867	46.9%
Connections & Installs	772	31,300	10,457	33.4%
Misc.	7,607	71,000	45,772	64.5%
Subtotal	<u>397,200</u>	<u>5,387,101</u>	<u>2,543,220</u>	47.2%
Expense				
Distribution				
Personnel	58,256	749,552	361,469	48.2%
O&M	31,570	710,034	474,286	66.8%
Capital Outlay	8,618	2,504,932	763,059	30.5%
Production				
Personnel	28,998	449,415	184,959	41.2%
O&M	58,599	2,508,918	814,358	32.5%
Capital Outlay	188,573	2,383,271	491,504	20.6%
Subtotal	<u>374,614</u>	<u>9,306,122</u>	<u>3,089,636</u>	33.2%
Sewer				
Revenues				
Sewer Fees				
Residential	109,443	1,023,717	653,502	63.8%
Commercial And Institutional	164,530	2,074,791	1,034,142	49.8%
Connections & Installs	176	9,300	1,045	11.2%
Misc.	2,717	19,250	16,843	87.5%
Subtotal	<u>276,866</u>	<u>3,127,058</u>	<u>1,705,532</u>	54.5%
Expense				
Personnel	38,035	473,384	247,098	52.2%
O&M	68,888	1,658,462	467,931	28.2%
Capital Outlay	-	8,321,036	595,397	7.2%
Subtotal	<u>106,923</u>	<u>10,452,882</u>	<u>1,310,426</u>	12.5%
Sanitation				
Revenues	73,784	794,280	428,126	53.9%
Expense	71,449	788,200	352,360	44.7%
Non Departmental				
Revenues				
Grants & reimbursements	196,564	12,026,904	1,074,790	8.9%
Interest	66,046	300,400	319,737	106.4%
Subtotal	<u>262,611</u>	<u>12,327,304</u>	<u>1,394,527</u>	11.3%
Expense				
Transfers and Franchise fees	89,317	1,088,539	545,285	50.1%
Grand Total				
Revenues	1,010,461	21,635,743	6,071,405	28.1%
Expense	642,303	21,635,743	5,297,707	24.5%
Gain (Loss)	368,158	-	773,698	

General Fund Report

Revenues:

Property Taxes

Property taxes are at 106% of the budget. Property taxes are due at the end of January, collections will taper off.

Licenses & Permits

Licenses and permits stand at 274% due to fees associated with increased development and re development occurring in the city.

Rental Income

Rental income stands at 114%, primarily from Civic Center rentals.

Miscellaneous

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

Expenses:

Library

Library expenses for purchasing books and other materials and supplies is slightly elevated, but will not exceed budget. Proprietary restroom fixtures in the Library and the Civic Center are being evaluated due to increased refill costs. Subscriptions and software maintenance agreements have been renewed in the earlier parts of the year, and are not expected to exceed budget. Grant reimbursements will offset some costs associated with the inter library loan courier service.

Administration

Administration's utility costs have exceeded budget due to an electric billing issue with the transition to the new city hall location. The issue has been resolved and is a one time issue. Memberships have exceeded budget due to unexpected Karst coalition invoices from prior years.

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 exceeding budgeted amounts. In mid April, credit card fees were passed to the customer for all fines, fees, utility charges, and all other credit card transactions.

Fire

Equipment purchases, including replacement hoses, was completed as part of the budget. Expenditures for equipment are anticipate to remain within budget. Training is primarily done in July, and not expected to exceed budget. Repairs and maintenance line is under budget, as parts for Engine #3 are proving difficult to find.

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.

Parks and Rec. & Fitness Center

Par and Rec, materials and supplies are increasing due to increased tournament activity. The majority of the league fees are for the youth baseball & softball seasons which have been paid for now. The increase is due to Gatesville being awarded a state tournament that includes an allocation fee which has also been paid for. Uniforms and field improvement expenses were for one time purchases early in the budget year and will not exceed budgeted amounts. 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. The Civic Center restrooms have dispenser that require proprietary products. The same systems were installed in the Library. Staff is evaluating replacement dispensers that accept non branded products.

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 year.

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 Distribution Capital Outlay:

The Lovers Lane project is nearing completion. Water and Sewer lines have been replaced with pavement repairs beginning in the next quarter. Mills Street Phase 2 is near completion with water and sewer lines replaced and pavement repairs commenced.

Water Production Capital Outlay:

Water production involves several major projects, including the clarifiers and the mini-CIP. Work on the grant funded clarifier rehab is complete. Work on the other clarifier is still underway. The water production mini CIP is nearing completion.

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.

City of Gatesville TX FY2023-2024 2nd Quarter Investment Report

Fund	Description	Type	Book Value 12/31/23	Market Value 2/28/2024	Interest Earned	Book Value 3/31/24	Market Value 3/31/2024	Days to Mat	Unrealized Gain/Loss	Change in Market Value
999-1000	Pooled Cash	BNKDEP	\$ 3,347,099	\$ 3,347,099	\$ 1,562	\$ 3,720,259	\$ 3,720,259	1	\$ -	\$ 373,160.38
020-1126	FT HOOD WWR RESERVE	MMF	\$ 384,573	\$ 384,573	\$ 143	\$ 384,717	\$ 384,717	1	\$ -	\$ 143.44
020-1050	2019 TWDB BOND PROCEEDS (BOKF)	MMF	\$ 8,863,647	\$ 8,863,647	\$ 112,152	\$ 8,939,560	\$ 8,939,560	1	\$ -	\$ 75,912.35
020-1134	2019 TWDB BOND reserve	MMF	\$ 480,551	\$ 480,551	\$ 183	\$ 499,064	\$ 499,064	1	\$ -	\$ 18,513.12
020-1100	TEXSTAR CLFR FUNDS 1	LGIP	\$ 616,768	\$ 616,768	\$ 6,009	\$ 349,502	\$ 349,502	1	\$ -	\$ (267,266.08)
020-1101	TEXSTAR CLFR FUNDS 2	LGIP	\$ 1,478,876	\$ 1,478,876	\$ 19,654	\$ 1,498,530	\$ 1,498,530	1	\$ -	\$ 19,654.35
010-1030	TEXSTAR GENERAL FUND RESERVES	LGIP	\$ 1,021,171	\$ 1,021,171	\$ 20,898	\$ 2,041,869	\$ 2,041,869	1	\$ -	\$ 1,020,697.87
020-1031	TEXSTAR W&S FUND RESERVES	LGIP	\$ 1,021,171	\$ 1,021,171	\$ 13,571	\$ 1,034,743	\$ 1,034,743	1	\$ -	\$ 13,571.43
010-1018	TEXPOOL MMA	LGIP	\$ 447,209	\$ 447,209	\$ 5,968	\$ 453,177	\$ 453,177	1	\$ -	\$ 5,967.85
090-1101	BANKOZK LEASE PUR ESC 2023	MMF	\$ 289,636	\$ 289,636	\$ 2,936	\$ 8,265	\$ 8,265	1	\$ -	\$ (281,370.31)
040-1030	TEXSTAR HOT FUNDS	LGIP	\$ -	\$ -	\$ 3,920	\$ 553,920	\$ 553,920	1	\$ -	\$ 553,919.55
090-1030	TEXSTAR GENERAL CAPITAL PROJ	LGIP	\$ -	\$ -	\$ 7,126	\$ 1,007,126	\$ 1,007,126	1	\$ -	\$ 1,007,126.44
Totals			\$ 17,950,702	\$ 17,950,702	\$ 182,876	\$ 20,490,732	\$ 20,490,732		\$ -	\$ 2,540,030.39

Type Breakdown:	Book Value	Percent of portfolio	Wtd Avg Mat	Wtd Avg Yield
LGIP	6,938,867	33.86%	1	1.4921%
MMF	9,831,606	47.98%	1	1.2043%
BNKDEP	3,720,259	18.16%	1	0.0420%
	20,490,731.92	100.00%	1	1.08075%

This report is in compliance with the City of Gatesville Investment Policy and the Public Funds Investment Act (Sec. 2256.023).

Scott L. Albert
 Scott Albert
 City Manager/Investment Officer

Mike Haisema
 Mike Haisema
 Finance Director/Investment Officer



Consent Agenda: #8 Resolution 2024-43

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Wendy Cole, City Secretary

Agenda Item: Discussion and possible action to approve Keep Gatesville Beautiful Committee Board members.

Information:

The Keep Gatesville Beautiful Inc. (KGB) Organization was approved by the Gatesville City Council on April 11, 2017. The members and chairperson of the KGB Committee are appointed by the KGB Committee and further approved by the Gatesville City Council.

Committee Board Members were nominated and approved by Keep Gatesville Beautiful and the City Council in January 2024 and Shelley Herring was approved at that time as the Chairperson. Ms. Herring resigned at the May 2, 2024 KGB meeting.

The KGB Committee nominated Dusti Morgan as Chairperson and now must further be approved by the Gatesville City Council.

Additionally, City Staff Ex-Officio members Cheri Shepherd and Liz Reinhardt have both retired from the City of Gatesville, therefore, there is a vacancy for a City Staff Ex-Officio member. Ms. Reinhardt has decided to remain a member of the KGB Committee.

The organizational guidelines determine that the number on the governing board shall not exceed ten members or less than six members. The Committee is still in compliance with eight members.

Staff Recommendation:

Approve the resignation of Shelley Herring as KGB Chairperson and approve the nomination of Dusti Morgan as Keep Gatesville Beautiful Committee Chairperson. Also, approve the resignations of Cheri Shepherd and Liz Reinhardt as Staff Ex-Officio members, with Liz remaining a Committee Board member.

Motion: I make a motion to approve Dusti Morgan as Chairperson of the Keep Gatesville Beautiful Committee and approve the resignations of Shelley Herring as KGB Chairperson and Liz Reinhardt and Cheri Shepherd as Staff Ex-Officio Members and approve Liz Reinhardt to remain as a KGB Board member.

Attachments: None

Staff Contact: Wendy Cole, City Secretary wcole@gatesvilletx.com



Gatesville City Council
803 E. Main Street
Gatesville, TX 76528

04/29/2024

On behalf of the Gatesville Chamber of Commerce, I am writing to request that the City of Gatesville join us for the 50th Anniversary of the Gatesville Shivaree event to be held in downtown Gatesville.

We kindly seek permission to extend the closure of the streets down to the intersection of E. Leon Street and South 8th Street as well as the intersection of South 7th street and Bridge Street.

We will personally visit the businesses on the square to discuss the event and encourage them to remain open during the festivities. We are enthusiastic about hosting an event that benefits local businesses and fosters a stronger sense of community.

Your consideration of this request is greatly appreciated.

A handwritten signature in black ink that reads "Mason K. Matthews".

Mason K. Matthews

President – Gatesville Chamber of Commerce

Cell – 254-206-0488 Email – gatesvillecoc@gmail.com

Growing Business. Building Community.



Agenda Item #10

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Scott L. Albert, City Manager

Agenda Item: Discussion and possible action regarding Kelly Adair Utility Service Agreement.

Information:

This evening, the City Council will need to decide whether to enter into a utility service agreement to provide water service to fourteen lots outside the city limits and outside the city's ETJ.

Approximately ten years ago, water service was extended to the Anointed Acres, a subdivision located along Chantry Lane outside the city limits. This subdivision comprises twenty-four lots, 14 of which remain under the ownership of the developer, Mr. Adair. Anointed Acres is situated well beyond both the city limits and the Extraterritorial Jurisdiction (ETJ). Please refer to the attached location map, where the vicinity of the subdivision is highlighted in pink, illustrating its position relative to the city limits and ETJ.

Several months ago, Mr. Adair requested a water meter for one of his lots. He was informed that the city was considering discontinuing utility services outside the city limits unless the property was annexed. Consequently, Mr. Adair was advised that a Utility Service Agreement would be presented to the City Council to consider if the city would continue providing water service to his remaining 14 lots.

On March 12, 2024, the City Council approved an interim policy regarding utility services outside the city limits, summarized as follows:

1. Properties adjacent to the city limits requesting utility services must be annexed into the city before services are provided.
2. For properties not immediately adjacent to the city limits, annexation must occur before utility services are provided, if the city staff and city attorney can devise a feasible annexation plan.
3. For properties within the Extraterritorial Jurisdiction (ETJ) that cannot be annexed, the City Council will consider providing utility services on a case-by-case basis.

The City Council is currently deliberating on an ordinance to formalize this interim policy.

Annexing Mr. Adair's residential lots would currently be challenging due to their distance from the city limits. Acquiring the necessary non-annexation agreements to create adjacency would require significant effort, contingent on all relevant property owners agreeing to such agreements.

Mr. Adair respectfully requests that the City Council approve a utility service agreement for water service to his remaining fourteen lots in the Anointed Acres subdivision.

Staff Recommendation:

The staff recommends that the City Council approve the attached utility service agreement agreeing to provide water service to the remaining fourteen lots in the Anointed Acres subdivision.

Motion:

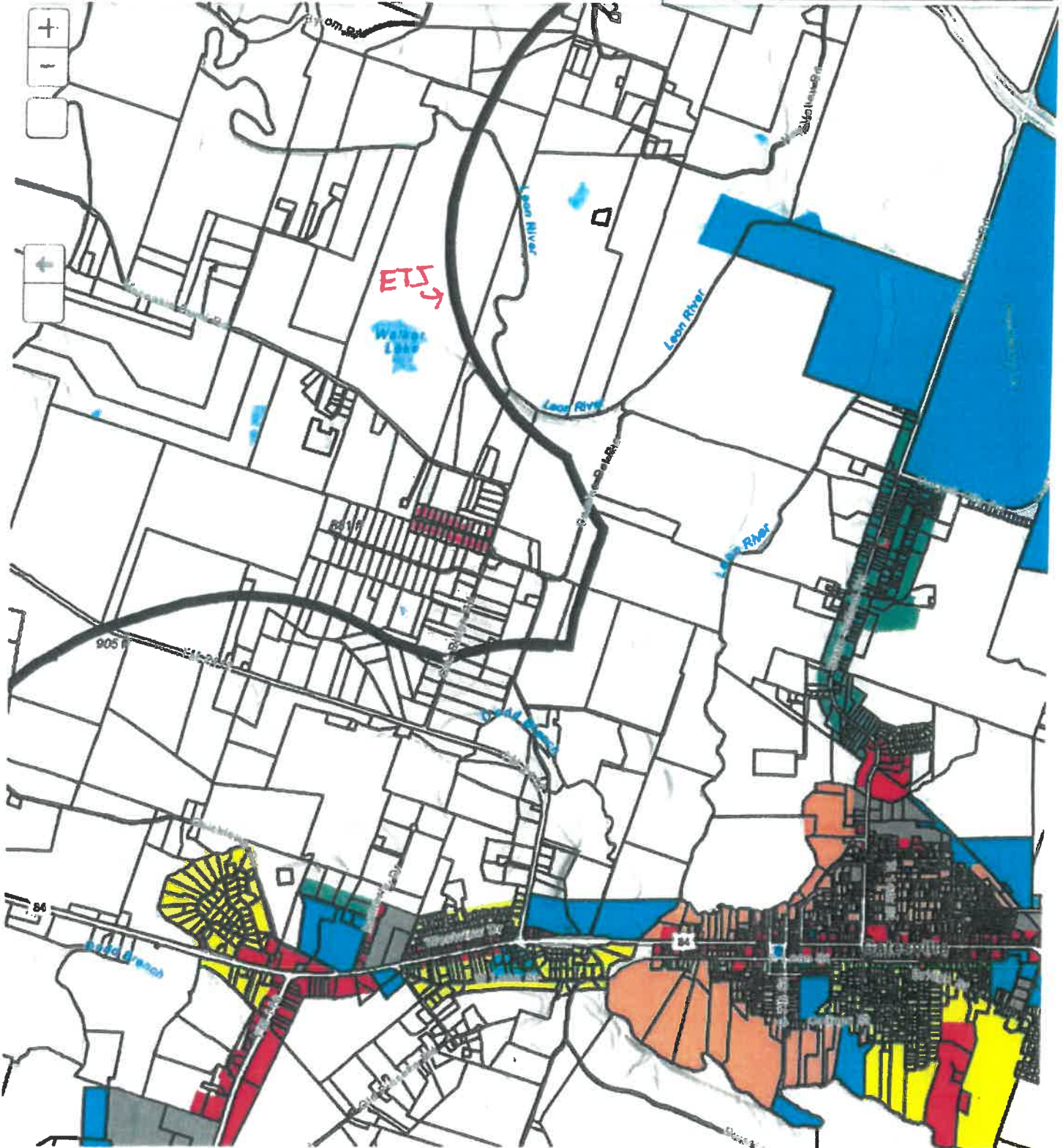
Move to approve entering into a utility service agreement with Kelly Adair to provide water service to fourteen residential lots in the Anointed Acres Subdivision, as described in the agreement.

Attachments:

- Map depicting location of the subdivision being serviced by the city in relation to the city limits and ETJ.
- Utility Service Agreement.

Staff Contacts:

Scott Albert, City Manager – salbert@gatesvilletx.com



0.6mi

When Recorded, Mail to:
City Secretary
City of Gatesville
803 E. Main Street
Gatesville, Texas 76528

**CITY OF GATESVILLE
AGREEMENT TO EXTEND UTILITY SERVICE OUTSIDE CITY LIMITS**

This Agreement is entered into on the ____ day of _____, 2024, by and between the City of Gatesville, Texas ("City") and Adair Homes, LLC, a Texas limited liability company ("Adair Homes") to extend water utility service to a development comprised of **twenty-four (24)** residential lots as described herein. City and Adair Homes may each be referred to as a "Party" or collectively as the "Parties."

RECITALS

A. City is a Texas home rule municipality located in Coryell County, Texas and is authorized pursuant to Home Rule Charter section 10.10 and Section 56-6 of the Code of Ordinances, in its discretion, to provide water services to the Property.

B. Adair Homes did hold fee title to real property comprised of twenty-four lots Property ID Nos. 152430 through 152453 but as of the effective date of this agreement Mr. Adair only holds fee title to **fourteen lots identified by Coryell Appraisal District by Property ID Nos. 152430, 152431, 152437, 152438, 152439, 152440, 152442, 152443, 152445, 152447, 152448, 152449, 152450, and 152453** and being more particularly described and depicted on Exhibit "A" attached hereto and incorporated herein by this reference (collectively, the "Property").

C. The Property is situated beyond City's territorial limits but is within the limits of City's service area for the utility service to be provided pursuant to this Agreement.

D. Adair Homes has made written application to City for extension of water utility services to the Property.

E. The City Council has approved Adair Homes' request for provision of water services to the Property on and subject to the terms and conditions stated in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals and the mutual obligations contained herein, the sufficiency of which is acknowledge by the Parties, City and Adair Homes hereby covenant and agree as follows:

1. **Provision of Utility Services:** City shall provide to the Property water utility service on and subject to all the terms and conditions stated in this Agreement.
2. **Improvements & Dedications:** Adair Homes shall be responsible for the installation of the improvements deemed necessary by City for delivery of the water utility services to the Property. Adair Homes shall be responsible for obtaining and dedicating or causing to be dedicated to City all rights-of-way in fee and/or easements deemed necessary by City for delivery of the water utility services.
3. **Charges, Fees & Assessments Payable At Permitting.** Adair Homes shall pay all fees, charges, expenses, and assessments necessary for installing water meters.
4. **No Diversion of Services.** Adair Homes acknowledge and agree that the water utility services provided by City under this Agreement are solely intended to serve the Property (24 lots) and no other real property. Adair Homes shall not and are expressly prohibited from diverting, conveying, transferring or otherwise allowing any of the utility services, or any part of any of the utility services, to serve any other real property. City acknowledges that the Property is comprised of **twenty-four** lots, each of which will be served by the water utility services pursuant to this Agreement. In the event the Property is split, divided or subdivided into further separate parcels, water utility services will continue to be provided under this Agreement only for the benefit of the parcels of real property identified in this agreement.
5. **Compliance with City Requirements:** Adair Homes shall comply with all applicable provisions of the Code concerning delivery of utility services outside city limits and concerning City utility services generally. Adair Homes shall comply with all written policies of the Public Works Department implementing said Code provisions, and the same shall be deemed to have been incorporated herein by this reference. Without limiting the previous general requirements of compliance stated in this **section 6**, Adair Homes shall cause the Property to meet the same development standards required by City of properties within the limits of the City to the maximum extent reasonably possible as determined by the City Engineer and the City's Development Services Manager.
6. **Consent to Future Annexation:** At the present time it may be impractical or not feasible for City to annex the Property. Therefore, Adair Homes hereby agrees and consents to join in, and be signer of, any future annexation petition that encompasses the Property.
7. **Discontinuance of Utility Services:** A utility service provided to the Property under this Agreement may be discontinued in accordance with the procedures and for the reasons stated in Code, as applicable to the utility service provided.

8. Statement of Public Policy: This Agreement shall not be construed as limiting the right of Adair Homes, or any successor in interest of Adair Homes to all or any portion of the Property, to appear and testify in support of or in opposition to zoning changes, building permits, or any other official act affecting the Property before a governmental body or officials considering such matters, including, but not limited to, the ability to file such protests and objections as may be permitted by law considering the formation of an improvement district, the extent of the district or any assessment or contract related thereto.

9. Entire Agreement: This Agreement, including the recitals and exhibits thereto which are expressly made a part of this Agreement, contains the entire agreement between the Parties and no statement, promise or inducement made by either Party, or agent of either Party, that is not contained in this written contract shall be valid or binding, and this Agreement may not be enlarged, modified, or altered, except in writing, signed by the Parties and endorsed hereon.

10. Binding Effect: This Agreement shall be recorded, shall run with the land, and inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns.

11. Interpretation: This Agreement shall be construed in accordance with the laws of the State of Texas. If any court of competent jurisdiction declares any portion or portions of this Agreement invalid, the remaining provisions hereof shall remain in full force and effect.

12. Enforcement: Either Party may enforce this Agreement in a court of law or equity, and the prevailing party shall be entitled to recover the reasonable costs and expenses, including reasonable attorney fees, that the Party incurs

IN WITNESS WHEREOF, the Parties hereto have signed this Agreement on the date and year first above written.

ADAIR HOMES, LLC, a Texas Limited Liability Company

By: _____
James Kelly Adair, Managing Member

STATE OF TEXAS

County of Coryell

On this ___ day of _____, 2024 before me, the undersigned Notary Public, personally appeared JAMES KELLY ADAIR, being known to me or proven to me to be the person whose name is subscribed within this instrument and acknowledged that he is the Managing Member of Adair Homes, LLC, a Texas limited liability company, and that he has executed this instrument on behalf of Adair Homes, LLC as its act and deed after first having been duly authorized so to do

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:

CITY OF GATESVILLE, TEXAS

By: _____
Scott Albert, City Manager

Attest:

Wendy Cole, City Secretary

Approved as to Form:

Victoria Thomas, City Attorney

4863-1303-8517, v. 1

EXHIBIT "A"

4863-1303-8517, v. 1

Kelly Adair



5/7/2024, 9:51:56 AM

Parcels

Abstracts



1:4,514
0 0.03 0.05 0.1 0.13 mi
0 0.07 0.2 km
Earl Community Maps Contributors, Texas Parks & Wildlife, ©
OpenStreetMap, Microsoft, CONANP, Earl, TomTom, Garmin, SafeGraph,
Coyell Central Appraisal District, BIS Consulting - www.bisconsulting.com
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



Agenda Item #11

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Scott L. Albert, City Manager

Agenda Item: Discussion and possible action regarding Bill and Beverly Shoaf Utility Service Agreement.

Information:

This evening, the City Council will need to decide whether to enter into a utility service agreement to provide wastewater services to two lots outside the city limits.

Approximately two years ago, staff members purportedly agreed to provide wastewater services to two residential lots in the Fort Gates area (Property IDs: 114740 and 114741), owned by Bill and Beverly Shoaf.

A few months ago, Mr. Shoaf requested sewer connections for these lots, as previously discussed. However, he was informed that the city was contemplating discontinuing utility services to areas outside the city limits unless those areas were annexed. As a result, Mr. Shoaf was advised that his request for sewer services would need City Council approval via a Utility Service Agreement.

Mr. Shoaf's lots are located within the city's Extraterritorial Jurisdiction (ETJ), approximately 1,300 feet from the city limits and SH 36. The attached location map, with the lots highlighted in pink, shows their proximity to the city limits.

On March 12, 2024, the City Council approved an interim policy concerning utility services outside the city limits, summarized as follows:

1. Properties adjacent to the city limits must be annexed into the city before utility services are provided.
2. For properties not immediately adjacent to the city limits, annexation must occur before utility services are provided, if city staff and the city attorney can devise a feasible annexation plan.
3. For properties within the ETJ that cannot be annexed, the City Council will consider providing utility services on a case-by-case basis.

The City Council is currently discussing an ordinance to formalize this interim policy.

Annexing Mr. Shoaf's lots is feasible but would require efforts to determine if adjacent property owners are willing to enter non-annexation agreements with the city. This could create the necessary adjacency for annexing Mr. Shoaf's property.

Staff Recommendation:

The staff recommends that the City Council approve the attached utility service agreement, which authorizes the provision of wastewater service to the following two lots Property IDs: 114740 and 114741 located in the Fort Gates area.

Motion:

Move to approve entering into a utility service agreement with Bill and Beverly Shoaf to provide wastewater service to two lots identified by the following Property ID numbers: 11470 and 114741.

Attachments:

- Map depicting location of the subdivision being serviced by the city in relation to the city limits and ETJ.
- Utility Service Agreement.

Staff Contacts:

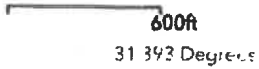
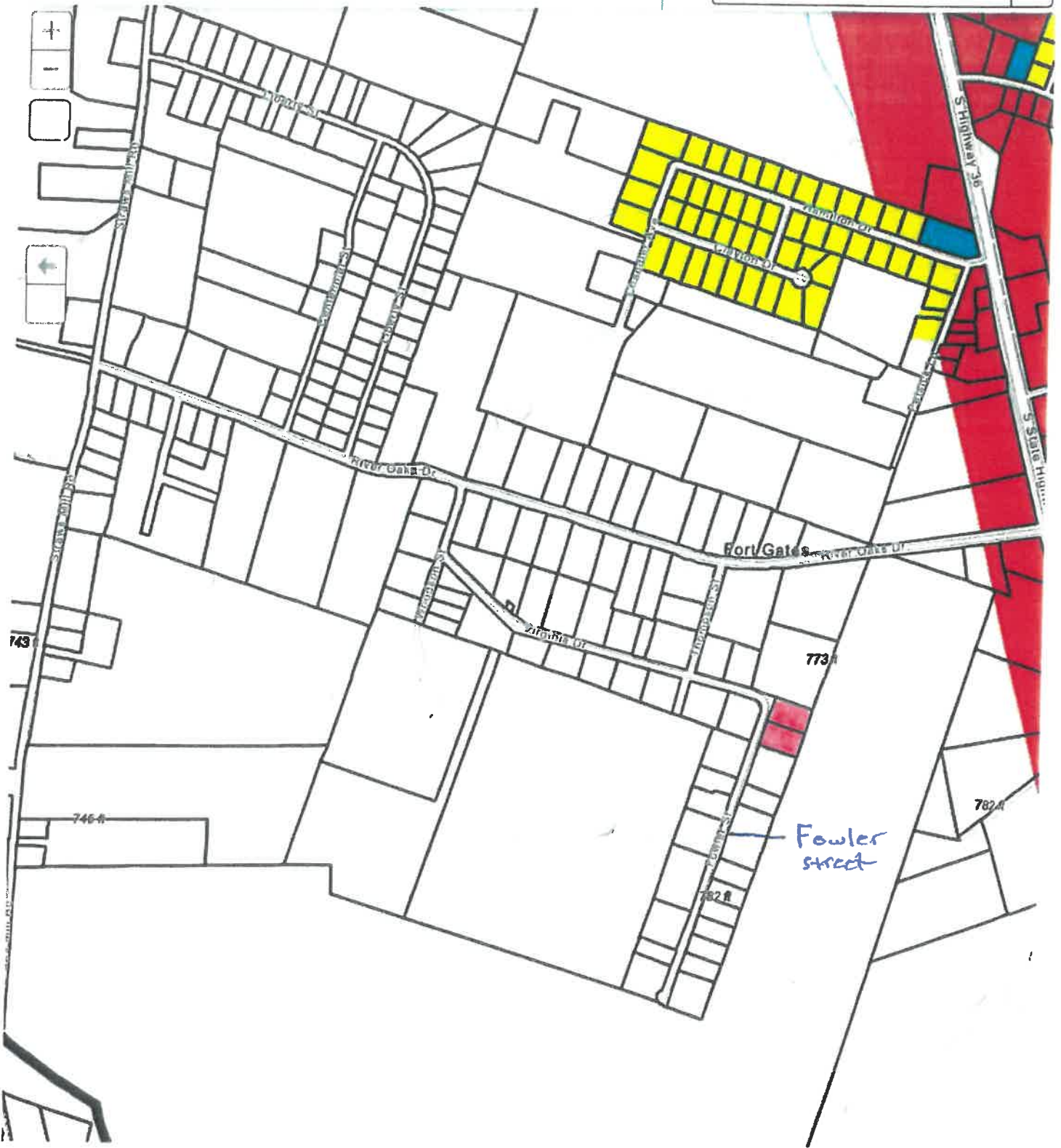
Scott Albert, City Manager – salbert@gatesvilletx.com



Zoning Map

Last Updated September 2023

Find address or place



When Recorded, Mail to:
City Secretary
City of Gatesville
803 E. Main Street
Gatesville, Texas 76528

**CITY OF GATESVILLE
AGREEMENT TO EXTEND UTILITY SERVICE OUTSIDE CITY LIMITS**

This Agreement is entered into on the 9th day of April, 2024, by and between the City of Gatesville, Texas ("City") and Bill and Beverly Shoaf (jointly and severally, "Shoafs") to extend wastewater utility service to two parcels of real property described herein. City and Shoafs may each be referred to as a "Party" or collectively as the "Parties."

RECITALS

A. City is a Texas home rule municipality located in Coryelle County, Texas and is authorized pursuant to Home Rule Charter section 10.10 and Section 56-6 of the Code of Ordinances, in its discretion, to provide sanitary sewer services to the Property.

B. The Shoafs hold fee title to the following real property: (1) an approximately 0.6508 acre parcel identified by Coryell Appraisal District by Property ID 114740, and being further described as River Oaks Estates Sec. A, Block 6, Lot 1; and (2) an approximately 0.6508 acre parcel identified by Coryell Appraisal District by Property ID 114741, and being further described as River Oaks Estates Sec. A, Block 6, Lot 2, all being legally described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference (collectively, the "Property").

C. The Property is situated beyond City's territorial limits but is within the limits of City's service area for the utility service to be provided pursuant to this Agreement.

D. The Shoafs have made written application to City for extension of sanitary sewer utility services to the Property.

E. The City Council has approved the Shoafs' request for provision of sanitary sewer services to the Property on and subject to the terms and conditions stated in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals and the mutual obligations contained herein, the sufficiency of which is acknowledged by the Parties, City and Shoafs hereby covenant and agree as follows:

1. Provision of Utility Services: City shall provide to the Property sanitary sewer utility service on and subject to all of the terms and conditions stated in this Agreement.

2. Improvements & Dedications: Shoafs shall be responsible for the installation of the improvements deemed necessary by City for delivery of the sanitary sewer utility services to the Property. Shoafs shall be responsible for obtaining and dedicating or causing to be dedicated to City all rights- of-way in fee and/or easements deemed necessary by City for delivery of the sanitary sewer utility services.

3. Charges, Fees & Assessments Payable At Permitting. Shoafs shall pay all fees, charges, expenses, and assessments necessary for installing the sanitary sewer service.

4. Charges & Fees Payable With Utility Services. In addition to the final costs to be paid pursuant to subsection 2.7 above, Shoafs shall pay services charges and fees, usually paid on a monthly basis, pursuant to rates established by City from time to time.

5. No Diversion of Services. Shoafs acknowledge and agree that the sanitary sewer utility services provided by City under this Agreement are solely intended to serve the Property and no other real property. Shoafs shall not and are expressly prohibited from diverting, conveying, transferring or otherwise allowing any of the utility services, or any part of any of the utility services, to serve any other real property. City acknowledges that the Property is comprised of two lots, each of which will be served by the sanitary sewer utility services pursuant to this Agreement. In the event the Property is split, divided or subdivided into further separate parcels, sanitary sewer utility services will continue to be provided under this Agreement only for the benefit of the parcels of real property on which is situated a principal or main building that existed on the Property prior to such split, division or subdivision.

6. Compliance with City Requirements: Shoafs shall comply with all applicable provisions of the Code concerning delivery of utility services outside city limits and concerning City utility services generally. Shoafs shall comply with all written policies of the Public Works Department implementing said Code provisions, and the same shall be deemed to have been incorporated herein by this reference. Without limiting the previous general requirements of compliance stated in this section 6, Shoafs shall cause the Property to meet the same development standards required by City of properties within the limits of the City to the maximum extent reasonably possible as determined by the City Engineer and the City's Development Services Manager.

7. Consent to Future Annexation: At the present time it may be impractical or not feasible for City to annex the Property. Therefore, Shoafs hereby agree and consent to join in, and be signer of, any future annexation petition that encompasses the Property.

8. Discontinuance of Utility Services: A utility service provided to the Property under this Agreement may be discontinued in accordance with the procedures and for the reasons stated in Code, as applicable to the utility service provided.

Page 1 of 5

UtilityServiceOutsideCity.doc

9. Statement of Public Policy: This Agreement shall not be construed as limiting the right of Shoafs, or any successor in interest of Shoafs to all or any portion of the Property, to appear and testify in support of or in opposition to zoning changes, building permits, or any other official act affecting the Property before a governmental body or officials considering such matters, including, but not limited to, the ability to file such protests and objections as may be permitted by law considering the formation of an improvement district, the extent of the district or any assessment or contract related thereto.

10. Entire Agreement: This Agreement, including the recitals and exhibits thereto which are expressly made a part of this Agreement, contains the entire agreement between the Parties and no statement, promise or inducement made by either Party, or agent of either Party, that is not contained in this written contract shall be valid or binding, and this Agreement may not be enlarged, modified, or altered, except in writing, signed by the Parties and endorsed hereon.

11. Binding Effect: This Agreement shall be recorded, shall run with the land, and inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns.

12. Interpretation: This Agreement shall be construed in accordance with the laws of the State of Texas. If any court of competent jurisdiction declares any portion or portions of this Agreement invalid, the remaining provisions hereof shall remain in full force and effect.

13. Enforcement: Either Party may enforce this Agreement in a court of law or equity, and the prevailing party shall be entitled to recover the reasonable costs and expenses, including reasonable attorney fees, that the Party incurs

IN WITNESS WHEREOF, the Parties hereto have signed this Agreement on the date and year first above written.

Bill Shoaf

Bill Shoaf

Beverly Shoaf

UtilityServiceOutsideCity.doc

Beverly Shoaf

STATE OF TEXAS

County of Coryell

On this 9th day of April, 2024 before me, the undersigned Notary Public, personally appeared BILL SHOAF and BEVERLY SHOAF, each being known to me or proven to me to be the persons whose names are subscribed within this instrument and acknowledged that they executed the same for the purpose therein contained.

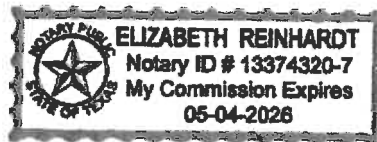
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

E Reinhardt

Notary Public

My Commission Expires:

05/04/2026



CITY OF GATESVILLE, TEXAS

By: _____
Scott Albert, City Manager

Attest:

Wendy Cole, City Secretary

Approved as to Form:

Victoria Thomas, City Attorney

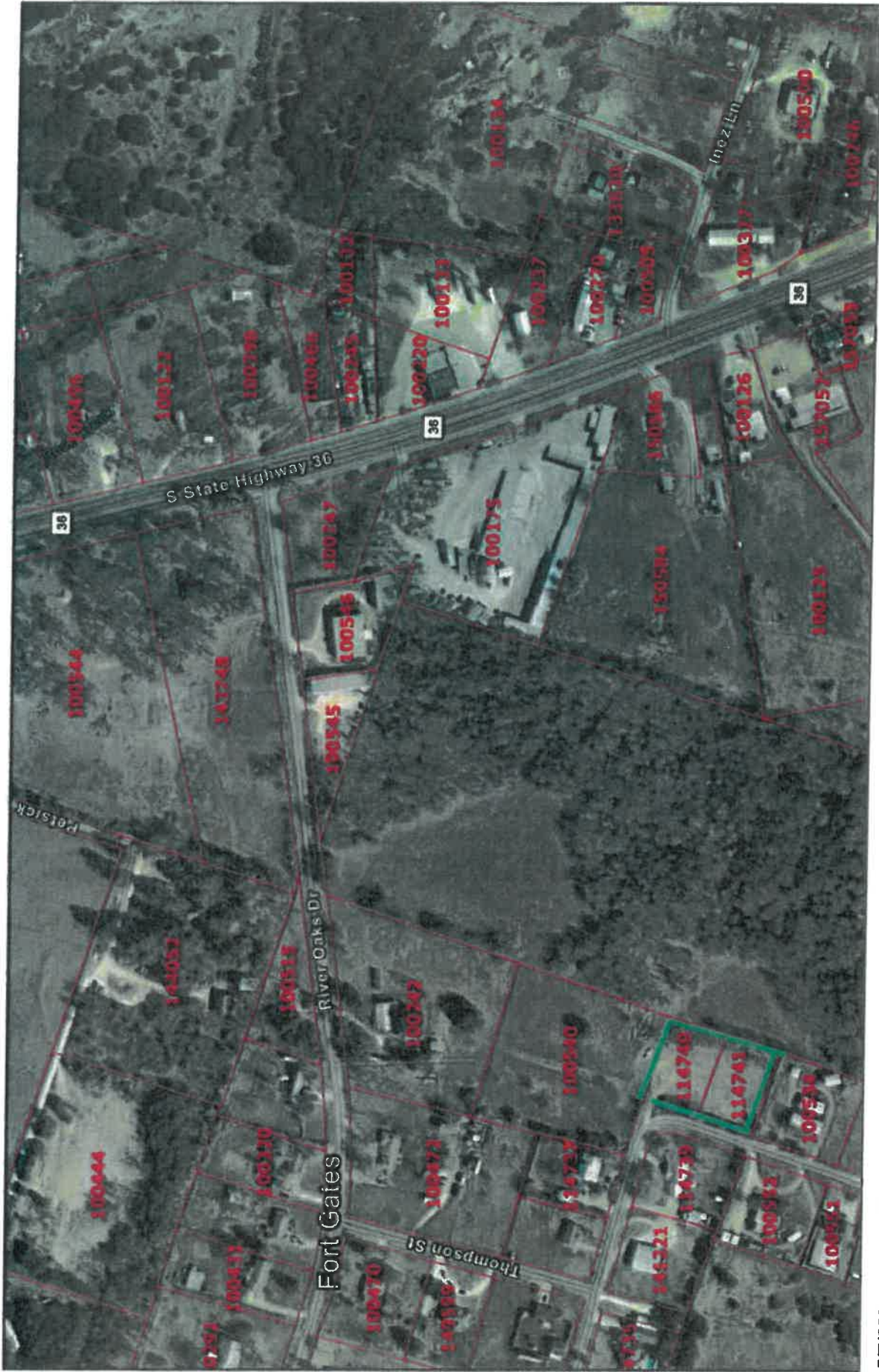
4864-8513-4773, v. 1

□

EXHIBIT "A"

4864-8513-4773, v. 1

Shoaf Utility Agreement



5/7/2024, 8:44:46 PM

 Parcels

 Abstracts

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

East Community Maps Contributors, Baylor University, Texas Perks & Wildlife, © OpenStreetMap, Microsoft, COGNAP, Esri, TomTom, Garmin, SafeGraph, Coryell Central Appraisal District, BIS Consulting - www.bisconsulting.com



Agenda Item #12

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Scott L. Albert, City Manager

Agenda Item: Discussion and possible action regarding an amendment to the water contract between Coryell City Water Supply District and the City of Gatesville.

Information:

This evening, the City Council must decide whether to amend the City’s water supply contract with the Coryell City Water Supply District (CCWSD). This amendment will address the water interconnection points (delivery) between the CCWSD and the City.

In November, the CCWSD received a letter from the Texas Commission on Environmental Quality (TCEQ), which conditionally approved upgrades to their Crawford water plant. The TCEQ letter required the CCWSD to submit a signed contract with the City of Gatesville detailing the interconnection points before CCWSD can begin delivering potable water to customers following their upgrades. Thus, the purpose of amending the current water supply contract is to clarify in the contract the existing interconnects (delivery points) between the CCWSD and the City of Gatesville.

The city maintains four interconnects/delivery points with the CCWSD, which are outlined in the exhibit attached to the amended water supply contract. These include:

- 1. Booster Pump 2 – 622,000 GPD
- 2. Plant 7 – 40,000 GPD
- 3. 84 Meter Site – 480,000 GPD
- 4. 1829 Meter Site – 68,000 GPD

The amendment to the contract was prepared by the City’s Special legal counsel for water matters Mr. David Klien with Lloyd Gosselink.

Staff Recommendation:

The staff recommends that the City Council approve Amendment No. 3 to the Water Supply Contract between the City of Gatesville and the Coryell City Water Supply District.

Motion:

I move to approve Amendment No. 3 to the Water Supply Contract between the City of Gatesville and the Coryell City Water Supply District.

Attachments:

- TCEQ Letter dated November 13, 2023.
- Amendment No. 3 to the water supply contract between the City of Gatesville and Coryell City Water Supply District.

Staff Contacts:

Scott Albert, City Manager – salbert@gatesvilletx.com

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



PWS_0500013_CO_20231113_Plan Ltr

RECEIVED
NOV 20 2023

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 13, 2023

Mr. Rich Oller, P.E.
Oller Engineering, Inc.
2811 South Loop 289, Suite 17
Lubbock, Texas 79423-1443

Re: Coryell City Water Supply District - Public Water System ID No. 0500013
Proposed Crawford Plant Upgrades
Engineer Contact Telephone: (806) 993-6226
Plan Review Log No. P-09132023-079
Coryell County, Texas

CN601362056 RN102682937

Dear Mr. Oller:

On September 13, 2023, the Texas Commission on Environmental Quality (TCEQ) received planning material with your letter dated September 7, 2023 for the proposed Crawford Plant upgrades for the above referenced public water system. Additional planning material was received on October 12, 2023. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is conditionally approved for construction if the project meets the following requirements:

1. The chloramine use guideline shall be in accordance with enclosed checklist.
2. The water system must contact Public Water System Inventory and Enforcement Team at 512-239-4691 (main line) or email at pwsinventory@tceq.texas.gov in order to reactivate the existing Well No. 2.
3. The water distribution system must maintain a minimum pressure of 35 pounds per square inch (psi) at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. When the system is intended to provide firefighting capability, it must also be designed to maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions as required by Title 30 TAC §290.44(d) for minimum pressure requirements.
4. System pressures shall comply with 30 TAC §290.46(q) Special Precautions during rehabilitation activities.
5. Dechlorination of disinfecting water shall be in strict accordance with current AWWA Standard C655-09 or most recent.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customerurvey

Printed on recycled paper

Rich Oller, P.E.
Page 2
November 13, 2023

6. Please ensure that this project is in strict accordance with applicable local, state, and federal regulations and rules to limit exposure and disposal of wastes including the removal and disposal of the existing paints from the existing water storage facility properly.

The submittal consisted of 28 sheets of engineering drawings and technical specifications. The approved project consists of:

Removal/Demolition Project

- Removal of existing 5,000-gallon pressure tank,
- Demolition of an existing booster station foundation and appurtenances.

Proposed Project

- A service pump station with triplex pump, each rated at 450 gpm at 350 ft. total dynamic head equipped with variable frequency drive;
- A 200 KW rated emergency diesel-powered generator along with automatic transfer switch and sound attenuating devices;
- One (1) 10,000-gallon American Society of Mechanical Engineers (ASME) Section VIII, Division 1, hydropneumatic tank;
- Recoating and rehabilitation of an existing 80,000 ground storage tank;
- Chloramine disinfection system with
 - A chlorination room with three (3) 150lb cylinders, a 100 ppd vacuum regulator, ejector assembly, scale, chlorine detection equipment, SCBA, automatic feed rate control valve and related appurtenances
 - A proposed LAS room consisting of a 55- gallon LAS bulk storage tank with containment, a 15-gallon day tank, a 16 gpd peristaltic pump and associated piping and appurtenances;
- Reactivation of an existing well No. 2 (G0500013B), removal of an existing well header plate and installation of well header piping including well vents, flow meter, sample port and connecting to existing ground storage tank; and
- Associated valves, chemical injection vaults, fittings, piping, SCADA panel and motor control center.

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered. The authorization provided in this letter does not relieve a Public Water System from the need to comply with other applicable state and federal regulations.

This approval does not include the interconnection between City of Gatesville (PWS 0500002) and Coryell City Water Supply District. Your email dated November 8, 2023, stated the City of Gatesville needs time to review the agreement and have it approved by City Council. Please be aware that you must submit the signed contract with the interconnection planning material for review and approval in accordance with enclosed "Interconnection between Two Public Water Systems Checklist" before the Crawford Water Plant started to deliver the potable water to customers.

Rich Oller, P.E.
Page 3
November 13, 2023

Please note that the generator plans included in this submittal are listed for water plant facility completeness. Generators will not require TCEQ approval unless they are intended to implement an option in your Emergency Preparedness Plan (EPP) required by Senate Bill 3, Senate Bill 361 or House Bill 805. Please include information regarding your generator with your EPP and send to the Emergency Preparedness and Response Section at PDWEPP@tceq.texas.gov.

This project may have approved the construction of facilities that may require either the creation of or update to an Emergency Preparedness Plan (EPP). Information on EPPs is available at the following website:

https://www.tceq.texas.gov/drinkingwater/homeland_security/disasterprep/epp

If you have additional questions about EPPs, please contact the Emergency Preparedness and Response Section at 512-239-4691 or PDWEPP@tceq.texas.gov

The Coryell City Water Supply District public water supply system provides water treatment.

The project is located northeast of the intersection of FM 185 and Farmview Parkway in Coryell County, Texas.

An appointed engineer must notify the TCEQ's Region 9 Office in Waco by email at ROPWS@TCEQ.Texas.gov when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3). This notification may be sent to PTRS@tceq.texas.gov.

Please refer to the Plan Review Team's Log No. P-09132023-079 in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

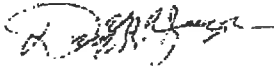
You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

Rich Oller, P.E.
Page 4
November 13, 2023

If you have any questions concerning this letter or need further assistance, please contact Pritesh Tripathi at (512) 239-3794 or by email at pritesh.tripathi@tccq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



David H. Yager, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality



Craig A. Stowell, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

Enclosure: "Chloramine Use Guideline"
"Interconnection between Two Public Water Systems Checklist"

CAS/DHY/pt/av

cc: Coryell City Water Supply District, Attn: Travis Nolte, Board President, 9440 FM 929,
Gatesville, Texas 76528-4840

**AMENDMENT NO. 3 TO THE
WATER SUPPLY CONTRACT
BETWEEN THE CITY OF GATESVILLE
AND CORYELL CITY WATER SUPPLY DISTRICT**

**THE STATE OF TEXAS §
 §
COUNTY OF CORYELL §**

This AMENDMENT NO. 3 TO THE WATER SUPPLY CONTRACT (“*Amendment No. 3*”) is entered into by and between THE CITY OF GATESVILLE (“*City*”), a Home Rule municipal corporation, organized under the laws of the State of Texas, acting herein by and through its duly elected City Council, and CORYELL CITY WATER SUPPLY DISTRICT (“*CCWSD*”), duly organized under the laws of the State of Texas, acting herein by and through its duly authorized officers (the City and CCWSD are each a “*Party*” and are collectively, the “*Parties*”).

RECITALS

WHEREAS, the Parties have executed a certain Water Supply Contract, dated April 10, 2012, which has been amended by Amendment No. 1, dated August 13, 2013, and Amendment No. 2, dated September 23, 2014 (collectively referred to as the “*Contract*”);

WHEREAS, the Texas Commission on Environmental Quality (“*TCEQ*”) has requested that CCWSD execute an agreement with the City to identify interconnection points between the Parties’ water systems to comply with TCEQ public drinking water regulations;

WHEREAS, in light of such request from the TCEQ, the Parties desire to designate and authorize additional delivery points of delivery for water by the City to CCWSD pursuant to the terms of the Contract; and

WHEREAS, the Parties desire to further amend the Contract to memorialize such additional delivery points, improving the accuracy and certainty of the locations of the delivery of water from the City to CCWSD under the Contract.

NOW THEREFORE, for and in consideration of the mutual agreements, covenants, obligations, and benefits herein expressed, the City and CCWSD agree as follows:

AGREEMENT

Section 1. Interconnection Locations. The first sentence of Section V, Point of Delivery and Title of the Contract shall be replaced in its entirety with the following:

“The points of delivery of water by the City to Purchaser shall be at the points below, unless and until the City and Purchaser, by mutual agreement in writing, designate substitute or add additional points of delivery:

1. **Booster Pump 2 (BP-2)**
Location – 31.5647043° N, -97.8095290° W
Owner – City
Facility – 250,000 gallon bolted steel ground storage tank with 2 vertical turbine booster pumps and master meter.
Gallons Per Day from Delivery Point – 622,000 gallons
2. **1829 Meter Site**
Location – 31.4229145° N, -97.6073483° W
Owner – CCWSD
Facility – Concrete meter vault containing Cla-Val solenoid valve, a resilient wedge gate valve, and master meter.
Gallons Per Day from Delivery Point – 68,000 gallons
3. **84 Meter Site**
Location – 31.4266719° N, -97.5935350° W
Owner – CCWSD
Facility – Concrete meter vault containing a resilient wedge gate valve and master meter.
Gallons Per Day from Delivery Point – 480,000 gallons
4. **Plant 7**
Location – 31.4807371° N, -97.6997654° W
Owner – CCWSD
Facility – Concrete meter vault containing Cla-Val solenoid valve, a resilient wedge gate valve, and master meter.
Gallons Per Day from Delivery Point – 40,000 gallons

Such points of delivery are depicted in the map attached hereto as Exhibit A. The water delivery rate of 1,250 gallons per minute over a 24-hour period stated in Section II of the Agreement is the maximum rate of delivery of water from the City to Purchaser all points of delivery, cumulatively.”

Section 2. Exhibits.

The Parties agree to amend the Contract by adding a new Exhibit A, which shall be the map attached hereto as Exhibit A.

Section 3. Notices.

Any notice ("**Notice**") required or permitted to be given under the Contract, as amended by this Amendment No. 3 must be in writing. Notice may, unless otherwise provided herein, be given: (i) by depositing the Notice in the United States Mail, postage paid, certified, and addressed to the party to be notified with return receipt requested; (ii) by delivering the Notice in person to the party, or an agent of the party; or (iii) by sending the notice by Federal Express or similar service providing tracking of parcels for next-day delivery. Notice deposited in the mail as provided above will be effective three days after deposit. Notice given in any other manner will be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties will, until changed as provided below, be as follows:

City:
City of Gatesville
Attn: City Manager
803 E. Main Street
Gatesville, Texas 76528
Phone: 254-865-8951

CCWSD:
Coryell City Water Supply District
Attn: General Manager
9440 FM 929
Gatesville, Texas 76528
Phone: (254) 865-6089

The Parties may change their respective addresses for purposes of Notice by giving at least five days' written notice of the new address to the other Party, and if any date or any period provided in this Contract, as amended by this Amendment No. 3 ends on a Saturday, Sunday, or legal holiday, the applicable period will be extended to the next business day.

Section 4. Multiple Counterparts.

This Amendment No. 3 may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

Section 5. Governing Law.

This Amendment No. 3 shall be construed and governed in accordance with the laws of the State of Texas.

Section 6. Venue.

Venue for any suit arising under this Amendment No. 3 will be in Coryell County, Texas.

Section 7. Conflict.

In the event that this Amendment No. 3 conflicts with the Contract, then the provisions of this Amendment No. 3 shall control.

Section 8. Further Amendments.

No further amendment(s) of the Contract or this Amendment No. 3 will be effective unless and until such amendment(s) are duly approved by the governing bodies of each Party and reduced to a writing signed by the authorized representatives of the Parties.

Section 9. Invalidity.

The invalidity of any portion of this Amendment No. 3 shall in no way affect the remaining portions of the Contract or this Amendment No. 3.

Section 10. Waiver.

Any Party may waive performance by the other Party of any obligation under this Amendment No. 3 by written notice given to such other Party. The waiver by either Party of a breach of any provision of the Amendment No. 3 shall not operate as a waiver of any subsequent breach.

Section 11. Recitals.

All of the above recitals are incorporated and made a part of this Amendment No. 3.

Section 12. Authority.

The individuals signing this Amendment No. 3 are duly authorized to execute it on behalf of such Party, and each Party warrants that it is authorized to execute and deliver this Amendment No. 3 and to perform its duties hereunder.

Section 13. Effective Date.

The effective date of this Amendment No. 3 shall be the date that this Amendment No. 3 is fully executed by the Parties.

[remainder of page left intentionally blank]

IN WITNESS WHEREOF, the Parties hereto, acting under the authority of their respective governing bodies, have caused this Amendment No. 3 to the Contract to be duly executed.

THE CITY OF GATESVILLE

By: _____
Gary Chumley, Mayor

Date: _____

ATTEST:

Date: _____

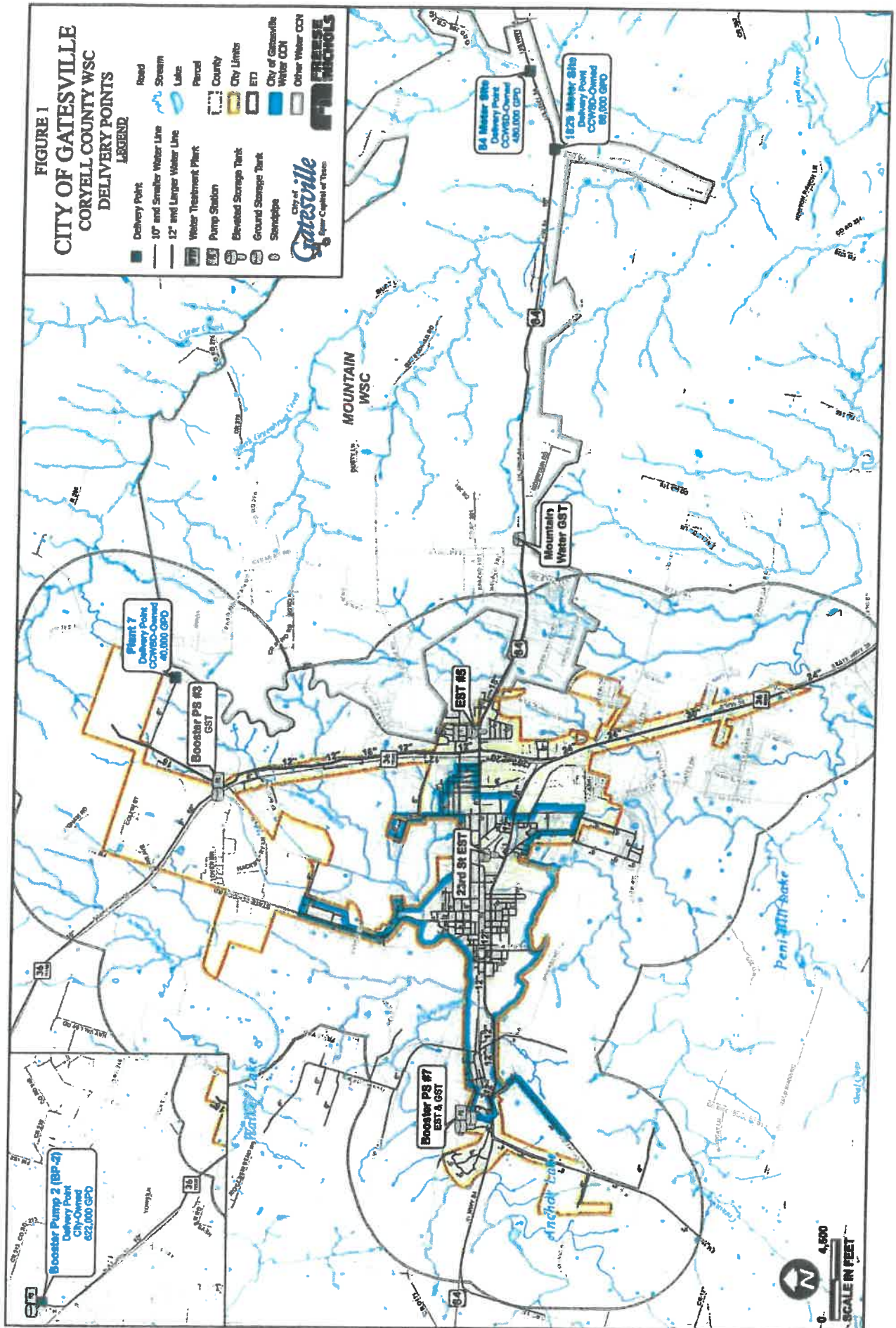
CORYELL CITY WATER SUPPLY DISTRICT

By: _____
Travis Nolte, President
Coryell City Water Supply District

ATTEST:

EXHIBIT A

MAP OF POINTS OF DELIVERY





Agenda Item #13

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Scott L. Albert, City Manager

Agenda Item: Discussion and possible action regarding accepting a quote from Environmental Improvements for repairs to the primary clarifier at the Leon WWTP.

Information:

This evening, the City Council will consider approving a quote for repairs to the primary clarifier at the Leon WWTP.

In February, staff observed oil on the water's surface in the primary clarifier. Consequently, staff commissioned Environmental Improvements to inspect the clarifier. The inspection revealed multiple issues requiring repair to the primary clarifier, and a copy of the inspector's report has been attached for your review.

After assessing the inspection report, staff obtained three quotes to address the repairs identified. This evening, staff is seeking the Council's authorization to accept the quote from Environmental Improvements for an amount not exceeding \$170,000.00, allowing repairs to commence immediately. A copy of the quote is also attached for your review.

The need for repairs is urgent, as the clarifier is currently non-operational. Below is data illustrating the impact of the inoperative primary clarifier on the city's treatment process at the Leon WWTP:

- Due to recent rainfall, flows have increased to 3 MGD, exceeding the plant's operational capacity with just one clarifier.
- Total suspended solids have increased to levels between 7.00 and 15.00, significantly above the permissible monthly average of 10.
- Ammonia levels have risen to 7.64, well above the daily average limit of 3.00 and the daily maximum of 10.00.
- BOD levels have escalated to 7.00 from 2.00, indicating a heightened strength of sewage being discharged into the river.

In conclusion, Freese & Nichols has reviewed the quote and the damage to the clarifier and has recommended changes to the project scope. These recommendations have been incorporated into the final quote presented this evening.

This evening, the City Council will consider approving a quote for repairs to the primary clarifier at the Leon WWTP.

In February staff noticed oil on top of the water in the primary clarifier. In response staff requested Environmental Improvements to perform an inspection of the clarifier. The inspector found multiple issues with the clarifier that needed to be repaired. A copy of the inspector's report is attached for your review.

After reviewing the inspectors report staff requested three quotes for repairing the issues identified by the inspector. This evening staff is seeking councils' authorization to proceed with the quote from Environmental Improvement's in an amount not to exceed \$170,000.00 so they can begin the repairs. A copy of the quote is attached for your review.

The repairs are considered an emergency purchase because the clarifier is no longer operating and the following data reflects the impact in inoperative primary clarifier is having on the city's treatment process at the Leon WWTP;

1. The flows have raisin because of rain to 3 MGD the plant was not designed to operator with one clarifier at that flow.
2. Total suspended solids have gone up to 7.00 and 15.00 from 2.00 and 3.00. we are only allowed monthly AVG 10
3. Ammonia level have gone up to 7.64 from .10 we are only allowed daily Avg of 3.00 daily max of 10.00
4. BOD'S have gone up to 7.00 from 2.00 (strength of the sewer we are discharging to river)

In closing, Freese & Nichols has reviewed the quote and the damage to the clarifier and recommended changes to the project scope which were incorporated into the quote before you this evening.

Financial:

Funding for the repairs will come from the ARPA funds. The city received \$3,078,866.00 in ARPA funds, of which only \$2,605,771 has been earmarked for projects, leaving \$473,094.00 unencumbered.

Staff Recommendation:

The staff recommends that the City Council approve the quote from Environmental Improvements for an amount not to exceed \$170,000.00.

Motion:

I move to approve the quote from Environmental Improvements for repairs to the primary clarifier at the Leon WWTP, not to exceed \$170,000.00 and the use of ARPA funds to pay for the repairs.

Attachments:

- Inspectors report.
- Environmental Improvements quote.

Staff Contacts:

Scott Albert, City Manager – salbert@gatesvilletx.com

Service Type: Site Visit

Technicians: 449 Greg Scott , 493 Kyle Baldwin
 Trucks: 403 Austin

Customer

Company:	Gatesville, City of	Customer#:	
Contact:	Bobby Busters	Phone:	254-865-8951
Address:	803 Main ST	Email:	bbuster@gatesvilletx.com
City,State,Zip:	Gatesville, TX 76528		
Location:	Gatesville WWTP		

Description of Work

Went to access a broken clarifier. Found multiple issues that need to be repaired. Took measurements and pictures to ensure that the right parts are ordered and are able to be fitted for the job.

Comments

When we arrived we noticed the uneven scum line on the baffle wall. To the untrained eye this would not mean much, but it turned my attention to the lowest drive(turntable). I immediately noticed that the turntable was leaking grease and oil. The housing shield was pealed back to exposed the damaged bearing races. This is a direct sign that the turntable bearings have failed, causing the rake arms to operate unbalanced This eventually cause further damage to the other two drives. The primary drive seams fine. that is the upper most and smallest drive.

The secondary drive is the middle unit and the easiest to spot the damage. With the top removed you can see the bull gear is stripped and no longer making proper contact with the worm gear.

The turn table is the bottom drive located under the bridge. In order to replace the drive the entire bridge and platform has to be removed. The damage to the turn table makes it impossible to rebuild.

Printed Name: Bobby Buster

Signature: _____

Service	Parts	Tax	Discount	Travel	Total
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

environmental **EI²**
improvements inc.

235 Trademark DR
Buda, TX 78610
512/295-3733
Fax: 512/295-4028

Quotation
Leon WWTP Westech Drive Install

May 3, 2024

To: City of Gatesville

Attn: Bobby Buster

PROJECT: 60' Clarifier drive removal and replacement

Environmental Improvements, Inc. is pleased to offer the following quotation, to replace one 42" Westech Drive.

The Scope of work will include whole system inspection, individual equipment inspections, and installation of manufacturers recommended parts, testing and calibration of the equipment as listed. (See the following for more detail)

Scope of Work to be performed

- *We will furnish crane, hand tools, manpower, and superintendence to remove existing drive and install a new 42" Westech Drive
- *We will dispose of old drive unless told otherwise
- *We will shoot elevations at a minimum of 8ea. quadrants to check center pier and turntable for plumb/level and make necessary adjustments to complete the required true plane
- *We will re-grout gear drive as needed
- *We will provide proper lubrication for the drive
- *We will provide start-up and training
- *All electrical conduits to be dis-connected for bridge/catwalk or platform removal to include disconnecting and re-connecting
- *We will set torque overload points and insure the operate as intended
- *we will disconnect and reconnect every pipe connected to the bridge

Mechanical Inspection

While the unit is out of service and drained, we will check all the clarifier's components under the drive. The primary purpose is to inspect the integrity of metal components and determine if the squeegees are in working order.

We will provide a 1 (one) year warranty from start-up against manufacturer's defects, provided that all electrical protection devices, wiring, and accessories are correct and in good working order.
We will change the oil in the gear drive after one year.

Exceptions and comments

Environmental Improvements will perform work as described above on only the equipment listed above. The work performed will follow all recommendations as described in the original equipment manufacturers O&M manuals.

During the process of the repair, should the EI² service technicians find any parts/ equipment damaged or unsuitable for normal operations, the service technician will inform the proper facility personnel of the issue and discuss proper corrective measures.

Any parts/equipment damaged due to wear or deemed unsuitable and not listed above will be replaced at an additional cost. The cost will include field service time for replacement if required.

Any additional repairs required for system integrity that falls outside the scope of work described in the proposal will be discussed with the proper facility personnel and agreed upon in writing prior to any work performed.

*Tank should be drained and cleaned out prior to our arrival

*Taxes and or permits if applicable are not part of this scope

*No torque tests are included in the scope above, if torque test is required add an additional \$7,500.00 for a factory visit

*Any and all de-watering by others

*All water piping etc. for hoses or spray nozzles to be dis-connected and re-connected by others

*Access to the site for heavy equipment is guaranteed by the owner.

*Damage to roads, paving, underground utilities, soils, and grasses, caused by heavy equipment are the owner's responsibility

*Prices are firm for 60 days

Price as follows.

Price for service as described above in this proposal \$149,167.00

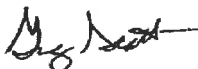
Squeegees adder if all need to be replaced \$10,800.00

Prep metal surface for paint See note A below \$8,875.00

Paint (Galvanize) metal surfaces below deck See note B below. \$12,525.00

Total with all options \$181,367.00

Thank you for the opportunity to offer our services,



Greg Scott
Austin Service Manager

Squeegees Might just need to be adjusted. The quoted price is to replace all in the event nothing can be salvaged. This can be determined once the tank is drained, and we have the ability to access the entire unit.

NOTE A:

Preparing metal surfaces for paint will be manually removing all debris from the metal:

Rake arms top and bottom, drive cage, center column, stilling well scum beach and all associated supports. Once debris is removed, we will neutralize the entire drive mechanism. Price is for all metal below the deck excluding weirs and baffles.

NOTE B:

Painting two coats of galvanized paint on all surfaces excluding weirs and baffles. Paint requires two days for curing between coats.



Agenda Item # 14

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: Mayor & City Council

From: Scott L. Albert, City Manager

Agenda Item: Discussion and possible action regarding Work Change Directive No. 01 for the Stillhouse WWTP project.

Information:

This evening, the City Council will consider approving Change Order No. 1 for the Stillhouse WWTP.

Change Order No. 1 will not increase the construction contract cost for the Stillhouse WWTP improvement project.

Last June, after opening bids for the Stillhouse WWTP project and identifying the need to reduce project costs, Matous Construction made a significant alteration. Originally planned to house the influent pump station electrical controls within a new building, the setup was changed to positioning them outside on a concrete pad protected by a canopy. This modification was intended to cut costs by eliminating the construction of a new building for the electrical controls.

While Walker Partners acknowledges that placing the influent pump station controls outside under a canopy was a reasonable and cost-effective solution, this change adversely affected the RAS pump. Consequently, Walker Partners now recommends installing the RAS motor control equipment in an existing air-conditioned building, rather than outside. This adjustment is anticipated to result in a credit to the city.

Financial:

No financial impact.

Staff Recommendation:

The staff recommends that the City Council accept Change Order No. 1 for the Stillhouse WWTP improvements.

Motion:

I move to accept Change Order No. 1 for the Stillhouse WWTP improvements.

Attachments:

- Change Order No. 1.

Staff Contacts:

Scott Albert, City Manager – salbert@gatesvilletx.com

Work Change Directive

No. 001

Date of Issuance: 4/18/2024 Effective Date: _____

Project: Gatesville Stillhouse Branch WWTF Improvements	Owner: City of Gatesville	Owner's Contract No.: _____
Contract: TWDB 73776 CID01		Date of Contract: 12/19/2023
Contractor: Matous Construction		Engineer's Project No.: 02-01590

You are directed to proceed promptly with the following change(s):

Item No.	Description
1	Remove RAS concrete pad and canopy for electrical equipment from Scope of Work.
2	Install RAS pumping motor control and other electrical equipment in MCC#1. Provide Detailed Breakdown of used to calculate Lump Sum for Change using Cost of Work Provisions.
3	Install 3-Ton AC Unit and Air Handling System in MCC#1. Provide Detailed Breakdown of used to calculate Lump Sum for Change using Cost of Work Provisions.

Attachments (list documents supporting change):

Scope of Work with items to be removed highlighted.
 Drawing EA-02 showing items of work (Notes 1, 2, 3, 8 and 12)

Purpose for Work Change Directive:

- Authorization for Work described herein to proceed on the basis of Cost of the Work due to:
 - Nonagreement on pricing of proposed change.
 - Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time.

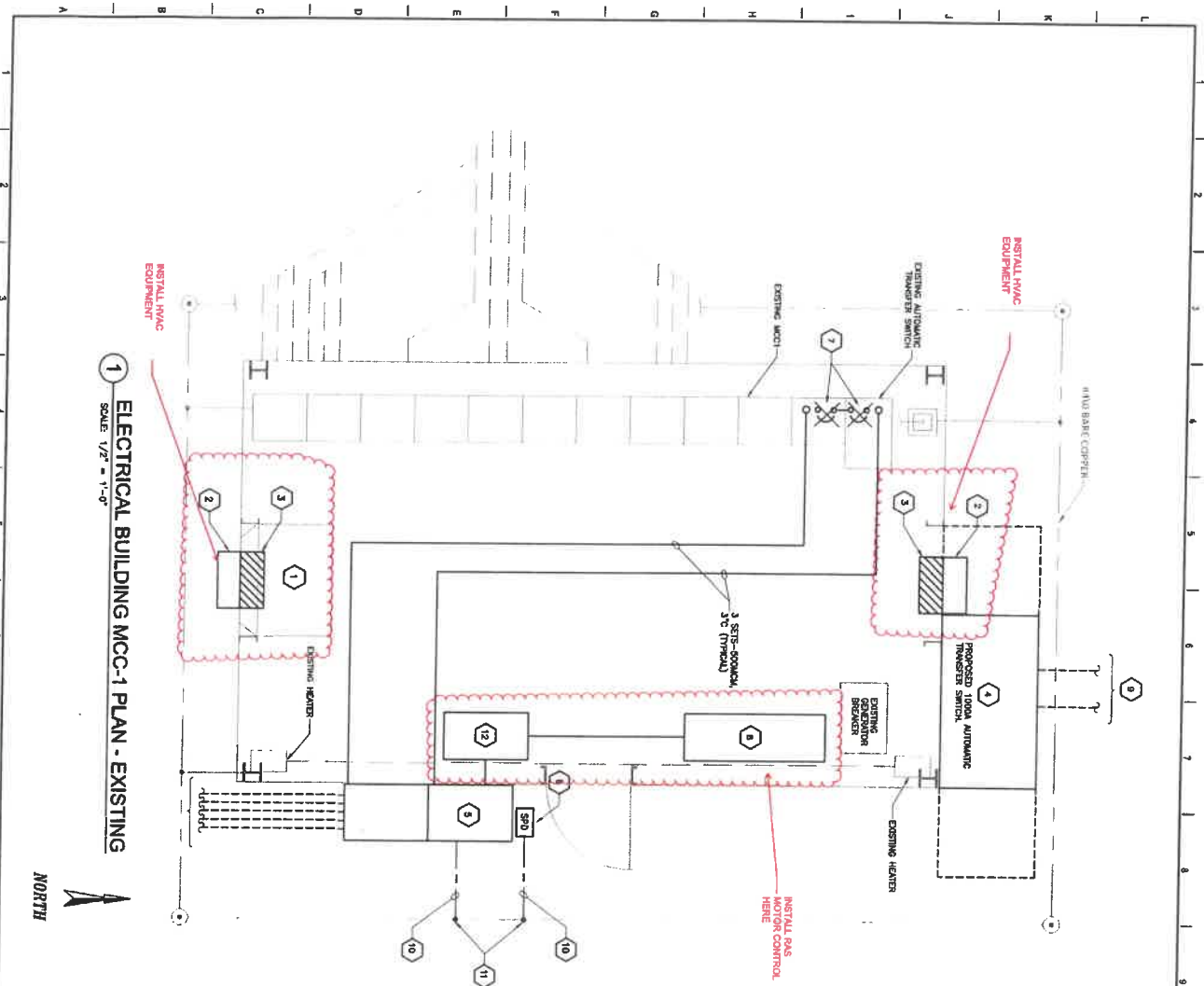
Estimated change in Contract Price and Contract Times:

Contract Price \$ 0.00 (increase/decrease) Contract Time 0 days (increase/decrease)

If the change involves an increase, the estimated amounts are not to be exceeded without further authorization.

Recommended for Approval by Engineer:	Date
Authorized for Owner by:	Date
Accepted for Contractor by:	Date
Approved by Funding Agency (if applicable):	Date:

CHLORINE MANHOLE	
Demolition	\$ 30,000.00
SLUDGE BOX "A"	
Demo	\$ 5,000.00
Concrete	\$ 17,000.00
RAS PUMP STATION	
Demolition	\$ 35,000.00
Machine Excavation	\$ 5,000.00
Excav Other	\$ 5,000.00
Concrete	\$ 17,000.00
Canopy @ Electrical Panels	\$ 35,000.00
RAS Pumps - Material	\$ 165,000.00
RAS Pumps - Installation	\$ 40,000.00
Piping - Pump Discharge Piping	\$ 270,000.00
8" Stilling Well	\$ 5,000.00
4" Vault Drain	\$ 5,000.00
Piping - Pressure Gauges	\$ 8,000.00
RAS Pump Air / Vacuum Valves	\$ 9,000.00
Painting	\$ 20,000.00
BIOSOLIDS STORAGE AREA	
Machine Excavation	\$ 75,000.00
Excav Other	\$ 70,000.00
Pre-Cast Box Culverts	\$ 200,000.00
Pre-Cast Trench Drains	\$ 190,000.00
Concrete	\$ 500,000.00
Discharge Piping	\$ 25,000.00
BIOSOLIDS DRAIN PUMP STATION	
Machine Excavation	\$ 25,000.00
Excav Other	\$ 10,000.00
FRP Wetwell	\$ 35,000.00
Biosolids Drain Pumps - Material	\$ 35,000.00
Biosolids Drain Pumps - Installation	\$ 8,000.00
Drain Pump Station - Piping	\$ 140,000.00
Painting	\$ 20,000.00
Electrical - Phase 1	
Mobilization - Elec	\$ 85,000.00
Electrical Switchgear, Disc, Testing	\$ 685,000.00
Light Fixtures	\$ 12,000.00
Grounding	\$ 42,000.00
Manholes and Handholes	\$ 98,000.00
Electrical Ductbanks	\$ 240,000.00
Site Conduit	\$ 87,000.00



1 ELECTRICAL BUILDING MCC-1 PLAN - EXISTING
 SCALE: 1/2" = 1'-0"



KEYNOTES:

- 1 EXISTING BOX FAN TO BE REMOVED.
- 2 SPILT SYSTEM 300A DUCTLESS AC UNIT, PROVIDE CONCRETE MOUNTING AND WITH DRAIN, TUBING AND SUPPLY.
- 3 AIR HANDLING UNIT WITH THERMOSTAT.
- 4 PROPOSED 1200A AUTOMATIC TRANSFER SWITCH, NEAR 3% SERVICE ENTRANCE PANEL WITH 30" MINIMUM CLEARANCE FROM FRONT AND BACK. SEE SHEET EA-07 ONE-LINE.
- 5 PROPOSED 1200A SWITCHBOARD, NEAR 12 ENCLOSURE. SEE SHEET EA-07 ONE-LINE.
- 6 SURGE PROTECTIVE DEVICE, NEAR 12 ENCLOSURE.
- 7 REMOVE 3 SETS OF RESISTORS, SPACED BETWEEN ATS1 AND MCC1, RELOCATE THRU SWITCHBOARD. SEE ONE-LINE DIAGRAM.
- 8 GAS PUMP PANEL, "RASP" (RHS VFD POWER PANEL).
- 9 ROUTE CONDUITS TO SECONDARY FEEDER PANELS. SEE SITE PLAN EA-01 FOR CONTINUATION. SEE SHEET EA-07 ONE-LINE FOR CONDUIT SIZES.
- 10 DRINK FILL CUPBOP, REMOVE WIRE TO SWITCH BOARD FRAME & SURGE PROTECTION AND TO SERVICE ENTRANCE CABINET.
- 11 SEE SHEET EA-07 FOR SURGE PROTECTION FOR CONDENSED CONNECTIONS.
- 12 GAS CONTROL PANEL, "RASP" (RHS).

GENERAL NOTES:

1. ALL WORK SHOWN THIS DRAWING SHALL BE BY EC (ELECTRICAL CONTRACTOR) UNLESS OTHERWISE NOTED.
2. SEE ALL DETAILS SHEET EA-01 THRU EA-06 - NOT ALL DETAILS ARE REPRODUCED.

JRISA
 ENGINEERING, INC.
 1000 West 10th Street, Suite 100
 Fort Collins, CO 80521
 (970) 226-0700

Walker Partners
 engineers | surveyors
 1000 West 10th Street, Suite 100
 Fort Collins, CO 80521
 (970) 226-0700

CITY OF GATESVILLE
 CITY OF GATESVILLE - STILLHOUSE
 WWTF UPGRADE AND EXPANSION
 EXISTING MCC1 BUILDING PLAN

DATE	DESCRIPTION	BY	CHECKED

CONFORMING PER REVISIONS SHEET EA-02

DESIGNED BY	JMS
DRAWN BY	SAJ
CHECKED BY	JMS
DATE	2/1/2020

DRAWING NO. EA-02



Agenda Item # 16

CITY COUNCIL MEMORANDUM

Date: May 14, 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:

This evening, the City Council will conduct the second reading of the proposed ordinance to amend the City's Zoning Ordinance by:

1. Amending Table IV Area Regulations.
2. Updating various sections of Section 11 to ensure Table IV is correctly referenced within the zoning ordinance.
3. Adding Section 13-7 to the zoning ordinance to clarify that the ordinance's text shall prevail in the event of a conflict between a table and the text.

On May 6, 2024, the Planning and Zoning Commission hosted a workshop and a special meeting to discuss the ordinance being considered by the City Council tonight. Most City Council members attended the P&Z workshop and meeting.

After deliberating and hearing from various speakers on three options for amending Table IV in the zoning ordinance, the P&Z Commission unanimously recommended that the City Council proceed with amending Table IV **by eliminating the "Bldg. Area" column (in the current table) and excluding "Minimum Dwelling Size" (in the proposed table). This approach would regulate the minimum buildable area through the minimum yard requirements, considering any lot space outside the required yards as buildable.**

The other two options were:

1. Changing the title "Bldg. Area" to "Buildable Area" and defining it as "The portion of the lot provided for the construction of the main building and accessory buildings, exclusive of any required yard and easement." This change aims to resolve the current interpretive questions regarding building areas, as it does not regulate the size of a structure, thus introducing no minimum house size.

2. Maintaining the "Bldg Area" column as presented earlier but renaming it "Minimum Dwelling Size" and specifying the minimum structure size, similar to recent constructions in Gatesville and neighboring communities. This option implies that the current zoning ordinance intends to regulate structure size and introduce a minimum dwelling size.

Additionally, the P&Z Commission unanimously voted to recommend two further amendments to the City Council:

1. Revise the specified sections of the Zoning Ordinance to ensure Table IV is properly referenced and enforceable.
2. Add Section 13-7 to clarify that in cases of conflict, the text of the ordinance shall govern over any table.

Staff Recommendation:

The staff recommends that the City Council conduct a second reading of the ordinance presented this evening and provide feedback on the recommendations from the Planning & Zoning Commission.

Motion:

I move to pass on Ordinance 2024-02-02 to the third and final reading.

Attachments:

- FNI Power Point presentation to P&Z on May 6.
- Memorandum from FNI.
- Ordinance amending the City's Zoning ordinance.

Staff Contacts:

Scott Albert, City Manager – salbert@gatesvilletx.com

Planning and Zoning

May 6, 2024



Consider Amendment to Minimum Building Area

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"

Background

- The current minimum building area requirement for single-family residential homes is 3,750 square feet. Minimum building area (stated as “Bldg. Area” in table IV) is not defined and could refer to the size of the structure or the area reserved for a building.
- Building permits historically issued for homes fall well below the minimum building area specified.
 - Single-family building areas permitted in the past three years:
 - Average = 2,188 square feet
 - Smallest = 1,326 square feet
 - **Largest = 3,443 square feet**
 - Table IV: Uniform Height and Area Regulations is not housed in the Zoning Ordinance but is used for regulation, making it difficult to cross reference and problematic to enforce.
 - There is a similar issue for manufactured homes, as the current minimum building area requirement for mobile homes is 2,600 square feet, which is larger than a standard double-wide manufactured home.

Proposed Amendment

1. Update Table IV: Uniform Height and Area Regulations
 - Change building area (“Bldg. Area”) requirements for the Residential Single Family, Residential Two-Four Family, and Manufactured Home Districts to a minimum dwelling size of 1,200 square feet, and Agricultural and Suburban Homesites District to a minimum of 1,600 square feet,
 - Correct language to reflect requirements in line with code, and
 - Clean up formatting.
2. Ensure Table IV is properly referenced and enforceable
3. Clarify that the text of the ordinance shall govern over the tables.

Existing

TABLE IV UNIFORM HEIGHT AND AREA REGULATIONS

Zoning District	Minimum Lot Requirements			Yard Requirements			Height Requirements			Minimum Lot Area Per Dwelling (Square Feet)	Updated
	Lot Area (Square Feet)	Lot Width (Feet)	Bldg. Area (Square Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	Walls, Fences, Etc. (Feet)	Front (Feet)	Other (Feet)		
Residential Single Family	8000		3750	25	6, 10**	10	30	4	7	8000	
Townhouse Single Family		100	NR	25	6, 10**, 0***	10	30	4	7	NR	
Community Facility	*	*	*	*	*	*	*	*	*	*	
A2/SUB Homesites	15000	100	8000	30	6, 10**	10	30	4	7	15000	Ord. #98-02 1/27/98
Res. 2-4 Family	6000	60	2600	20	6, 10**	10	30	4	7	1500	
Multi-Family	16000	100	9800	20	20, 20**	20	NR	4	7	NR	
Business Commercial	NR	NR	NR	10	0-3 foot side setback if non combustible*, 10**	20	NR	NR	NR	NR	
Mobile Home	6000	60	2600	20	6, 10**	10	30	4	7	8000	
Mobile Home Park	*	*	*	*	*	*	30	4	7	*	
Manufactured	NR	NR	NR	NR	*, 10**	*10	20	NR	NR	NR	
Planned Development	*	*	*	*	*	*	*	*	*	*	

Annotations
 ** See Zoning District Regulations
 * Side Street
 *** Interior Side

Proposed

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	300ft	1600sf	15000sf	30ft	6ft	10ft	10ft	30ft	4ft	7ft
Residential Two-Four Family	6000sf	60ft	1200sf	15000sf	20ft	6ft	10ft	10ft	30ft	4ft	7ft
Multi-Family	15000sf	100ft	9000sf	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	6000sf	60ft	1200sf	6000sf	20ft	6ft	10ft	10ft	30ft	4ft	7ft
Manufactured Home Park											
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	20ft	NR	NR
Planned Development											



Options for Consideration

- Option 1: Revise the title “Bldg. Area” to “Buildable Area” and define.
- Option 2: Eliminate the “Bldg. Area” column (in the current table) and exclude “Minimum Dwelling Size” (in the proposed table).
- Option 3: As presented, with the “Bldg. Area” column (in the current table) changed to “Minimum Dwelling Size” and the minimum structure size as shown.

Thank you

David P. Jones, AICP MPA | David.Jones@freese.com





PLANNING AND ZONING MEMORANDUM

DATE: 5/6/2024

AGENDA ITEM #: 6

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

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.

OPTIONS FOR CONSIDERATION:

The proposed amendment includes a minimum house size to clarify the minimum as it could be interpreted that the intent of the previous table was to establish such a regulation. Establishment of minimum home size is only one aspect of this amendment to be considered, with the crucial element being the clarification of what is meant by “Bldg. Area”. In an attempt to resolve questions of application of Table IV, the following options are presented for consideration and recommendation:

- Option 1: revise the title “Bldg. Area” to “Buildable Area” and define as “The portion of the lot provided for construction of the main building and accessory buildings exclusive of any required yard and of any easement.” This change would resolve the current interpretive question regarding building area. Since this option presumes that the column labeled “Bldg. Area” does not seek to regulate the size of a structure, there would be no minimum house size introduced.
- Option 2: Eliminate the “Bldg. Area” column (in the current table) and exclude “Minimum Dwelling Size” (in the proposed table). This option would regulate the minimum buildable area through the minimum yard requirements, with any lot space remaining outside of the required yards being considered buildable.
- Option 3: As presented, with the “Bldg. Area” column (in the current table) changed to “Minimum Dwelling Size” and the minimum structure size as shown. This option presumes that the intent of the current zoning ordinance is to regulate structure size and introduces a minimum dwelling size similar to surrounding communities and the construction that has occurred in Gatesville over the past several years.

RECOMMENDATION:

Staff recommends the Planning & Zoning Commission approve a recommendation to City Council to adopt the proposed amendment to the Zoning Ordinance.

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



AGENDA ITEM # 17

CITY COUNCIL MEMORANDUM

Date: May 14, 2024

To: City Council

From: Scott L. Albert, City Manager

Agenda Item: Discussion regarding Ordinance 2024-03 amending the City's Zoning Ordinance regarding Mobile, Manufactured, and Modular Homes.

Information:

This evening the City Council will conduct their second reading of Ordinance 2024-03 amending the City's Zoning Ordinance regarding Mobile, Manufactured, and Modular Homes.

Last summer, city staff determined that the city had been incorrectly permitting HUD code manufactured homes (mobile homes) to be placed 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:

The staff recommends that the City Council conduct a second reading of the ordinance presented this evening.

Motion:

I move to pass on Ordinance 2024-03-02 to the third and final reading.

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



PLANNING AND ZONING MEMORANDUM

DATE: 4/22/2024

AGENDA ITEM #: 10

ITEM TITLE: Discussion and possible recommendation 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

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.

RECOMMENDATION:

Staff recommends the Planning & Zoning Commission approve a recommendation to City Council to adopt the proposed amendment to the Zoning 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 #18

CITY COUNCIL MEMORANDUM

Date: May 14, 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 (Second 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 second reading of the ordinance.

Motion:

I move to pass the Ordinance on to the third and final reading.

Attachments:

Ordinance.

March 12, City Council Memo.

Staff Contacts:

Scott Albert, City Manager – salbert@gatesvilletx.com



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.

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. 2024-04 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. 2024-04 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. 2024-04 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

2024

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