

The City Council of the City of Columbus, Texas met in special session on Thursday, September 16, 2010 at 6:30 p.m., in the Council Chambers of City Hall located at 605 Spring St., Columbus, Texas, with the following present:

Mayor	-	Dwain Dungen
Mayor Pro Tem	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch (Absent)
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell
City Attorney	-	Ty Prause

Other City Staff present included:

Police Chief	-	Danny Jackson
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1. **Call to Order.**

Mayor Dwain Dungen called the meeting to order at 6:30 pm.

2. **Pledge of Allegiance and Invocation.**

Mayor Dungen led the Pledge of Allegiance and Invocation.

3. **Public Hearing on the Property Tax Rate for Tax Year 2010 and Fiscal Year 2011.**

Mayor Dungen closed the regular session and opened the public hearing at 6:31 p.m. Mayor Dungen stated that the tax rate was being kept the same as last year and that the increase in taxes was due to an increase in valuation. He closed the public hearing at 6:32 p.m.

4. **Public Hearing on Proposed Revisions to the Unsafe or Substandard Buildings, Structures, and Premises Ordinance Article 3.07.**

Mayor Dungen closed the regular session and opened the public hearing at 6:32 p.m.

William Durbin stated that he had a chance to research other cities that had ordinances addressing historical buildings. He stated that he felt that there should be separate ordinances one addressing dangerous and substandard buildings and one addressing preserving the historical buildings. He also stated that he would provide City Manager, Donald Warschak, and City Attorney, Ty Prause, with a copy of an ordinance from San Antonio addressing historical buildings.

Councilman Axel stated that from Austin Street East was zoned as a Historical District and historical buildings would be covered by the zoning ordinance.

Elizabeth Flint stated that under Section 3.07.024 (a) (3) she would like to see the exterior added to this sentence. She also stated that she would like Section 3.07.026 to say "Responsibilities of the occupant/owner."

Mayor Dungen stated that the current ordinance is ten (10) pages and the new ordinance is nineteen (19) pages long and it fills the gaps that exist in the current ordinance.

City Attorney, Ty Prause, stated that the current ordinance is not well defined. He also stated that the new ordinance brought all of the pieces into the one ordinance. He then stated that all provisions of the ordinance must meet the guidelines set forth in Section 2.14 of the Local Government Code. He stated that that the City will be bound by all provisions and that Section 3.07.005 of the proposed ordinance will have exactly what the law is and how it works. He stated that he and Donald Warschak are working on a punch list for the inspection process.

Councilman Rankin stated that in the first sentence of the ordinance the Standard Unsafe Building Abatement Code, 1985 edition, is referred to as being adopted and he asked if the City had a copy.

Ty Prause stated that you could access it on the internet and that staff would make sure that a hard copy was available.

Councilman Rankin stated in Section 3.07.003 that the sentence needed to end after the word trailers to ensure that commercial property that used those type facilities would not be excluded.

Councilman Rankin stated that in Section 3.07.007 he was concerned about the two (2) year comparison used to determine the decrease in valuation.

Ty Prause stated that without that provision the 50% of the structure needing repair would be subjective to the inspector and that an objective factor needed to be included.

Councilman Rankin asked to have the homestead as protected by the Texas Constitution to be explained.

Ty Prause stated this provision would not allow the foreclosure of the property if it was considered a homestead.

Councilman Rankin asked that if the property was considered a homestead would this prevent the demolition of the property.

Ty Prause stated that no it would not affect the demolition of a property because it was a separate issue.

Steve Woodall asked at what point Eminent Domain would take over.

Ty Prause stated that Eminent Domain was used for easements and right-of-way and could not be used in this instance.

Councilman Rankin stated that he would encourage that wording be included in the ordinance to have historic property reconstructed.

Mayor Dungen stated that the intent of the ordinance is to handle each case on its own merit.

Councilman Rankin stated that he would like to see a reporting provision added to the ordinance.

Dee Bradham stated that they are currently submitting a quarterly report for the Columbus Housing Community.

Ty Prause suggested that the City Manager include a copy of the notices sent to owners with a copy of the inspection report as part of the agenda packet.

Council agreed that this would be a good practice.

Mayor Dungen closed the public hearing at 7:12 p.m.

5. Announcements

Donald Warschak announced that there would be a Regular Council meeting on September 23, 2010 and a Special Council meeting on September 28, 2010.

6. Adjournment

The mayor adjourned the meeting at 7:14 p.m.



Mayor, Dwain K. Dungen

ATTEST:



Cathy Ezell, City Secretary