

MINUTES FOR THE 17th DAY OF NOVEMBER, 2020

Be it remembered that on Tuesday, November 17, 2020 the Groesbeck City Council met in Regular Session at 6:00 p.m. at the Groesbeck Council Chambers with the Honorable Mayor Ray O'Docharty presiding and with, Kim Harris, Warren Anglin, Matthew Dawley being present and with Tamikia Jackson being absent. Staff members present were Chris Henson, Brenda Jackson, Jamie McLean, Keith Tilley and Josh Bell.

A list of visitors is attached to the agenda on file.

Pastor John Carabin of Living Proof Church gave the invocation and the pledge to the United States and Texas Flag was led by the Young Marine Group.

Mayor Ray O'Docharty called the meeting to order at 6:05 p.m. Proper posting of the notice of the meeting was verified and a quorum of members was present.

6. Citizen's Comments

Lee Mackey, a member of the Navasota Valley Young Marine Group gave the council an update of the organization.

7. Consent Agenda

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion.)

a. Approval of Minutes: Regular Session October 20, 2020

A motion was made by Matthew Dawley and seconded by Kim Harris to approve the consent agenda. Motion carried unanimously.

8. Consider Approval of Resolution No. 20-R-12, Authorizing the Issuance of City Warrant for Police Department/Municipal Court Buildings and Old School Property on Trinity Street

Mayor O'Docharty presented Resolution No. 20-R-12, Authorizing the Issuance of City Warrant for Police Department/Municipal Court Buildings and Old School Property on Trinity Street to the council for approval.

RESOLUTION NO. 20-R-12

WHEREAS, THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS MET IN A REGULAR SESSION, THIS 17TH DAY OF NOVEMBER, 2020 AND

WHEREAS, it was brought to the attention of this body that funds for payment of obligations on the construction of the Police Department/Municipal Court Building are needed to make payment of these obligations, and

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WHEREAS, it appearing necessary to this body that arrangements be made for funds to be used in payment of these obligations,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS, that the Mayor and City Secretary be authorized to issue to the Farmers State Bank, Groesbeck, Texas, a City of Groesbeck Warrant in the principal amount of not more than \$138,058.81, said Warrant to bear simple interest at the beginning rate of (4%) per annum for a period of six months,(rate to be set at Wall Street Journal Prime minus 50 basis points with a minimum rate of 4%) to be due on or before the 18th day of November, 2021. Monthly payment to be paid is the amount of \$800.00 as a principal and interest payment.

PASSED AND APPROVED this 17th day of November, 2020.

CITY OF GROESBECK

BY: s/Ray O'Docharty
Ray O'Docharty
Mayor

ATTEST:

s/Brenda Jackson
Brenda Jackson
City Secretary

Warrant #196

A motion was made by Kim Harris and seconded by Matthew Dawley to approve Resolution No. 20-R-12. Motion carried unanimously.

9. Consider Approval of Resolution No. 20-R-13, Authorizing the Issuance of City Warrant for Fire Department Building

Mayor O'Docharty presented Resolution No. 20-R-13, Authorizing the Issuance of City Warrant for Fire Department Building to the council for approval.

RESOLUTION NO. 20-R-13

WHEREAS, THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS MET IN A REGULAR SESSION, THIS 17TH DAY OF NOVEMBER, 2020 AND

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WHEREAS, it was brought to the attention of this body that funds for payment of obligations on the construction of the Fire Department Building are needed to make payment of these obligations, and

WHEREAS, it appearing necessary to this body that arrangements be made for funds to be used in payment of these obligations,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS, that the Mayor and City Secretary be authorized to issue to the Farmers State Bank, Groesbeck, Texas, a City of Groesbeck Warrant in the principal amount of not more than \$170,634.23, said Warrant to bear simple interest at the beginning rate of (4%) per annum for a period of six months,(rate to be set at Wall Street Journal Prime minus 50 basis points with a minimum rate of 4%) to be due on or before the 18th day of November, 2021. Monthly payment to be paid in the amount of \$1,273.00 as a principal and interest payment.

PASSED AND APPROVED this 17th day of November, 2020.

CITY OF GROESBECK

BY: s/Ray O'Docharty
Ray O'Docharty
Mayor

ATTEST:

s/Brenda Jackson
Brenda Jackson
City Secretary

Warrant #197

A motion was made by Warren Anglin and seconded by Matthew Dawley to approve Resolution No. 20-R-13. Motion carried unanimously.

10. Consider Approval of Resolution No. 20-R-14, Authorizing the Issuance of City Warrant for Public Works/Police Vehicles and Equipment

Mayor O'Docharty presented Resolution No. 20-R-14, Authorizing the Issuance of City Warrant for Public Works/Police vehicles and Equipment to the council for approval.

RESOLUTION NO. 20-R-14

WHEREAS, THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS MET IN A REGULAR SESSION, THIS 17TH DAY OF NOVEMBER, 2020 AND

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WHEREAS, it was brought to the attention of this body that funds for the purchase of Public Works/Police Vehicles and Equipment are needed to make payment of these obligations, and

WHEREAS, it appearing necessary to this body that arrangements be made for funds to be used in payment of these obligations,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS, that the Mayor and City Secretary be authorized to issue to the Farmers State Bank, Groesbeck, Texas, a City of Groesbeck Warrant in the principal amount of not more than \$108,598.69, said Warrant to bear simple interest at the beginning rate of (4%) per annum for a period of six months,(rate to be set at Wall Street Journal Prime minus 50 basis points with a minimum rate of 4%) to be due on or before the 18th day of November, 2021.

PASSED AND APPROVED this 17th day of November, 2020.

CITY OF GROESBECK

BY: s/Ray O'Docharty
Ray O'Docharty
Mayor

ATTEST:

s/Brenda Jackson
Brenda Jackson
City Secretary

Warrant #198

A motion was made by Matthew Dawley and seconded by Kim Harris to approve Resolution No. 20-R-14. Motion carried unanimously.

11. Consider Approval of Ordinance No. 20-O-08, Juvenile Curfew

ORDINANCE NO. 20-O-08

AN ORDINANCE OF THE CITY OF GROESBECK, TEXAS, ADOPTING A JUVENILE CURFEW; PROVIDING FOR PROCEDURES AND REGULATIONS REGARDING LAWFUL HOURS; PROVIDING FOR ENFORCEMENT ACTION; ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE

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WHEREAS, the City Council of the City of Groesbeck has held public meetings and a public hearing regarding the adoption of a juvenile curfew; and

WHEREAS, the City Council of the City of Groesbeck has determined that the adoption of a juvenile curfew would be in the best interest of the citizens of the City of Groesbeck;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROESBECK, TEXAS:

SECTION 1. PURPOSE

The purpose of the Curfew is to help address increases in Juvenile Delinquencies and Juvenile victimization. For the Curfew Ordinance to be effective it must be enforced in a consistent, fair and uniform manner.

SECTION 2. DEFINITIONS

Direct Route: The shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

Emergency: An unforeseen combination of circumstances or the resulting state that calls for immediate action.

Establishment: Any privately owned place of business operated for a profit to which the public is involved, including but not limited to any place of amusement or entertainment.

Guardian: A court appointed guardian of the person or a minor, or a public or private agency with which a minor has been placed by a court.

Interstate Transportation: Means the transportation of persons or property, which crosses a state or international boundary.

Intrastate Transportation: Means the transportation of persons or property within a state where the point of origin and destination point of the property is within the state and no state line or international boundary is crossed.

Juvenile: Any person ten years of age or older and under 17 years of age.

Operator: Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and officers of a corporation.

Remain: To linger or stay, or to fail to leave the premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Responsible Adult: An adult who is at least 18 years of age and has been designated in writing by a parent or a court appointed guardian to have care and custody of a juvenile.

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Public Place: Any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospital,

apartment houses, office buildings, transport facilities and shops. This term shall include establishments as defined above.

SECTION 3. PROCEDURES

CURFEW ORDINANCE PROVISIONS

- A. The enforcement hours for juveniles under 17 years of age are:
- Weekday: 11:00 p.m. until 6:00 a.m. the following day Sunday, Monday, Tuesday, Wednesday, or Thursday
- Weekend: 12:01 a.m. until 6:00 a.m. Saturday or Sunday.
- B. It shall be unlawful for any juvenile to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city or on the premises of any establishment within the city during curfew hours.
- C. It shall be unlawful for a parent or guardian to knowingly permit or by insufficient control allow a juvenile to remain in any public place or on the premises of any establishment within the city during curfew hours. As used in this section, the term “knowingly” includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile. It shall be prima facie evidence of a violation of this section if a parent or guardian has no knowledge of a juvenile’s whereabouts during the hours of curfew established herein.
- D. It shall be unlawful for any owner, operator, or employee of an establishment to allow a juvenile to remain upon the premises of the establishment during curfew hours beyond the time necessary to conduct an activity set out in the defenses (listed below)

SECTION 4. ENFORCEMENT

- A. Before taking any enforcement action against an apparent offender, business, or parent, a police officer will ask:
- (1) the apparent juvenile offender’s age
 - (2) the reason the juvenile is in a public place
- B. An officer will not issue a citation or warning to the juvenile or parent, if the juvenile is in a public place or establishment during the curfew-hours if the juvenile is:
- (1) Accompanied by a parent, guardian or responsible adult; or

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- (2) On an errand at the direction of his parent or guardian without making any unnecessary detour or stop; or
 - (3) Engaged in a lawful employment activity, or going to or returning from a lawful activity by a direct route without any unnecessary detour or stop; or
 - (4) On the sidewalk abutting his residence; or
 - (5) Attending a school, religious or government sponsored activity supervised by adults; or
 - (6) Married or had been married or had disabilities of minority removed in accordance with the Texas Family Code; or
 - (7) In a motor vehicle involved in intrastate or interstate travel; or
 - (8) Involved in an emergency or on an errand made necessary by an emergency.
- C. An officer will not issue a citation to the owner, operator or employee of a business establishment when the establishment has promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave after being asked to leave.
- D. A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each violation of this article is a class C misdemeanor that may be punished by the assessment of a fine up to \$500.00.
- E. If a violation by a juvenile has occurred, an officer will:
- (1) Determine if the juvenile has been previously cited for Curfew violations.
 - (2) The officer shall issue a written warning or citation to the violator (Juvenile and/or parent), depending on the circumstances and previous Curfew violation history.
 - (3) Written warnings are encouraged when the officer feels the violator:
 - a. did not understand the nature and purpose of the Curfew Ordinance; or
 - b. circumstances of the violation suggest the violator made a reasonable attempt to conform to the Ordinance.
 - (4) Written citations are appropriate when the officer feels the violator:
 - a. had knowledge of the Ordinance and purposely ignored it; or
 - b. has previous Curfew citations as determined after a records check.

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- (5) If the safety of the juvenile IS NOT in jeopardy, the officer may direct the violator to proceed directly home.
- (6) The officer WILL TRANSPORT the juvenile home, if
 - a. the safety of the juvenile IS in jeopardy, or
 - b. the officer feels he/she needs to make personal contact with the parent or guardian.
- (7) When the juvenile is transported home,
 - a. the parents or responsible adults are contacted, and
 - b. they are informed of the specific circumstances of the violation, and the nature and purpose of the law, and
 - c. they are asked to co-sign the violation. Unwillingness of the parents or guardians to sign is noted on the violation or warning notice.

SECTION 5. REPORTING

- A. Offense reports will be made on ALL curfew violations, whether a written warning or citation is issued.
- B. The following will be included in the offense report:
 - (1) Curfew Contact Initiated
 - a. By Citizen (i.e. suspicious person, etc.)
 - b. By Officer (on-site)
 - (2) Violation
 - a. Issued warning or citation
 - b. Citation number
 - c. Location of offense
 - (3) Offender
 - a. Name (Juvenile, Business, Parent, etc.)
 - b. Home Address, Phone, etc.
 - c. Business or School Address
 - d. Mode of transportation (walking, riding, driving)
 - e. Vehicle Information (if any)
 - f. Number of associates (alone, 2 cited, 3 cited)
 - (4) Disposition
 - a. Transported home
 - b. Parent/Guardian contacted

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- (5) Any recommended follow-up (Example: CPS, parents leave children unsupervised at night, etc.)

C. A curfew database will be maintained in Records.

- (1) The Municipal Court Clerk shall be responsible for mailing out letters on citations to parents, guardians or businesses.
- (2) When a business establishment has been cited for violation of curfew, a letter is mailed to the business establishment explaining the provisions of the curfew ordinance by the Municipal Court Clerk.

SECTION 6. PENALTIES

A person, firm, corporation, entity or partnership that violates a provision of this ordinance is guilty of a separate offense for each day or part of day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per offense, per day.

SECTION 7. EFFECTIVE DATE

That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law requires.

PASSED AND APPROVED by the City Council of the City of Groesbeck, Texas, this the 17th day of November, 2020.

CITY OF GROESBECK

BY: s/Ray O'Docharty
Ray O'Docharty
Mayor

ATTEST:

s/Brenda Jackson
Brenda Jackson
City Secretary

A motion was made by Kim Harris and seconded by Warren Anglin to approve Ordinance No. 20-O-08. Motion carried unanimously.

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12. Council and City Administrator comments relating to items of public interest: announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on city projects, awards, acknowledgement of meeting attendees, birthdays, request of the city administrator for items to be placed on upcoming agendas and condolences

City Administrator Chris Henson announced the annual bridge lighting is set for December 1, 2020 and a meal hosted by Limestone County immediately following; the City's annual holiday gathering has been canceled for this year due to Covid-19; the holiday parade will be held December 19; there will be a discussion concerning future parades at a later date; Martha Stanton and Emily Freel were commended on a good job helping with the bond review in which the City received an (A-) rating.

13. Adjournment

Motion to adjourn was made by Matthew Dawley and seconded by Warren Anglin. There being no further business, the meeting was adjourned at 6:22 p.m.

APPROVED:
CITY OF GROESBECK

BY:

Ray O'Docharty
Mayor

ATTEST:

Brenda Jackson
City Secretary