

REGULAR CITY COUNCIL MEETING

APRIL 26, 2016

5:30 P.M.

COUNCIL CHAMBER, 110 NORTH 8TH STREET  
GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS

1) CALL TO ORDER AT 5:30 P.M., THIS 26<sup>th</sup> DAY OF APRIL, 2016

PRESENT: Mayor Gary M. Chumley, Council Members, Inmon, Rainer, Shepherd-Cain Mitchell, Viss, and Doyle

REGRETS: City Attorney Sandy Gately

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Nathan Gohlke, Robert Featherston, Brenda Kiphen, Bobby Buster, K. C. Johnson, Larry Kennedy, Gil Gregory, Billy Vaden, Cody Mungia, Ariel Elizondo, Kelly Schmidt, Wallace Schmidt, Katie Schmidt, Robbie Webster, Jeff Matheny, and Roger Miller

2) APPROVAL OF MINUTES FROM PREVIOUS MEETING

Motion by Viss, seconded by Doyle, all voting "Aye" to approve Resolution Number 2016-33

RESOLUTION NUMBER 2016-33 - approve Minutes of April 12, 2016 Regular City Council Meeting

3) HEAR VISITORS/CITIZENS FORUM: AT THIS TIME, ANY PERSON WITH BUSINESS BEFORE THE COUNCIL NOT SCHEDULED ON THE AGENDA MAY SPEAK TO THE COUNCIL FOR A MAXIMUM OF THREE (3) MINUTES. NO FORMAL ACTION CAN BE TAKEN ON THESE ITEMS AT THIS MEETING.

Cody Mungia of 1701 Leon Street told the Council that while he participated in the recent Household Hazardous Waste Day/Operation Clean Sweep he noticed how it made a big difference in the appearance of Gatesville and how he hopes another event like this will happen again soon.

Mayor Chumley thanked Mr. Mungia for speaking to the Council and stated that City staff is looking at possibly having another clean up day in the fall and that it could never happen without citizens like him who get involved and participate. The City Council really appreciates his volunteerism.

4) RECESS REGULAR MEETING

Mayor Chumley said that the next agenda items 4-10 are Public Hearings on three Substandard Structures and then to consider decision of the Building Standards Commission (BSC).

City Manager William H. Parry said that the memorandum included in the Council read ahead book addresses the procedures of the substandard structure public hearings and will be the bulk of the Council meeting tonight.

Chairman of the Building Standards Commission/ Mayor Chumley explained the processes and procedures to the City Council – who is serving as the Building Standards Commission (BSC) for the City of Gatesville:

The Building Standards Commission will receive a report from The City Building Inspector detailing the specific deficiencies that cause the structure to be substandard. After that, the owner or owners or anyone holding an interest in the property will be allowed to address the Commission detailing the scope of work required to bring the structure into compliance with codes. That scope should contain:

- What They Intend To Do To Remedy The Problem
- When the Corrections Will Be Made

Generally, the Ordinance gives the owner 90 days to correct the deficiency- However if the Commission determines that it is reasonable to give more time, that is acceptable. However, as part of our decision tonight, the extra time allowed by the Commission will be captured.

The Commission will need to answer 2 Questions:

1. Does the structure in its current condition violate Building Standards?
2. Is the owner's scope of work to correct the condition(s) acceptable to the Commission {I.E. an assurance the repairs will be made on the timeline the owner stipulates). Oral testimony shall be given under oath.
3. None of these properties is occupied, so the issue of vacating lawful occupants is not applicable.

We will conduct the Public Hearing separately for each structure and then make a decision upon the completion of all three Public Hearings. You are encouraged to ask any questions of the building inspector or the owner.

Should you grant a continuance during the hearing - In other words, require the City or the owner to return on a future date with more information- We will set and announce the date and time for that hearing as part of our decision tonight.

City Inspector, Robert Featherston approached the Council and BSC Chairman Chumley asked Mr. Featherston if the notice of tonight's public hearings had been posted, and were the owners/lienholders/mortgagees notified of tonight's public hearings?

Mr. Featherston said yes.

Chairman Chumley then asked City Secretary Wendy Cole if a tape recording will be made of this evening's public hearings?

Ms. Cole said yes, that it is being recorded.

BSC Chairman Chumley called -----

#### PUBLIC HEARING #1

#### HEAR COMMENTS CONCERNING SUBSTANDARD STRUCTURE AT 1121 BALDRIDGE, GATESVILLE, TEXAS

Mr. Featherston presented a power point showing evidence of deterioration to the outside walls, flooring systems, no electrical service, broken windows and doors. There had been a fire set by vagrants also as evidenced by a police report and pictures. There is a lien with George Stone.

Ms. Schmidt is buying this house from Mr. Stone. Mr. Featherston thought this structure could be brought back into compliance and be a viable structure again.

Kelly Schmidt of 3801 Loop Drive, Temple, Texas came forward to speak to the Commission about 1121 Baldrige Drive.

Chairman Chumley administered the oath of honesty to Ms. Schmidt and she affirmed that the statement she was about to give would be the truth. Ms. Schmidt described her situation and options. She stated that her intent is to make the repairs but would need more time. Her first step would be to secure the doors and windows and then address the electrical issues. City Manager Parry said that the Commission would need a plan for the scope of work which she could present at the meeting on May 10<sup>th</sup>.

5) END PUBLIC HEARING #1 AT 6:02 P.M. AND CALL -----

PUBLIC HEARING #2

HEAR COMMENTS CONCERNING SUBSTANDARD STRUCTURE AT 2004 WACO  
STREET, GATESVILLE, TEXAS

City Inspector Robert Featherston's presentation addressed evidence of deterioration to the outside walls, roof, and flooring systems. Siding underlayment and roof deck showed to be weathered and deteriorated as well as no plumbing, no electrical, no windows or doors. This house has been in this condition for six or seven years. The county is looking to sell at their back tax sale, but will not know for sure until the County's public hearing on May 27<sup>th</sup>. If the county decides to sell, the auction wouldn't happen until September of this year.

Chairman Chumley said that no one was present at this public hearing representing this property. Chumley asked if there were any questions and there were none.

6) END PUBLIC HEARING #2 AT 6:08 P.M. AND CALL -----

PUBLIC HEARING #3

HEAR COMMENTS CONCERNING SUBSTANDARD STRUCTURE AT 601/605 MAIN  
STREET, GATESVILLE, TEXAS

City Inspector, Robert Featherston's power point program revealed evidence of deterioration to the canopy or awning and broken windows. Siding is pulling away from the building and there are major cracks on exterior of the structure. This structure is located in a fire district and should not have wood that is not protected with effervescent paint on the exterior of the building. The sign also violates the City of Gatesville sign ordinance. Taxes are also delinquent for 2014 and 2015.

Property owner, Robbie Webster was present at the meeting but her nephew, Jeff Matheny, of Affordable Construction Services out of Austin was present to represent her. Mr. Matheny said that he is her contractor.

Chairman Chumley administered the oath of honesty to Mr. Matheny and he affirmed that the statement he was about to give would be the truth.

Mr. Matheny said this building fell victim to weather damage awhile back and they have been trying to assist Ms. Webster with an insurance claim for the inside damage and the window damage. Mr. Matheny described the scope of loss in detail and stated that they do have a plan of action to repair and open the store back up.

They are still dealing with the insurance company regarding the scope of loss so insurance can be settled. There was a discussion on what permits were required, when back taxes would be paid, when they planned to begin work, and the structural integrity of the building. Mr. Matheny assured the Commission that he would begin work the first Monday in June and be done by June 30<sup>th</sup>. Ms. Webster stated that the back taxes would be taken care of by next month.

7) END PUBLIC HEARING #3 AT 6:30 P.M. AND RECONVENE REGULAR MEETING

8) CONSIDER DECISION OF THE BUILDING STANDARDS COMMISSION REGARDING THE SUBSTANDARD STRUCTURE AT 1121 BALDRIDGE, GATESVILLE, TEXAS

BSC Chairman Chumley said that the Building Standards Commission has agreed to allow the property owner to come back to the Council with a plan on May 10, 2016 and submit their plan for the scope of work to be done at 1121 Baldrige.

Motion by Shepherd-Cain, seconded by Inmon, all voting "Aye" to approve Resolution Number 2016-34

RESOLUTION NUMBER 2016-34 - City Secretary Cole affirmed that the City of Gatesville Building Standards Commission approved to grant a continuance for Wallace and Kelly Schmidt to return on May 10, 2016 to present a plan to the BSC regarding the scope of work for 1121 Baldrige, Gatesville, Texas. The continuance will take place on May 10, 2016 at 5:30 p.m. in the Council Chambers, 110 North 8<sup>th</sup> Street, Gatesville, Texas.

9) CONSIDER DECISION OF THE BUILDING STANDARDS COMMISSION REGARDING THE SUBSTANDARD STRUCTURE AT 2004 WACO STREET, GATESVILLE, TEXAS

There was a lengthy discussion to proceed with the condemnation or to possibly wait until the outcome of the county's decision of their public hearing in May and back tax sale in September.

BSC Chairman Chumley stated that no one was present to represent this structure and asked for a motion.

Motion by Inmon, seconded by Doyle, Rainer, Mitchell, Doyle, Inmon, and Shepherd-Cain voting "Aye" to approve condemnation. Viss voting "Nay". Resolution Number 2016-35

RESOLUTION NUMBER 2016-35 - City Secretary Cole affirmed that the City of Gatesville Commission directed the owner to demolish the structure at 2004 Waco Street, Gatesville, Texas not later than October 1, 2016.

10) CONSIDER DECISION OF THE BUILDING STANDARDS COMMISSION REGARDING THE SUBSTANDARD STRUCTURE AT 601/605 MAIN STREET, GATESVILLE, TEXAS

BSC Chairman Chumley said that the Building Standards Commission approved the scope of proposed work by the owners of 601/605 Main Street and directed them to submit the plan to the City Inspector in May showing the scope of work to be completed by the end of June 30, 2016. Mr. Featherston stated that he would need plans for permit issuance five days prior to the start of the actual work.

Motion by Shepherd-Cain, seconded by Rainer, all voting "Aye" to approve Resolution Number 2016-36

RESOLUTION NUMBER 2016-36 - City Secretary Cole affirmed that the Building Standards Commission approved the scope of work proposed by Ronnie and Robbie Webster and their authorized representative of 601/605 Main Street, Gatesville, Texas. Additionally, the BSC directs the work at the referenced structure to commence on June 6, 2016 with the work substantially completed by June 30, 2016. The BSC can issue an continuance if additional time is needed.

11) CITY MANAGERS REPORT

Budget and Financial Reports. Discussed items of note in the March 2016 financial statements:

- General Funds @ 69%
- General Fund Transfer Expense – other Operations represents the City's Fund Reserves, currently at \$80,000 versus an annual goal of \$120,000.

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- Will do a midyear review of the budget at the meeting on May 10<sup>th</sup>.

Wastewater Treatment Plant. Discussed the issue of locating open manholes in Stillhouse Sewer Plant lines. When the Stillhouse WWTP was upgraded it was permitted to treat 2.2 million gallons per day. If the average daily flow exceeds 75% of permitted capacity for three consecutive months, the City is required to commence engineering and financial planning to expand capacity. If the average daily flow exceeds 90% of permitted capacity, the City is required to commence construction to increase capacity. The flows are close now – have 30 days to bring the flows down in the Stillhouse Plant. We have some thoughts in financing and basic engineering but is not included the budget as of now.

The City staff and Council needs to find a way to re-capitalize that plant in order to raise the amount of permit capability into 3 million gallons per day. That is why the Wastewater Treatment Plant staff have been walking the lines to identify inflow and infiltration. One manhole cover was discovered slightly ajar.

12. RECESS MEETING AND CALL AN EXECUTIVE SESSION AT 6:50 P.M

CLOSED MEETING:

SECTION 551.071 – CONSULTATION WITH ATTORNEY REGARDING CORYELL COUNTY COMMISSIONERS COURT'S POSSIBLE TERMINATION OF THE INTERLOCAL AGREEMENT BETWEEN CORYELL COUNTY AND THE CITY OF GATESVILLE REGARDING THE LEON RIVER BRIDGE ON LEON STREET

13) END CLOSED SESSION AND RECONVENE REGULAR MEETING at 7:33 p.m.

14) CONSIDER ANY ACTION REQUIRED FROM EXECUTIVE SESSION REGARDING POSSIBLE TERMINATION OF THE INTERLOCAL AGREEMENT BETWEEN CORYELL COUNTY AND THE CITY OF GATESVILLE REGARDING THE LEON RIVER BRIDGE ON LEON STREET

Following the closed session, Mayor Chumley stated that there is no action as a result of the closed execution session.

15) ADJOURN CITY COUNCIL MEETING AT 7:34 P.M., THIS 26<sup>th</sup> DAY OF APRIL, 2016

ATTEST:

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Wendy Cole  
City Secretary

APPROVED:

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Gary M. Chumley  
Mayor





12) CITY MANAGERS REPORT

City Manager Parry reported on the following:

13) ADJOURN CITY COUNCIL MEETING AT 6:10 P.M., THIS 22<sup>nd</sup> DAY OF MARCH, 2016

ATTEST:

APPROVED:



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Wendy Cole  
City Secretary

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Gary M. Chumley  
Mayor



