

MINUTES FOR THE 20th DAY OF OCTOBER, 2020

Be it remembered that on Tuesday, October 20, 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, Tamikia Jackson, Matthew Dawley being present and with no one being absent. Staff members present were Chris Henson, Brenda Jackson and Josh Bell.

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

Mayor Ray O'Docharty 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 September 15, 2020
- b. Approval of One Year Contract renewal between Limestone County and City of Groesbeck Recycling Center for October 1, 2020 through September 30, 2021
- c. Approval of One Year Contract renewal between Limestone County and Groesbeck Memorial Library for October 1, 2020 through September 30, 2021
- d. Approval of Quarterly Investment Report through September, 2020

Item #b was pulled from the consent agenda by Council Member Kim Harris. After a brief discussion, a motion was made by Matthew Dawley and seconded by Kim Harris to approve the consent agenda. Motion carried unanimously.

8. Consider Approval of 2020 Tax Roll

A motion was made by Matthew Dawley and seconded by Tamikia Jackson to approve the 2020 City Tax Roll. Motion carried unanimously.

9. Consider Approval of Ordinance No. 20-O-05, Amending Ordinance No. 04-O-07, Assessment and Collection of Municipal Court Building Security Fund Fees

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Mayor O'Docharty presented Ordinance No. 20-O-05, Amending Ordinance No. 04-O-07, Assessment and Collection of Municipal Court Building Security Fund Fees to the council for approval.

ORDINANCE NO. 20-O-05 Amending Ordinance No. 04-O-07

AN ORDINANCE PROVIDING FOR A "MUNICIPAL COURT BUILDING SECURITY FUND" PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE: PROVIDING FOR SEVERABILITY: PROVIDING FOR PUBLICATION AND EFFECTIVE DATE: AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

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

SECTION 1: That the above named Ordinance of the City of Groesbeck, Texas reads as follows:

A. Municipal Court Building Security Fund.

1. There is hereby created and established a Municipal Court Building Security Fund (the "Fund") pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the City of Groesbeck, Texas (the "Municipal Court") is hereby authorized and required to assess a Municipal Court Building Security Fee (the "Fee") in the amount of \$4.90 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.
3. A person is considered to have been convicted in a case if:
 - judgment, sentence, or both are imposed on the person;
 - the person is placed on deferred disposition; or
 - the Court defers final disposition or imposition of the judgment and sentence.
4. The Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.
5. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of City of Groesbeck, Texas. All Fees so collected and paid over to the treasury of the City of Groesbeck, Texas shall be segregated in the Fund.
6. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of

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Groesbeck, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure.

7. The Fund shall be administered by or under the direction of the City Council of the City of Groesbeck, Texas.

SECTION 2: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Groesbeck, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

SECTION 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4: This ordinance shall be published and become effective in accordance with state law.

PASSED AND APPROVED this 20th day of October, A.D., 2020.

APPROVED:

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 Kim Harris to approve Ordinance No. 20-O-05. Motion carried unanimously.

10. Consider Approval of Ordinance No. 20-O-06, Amending Ordinance No. 02-O-05, Establishing Municipal Court Technology Fund

Mayor O'Docharty presented Ordinance No. 20-O-06, Amending Ordinance No. 02-O-05, Establishing Municipal Court Technology Fund to the council for approval.

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ORDINANCE NO. 20-O-06 Amending Ordinance No. 02-O-05

**AN ORDINANCE OF THE CITY OF GROESBECK, TEXAS,
ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND;
PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A
MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE
DATE**

WHEREAS, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund.

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

SECTION 1. ESTABLISHMENT OF MUNICIPAL COURT TECHNOLOGY FUND

- A. There is hereby created and established a Municipal Court Technology Fund, here-in-now known as the Fund, pursuant to Article 102.0172 of the Code of Criminal Procedure.**
- B. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.**

SECTION 2. ESTABLISHMENT OF AMOUNT OF FEE, ASSESSMENT AND COLLECTION

- A. The fee shall be in the amount of \$4.00.**
- B. The fee shall be assessed and collected from the Defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A Defendant is considered convicted if:
 - (1) Judgement, sentence, or both are imposed on the person;**
 - (2) the person is placed on deferred disposition; or**
 - (3) the Court defers final disposition of the judgement and sentence****

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- C. The fee shall be collected on conviction for offense committed on or after this ordinance is adopted.***
- D. The clerk of the court shall collect the fee and pay the fee to the municipal treasurer or other official who discharges or performs the duties of the treasurer of the City of Groesbeck, who shall deposit the fee into the Municipal Court Technology Fund.**

SECTION 3. DESIGNATED USE OF THE FUND AND ADMINISTRATION

- A. The Fund shall be used only to financing the purchase of technological enhancements for the Municipal Court of the City of Groesbeck, Texas: “Technological enhancements” shall include any and all items described in Article 102.0172(d) of the Code of Criminal Procedure.**
- B. The Fund shall be administered by or under the direction of the City Council of the City of Groesbeck, Texas**

SECTION 4. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances for any reasons is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Groesbeck, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 5. REPEALING CONFLICT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6. PUBLISHING AND EFFECTIVE DATE

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effective in accordance with state law upon passage, but no earlier than September 1, 1999.

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SECTION 7. ADMINISTRATION OF FUND

The purpose of the use of any funds remaining in the Fund shall continue to be used and administered as required by this ordinance and for that purpose this ordinance remains in effect.

PASSED AND APPROVED by the City Council of the City of Groesbeck, Texas on this the 20th day of October, 2020.

APPROVED:

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-06. Motion carried unanimously.

11. Consider Approval of Ordinance No. 20-O-07, Amending Ordinance No. 14-O-01, Building Code

Mayor O'Docharty presented Ordinance No. 20-O-07, Amending Ordinance No. 14-O-01, Building Code to the council for approval.

ORDINANCE NO. 20-O-07 AMENDING ORDINANCE NO. 14-O-01

AN ORDINANCE OF THE CITY OF GROESBECK, TEXAS AMENDING ORDINANCE NO. 14-O-01, SECTION 3.01.003 OF THE CODE OF ORDINANCES

Sec. 3.01.003 Setback from property lines

The distance from the property line to the foundation of a building shall be a minimum of eight (8) feet, save and except in the area known as the fire district. Except that a fence or storage building may be closer than eight (8) feet if property line is on alley line or street line. A person may also request a variance to setback requirement to the City Administrator and Code Enforcement Officer. The building owner must obtain a letter granting permission to exceed the eight (8) foot setback

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requirement from each property owner adjacent to the new building. This letter shall be submitted for review by the City Administrator and Code Enforcement Officer prior to construction. In the event of a denial of the variance request, the building owner may appeal the decision to the City Council at the next regularly scheduled city council meeting. The fire district represents a location inside the city limits in the boundaries west of the railroad tracks, north of Highway 164, east of Dallas Street and South of Angeline Street. (Ordinance 14-O-01, sec. 8(a), adopted 1/21/14)

PASSED AND APPROVED by the City Council of the City of Groesbeck, Texas on this the 20th day of October, 2020.

APPROVED:

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 Tamikia Jackson to approve Ordinance No. 20-O-07. This approval also included giving permission to City Administrator Chris Henson and Code Enforcement Officer Paul Fitte to grant or reject setback variances. If the citizen oppose their decision, it would be placed on the agenda for council decision. Motion carried unanimously.

12. Consider Approval to Sell Part of Alley Way

A motion was made by Warren Anglin and seconded by Tamikia Jackson to sell a 20 feet alleyway next to house at 405 North Waco to Jeff Melasky for \$300.00. Motion carried unanimously.

13. 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 there will be a veterans day parade on November 11, 2020 at 10:00 a.m.; Bridge Lighting on December 1, 2020 at 6 p.m. followed by a meal hosted by the County; Parking lot on the west end of the Police Department building is being repaired; West Angeline Street from Ellis to Archer Street will be the main street paving project for the new year.

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16. Adjournment

Motion to adjourn was made by Matthew Dawley and seconded by Warren Anglin. There being no further business, the meeting was adjourned at 6:40 p.m.

APPROVED:
CITY OF GROESBECK

BY:

Ray O'Docharty
Mayor

ATTEST:

Brenda Jackson
City Secretary