



1111 Bayou
La Marque, Texas 77568
409.938.9202

**CITY OF LA MARQUE
BUILDING STANDARD COMMISSION
PUBLIC HEARING / REGULAR MEETING MINUTES
OF
March 14, 2017**

Regular Meeting Minutes of the City of La Marque Building Standard Commission held on March 14, 2017, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Chairman Deanie Barrett called meeting to order at 6:01p.m.

(2) ROLL CALL:

PRESENT:

Chairman Deanie Barrett
Vice Chairman Louis McGaffey
Commissioner Trina Phillips

ABSENT:

Commissioner John Berlitz
Commissioner Billy Jefferson

OTHER OFFICIALS/STAFF PRESENT

Carol Buttler, City Manager
Les Rumburg, Public Works Director
Kathleen Van Stavern, Code Compliance Supervisor
Sherlyn Williams, Revitalization Specialist

(3) INVOCATION AND PLEDGE OF ALLEGIANCE:

All joined in a moment of silence
Commissioner Trina Phillips led Pledge of Allegiance

(4) APPROVAL OF MINUTES

Motion made by Commissioner Trina Phillips to accept the minutes as read, seconded by Vice Chairman Louis McGaffey. **MOTION CARRIED UNANIMOUSLY.**

(5) CITIZEN'S PARTICIPATION.

Comments from the Public (At this time, any person with city-related business who has signed up may speak to Building Standards Commission (limited to three(3) minutes). In Compliance with Texas Open Meeting Act the Building Standards Commission may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

Chairman Barrett opened the Public Hearing session opened at 6:04 p.m.
No citizen participation.

(6) PUBLIC HEARING

Conduct a Public Hearing to hear the Public input regarding the following properties, declaring to be Substandard and Ordering Remedies, Provided by Texas Local Government Code, Chapter 54§C. Quasi- Judicial Enforcement of Health and Safety Ordinance through the City Ordinance Chapter 14, Section 280.

1. Address: 1409 Ross, La Marque, TX 77568 - No representative present.
2. Address: 1022 Lake Rd., La Marque, TX 77568 – No representative present.
3. Address: 3200 Hoover, La Marque, TX 77568 – No representative present.

Chairman Barrett closed the Public Hearing session at 6:05 pm.

(7) OLD BUSINESS

Discussion/possible action declaring the following properties to be Substandard Ordering Remedies Provided by Texas Local Government Code, Chapter 54, §C., Quasi-Judicial Enforcement of Health and Safety Ordinance, through the City Ordinance Chapter 14, Section 280.

- a. Address: 929 Cedar Dr, La Marque, TX 77568 – Glendola Nolte. 929 Cedar Dr., La Marque, TX. 77568.
Mrs. Nolte informed the Commission that Able Roofing had repaired the roof at a cost of \$5205.00 and that Mac's plumbing had replaced the water heater. Code Compliance Supervisor Van Stavern stated the roof no longer leaks and poses no threat to Mrs. Nolte's health. Vice Chairman McGaffey asked if the property would be removed from the demolition list since Mrs. Nolte had made the repairs requested. Code Compliance Supervisor Van Stavern replied "yes", she also stated there were a few other minor repairs to be made to the home; however they could be done later. No further discussion or action taken.
- b. Address: 926 Cedar Dr, La Marque, TX 77568 - No Representative present.
Commissioner Trina Phillips made a motion to demolish the property, seconded by Vice Chairman McGaffey. **MOTION PASSED UNANIMOUSLY.**
- c. Address: 2125 Cedar Dr., La Marque, TX 77568 - Jorge Alarcon, Rep. for National Recovery Inc.
Mr. Alarcon, stated all the work had been done and the permits were pulled. Chairman Barrett asked if there had been a previous problem with the parking. Mr. Alarcon stated he was there to address the repairs to the property, which had been completed and was not going to address the parking issue, as the property had been sold and the current/new owner could address that issue if/when he appeared before the Commissioners. Code Compliance Supervisor Van Stavern stated the issue was addressed by the new owner Felix Alvarez and he was given information as to what he needed to do to follow the procedures of the city code of ordinances, which he would do at the pre-development meeting he would attend at a later date. No further discussion/action taken.

- d. Address: 1314 Palm, La Marque, TX 77568 - No representative present.
Commissioner Phillips made a motion to demolish the property, seconded by Vice Chairman McGaffey. **MOTION CARRIED UNANIMOUSLY.**
- e. Address: 1725 Main St, La Marque, TX 77568 – Jim Stewart, 3435 Sky Ridge Dr., Alvin, TX.
At the last meeting his options were to sell or to have an assessment of the property. At present it's not sold so he had the assessment done. He did have some interested parties but didn't want to sell until he had replaced rafters and roof to the property. He requested 90 days (June 13, 2017) to complete the repairs or sell. Vice Chairman McGaffey asked if the structural engineers report was obtained in January. Mr. Stewart replied "yes" and he had copies to leave with the Commission. Chairman Barrett asked if he understood that if the repairs were not done or the property was not sold at the end of 90 days that the property would be placed on the demolition list by the city. Mr. Stewart stated he understood and would comply. Vice Chairman asked if he would sign a voluntary demolition form to have on record as a good faith action. The form was signed and notarized and placed in the file. Commissioner Phillips made a motion to give 90 days as requested, (June 13, 2017), seconded by Vice Chairman McGaffey. **MOTION CARRIED UNANIMOUSLY.**
- f. Address: 412 Ave A., La Marque, TX 77568 - Fred Jones, 412 Ave. A, La Marque, TX.
Code Compliance Supervisor Van Stavern presented pictures of the property to the Commission that were taken earlier in the day. Chairman Barrett asked if Mr. Jones currently lived in the structure shown in the pictures. Mr. Jones stated at the present time he was not; however the city approved repairs (windows, roof, siding), that he made to the property four years ago, but the condition of the property at present didn't allow him to inhabit the structure due to a neighbor detonating an explosive device and the people that did so had migrated to his property to include approximately 200 lawn mowers and a sewer line. He also was not able to inhabit the property because there had been a murder in the structure and the police investigation was on going, which inhibited him from continuing the repairs. Chairman asked how long he had been working on the structure and he replied two years and the city closed the case. Chairman Barrett asked if the structure was currently insured. Mrs. Jones replied "no, because you couldn't obtain insurance on a structure with no walls or floors". He stated he didn't know that there was an ordinance that stated you couldn't have a project home to perform repairs and he was a victim of vandalism. Chairman Barrett asked Mr. Jones where he lived he said he lived in Houston, but this house was next to the property was under police investigation. Chairman Barrett stated she didn't believe the structure was salvageable. Mr. Jones stated that it was and that the City of La Marque said it was because they had him bring a structural engineers report, timeline and scope of work. Code Compliance Supervisor Van Stavern, stated that those documents were in compliance for four years ago and that no work had been done on the property since that time, which is why it was returning to the BSC now. Chairman Barrett asked if there was flooring in the home. Mr. Jones stated no there was not and why should it if it was a project home. Chairman Barrett stated, there are no project homes within the City of La Marque. Chairman asked who did the leveling. Mr. Jones stated he did the work. Chairman Barrett asked how he did the work if it was not homestead property and Mr. Jones replied that he could pull a permit because he was a licensed contractor. Chairman Barrett stated the only way he would be able to continue work on the property would be to get a new structural engineers report, scope of work and time line. Mr. Jones stated "no big deal" and asked when he needed to have those documents. Code Compliance Supervisor stated he had

90 days (June 13, 2017) to get those documents to the Building Standard Commission. Vice Chairman McGaffey stated he needed to sign a Voluntary Demolition form or there would be no further discussion. Vice Chairman McGaffey made a motion to give Mr. Jones 90 days to bring documents, bring structure up to code and sign a Voluntary Demolition form, seconded by Commissioner Phillips. **MOTION CARRIED UNANIMOUSLY.**

- g. Address: 418 Ave A, La Marque, TX 77568 – Fred Jones, 412 Ave. A, La Marque, TX.
Chairman Barrett stated Mr. Jones needs to bring a structural engineers report, scope of work and time line for the repairs to this structure (storage facility). Vice Chairman McGaffey made a motion to give Mr. Jones 90 days (June 13, 2017) to complete repairs, along with a voluntary demolition form, seconded by Commissioner Phillips. **MOTIONCARRIED UNANIMOUSLY.**
- h. Address: 409 Ave B, La Marque, TX. – Arturo Alcantara, 3806 West Madden Houston, TX, 77082.
Chairman Barrett stated he could pull the permits now and proceed with repairs. Mr. Alcantara asked if he needed to pull permits for the siding. Vice Chairman stated if the property is homesteaded he could pull his own permits. Mr. Alcantara asked if he needed a permit to pull carpet, the Code Compliance Supervisor Van Stavern informed him that the permits were for structural repairs, i.e. windows, doors, roof, etc. She then stated she didn't see where Mr. Alcantara had homesteaded the property and proceeded to explain to him how to obtain the homestead exemption. The address was provided to him by city staff. Chairman Barrett asked what type of repairs needed to be done. He stated most of the repairs were outside and requested 60 to 90 days to complete the job. Code Compliance Supervisor Van Stavern stated he needed to raise the siding at least an inch so that it wouldn't took the ground. Commissioner Phillips made a motion to give Mr. Alcantara 90 days (June 13, 2017) to pull permits and complete repairs, seconded by Vice Chairman McGaffey.
- i. Address: 1910 Oaklawn, La Marque, TX. – Bill Etheridge, 4201 Blackhawk Dr, League City.
Mr. Etheridge, who is a realtor gave a real estate structural report to the Commission and stated he believe the house to be structurally sound, but it did need some cosmetic repairs to it which is what made him decide to purchase the property for investment purposes. He also provided a structural engineers report from Aran & Franklin. He offered Mrs. Laborde (owner), \$20,000 for the property. Mr. Etheridge stated he didn't mind spending the money to make necessary repairs. He asked for insurance inspection on the property as well. He asked that it be removed from the demolition list. Vice Chairman McGaffey asked if he could get the repairs done within 90 days. Vice Chairman McGaffey made a motion to give Mr. Etheridge 90 days (June 13, 2017) to complete repairs to the property (June 13, 2017), seconded by Commissioner Phillips. **MOTION CARRIED UNANIMOUSLY.**
- j. Address: 1919 Oaklawn, La Marque, TX. - William Leacroy Jr., 1919 Oaklawn, La Marque, TX.
Mr. Leacroy came in to state he wanted to sign the form to have a voluntary demolition done on the property. Chairman Barrett made a motion to allow Mr. Leacroy to sign for a voluntary demolition form, giving the city permission to demolish the property, seconded by Commissioner Phillips. **MOTION CARRIED UNANIMOUSLY.**
- k. Address: 634 Main St, La Marque, TX. - Rosa Herrera, 3134 Mar Ann, La Marque, TX.
Ms. Herrera stated she had been working on the house. Chairman Barrett asked if this

Property had been on the demolition list before. Code Compliance Supervisor replied it had been over a year due to the fact that Ms. Herrera had begun work on the structure the year prior; however, no work was completed. Chairman Barrett asked how long the property had been vacant. The owner replied it had been vacant a few years after her husband passed away. She stated the house has a 40 year roof. Chairman Barrett stated she believed the house should be demolished since no work was being done. Mrs. Herrera stated the whole foundation was repaired last year and the home could be repaired. Chairman Barrett asked how long had the property had water and electricity, Mrs. Herrera stated it had been a while. It was her homestead before the hurricane, but didn't recall how long it had been vacant after the hurricane. Chairman Barrett expressed that she didn't see the need to continue the discussion on the repairs if the property had been on the demolition list in recent years and it had not been done. Chairman Barrett stated that the owner needs a structural engineers report, scope of work and a time line within 30 days (April 11, 2017). Mrs. Herrera asked if the engineer had to be from this area, Code Compliance Supervisor replied, "no", they could be from anywhere as long as they were licensed. Vice Chairman McGaffey stated Mrs. Herrera needed to sign a Voluntary Demolition form as well in case the repairs are not completed. Mrs. Herrera didn't want to sign the voluntary demolition form. Vice Chairman reiterated that he would give her 30 days along with signing the demolition form. Chairman Barrett reiterated the terms of the 30 days to bring requested documents and if Mrs. Herrera doesn't comply she would then sign the Voluntary Demolition form. (April 11, 2017). Chairman Barrett made a motion giving Mrs. Herrera 30 days to bring a structural engineers report, scope of work to include: building, plumbing, electrical, mechanical repairs, time line and finances to complete the repairs, seconded by Commissioner Phillips. **MOTION CARRIED UNANIMOUSLY.**

- I. Address: 1419 Ross, La Marque, TX. - No representative present.
Commissioner Phillips made a motion to demolish the property, seconded by Vice Chairman McGaffey. **MOTION CARRIED UNANIMOUSLY.**

(8) NEW BUSINESS

Discussion/possible action declaring the following properties to be Substandard and Ordering Remedies provided by Texas Local Government Code, Chapter 54§ C., Quasi-Judicial Enforcement of Health and Safety Ordinance, through the City Ordinance Chapter 14, Section 280.

- a. Address: 1409 Ross, La Marque, TX 77568 – Ollie Neiderhofer, 3007 Henkel Ln, Santa Fe, TX.

Code Compliance Supervisor Van Stavern presented the photos of the property and stated she had cleaned up the yard. Ms. Neiderhofer asked that the Commission tell her where the fire damage was to the structure, because there had not been a fire at/on the property. Code Compliance Supervisor Van Stavern stated that it was her error in sending a violation letter with the comments regarding the fire damage because she thought it to be fire damage; but, after closer investigation discovered it was water damage that was now mold. Commissioner Phillips asked Ms. Neiderhofer if the second structure on the property was a garage or shed. Mrs. Neiderhofer stated it was a storage shed in the back of the property. Ms. Neiderhofer wanted clarification as to what the process was because she had an agreement with Kay (Kathleen) in December and why she was sent a demolition order after not being able to appear before the Commission because she had an agreement with Kathleen that the property would not be placed on

the agenda because she was going out of the country on business, and she understood that the property would be placed on the January 2017 agenda. She also didn't understand why she would receive a demolition letter when she had an agreement that it would not appear until January. She then tried to contact the Code Compliance Supervisor to no avail until she came to City Hall and demanded to see her or she wouldn't leave until she had. She stated she received phone calls that she needed to make a decision on December 10 for a meeting on December 11, 2016 and she had tried to contact the Code Compliance Supervisor who didn't return her calls. Chairman Barrett asked Ms. Neiderhofer if she received a notice for the December meeting. Mrs. Neiderhofer replied she had received it in November; however, Chairman Barrett asked how long it had been since someone lived on the premises. Ms. Neiderhofer replied not since the early 2000's after her mother's knee surgery, approximately 16 years. She stated she uses it for storage. Commissioner Phillips asked what her plans were for the property and if she could bring a structural engineers report, scope of work and time line within the next 90 days. Ms. Neiderhofer replied she wanted to go through the structure again to determine whether or not it was feasible for her to invest funds into getting those documents. She also stated she had spoken with Code Compliance Supervisor Van Stavern to not put it on the agenda until December. Chairman Barrett explained to her that it was placed on the December agenda and she didn't appear, so it was placed on the January agenda, but there was no quorum to conduct the Commission business and there was no meeting in February so it was again placed on the agenda for March. Ms. Neiderhofer wanted to know how she could then receive a demolition order when she had not come before the Commission. Code Compliance Supervisor Van Stavern informed Ms. Neiderhofer that all properties go through the same procedures for posting notices on the structures, postings in the newspaper, and sending letters to property owners to appear, no matter what the outcome, by law all that has to be done for each property that comes before the commission. She also stated that there was communication between the two of them and reminded Ms. Neiderhofer of the conversation when she asked her if the sticker could be removed from the structure because it upset her mother and Code Compliance Supervisor told her she could remove the post notice from the structure so it would not upset her mother. Ms. Neiderhofer replied she remembered that conversation. Code Compliance Supervisor Van Stavern also reminded Ms. Neiderhofer that she spoke to her about her going out of the country and would not place the property on the agenda until January, but she forgot and it was placed on January's agenda; however, Chairman Barrett remembered Code Compliance Officer Van Stavern making a statement as to Ms. Neiderhofer was going to be out of the country and should not have been on the agenda. Ms. Neiderhofer requested a time line as to when she could get a copy of minutes because they were no longer posted on the website and she knew someone on the Commission had some knowledge of the agendas and minutes being posted. Chairman Barrett explained to her that only the City Clerk was responsible for posting those documents and she wanted a copy of the December minutes. Code Compliance Supervisor asked then, what were her plans for the house. She stated she was still was not understanding how she got a demolition order with the number CDEF2016-556 before coming before the Commission. Code Compliance Supervisor Van Stavern replied that the number was a code compliance case number, not a demolition order number and that the demolition order had not yet been signed. Ms. Neiderhofer reiterated that she had been trying to understand the process since November 3rd and thought it was ridiculous that she had to go down to city hall and demand to speak to someone. Ms. Chairman Barrett reiterated the statement read under Citizen Participation regarding slander of personnel and she was getting close to that action and the discussion needed to continue on 1409 Ross and her plans for the

property. She asked if she could have time to decide if she wanted to repair or sell the property. Chairman Barrett stated the Commission would give Ms. Neiderhofer 30 days to bring in a structural engineers report, scope of work or time line and cost of repair the house and the garages. Ms. Neiderhofer asked if she had the same amount of time to decide to sell, Chairman Barrett replied she needed to make sure the buyer knew the status of the property with the Commission and the condition of the property. Mrs. Neiderhofer replied she didn't have a problem with transparency and having an ethical view of things. Code Compliance Supervisor stated that should be done when the parties get to the point of the disclosure paperwork, Ms. Neiderhofer stated that was common sense and she didn't have a problem with that, but she wasn't going to be ramrodded into a sale within 30 days because she didn't thing that was reasonable and hadn't heard other's being driven to that point of selling within that time. Code Compliance Supervisor stated that it was not the Commission that was thinking of sell, but the Commission was trying to clean up the city of the dilapidated structures, improve the neighborhoods and keep the health and safety issues away. Chairman Barrett then stated the Commission would give her 90 days and that was all, Ms. Neiderhofer stated "for", Chairman Barrett reiterated, to bring in a structural engineers report, scope of work or time line and cost of repairs including plumbing, electrical, roof, etc. and it had to be contractors to provide the documents and to do the work because it was not a homestead. Ms. Neiderhofer stated she understood. She also stated that it would include a sale Chairman Barrett replied she did not include that in the motion. Ms. Neiderhofer asked if the property sold within the 90 days (June 13, 2017) what should she do, the Code Compliance Supervisor Van Stavern replied, if she decided to sell she would have to notify her department and inform the new owner of the status with the Commission and condition of the property, and bring in the deed of trust because they would have to go through the same process. Motion reiterated by Chairman Barrett, to give Ms. Neiderhofer 90 days to bring the requested documents, or proof of sale, seconded by Commissioner Phillips. **MOTION CARRIED UNANIMOUSLY.**

Ms. Neiderhofer expressed concerns of retaliatory behavior from code enforcement for her having come before the Commission because she had experienced that prior regarding her Aunt's property and who she would go to if that happened. Chairman Barrett replied City Manager Carol Buttler.

- b. Address: 1022 Lake Rd, La Marque, TX, 77568 - No representative present.
Code Compliance Supervisor presented photos and was expecting the heirs to appear, but no one did. Commissioner Phillips made a motion to demolish the property, seconded by Vice Chairman McGaffey. **MOTION CARRIED UNANIMOUSLY.**
- c. Address: 3200 Hoover, La Marque, TX, 77568 - No representative present. (Correction)
Chairman Barrett stated she thought the property was due to come back before the commission April 11, 2017. Code Compliance Supervisor stated she had made contact with the owner and informed him if it were sold he would have to inform the new owner of the status of the property and its condition and the sell may have fallen through because of its status with the Commission. Commissioner Phillips made a motion to demolish the structure, seconded by Vice Chairman McGaffey. **MOTION CARRIED UNANIMOUSLY.**
- d. Address: 2415 Cedar, La Marque, TX 77568, - Brandy Rendon and Brian Parrish, 12701 Bingham Ln, Santa Fe, TX.
Ms. Rendon and Mr. Parrish presented photos to the Commission, showing the work

they completed on the trailers (trailers #1, #2, #3) which was everything on the structural engineers report to include removing trailer #2. Code Compliance Supervisor stated she hadn't been back over to inspect to date. Chairman Barrett asked if they were planning to replace the trailer Mr. Parrish replied "yes" and Ms. Rendon replied not at this time. But they repaired all of the exterior holes. Vice Chairman McGaffey asked is Code Compliance Supervisor would go by to confirm the repairs and she replied she would do that and report back to the Commission. No further discussion.

(9) CHAIRMAN REPORT

There was no report.

(10) EXECUTIVE SESSION

The Building Standards Commission for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code Section 551.071(Consultation with Attorney), 551.072 (Deliberations about real Property), 551.073 Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about security Devices) and 551.086 (Economic Development).

No executive session required.

(11) REQUESTS AND ANNOUNCEMENTS

None.

(12) ADJOURNMENT

Meeting adjourned at 7:20 p.m.



Chairman Deanie Barrett, Presiding
Building Standards Commission