

MINUTES FOR THE 20th DAY OF JULY, 2021

Be it remembered that on Tuesday, July 20, 2021 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, Matthew Dawley, Warren Anglin, Tamikia Jackson and Jennifer Seelinger being present and with no one being absent. Staff members present were Chris Henson, Brenda Jackson, 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 6:00 p.m. Proper posting of the notice of the meeting was verified and a quorum of members was present.

6. Citizen's Comments

There were no citizen's comments

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 June 15, 2021
- b. Approval of Quarterly Investment Report through June, 2021

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

8. Consider Approval of Resolution No. 21-R-05, Authorizing the Issuance of City Warrant for Fire Truck Payment

Mayor O'Docharty presented Resolution No. 21-R-05, Authorizing the Issuance of City Warrant for Fire Truck Payment to the council for approval.

RESOLUTION NO. 21-R-05

WHEREAS, the City Council of the City of Groesbeck, Texas, met in a Regular Session, this 20th day of July, 2021, and

WHEREAS, it was brought to the attention of this body that funds for payment of obligations on the purchase of a 2016 Spartan fire truck for the Fire Department 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,

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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 \$265,090.51 said Warrant to bear simple interest at the beginning rate not to exceed three and one-half percent (3.5%) per annum for a period of twelve (12) months, to be due on or before the 22nd day of July, 2022. An Annual payment of as a principal and interest payment based upon a fifteen (15) year amortization for the amount of the loan will be due on or before the 22nd day of July, 2022.

PASSED AND APPROVED this 20th day of July, 2021.

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 Jennifer Seelinger and seconded by Kim Harris to approve Resolution No. 21-R-05. Motion carried unanimously.

9. Consider Approval of Resolution No. 21-R-06, Authorization to Intervene Through The Atmos Texas Municipalities Coalition of Cities in Proceedings to be Held by The Railroad Commission of Texas Related to Implementation of House Bill 1520

Mayor O'Docharty presented Resolution No. 21-R-06, Authorization to Intervene Through The Atmos Texas Municipalities Coalition of Cities in Proceedings to be Held by The Railroad Commission of Texas Related to Implementation of House Bill 1520 to the council for approval.

RESOLUTION NO. 21-R-06

RESOLUTION BY THE CITY OF GROESBECK AUTHORIZING THE CITY TO PARTICIPATE AS PART OF A COALITION OF CITIES IN PROCEEDINGS TO BE HELD BY THE RAILROAD COMMISSION OF TEXAS RELATED TO IMPLEMENTATION OF HOUSE BILL 1520; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; DIRECTING THE ACTIVITIES OF LAWYERS AND CONSULTANTS REGARDING THE RAILROAD COMMISSION'S HB 1520 PROCEEDINGS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES TO THE EXTENT ALLOWED BY LAW; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

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PASSED AND APPROVED this 20th day of July, 2021.

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 Warren Anglin and seconded by Tamikia Jackson to Resolution No. 21-R-06. Motion carried unanimously.

10. Consider Approval of Housing Authority Board Members

A motion was made by Matthew Dawley and seconded by Tamikia Jackson to approve the reappointment of Kenneth Gibson and Joe Rosas to serve on the Housing Authority Board for another two years. Motion carried unanimously.

11. Discussion Concerning Sewer Drainage Issue on North Dallas Street

Glenda Davis expressed her concerns about drainage issue on North Dallas Street. Mrs. Davis stated that whenever there's a heavy rainfall, the pipes inside her home backs up. She said that the city has made effort to clean the main street drainage in the pass but it did not resolve the problem.

City Administrator Chris Henson explained that it's not Mrs. David's fault but the property sits lower than the water & sewer lines which continues to cause a problem. The city has put new lines and backflow preventers to try to resolve the problem and is open to more possible maintenance after getting with Public Works Director, Keith Tilley.

12. Consider Approval of CRF Disbursement for Public Works

A motion was made by Matthew Dawley and seconded by Warren Anglin to approve CRF disbursements for needed street repair on North Grayson Street and West Angeline. Motion carried unanimously.

13. Consider Approval of Ordinance No. 21-O-04, Mobile Food ruck Permits and Fees

Mayor O'Docharty presented Ordinance No. 21-O-04, Mobile Food ruck Permits and Fees to the council for approval.

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ORDINANCE NO. 21-O-04

AN ORDINANCE AMENDING CHAPTER 4 "BUSINESS REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF GROESBECK, TEXAS (1952) AS AMENDED, FOR THE PURPOSE OF ADDING ARTICLE 4.05 TO BE ENTITLED "MOBILE FOOD VENDORS"; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Groesbeck, Texas (the "City") seeks to seeks to promote the health, safety and welfare of the citizens of the City; and

WHEREAS, it is recognized that certain types of business activities require special regulation by the City; and

WHEREAS, it is declared the policy of the City to allow Mobile Food Vendors to operate within the City limits as such activity provides both economic and quality of life benefits to our citizens; and

WHEREAS, it is considered an element of due diligence on the part of the City to provide general oversight of all food vendors operating within the City limits consistent with regulation of other businesses; and

WHEREAS, City staff have noted that current city ordinances do not adequately outline the regulation of Mobile Food Vendors; and

WHEREAS, it is in the legitimate interest of the City to protect the health, safety, and welfare of its citizens by setting reasonable standards for the operation of Mobile Food Vendors;

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

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SECTION 1.

That Chapter 4 “Business Regulations”, is hereby amended and Article 4.05 entitled "Mobile Food Vendors" is added in its entirety as follows:

Sec. 4.505.001 Mobile Food Vendor Definition

A Mobile Food Vendor is defined as:

- (a) Any such vendor who operates in the City from a moveable facility for the purpose of providing items for consumption by persons; and
- (b) The facility operated by the Mobile Food Vendor is further defined as a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily moveable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A stand or a booth is not considered a facility of this type; and
- (c) Such facility operates at a given location with the permission of the property owner or other legal authority with the right to grant permission for use.

Sec. 4.05.002 Adoption of state and federal laws

All federal and state laws, rules and regulations applicable to Mobile Food Vendors (and their facilities-also known as Mobile Food Units), not specifically adopted elsewhere within this Ordinance, are hereby adopted and made a part of this ordinance as if fully set out herein.

Sec. 4.05.003 Permit Required and Penalties.

(a) No Mobile Food Vendor shall display, offer to sell or sell items from a mobile food unit without first procuring a permit from the City Administrator’s Office or their designee.

(b) The cost of the permit shall be set at One Hundred Twenty Dollars (\$120.00), pro-rated, per vendor and the permit shall be valid for a period ending December 31st of each calendar year.

(c) The permit shall be displayed upon request of any peace officer or the Code Enforcement Officer. Any vendor under this Section, who is found in violation, shall make themselves subject to a fine of up to Five Hundred Dollars (\$500.00) per occurrence. Any vendor under this section, who is found in violation, on two occasions in a five-year period, shall be fined for the second occasion and further, shall be debarred from operating as a Mobile Food Vendor in in the City Limits for a period of one calendar year from the date of issuance of the citation; unless such debarment is adjudicated in the Vendor's favor at a subsequent legal proceeding.

(d) The Mobile Food Vendor shall also be required to display upon request of any peace officer or the Code Enforcement Officer, any other permits or certifications required for operation pursuant to state and federal laws including, but not limited to, health inspection certificates and

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sales tax permits issued by the State of Texas. Failure to display these items upon demand will incur the same penalties as outlined in Section 4.04.003 (c) above.

(e) Exemptions.

(1) The fee or permit required in subsection (5) of this section shall not apply to bona fide charitable, religious, educational, civic or fraternal organizations.

(2) Exempt permits shall be issued by the City of Groesbeck after verification.

Sec. 4.05.004 Enforcement by injunction

In addition to other penalties prescribed for violation of any provision of laws or ordinances relating to the health, safety and welfare of the citizens of the city, any person violating the same may be enjoined from continuing any such violation.

SECTION 2.

That this ordinance shall be cumulative of all other ordinances of the City of Groesbeck and shall not repeal any of the provisions of such ordinances, except as specified herein, and except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That all rights or remedies of the City of Groesbeck, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidance, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

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SECTION 5.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined in accordance with the penalties set forth in Sections 4.05.003 and 4.05.004.

SECTION 6.

That the City Secretary of the City of Groesbeck, Texas is hereby directed to publish the caption summarizing the purpose of this ordinance and the penalty for violating this ordinance for two (2) days in the official newspaper of the City of Groesbeck, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7.

This ordinance shall take effect after adoption and publication as required by law.

PASSED AND APPROVED this 20th day of July, A.D., 2021.

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 Jennifer Seelinger and seconded by Tamikia Jackson to approve Ordinance No. 21-O-04, Mobile Food Truck Permits and Fees setting the fee at \$10.00 per month/\$120.00 per year. Motion carried unanimously.

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14. Consider Approval of Special Events Permits and Fees

This item was tabled.

15. Consider Approval of “National Night Out” Proclamation

A motion was made by Kim Harris and seconded by Warren Anglin to approve the “National Night Out” Proclamation. Motion carried unanimously.

16. 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 – Officer Ashley Kiser made the “Groesbeck” sign placed on the wall behind the council seating area; Future budget workshops will be set up; Officer Daniel Panalici will be awarded for work well done in the August meeting.

17. Adjournment

A motion to adjourn was made by Warren Anglin and seconded by Kim Harris. There being no further business, the meeting was adjourned at 6:55 p.m.

**APPROVED:
CITY OF GROESBECK**

BY:

Ray O'Docharty
Mayor

ATTEST:

Brenda Jackson
City Secretary