

NOTICE
THIS NOTICE IS POSTED IN COMPLIANCE WITH THE OPEN MEETING ACT
(TEX. GOV'T CODE CHAPTER 551, SEC. 551.041)

AGENDA
REGULAR CITY COUNCIL MEETING
JANUARY 25, 2022 AT 5:30 P.M
GATESVILLE COUNCIL CHAMBERS, 110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528

An Open Meeting will be held concerning the following subjects:

1. Call to Order
2. 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.
3. Discussion and possible action to approve Minutes from Regular City Council Meeting January 11, 2022
4. Recess Regular meeting and call -----

Public Hearing #1

Hear comments/receive evidence concerning the condition of the structure located at 2006 Bridge Street, Gatesville, Texas, and related code or ordinance violations

5. End Public Hearing and reconvene Regular Meeting
6. Discussion and possible action regarding a determination of whether the structure located at 2006 Bridge Street, Gatesville, Texas is dilapidated, substandard, unfit for habitation and/or a hazard to public health, safety and welfare and action, if any, that should be taken to address any such condition
7. Recess Regular meeting and call -----

Public Hearing #2

Hear comments/receive evidence concerning the condition of the structure located at 2301 Bridge Street, Gatesville, Texas and related code or ordinance violations

8. End Public Hearing and reconvene Regular Meeting
9. Discussion and possible action regarding a determination of whether the structure located at 2301 Bridge Street, Gatesville, Texas is dilapidated, substandard, unfit for habitation and/or a hazard to public health, safety and welfare and action, if any, that should be taken to address any such condition
10. Discussion and possible action regarding request of Jack Herring Homes to re-plat Block 108, Lot 3 of Original Town, Gatesville, Texas, into two lots to be known as the Barnes and Mills Street Addition
11. Discussion and possible action regarding request of Jack Herring Homes to re-plat Block 1, Lot 8 of the Hartwell and Chambers Addition, Gatesville, Texas, into two lots to be known as the Jack Herring Homes Addition
12. City Manager's Report: Capital Projects, Future Agenda Topics, Coronavirus Update, Department Head Reports: Finance, Fire, Code Enforcement/Building Permits, Utility, Police, Court, Recreation, Convention & Visitor's Bureau
13. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 21st day of January, 2022 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 110 N. 8th Street, Gatesville, Texas.

Wendy Cole, City Secretary

The City of Gatesville council chambers are wheelchair accessible and accessible parking spaces are available at the back entrance of City Hall. Requests for accommodations or interpretive services must be made 24 hours prior to this meeting. Please contact the city secretary's office at 254-865-8951 or FAX 254-865-8320, or email wcole@gatesvilletx.com for further information.

REGULAR CITY COUNCIL MEETING
JANUARY 25, 2022 AT 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 REGULAR CITY COUNCIL MEETING AT 5:32 P.M. THIS 25TH DAY OF JANUARY, 2022

PRESENT: Mayor Gary Chumley, Councilmembers Barbara Burrow, Greg Casey, Billy Sinyard, Meredith Rainer, Claude Williams, and John Westbrook

OTHERS PRESENT: City Manager William H. Parry III, City Secretary Wendy Cole, Rene Ochoa, Mike Halsema, Gabriel Hall, Amanda Hall, Jeff Osborne, and Chris Richardson (arrived at 5:40 p.m.)

2) 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

Boy Scout, Gabriel Hall, of 111 North Lutterloh Avenue, Gatesville, spoke to the City Council about the postponed road repairs that resulted from water damage at Faunt LeRoy Park. Mr. Hall asked the council what was being done?

Mayor Chumley stated that the curved road at the far end of the park is closed to traffic due to flooding that caused severe erosion to the river bank. The City has applied for a Federal Emergency Management Agency (FEMA) grant looking into the possibility of repairing the road but would be at an estimated cost of \$1.2 million. City staff and Council is considering what action to take as repairing the damage does not fix the origin of the problem that causes the reoccurring flooding to take place. Determination of options for this project are being assessed by Texas Department of Emergency Management and FEMA.

Mr. Hall thanked the Council for taking the time to let him address his concern.

3) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MINUTES FROM THE REGULAR CITY COUNCIL MEETING JANUARY 11, 2022

RESOLUTION 2022-06: Motion by Meredith Rainer, seconded by Billy Sinyard, to approve the Minutes from the Regular City Council Meeting January 11, 2022; all six voting "Aye", motion passed.

4) RECESS REGULAR MEETING AND CALL -----

PUBLIC HEARING #1

HEAR COMMENTS/RECEIVE EVIDENCE CONCERNING THE CONDITION OF THE STRUCTURE LOCATED AT 2006 BRIDGE STREET, GATESVILLE, TEXAS, AND RELATED CODE OR ORDINANCE VIOLATIONS

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

The Building Standards Commission will receive a report from the City Manager as the Building Inspector could not attend tonight's meeting which will detail the specific code deficiencies at 2006 Bridge Street that caused the structure to be non-compliant with city codes. Following the report the owner or owners or anyone holding an interest in the property will be allowed to address the Commission if they wish to make the repairs, detailing the scope of work required to bring the structures

into compliance with codes. That scope should contain:

- What They Intend To Do To Remedy the Deficiencies;
- When the Corrections Will Be Made

State Statute and the City's Ordinance grants the owner 30 days to correct the deficiency or deficiencies- However the state statute allows up to 90 days to correct the deficiency/deficiencies if the Commission determines that it is reasonable to give more time.

The Commission will need to answer 2 questions:

1. Does the structure in its current condition violate Building Standards?
2. If the owner(s) desires to make repairs to bring the structures into compliance, is the owner's scope of work and timeline acceptable to the Commission (I.E. an assurance the repairs will be made on the timeline the owner stipulates)? If the owner, or anyone with an interest in the property is not present, the Commission can order the structure be demolished. Oral testimony shall be given under oath.

The property is not occupied, so the issue of vacating lawful occupants is not applicable.

The Public Hearing will be conducted and then a decision will be made. The Council/Commission were encouraged to ask any questions of the City Manager or the owner.

BSC Chairman Chumley asked City Manager Parry if the owners/lienholders/mortgagees notified of tonight's public hearing?

Mr. Parry answered Yes- that on November 18, 2021, the owner was notified by certified mail and regular mail.

Chairman Chumley then asked City Secretary Wendy Cole if the notice of tonight's public hearing had been posted, and will a tape recording be made of this evening's public hearing?

Ms. Cole answered yes.

The BSC were provided a packet of pictures which showed the deficiencies at 2006 Bridge Street in detail. City Manager Parry reviewed the photographs that the City Inspector took of the outside of the house. Mr. Parry said that the owner, Chris Richardson, received his certified letter that reported the code violations at 2006 Bridge Street and was present if the BSC had any questions for him. Parry addressed evidence of deterioration to the outside walls, roof, flooring structural system, substandard plumbing, electrical, and broken windows. Parry noted that there were no photographs of the inside of the house because the City Inspector has to be invited inside by the owner. All utilities have been disconnected.

Chairman Chumley asked Mr. Chris Richardson if he would like to address the Council.

Mr. Richardson answered Yes, Sir.

Chairman Chumley administered the oath to Mr. Richardson that the testimony that he was about to give to the City of Gatesville Building Standards Commission would be the truth, the whole truth, and nothing but the truth?

Mr. Richardson answered yes.

Mr. Richardson said that he received the letter from the City regarding the house and spoke to City Inspector Featherston a few days ago and told him that he planned to tear it down. He said that at one point he tried to refurbish it but never finished and so thought would tear it down and get rid of it. Mr. Richardson said that recently he was approached by someone that wanted to buy the property and recondition the entire house. He was told by the interested person that he was projecting February 3, 2022 as the date to close on the property. Mr. Richardson said that if the property is not sold he will tear down the house probably the next week.

Chairman Chumley asked Mr. Richardson if he had an executed contract and he said that he has it in an email. There was discussion that the BSC would need a copy of a properly executed contract and also would need to speak to the new owner. Mr. Parry said that the City Attorney advised that Mr.

Richardson would need to present the contract to the BSC at the next meeting on February 8, 2022 and then the new owner would need to come to the next meeting after that on February 22, 2022 with a scope of work for repair and a timeline showing when all the work will be completed. The new owner would need to be notified of the meeting as was done with Mr. Richardson and then the BSC would then either approve or disapprove the scope of work and timeline.

The City Attorney recommended that the BSC order the demolition of the structure within 30 days but the Order can be amended if the property does sell and the new owner comes to the BSC with a plan.

Mr. Richardson reiterated that if this sale doesn't work out he will demolish the house.

5) END PUBLIC HEARING AND RECONVENE REGULAR MEETING AT 5:50 P.M.

6) DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION OF WHETHER THE STRUCTURE LOCATED AT 2006 BRIDGE STREET, GATESVILLE, TEXAS IS DILAPIDATED, SUBSTANDARD, UNFIT FOR HABITATION AND/OR A HAZARD TO PUBLIC HEALTH, SAFETY AND WELFARE AND ACTION, IF ANY, THAT SHOULD BE TAKEN TO ADDRESS ANY SUCH CONDITION

City Manager Parry said that staff's recommendation along with the City Attorney concurrence is that the BSC order the demolition of the property at 2006 Bridge Street within 30 days but that the order could be amended if the property sells and the new owner comes in with a scope of work for repairs.

RESOLUTION 2022-07: Motion by Barbara Burrow; seconded by Greg Casey; to order the demolition of the structure at 2006 Bridge Street within thirty (30) days with the option of extending the order to allow the new owner the ability to present a scope of work and timeline for repairs; all six voting "Aye", motion passed.

7) RECESS REGULAR MEETING AT 5:52 P.M.AND CALL -----

PUBLIC HEARING #2

HEAR COMMENTS/RECEIVE EVIDENCE CONCERNING THE CONDITION OF THE STRUCTURE LOCATED AT 2301 BRIDGE STREET, GATESVILLE, TEXAS, AND RELATED CODE OR ORDINANCE VIOLATIONS

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

The Building Standards Commission will receive a report from the City Manager as the Building Inspector could not attend tonight's meeting which will detail the specific code deficiencies at 2301 Bridge Street that causes the structure to be non-compliant with city codes. Following the report the owner or owners or anyone holding an interest in the property will be allowed to address the Commission if they wish to make the repairs, detailing the scope of work required to bring the structures into compliance with codes. That scope should contain:

- What They Intend To Do To Remedy the Deficiencies;
- When the Corrections Will Be Made

State Statute and the City's Ordinance grants the owner 30 days to correct the deficiency or deficiencies- However the state statute allows up to 90 days to correct the deficiency/deficiencies if the Commission determines that it is reasonable to give more time.

The Commission will need to answer 2 questions:

1. Does the structure in its current condition violate Building Standards?
2. If the owner(s) desires to make repairs to bring the structure into compliance, is the owner's scope of work and timeline acceptable to the Commission (I.E. an assurance the repairs will be made on the timeline the owner stipulates)? If the owner, or anyone with an interest in the property is not present, the Commission can order the structure be demolished. Oral testimony shall be given under oath.

The property is not occupied, so the issue of vacating lawful occupants is not applicable.

The Public Hearing will be conducted and then a decision will be made. The Council/Commission were encouraged to ask any questions of the City Manager or the owner.

BSC Chairman Chumley asked City Manager Parry if the owners/lienholders/mortgagees notified of tonight's public hearing?

Mr. Parry answered Yes- that the owner was notified by certified mail and regular mail. The certified letter came back from the owner as it was not accepted. The letter sent by regular mail was not returned undeliverable so staff knows that the owner received that letter. There were three (3) lien holders that were mailed letters giving notice of this Public Hearing: Tax Ease Funding LLC, Capital One, and FGMS Holdings LLC. Tax Ease Funding LLC and Capital One's return receipt green cards came back signed which confirms that they received notification of tonight's Public Hearing. FGMS Holdings LLC's certified letter and regular letter came back as undelivered as addressed.

Chairman Chumley then asked City Secretary Wendy Cole if the notice of tonight's public hearing had been posted, and will a tape recording be made of this evening's public hearing?

Ms. Cole answered yes.

City Manager Parry said that there was no one present at the Public Hearing representing the property at 2301 Bridge Street. The BSC were provided a packet of pictures that the City Inspector took of the outside of the house which showed the deficiencies at 2301 Bridge Street in detail. Parry addressed evidence of deterioration to the outside walls, roof, flooring structural system, substandard plumbing, electrical, and broken windows.

There was a brief discussion regarding how substandard structures are brought forward to the BSC for consideration. Parry reviewed a ranking sheet that included a list of 25 items to review, score and rank. Structures that are ranked and then identified as the highest of priorities are the structures that have been determined to have the most deficiencies and/or are an attractive nuisance to children or vagrants. Unpaid taxes and ignored code enforcement issues are also taken into consideration when determining what substandard structures take priority.

8) END PUBLIC HEARING AND RECONVENE REGULAR MEETING AT 6:02 P.M.

9) DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION OF WHETHER THE STRUCTURE LOCATED AT 2301 BRIDGE STREET, GATESVILLE, TEXAS IS DILAPIDATED, SUBSTANDARD, UNFIT FOR HABITATION AND/OR A HAZARD TO PUBLIC HEALTH, SAFETY AND WELFARE AND ACTION, IF ANY, THAT SHOULD BE TAKEN TO ADDRESS ANY SUCH CONDITION

City Manager Parry said that staff's recommendation is that the BSC order the demolition of the property at 2301 Bridge Street within 30 days.

RESOLUTION 2022-08: Motion by Meredith ; seconded by John Westbrook; to order the demolition of the structure at 2301 Bridge Street within thirty (30) days with the timeline starting after the owner receives the demolition order notice; all six voting "Aye", motion passed.

10) DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST OF JACK HERRING HOMES TO RE-PLAT BLOCK 108, LOT 3 OF ORIGINAL TOWN, GATESVILLE, TEXAS, INTO TWO LOTS TO BE KNOWN AS THE BARNES AND MILLS STREET ADDITION

Planning Director, Rene Ochoa, stated that this re-plat request has been submitted with the purpose of re-platting an existing lot into two and is situated entirely within Gatesville's city limits. Mr. Herring has indicated that he will continue to build single family homes. Sewer and water services are provided by the City of Gatesville. No new road or extension of public facilities are being created as part of this subdivision and both proposed lots have frontage along existing city streets. All other provisions of the subdivision have been met by the developer to the City's satisfaction. This subdivision request was scheduled for review by the Planning and Zoning Commission on Monday, January 10, 2022 but a quorum was not present. The application for subdivision has, by default, become automatically approved by the Commission through inaction due to the 30-day approval regulation; per state law. Staff recommends that the Council approve this application.

RESOLUTION 2022-09: Motion by Barbara Burrow; seconded by Billy Sinyard; to approve the request of Jack Herring Homes to re-plat Block 108, Lot 3 of Original Town, Gatesville, Texas, into two lots to be known as the Barnes and Mills Street Addition; all six voting "Aye", motion passed.

11) DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST OF JACK HERRING HOMES TO RE-PLAT BLOCK 1, LOT 8 OF THE HARTWELL AND CHAMBERS ADDITION, GATESVILLE, TEXAS, INTO TWO LOTS TO BE KNOWN AS THE JACK HERRING HOMES ADDITION

Planning Director, Rene Ochoa, stated that this re-plat request has been submitted with the purpose of re-platting Block 1, Lot 8 of the Hartwell and Chambers Addition into two lots and is situated entirely within Gatesville's city limits. Sewer and water services are provided by the City of Gatesville. No new road or extension of public facilities are being created as part of this subdivision and both proposed lots have frontage along existing city streets. All other provisions of the subdivision have been met by the developer to the City's satisfaction. This subdivision request was scheduled for review by the Planning and Zoning Commission on Monday, January 10, 2022 but a quorum was not present. The application for subdivision has, by default, become automatically approved by the Commission through inaction due to the 30-day approval regulation; per state law. Staff recommends that the Council approve this application. There was a brief discussion regarding the requirement of approval of re-plats and that they must be approved by both the Planning and Zoning Commission and the City Council.

Mr. Ochoa pointed out that the plats regarding agenda items 10 and 11 (Jack Herring Subdivisions) were on the back table if any Councilmember wished to review.

RESOLUTION 2022-10: Motion by John Westbrook; seconded by Greg Casey; to approve the request of Jack Herring Homes to re-plat Block 1, Lot 8 of the Hartwell and Chambers Addition, Gatesville, Texas, into two lots to be known as the Jack Herring Homes Addition; all six voting "Aye", motion passed.

12) CITY MANAGER'S REPORT:

CAPITAL PROJECTS:

Stillhouse WWTP Expansion Project – Update: Staff is waiting on the technical memorandum report which includes the final cost estimates of the project with projected recommendations by mid-January. Since the costs for this project were assessed 2 years ago and with the current rising costs of materials a determination will need to be made if the scope of the expansion project needs to be revised.

Water Treatment Plant Clarifier #2 Replacement (2021-22 Community Development Block Grant): The Texas Department of Agriculture field representative is coming to Gatesville on the 7th of February to meet with staff and the water treatment department engineer to conduct a final site survey check list and take photographs before moving forward with the clarifier replacement.

Mills Street Water/Sewer Line Replacement: Challenges that the contractors are having on this project include discovering an unknown galvanized line and also that there is a significant amount of rock under the subdivision. The contractors had to bring in bigger equipment to get through the rock. Progress is being made- it is just slow.

DEPARTMENT HEAD REPORTS:

Fire Department: The Insurance Services Office (ISO) will conduct an inspection on the Fire Department system and Water Distribution system that will be evaluated under the Public Protection Classification program which will give the city a rating to see how prepared Gatesville is for fires. Staff is hopeful that the City’s rating will improve from a 4 to a 3 with 1 being the highest rating and 10 being the lowest rating.

Water/Wastewater Departments regarding Fats, Oils, and Grease (FOG): TV station KWTX ran the story on this issue during the January 13, 2022 news and is now posted on the city website. Hopefully more citizens are now educated on this subject of dumping grease down their drains and understanding how it clogs up the city sewer lines.

FUTURE COUNCIL MEETING AGENDA TOPICS:

February 8, 2022:

- Approve contribution to the 2022 Defense Economic Adjustment Assistance Grant (DEAAG).
- Tentative: Discussion /possible action to approve Waste Management options. There was a brief discussion if any councilmembers had heard from the public after the Gatesville Messenger published the thorough news story regarding the Council’s solid waste discussion a few weeks ago. No one had heard any comments from anyone in the city limits.
- TBD: Circus Ordinance, amendment to the Animal Ordinance and several other various ordinances.

SKATE PARK UPDATE: Possible monetary donation from Stanley Ford of McGregor which could be used to replace a few metal dilapidated structures with concrete. The Skate Park equipment that was donated from Tony Zapata has not been picked up yet by the volunteers.

COUNCILMEMBER BURROW: Asked the Mayor to put the ½ cent sales tax discussion on a future agenda for further discussion. City Manager Parry said that it could be discussed at the first council meeting in March.

COUNCILMEMBER CASEY: Asked if there was information on any type of construction that is projected to start on the old VFW property on Golf Course Road. Planning Director, Ochoa, said that the council approved that plat a few months ago and is zoned single family residential and is all that can be built there.

MAYOR CHUMLEY: Asked about the lots/subdivision that the Council approved on the corner of Highway 36 and Old Waco Road. Planning Director Ochoa said that parts of that area is zoned Business/Commercial and some is zoned Ag/ Suburban.

13) ADJOURN MEETING AT 6:25 P.M., THIS 25TH DAY OF JANUARY, 2022

ATTEST:

Wendy Cole
City Secretary

APPROVED:

Gary M. Chumley
Mayor

