

MINUTES OF SPECIAL MEETING
OF APRIL 12, 2005
COUNCIL OF THE OF MEADOWS PLACE, TEXAS

The special meeting of the Meadows Place Council was called to order at 7:30 p.m. by Mayor Mark McGrath at Meadows Place Hall, One Troyan Drive, Meadows Place, Texas, with notice of said meeting giving the time, place, date and subject thereof having been posted as prescribed by Article 6252-17, V.T.A.C.S. with the following members present and in attendance:

Mayor: Mark McGrath

Aldermen: Terry Henley
Charles Jessup
Joe McCann

and the following absent:

Aldermen: David Piwonka
Rick Staigle

thus constituting a quorum.

Also present were J. Grady Randle, City Attorney, Joe Edwards, Consulting Building Official and Code Enforcement Officer Tracey Spiller.

Council received the recommendation from Consulting Building Official Joseph Edwards, on property located at 12018 Pender Lane in the City of Meadows Place, Texas.

Council then reviewed the recommendation and discussed their options with the City Attorney, the Consulting Building Official and the Code Enforcement Officer.

City Attorney Grady Randle provided Council with a Substandard Buildings Checklist. He noted, if enough evidence was presented by the Building Official to provide a reasonable basis upon which to investigate preliminary allegations and findings were justified, then Council could, upon motion, set a hearing date and request that notice be sent out.

The notice of hearing would be sent to the owner of the property and the lien holder or mortgagee and would include a statement that the owner, lien holder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to bring the property up to code and the time it will take to reasonably perform the work. After the public hearing is held, if the building is found to be in violation of code standards, the City may order that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time period. The notice must contain an identification of the building and the property on which it is located; a description of the violation of the municipal standards that are present at the building; and a statement that the municipality will vacate, secure, move or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time. The notice must be filed and published. After the hearing, the municipality shall promptly mail by certified mail, return receipt requested a copy of the Order to the owner of the building and to any lien holder or mortgagee.

At the hearing, the municipality shall require the owner, lien holder or mortgagee of the building, within thirty (30) days, to secure the building or repair, remove or demolish the building, unless the owner or lien holder establishes at the time of the hearing that the work cannot reasonably be performed within 30 days. If more than 30 days is allowed, the time schedule for the commencement and performance of the work shall be specified. A 90 day maximum to fully perform all work required to comply with the order is allowed unless the owner submits a detailed plan and establishes the work cannot reasonably be completed within 90 days. If more than 90 days is allowed to complete any part of the required work, the municipality shall require the owner to submit interim progress reports. If the total value exceeds \$100,000, the municipality may

require the owner to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing or demolishing the building.

The burden of proof is on the owner to demonstrate the scope of the work that may be required to comply with the order and the time it will take to reasonably perform the work. If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the may vacate, secure, move or demolish the building or relocate the occupants at the City's expense and assess expenses and put a lien on the property (unless it is a homestead.)

The City may then repair the building and assess the expense on the land; access a civil penalty against the property owner for failure to repair, remove or demolish the building; or impose a lien against the land on which the building stands or stood (unless it is a homestead.) Attorney's fees may be recovered through the judicial process. The civil penalty cannot exceed \$1000.00 per day. The City may foreclose with a lien in a judicial proceeding.

Mr. Edwards noted there are numerous ways for the City to resolve building issues. Council, acting as the Building Standards Commission can file a civil suit against the owner and a new fine can be issued against the property owner every 24 hours. The owners of the property at 12018 Pender are in California and cannot be brought across state lines to Texas to answer to Class C misdemeanors in municipal court.

In January, the City notified an agent for Asset Management who was representing the new owner of 12018 Pender Lane of numerous repairs that need to be done to the property before occupancy could take place. A list of needed corrections was developed. A teleconference with people representing the California owners was held in early March. The owners did send an electrician and a plumber to look at the house. Neither the under ground plumbing nor the foundation were checked. A roofing consultant was not used either. The electrician said the house was an electrical fire hazard. Evidence of termite damage also exists. The owners have since found a new buyer for the residence. Mr. Edwards asked council if they wanted to proceed with a hearing, or did they want to work with the new owner.

Mr. Randle said the Statute gives the City the right to put a lien on the property and file notice in county deed records. The structure is obviously in bad shape and poses a hazard to other residents of the City. Council discussed their options and felt they needed to act on the Building Official's recommendation. Councilmember Jessup made a motion to set a hearing date for May 3, 2005 at 7:00 p.m. Councilmember McCann seconded this motion which carried unanimously.

There being no further business to discuss, Councilmember Henley made a motion, seconded by Councilmember McCann to adjourn the meeting. With unanimous approval the meeting was adjourned at 8:18 p.m.

Elaine Herff, City Secretary