

## **MINUTES FOR THE 16th DAY OF MAY, 2023**

**BE IT REMEMBERED THAT** on Tuesday, May 16, 2023 the Groesbeck City Council met in Regular Session at 6:00 p.m. at the Groesbeck Council Chambers with the Honorable Mayor Matthew D. Dawley presiding and with Warren Anglin, Kim Harris, Tamikia Jackson, Sonia Selvera, Lee Cox being present and with none absent. Staff members present were Shelby Contreras, Brenda Jackson, Jamie McLean, Keith Tilley, Donna Nichols, Josh Bell. T.K. Presley, EDC Director was also in attendance. A list of visitors is attached to the agenda on file.

Minister Nathaniel Bedford gave the invocation and the pledge to the United States and Texas Flag was led by the Young Marines Group.

Mayor Dawley 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 April 18, 2023

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

### **8. Consider Approval of Ordinance No. 23-O-03, Setting Rules and Regulations for use of City Parks**

Mayor Dawley presented Ordinance No. 23-O-03, Setting Rules and Regulations for use of City Parks to the council for approval.

## **ORDINANCE NO. 23-O-03**

**AN ORDINANCE AMENDING ARTICLE 1.07 PARKS, CHAPTER 1 GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF GROESBECK TEXAS, AMENDING REGULATIONS RELATED TO THE USE AND ENJOYMENT OF CITY PARKS AND PLAYGROUNDS, ESTABLISHING RELATED FEES, PROVIDING FOR A PENALTY, REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

# **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

## **RECITALS**

**WHEREAS:** The City of Groesbeck is a Type A General Law municipality that owns public parks and recreation facilities; and,

**WHEREAS:** Texas Local Government Code Section 331.007 authorizes the governing body to prescribe rules for the use of parks and playgrounds by the public; and,

**WHEREAS:** The City of Groesbeck finds it is in the public interest that general rules related to the use and enjoyment of city parks and playgrounds should be established; and,

**WHEREAS:** Texas Local Government Code Section 51.001 authorizes the governing body of any municipality to adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

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

### **SECTION 1. FINDINGS**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Groesbeck City Council, and hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **SECTION II. AMENDMENTS**

It is the intention of the City Council that this Ordinance shall become a part of the Code of Ordinances of the City of Groesbeck and may be renumbered and codified therein accordingly. Except as herein amended the Groesbeck Code of Ordinances shall remain in full force and effect.

### **SECTION III. PARK REGULATIONS**

That ARTICLE 1.07 PARKS, of CHAPTER 1 GENERAL PROVISIONS, of the Code of Ordinances of the City of Groesbeck, Texas is amended in its entirety and shall read as follows:

#### **1.07.001 PENALTY**

Any person, firm, corporation or organization who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this article shall be fined for each offense as provided in section 1.01.009. Each day that a violation is permitted to exist shall constitute a separate offense.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

### **1.07.002 SMOKING AND DRINKING ALCOHOLIC BEVERAGES PROHIBITED**

(a) It shall be unlawful for any person to consume within park grounds or bring into park grounds Alcoholic Beverages, Controlled Substances, or Dangerous Drugs. It shall be unlawful for any person to consume tobacco products within park grounds. It shall be unlawful for any person to bring into, have in one's possession, or leave any glass containers within park grounds.

(b) Signs. The city administrator shall post a sign at each park location stating "Possession or consumption of alcoholic beverages in this park is prohibited - up to \$500.00 fine for violation."

### **1.07.003 HOURS OF OPERATION**

(a) Park Hours. Except for events sponsored by the City or unforeseen emergencies, Parks shall be only open to the public every day of the year during the hours of 5:00 a.m. until 10:00 p.m. unless different opening and closing hours for each individual park shall be posted therein.

(b) Unlawful Entry. It shall be unlawful for any person, other than an employee of the City in the course of their employment, to be or remain in any park outside park hours absent prior written approval from the City.

(c) Unlawful Use. It shall be unlawful to use any park at any time for an unlawful meetings or purposes.

### **1.07.004 CONDUCT OF PERSONS IN PARK**

(a) Any person, group, organization or entity using a park facility shall comply with ordinances and regulations pertaining to the use of city parks and facilities and not interfere with the intended use of the park or interrupt the reasonable use and enjoyment of the park by others.

(b) At all times it shall be unlawful for any person in any park to:

1. Willfully or intentionally mark, deface, disfigure, injure, tamper with or displace or remove any building, bridge, table, bench, fireplace, railing or paving material, water line, or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances, either real or personal.
2. Dig or remove any soil, rock, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, or blasting, or in any other way injure or impair the natural beauty or usefulness of the park.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

3. Damage, cut, carve, transplant or remove any tree or plant or injure the bark of any tree or plant.
4. Willfully interfere with, disrupt or prevent the orderly conduct of any supervised play or amusement program being conducted by the City or other agency.
5. Discharge, set off or otherwise cause to explode or discharge or burn any firecracker, torpedo, rocket, or any other fireworks or explosives of inflammable material.
6. Build or attempt to build a fire on park grounds, unless using the designated barbecue grills.
7. Gamble or participate in or aid any game of chance.
8. Allow any dog or pet within Park grounds to be unleashed at any time.
9. Fail to collect or dispose of any solid waste from a dog or pet on park grounds.
10. Hunt, stalk, trap, or kill any bird, animal or other wildlife in or upon park grounds.
11. Discharge any firearm except as allowed by state law.
12. Create an unreasonable or unnecessary noise, specifically including the amplification of music, speeches, or any other sound audible beyond fifty (50) feet.

### **1.07.005 LITTERING AND DUMPING PROHIBITED**

It shall be unlawful for any person to:

1. Throw, discard, dump, deposit or leave in and upon the grounds or waters of a public park or recreation area any litter, garbage, trash, or debris except in receptacles provided for this purpose. Where public receptacles are not provided, all such litter, garbage, refuse and the like shall be picked up, and carried away from Park grounds.
2. Throw or deposit litter, garbage, or refuse onto the grounds of the City Park while a driver or passenger in or upon a motor vehicle.
3. Use the trash receptacles located within a park for the disposal of waste generated anywhere other than within park grounds.

### **1.07.006 TRAFFIC REGULATIONS**

It shall be unlawful for any person to:

1. Fail to obey police officers or City employees instructing or directing traffic or parking whenever needed in the parks and on city streets immediately adjacent thereto.
2. Fail to observe carefully all traffic signs indicating caution, stopping, or parking on or near park grounds.
3. Park or station a vehicle on Park grounds other than in an established or designated parking area.
4. Drive any motor vehicle on Park grounds except paved Park roads or parking areas.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

### **1.07.007 USER FEES, DAMAGES, AND COST OF SERVICES**

(a) The city council shall establish and may amend fees for the use of park and recreation facilities by resolution from time to time.

(b) The person, group, organization or entity using a park facility shall be responsible for all damages to city property and for the cost of any park maintenance services, emergency or public safety services including police and fire, provided to, at or dispatched to the park facility as a result of such person's, group's or the organization's misuse, improper or unlawful use of the park facility.

### **1.07.008 USE AND RESERVATION OF PAVILIONS IN CITY PARKS**

(a) There are two pavilions located in Groesbeck city parks.

(1) Pavilion One: Unless reserved for use, this pavilion is available on a first come, first served basis. This pavilion may be reserved by the public by obtaining a permit from the City Secretary's office. Electricity is available at this pavilion for an additional fee.

(2) Pavilion Two: This pavilion is available on a first come, first served basis and cannot be reserved by the public; however, no one party may occupy the entire pavilion. Water and electricity is not available at this pavilion.

(b) Inflatables. The city recognizes that certain activities carry a greater risk of injury than others. Accordingly, those reserving a city park facility who wish to include inflatable amusement equipment as part of that reservation shall be subject to the following:

- (1) Inflatable amusements ("bounce houses") are permitted in designated areas only.
- (2) Only those holding a valid reservation permit may bring inflatable equipment into City parks.
- (3) Mechanical rides and equipment requiring water are prohibited in City parks.
- (4) Only companies in compliance with the Texas Department of Insurance (TDI) may bring inflatable equipment into City parks.
- (5) Proof of current insurance and safety inspection is required.
- (6) Must be operated on generator power unless used in addition to Pavilion One reservation and payment of non-refundable fee.

### **1.007.009 ENFORCEMENT**

- (a) Officials. The City Administrator and any member of the police department shall in conjunction with their duties imposed by law diligently enforce the provisions of this article.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

(b) Ejectment. The City Administrator and any member of the police department shall have the authority to eject from any park any person in violation of this article.

(c) Seizure. The City Administrator or any member of the police department shall when authorized by law, have the authority to seize any property in violation of this article.

### **SECTION IV. PENALTY**

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, which shall be punishable by a fine in accordance with section 1.01.009 of the City Code of Ordinances.

### **SECTION V. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only as to the extent of any such conflict.

### **SECTION VI. SEVERABILITY**

If any provision, section, sentence, clause or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Groesbeck in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions, or regulation.

### **SECTION VII. SAVINGS**

That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

### **SECTION VIII. CITY ADMINISTRATOR**

The City Administrator is hereby authorized to update necessary forms and applications as necessary to effect the changes contemplated herein.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

### **SECTION IX. INITIAL FEES**

The initial fee for use of electricity related to reservation of Pavilion One shall be \$ 0.00 for residents of Groesbeck, and \$ 35.00 for all others. This fee, and any other fee related to use of the park and park facilities, may be amended by resolution from time to time as deemed appropriate by the Groesbeck City Council..

### **SECTION X. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and adoption.

### **SECTION XI. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, date, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the Groesbeck City Council held on the 16th day of May, 2023.

CITY OF GROESBECK

By: s/Matthew Dawley

Matthew D. Dawley

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. 23-O-03, setting a fee of \$35.00 per usage for non-citizens and exempting all local residents. Motion carried unanimously.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

### **9. Consider Approval of Ordinance No. 23-O-04, Water Meter Damages**

Mayor Dawley presented Ordinance No. 23-O-04, Water Meter Damages to the council for approval.

#### **ORDINANCE NO. 23-O-04**

**AN ORDINANCE AMENDING ARTICLE 13.03 WATER AND WASTEWATER SERVICE, CHAPTER 13 UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF GROESBECK TEXAS, ESTABLISHING REGULATIONS AND A CIVIL PENALTY FOR TAMPERING WITH WATER METERS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

#### **RECITALS**

**WHEREAS:** The City of Groesbeck is a Type A General Law municipality that owns and operates water and sewer systems; and,

**WHEREAS:** Texas Local Government Code Section 552.001 authorizes a municipality to regulate its water and sewer systems in a manner that protects the interests of the municipality; and,

**WHEREAS:** The City of Groesbeck has experienced an increase in tampering with water meters; and,

**WHEREAS:** Due to the tampering with water meters, the City of Groesbeck has incurred increased costs for repairs to the water meters and loss of revenue from the sale of water; and,

**WHEREAS:** It is the finding of the City Council of the City of Groesbeck that water system customers are in the best position to prevent tampering with water meters; and,

**WHEREAS:** Texas Local Government Code Section 51.001 authorizes the governing body of any municipality to adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

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



## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

### **SECTION 1. FINDINGS**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Groesbeck City Council, and hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **SECTION II. AMENDMENTS**

It is the intention of the City Council that this Ordinance shall become a part of the Code of Ordinances of the City of Groesbeck and may be renumbered and codified therein accordingly. Except as herein amended the Groesbeck Code of Ordinances shall remain in full force and effect.

### **SECTION III. TAMPERING WITH WATER METERS**

That SECTION 13.03.045 "Tampering with Water Meters" of Article 13.03 WATER AND WASTEWATER SERVICE of Chapter 13 UTILITIES, of the Code of Ordinances of the City of Groesbeck, Texas is established and shall read as follows:

A. Tampering. Tampering is the unauthorized act of altering or adjusting the reading on a water meter, turning a water meter on after it has been turned off by an authorized city representative, installing piping, hoses, or any other means to bypass the water meter or to allow water use after the water meter has been removed by an authorized person, to divert in any manner water from the water system, to remove any lock placed on the water meter by an authorized person, to act in any manner to provide for or allow water service when such service has been discontinued or disconnected, or to damage any water meter in any manner.

B. No person, firm, or corporation shall tamper with any water meter connected to the water system of the City of Groesbeck for the purpose of preventing the meter to register water flowing from the water main to the service line or to cause damage to such meter.

C. Civil Penalty. If a water meter servicing any location on the City of Groesbeck's water system is found to have been tampered with, the meter shall be locked or removed without prior notice. A civil penalty of \$50.00 shall be charged to the account associated with the tampered meter. For each additional incident, an additional \$100 will be added up to \$500, after which each incident will be \$500 per incident.

D. Costs. In addition to the Civil Penalty, the cost of locking, removing, replacing, repairing, and/or reinstalling the meter will be charged to the account. The cost of lost water revenues will be estimated and will be charged to the account. Water service shall not be restored to the location until the civil penalty and all associated costs are paid. The civil penalty is in addition to any criminal prosecution that may be instituted.

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

E. Appeal. A water system customer shall have the right to appeal the decision of the Public Works Director to the City Administrator according to the City's established rules and procedures pertaining to utility services.

### **SECTION IV. PENALTY**

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, which shall be punishable by a fine in accordance with section 1.01.009 of the City Code of Ordinances.

### **SECTION V. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only as to the extent of any such conflict.

### **SECTION VI. SEVERABILITY**

If any provision, section, sentence, clause or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Groesbeck in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions, or regulation.

### **SECTION VII. SAVINGS**

That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

### **SECTION VIII. CITY ADMINISTRATOR**

The City Administrator is hereby authorized to update necessary forms and applications as necessary to effect the changes contemplated herein.

### **SECTION IX. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and adoption.

## MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T

### SECTION X. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, date, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the Groesbeck City Council held on the 16th day of May, 2023.

PASSED AND APPROVED on this the 16th day of May, 2023.

CITY OF GROESBECK

By: s/Matthew D.Dawley

Matthew D. Dawley

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. 23-O-04. Motion carried unanimously.

#### **10. Consider Approval to Finance Police Department Vehicles**

A motion was made by Lee Cox and seconded by Sonia Selvera to finance Police Department vehicles with Government Capital Corporation. Motion carried unanimously.

#### **11. Consider Approval of Street Repair List**

Council Member Warren Anglin asked if Cypress Street has been completed. Public Works Director, Keith Tilley stated it hasn't at this time, but it will be soon. A motion was made by Kim Harris and seconded by Warren Anglin to approve the street repair list as presented. Motion carried unanimously.

#### **12. Consider Approval to Pay off Note for Body-Worn Cameras**

## **MINUTES FOR THE 16th DAY OF MAY, 2023 CON'T**

A motion was made by Lee Cox and seconded by Sonia Selvera to approve to pay off the note for Police body-worn cameras . Motion carried unanimously.

### **13. Swearing in of Newly Elected Officials**

Mayor Dawley sworn in City Council Members Kim Harris and Warren Anglin to serve another two-year term.

### **14. Consider Appointment of Mayor Pro Tem**

A motion was made by Kim Harris and seconded by Tamikia Jackson to appoint Warren Anglin as Mayor Pro Tem. Motion carried unanimously.

### **15. Consider Appointment of Deputy May Pro Tem**

A motion was made by Warren Anglin and seconded by Tamikia Jackson to appoint Kim Harris as Deputy Mayor Pro Tem. 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**

### **17. Adjournment**

A motion to adjourn was made by Warren Anglin and seconded by Sonia Selvera. There being no further business, the meeting was adjourned at 6:20 p.m.

**APPROVED:  
CITY OF GROESBECK**

**BY:**

\_\_\_\_\_  
**Matthew D. Dawley**  
*Mayor*

**ATTEST:**

\_\_\_\_\_  
**Brenda Jackson**  
*City Secretary*