

CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
JULY 25, 2018

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chair	Commissioner	Commissioner
Laura Thurmond	Lee Hampton	Dan R. Collins
Commissioner	Commissioner	Commissioner
Paul Katz	Charles Formica	Christina Stone
Vice Chair	Commissioner	Commissioner
Danny Spencer	George Williams	Paul Coselli

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

I. REGULAR SESSION**A. Call to Order****B. Announcement of Quorum****C. Rules for Public Comment**

1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
3. Public Comments of a general nature shall be made at the time designated by the Order of Business.
4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.
5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Apr 25, 2018 7:00 PM

E. Public Comment**F. Unfinished Business, Communications, and Reports****G. Swearing in of New Commissioners****H. Incoming Commission**

- i. Introduction of Incoming Commissioners
- ii. Election of Chair and Vice Chair
- iii. Adoption of the Rules of Procedure
 1. Rules of Procedure

I. Report from Building Official**J. Reports of Committees and Communications**

- 1. Communications to Commission members outside of posted meetings**
- 2. Committee Reports**
- 3. Reports from Staff other than the Building Official**

K. Old Business**L. New Business****1. Public Hearings**

Docket# 2018-01-Discussion, consideration, and possible action on a complaint filed by the Building Official to consider or determine whether the structures located at 4515 Maple Street, Bellaire, Texas 77401, comply with the minimum requirements of the City of Bellaire, Texas, Code of Ordinances and to consider or determine whether the structures must be vacated, repaired, secured or demolished in accordance with Chapter 54 and/or 214 of the Local Government Code of the State of Texas.

A. Presentation of the Public Hearing Process**B. Presentation by the Property Owner****C. Staff Findings****D. Public Comments****E. Response of the Property Owner****F. Questions from the Commission****G. Closure of the Public Hearing**

- 2. Discussion on Chapter 2, Administration, Article VII, Boards and Commissions, Section 2-92, Creation of New Boards, subsection (b) of the Code of Ordinances of the City of Bellaire.**
- 3. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

M. Announcements & Comments by Commissioners**N. Adjournment**



CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

APRIL 25, 2018

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. REGULAR SESSION

A. Call to Order

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chair	Present	
Paul Katz	Commissioner	Present	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
Dan R. Collins	Commissioner	Present	
Christina Stone	Commissioner	Present	
Marleny Campos	Secretary	Present	
William Davidson	Building Official	Present	
Zachary Petrov	Assistant City Attorney	Present	
David R. Montague	Council Member	Present	
ChaVonne Sampson	Development Services Manager	Present	

B. Announcement of Quorum

C. Rules for Public Comment

1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
3. Public Comments of a general nature shall be made at the time designated by the Order of Business.
4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.

Minutes Acceptance: Minutes of Apr 25, 2018 7:00 PM (Approval or Correction of the Minutes)

5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Mar 28, 2018 7:00 PM

Commissioner Stone made several minor corrections for clarification and grammatical errors of the minutes.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Charles Formica, Commissioner
SECONDER:	Danny Spencer, Vice Chair
AYES:	Thurmond, Katz, Spencer, Hampton, Formica, Collins, Stone

E. Public Comment

There were no public comments.

F. Report from Building Official

Mr. Davidson did not have anything to report.

Commissioner Formica asked Mr. Davidson about what Harris County has done in terms of height regulation since the last meeting.

Mr. Davidson answered that unincorporated Harris County is still requiring 2-foot elevation in the 100-year or 200-year flood plain. He then stated that City of Houston has approved 2 feet above the 500-year flood plain.

Commissioner Formica mentioned Bellaire seems to be okay where it is right now and asked if there is any thought of taking a look on changing the requirement.

Mr. Davidson mentioned that Flood Task Force did not make a recommendation to increase the required height and that city staff will not be making any recommendations at this time.

Commissioner Hampton said that a change could be looked at for the Southdale area instead of Bellaire as a whole.

Mr. Davidson added that the 100-year flood plain elevations can be looked up by anyone, but that the elevations for the 500-year flood plain much more complicated to determine.

Chairman Thurmond mentioned that people can opt to go higher than the minimum.

Mr. Davidson confirmed this and that there is no restriction on how high the first floor can be built.

Commissioner Stone mentioned that her street was reconstructed years ago to be lowered so that the street could better conduct water and commented that it worked really well. She asked if there's any plan to reconstruct other streets to do the same.

Mr. Davidson responded that he was unaware if Ione was on the list to be reconstructed, but could find out. He also mentioned that the city has a published list of current Capital Improvement Projects.

Commissioner Stone then questioned if the reconstruction would include lowering the streets.

Mr. Davidson answered "not necessarily", but that there is money set aside for drainage improvements where it may include lowering the streets during the design phase.

Chairman Thurmond asked if the Flood Mitigation Task Force made identifying conclusions about Southdale specifically and if it would had been better with improved drainage or infrastructure.

Mr. Davidson couldn't answer as this was outside his scope, and he would have to talk to City engineer.

Chairman Thurmond said that her street improved after Tropical Storm Allison and avoided 2 floods because of infrastructure improvements.

Mr. Davidson informed that the City is interested in preventing damages of 100-year events.

Council Member Montague discussed the debate amongst Task Force members in regards to raising the minimum requirement of home elevation. It was concluded that based on evidence, it'd be more cost-effective to sort through what should be done rather than blatantly reacting without any engineering basis.

Vice Chair Spencer mentioned he read that Hurricane Harvey was actually a 1 in 10,000-year event and that there are many things that can still be discussed and improved on other than making the bayou bigger.

G. Reports of Committees and Communications

1. Communications to Commission members outside of posted meetings

There were no communications to Commission members outside of posted meetings.

2. Committee Reports

There were no committee reports.

3. Reports from Staff other than the Building Official

Ms. Sampson went through the slide show that was presented to Council about substandard and abandoned homes. It included the definition of substandard housing, how it's brought to the City's attention, and the steps the City takes in regards to seeking compliance. She also explained the Code Compliance officer's steps in seeking compliance, contacting homeowners about the property, and if ever, unresolved and/or unsecured homes. Ms. Sampson then spoke about the process of substandard and abandoned homes, and the Building Official's role and steps such as inspections and contacting homeowners. She mentioned that it is very rare that it gets to the point where the board needs to get involved. Ms. Sampson then explained about the structures that were flooded and not remediated. She read the numbers on structures that were not immediately remediated, and then those that were demolished, remediated, elevated, and substantially damaged. She went over nuisance properties (secured, but not substandard) that receive reports from

neighbors. Ms. Sampson explained that the City makes every effort to seek compliance, but not before giving the resident an opportunity to get it taken care of as to not waste staff and court time.

Commissioner Formica asked how the City reacts to resident complaints.

Ms. Sampson replied that the City is hoping to have the Code Enforcement officer out and about more with re-structuring the department. She then informed how the City receives its complaints.

Chair Thurmond asked if the nuisance calls that the City gets are more in regards to rental properties or elderly property owners.

Ms. Sampson replied that the calls are not just rental or elderly, it's a mixed batch.

Vice Chair Spencer asked Ms. Sampson if she'd be able to give the address of the home that is being boarded up.

Ms. Sampson replied that if he submits an open records request, she can.

Commissioner Collins mentioned that a newspaper article may have triggered the substandard housing presentation. He asked if there has been any change of action of the addresses listed in the article.

Mr. Davidson replied that one of the addresses had not brought to the City's attention. He stated that the Code Compliance Officer, Linda, is working on it. He mentioned that another address was found to be unsecured and the City went back by to secure it.

H. Old Business

1. Discussion, consideration, and possible action on a proposed amendment to Chapter 9, Buildings, Article IV, Electricity, Division 1, Generally, Section 9-92, Amendments, Section 220.13A, of the City of Bellaire Code of Ordinances.

Motion: a motion was made by Commissioner Katz and seconded by Commissioner Formica to delete the section of the ordinance.

Vote: the motion carried with a vote of 7-0.

I. New Business

1. Discussion with the City Engineer on the standards for sidewalk widths within the City of Bellaire.

Mr. James Andrews introduced himself and Mr. Bobby Vasek. He announced they were here to answer any questions that the Commission may have.

Chair Thurmond mentioned that many questions were born out of the City Manager taking statements from Council where all new sidewalks needed to be 5 feet. She stated that many felt that it was not a "one-size-fits-all" scenario, and asked how would they go about addressing the problem with individual situations.

Mr. Andrews responded that they are tasked with meeting ADA guidelines and putting improvements in. He mentioned that they can do whatever the City

aesthetically wants, provide factual estimates and recommendations. He also gave detail on how sidewalks are designed around trees as to not destroy properties.

Commissioner Formica asked if the way sidewalks are designed right now are "one-size-fits-all" or if there are different sizes for different locations.

Mr. Andrews stated in general they can get 5-foot sidewalk in, and that it just needs to meet ADA guidelines. He mentioned that the City of Houston has implemented a 5-foot sidewalk minimum everywhere as well as Sugar Land and Missouri City.

Commissioner Hampton stated that City of Houston has an exemption process and can file for it pretty easily.

Mr. Vasek stated that there is a standard 5-foot for any major construction project.

Chairman Thurmond stated that there is a very important differentiation between commercial and residential guidelines because Bellaire does not do major construction.

Vice Chair Spencer said he understands that ADA requirement for commercial areas and that there are different standards for residential.

Mr. Vasek replied that it was incorrect. He added that all accessible path are sidewalks and need to meet certain accessibility guidelines.

Vice Chair Spencer asked Commissioner Hampton if there is an ADA inspection for homes in Bellaire.

Commissioner Hampton answered no.

Mr. Vasek responded that anything less than \$50,000 is not going to require an inspection, that inspections are dependent on the value of the sidewalk.

Mr. Davidson clarified what Commissioner Spencer that there's a difference between doing one sidewalk in front of home and one long one going down a street as a City project.

Chairman Thurmond brought up the Community Pathways document that was put together by consultants. She stated that they need to figure out how to take documents and recommendations to make the connection between engineering and design; how to get to the decision making process and make an appropriate resolution.

Commissioner Stone said that a lot of concern remains in amount of foot traffic and should be determined case-by-case basis

Commissioner Hampton asked Mr. Andrews if they are charged with reconciling the "appropriate sidewalk" decision.

Mr. Andrews answered no.

Council Member Montague stated that a 4-foot sidewalk is by and large more applicable to residential areas, and it is known where in Bellaire there shouldn't be 4-foot sidewalks. He informed that Council removed the 5-foot requirement and replaced it with a 4-foot requirement. He said that after speaking with the City Engineer, a matrix was developed. City Council said 4-foot is the residential standard. He mentioned that safety and aesthetics need to be considered.

Commissioner Formica stated that someone needs to be tasked with combining the City standard and the Community Pathways plan.

Vice Chair Spencer stated that though the 4-foot sidewalk is the standard, if someone wants to go bigger, they would go through a variance process and the request be reviewed like it would with anything else.

Commissioner Stone stated that they need to sit down and come up with policies.

Mr. Andrews responded that there is no clear critical issue as to why one sidewalk standard is needed over the other (4-foot vs 5-foot), except for aesthetics.

Commissioner Formica stated that the concern is in residential neighborhood streets and aesthetics against existing and new construction homes. He then questioned who would be coming up with a program to resolve that concern.

Council Member Montague suggested a workshop with the City Engineer.

Vice Chair Spencer asked if it was agreed that the Commission would not be sticking their nose in commercial street standards.

Mr. Davidson replied that the Commission's task covers permit re-development, but doesn't cover a CIP or any city projects in City's ROW.

Vice Chair Spencer asked if the City has looked into permeable sidewalks where water could go through.

Mr. Andrews answered that it can be done and it would be a maintenance issue because of the sidewalk life cycle. He added that there is a negligible amount of runoff.

Commissioner Stone mentioned that the ADA is concerned with wheelchair compliance and expressed that permeable sidewalks could be an issue.

Vice Chair Spencer stated that there are some permeable sidewalks that are pavers and are getting better in quality, but they wouldn't be prepared to tear up all the City's sidewalks to replace with the permeable sidewalks.

Commissioner Formica stated that cost would be almost twice as much to do such a project.

Chairman Thurmond stated she would get with the Commission's secretary to a workshop with City Engineers in regards to sidewalks.

Commissioner Collins added to include in the workshop the layout of the pathways design and reign it in with current sidewalk discussion to get it clarified.

- 2. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

There was no New Business brought to the attention of the Commission.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Vice Chair Spencer made a comment about his vehicle getting broken into and wanted to raise questions about Bellaire's current Police force. He then mentioned that David Montague gave him information on how crime rates are coming down in Bellaire and that there were no open seats at the police station. He commended the City's police force.

L. Adjournment

Motion: a motion was made by Commissioner Collins and seconded by Commissioner Formica to adjourn the Regular Meeting.

Vote: the motion carried with a vote of 7-0.

The meeting was adjourned at 8:22 PM

**Building and Standards
Commission**

Council Chamber, First Floor of City Hall
Bellaire, TX 77401



Meeting: 07/25/18 07:00 PM
Department: Development Services
Category: Policy
Department Head: ChaVonne Sampson
DOC ID: 2610

SCHEDULED**ACTION ITEM (ID # 2610)**

Item Title:

Adoption of the Rules of Procedure

Background/Summary:

The Commission is required to adopt the Rules of Procedure at the beginning of each new term.

A copy of the 2017 Rules of Procedure is attached.

ATTACHMENTS:

- Rules of Procedure 2017 (PDF)

Building and Standards Commission

Bellaire, Texas

Rules of Procedure

Last Revised March 2015

Adopted July 2017

Attachment: Rules of Procedure 2017 (2610 : Rules of Procedure)

Building and Standards Commission Rules of Procedure
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RULES OF PROCEDURE OF THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF BELLAIRE, TEXAS

These Rules of Procedure for the Building and Standards Commission are adopted in accordance with the requirements of Chapters 54 and 214 of the Local Government Code of the State of Texas and Sections 9-78 to 9-90 of the Code of Ordinances of the City of Bellaire, Texas. In the event that any of these rules conflict with provisions of the local and state codes, the local and state codes shall prevail.

Article I. Duties and Responsibilities

The Building and Standards Commission is a quasi-judicial body and as such hears testimony and makes decisions regarding the removal or rehabilitation of substandard buildings, structures, materials variances from minimum floodplain management standards; and other real property improvements in the community. In addition, the Commission is responsible for reviewing and making recommendations to City Council on revisions to the City's Building Code and providing an Annual Report to the City Council each February.

Article II. Board Membership

- Sec. 1. Number of Commissioners and Term. The Commission consists of seven (7) members who are appointed by the City Council for two-year terms, beginning on July 1 of each year, on a staggered basis. This is intended to ensure that at least two of the members have previously served. No member shall serve more than three (3) consecutive terms.
- Sec. 2. Definition of a Quorum. A quorum of the Commission shall be a majority of the Commission (or four (4) members of a seven (7) member Commission).
- Sec. 3. Attendance Requirement. Notwithstanding any other provision of the Code, any Commission member shall be automatically removed if, in a given calendar year, he or she is absent from three consecutive regular meetings; a member of the Commission shall be deemed absent from a meeting when he or she is not present at the meeting at least 75 percent of its duration. If any Commission member is absent from three (3) consecutive Regular meetings, the Chair shall promptly notify City Council of these absences. Upon finding of good cause, the provisions of this Section may be waived by a majority vote of the members of the Commission.
- Sec. 4. Inability to attend meeting It is the responsibility of Commission members to notify the Chair at least 24 hours before a Regular meeting by telephone or email, if the member will not be able to attend the posted Regular meeting.

Article III. Chair and Vice-Chair

- Sec. 1. Election. At the first meeting of the Commission after July 1 at which a quorum is present following the swearing in of new members, the Board shall elect a Chair and Vice-Chair for a term of one (1) year by a majority vote of the Commission (four (4) votes).
- Sec. 2. Chair Duties. The Chair shall, subject to these rules, and further instructions of the Commission:
- a. preside over all meetings of the Commission;
 - b. transact the official business of the Commission;

- c. request assistance of City Staff, as required;
- d. direct the work of all consultants; and
- e. be the sole Spokesperson for the Commission.

Sec. 3. Vice-Chair Duties. In the absence of the Chair the Vice-Chair will serve as Chair. If both the Chair and Vice-Chair are absent from a meeting at which a quorum is present, the quorum shall elect an acting Chair for that meeting.

Article IV. Meetings

Sec. 1. Date and Time. Regular meetings of the Commission shall be held monthly at 7:00 PM or the fourth (4th) Wednesday unless modified by the City of Bellaire. Regular meetings will take place at the City Hall, 7008 South Rice Avenue, Bellaire, Texas, in the Council Chambers.

Sec. 2. Change of Date. Dates for Regular meetings may be changed for a given month, if necessary, in order to conduct Commission business, by a majority vote of the members at a prior meeting.

Sec. 3. Special Meetings. Special meetings in addition to the Regular monthly meetings may be called by the Chair, or upon request to the Chair by two Commission members or the Building Official.

Sec. 4. Meeting Procedure. Regular and Special meetings of the Commission shall be conducted according to these Rules of Procedure as well as *Robert's Rules of Order Newly Revised* when not inconsistent with these Rules of Procedure.

Sec. 5. First Meeting of a New Commission. The first meeting of a new Commission shall be a joint meeting of the outgoing Commission and the incoming Commission. The Chair of the outgoing Commission shall call the meeting to order and shall preside until the Chair of the incoming Commission is elected. The meeting will be conducted in two parts according to the Agendas and conduct established by the Chair and Staff Liaison and shall include but not be limited to the following:

- (1) Meeting of the Outgoing Commission
 - I. Unfinished Business, Minutes, Communications and Reports
 - II. Swearing In of New Commissioners (incoming Commission assumes duties and outgoing Commission retires)
- (2) Meeting of the Incoming Commission
The meeting of the incoming Commission shall proceed as a Regular Meeting, with Current Business to include (1) Introduction of Incoming Commissioners, (2) Election of Chair and Vice Chair, and (3) Adoption of Rules of Procedure.

Sec. 6. Workshops. Commission Workshops may be held for the purpose of discussing issues relating to the City of Bellaire Building Codes or other matters pertinent to carrying out the responsibilities of the Commission. Experts may be invited to these Workshops to provide input to the Commission. Action shall not be taken at Workshops on Commission

business normally transacted at Regular or Special meetings. These matters shall be referred to a Regular or Special meeting for action.

One of the Commission Members shall prepare a summary of the Workshop proceedings for the purpose of keeping a record. The summary shall be reviewed at the subsequent regular meeting and entered into the meeting minutes as an attachment.

Sec. 7. Meeting Agenda. The Chair shall set the agenda for all meetings. Agenda items submitted by members to the Chair or Building Official at least seven (7) days prior to the meeting date shall appear on the agenda. Documentation that supports/is related to the various agenda items is to be sent to Commission members preferably seventy-two (72) hours before the posted meeting.

Sec. 8. Meeting Notice. Notice of the time, location and agenda for all Regular, Special, and Workshop meetings shall be given in conformance with the Texas Open Meetings Act and City Policy.

Sec. 9. Public Comment

- a. Sign-up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
- b. Public comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
- c. Public comments of a general nature shall be made at the time designated by the Order of Business.
- d. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.
- e. Public comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec. 8.

Sec. 10. Quorum. A quorum of the Commission members must be present at all Regular, Special and Workshop meetings. In the absence of a quorum the meeting is cancelled.

Sec. 11. Vote. Unless otherwise specified in these Rules, issues requiring a vote at Commission meetings will be decided by a majority vote of the members at the meeting.

Sec. 12. Minutes The appointed Secretary shall keep minutes of each Regular and Special meeting. Such minutes are to be reviewed and approved at each subsequent Regular or Special meetings as a record of the proceedings of the previous meeting.

ARTICLE V. Committees

- Sec. 1. Appointment of Committees. The Chair shall appoint committees as needed to carry out the responsibilities of the Commission. Committees other than Committees of the Whole shall consist of no more than three (3) Commission members. The Chair may also appoint additional committee members willing to serve, from within Bellaire or outside Bellaire. At the time a committee is appointed, the Chair shall state for the record a charge for the committee to consider or achieve, along with a target completion date.
- Sec. 2. Meeting Notice. Committee meetings shall be open to the public and meeting agenda notice posted at least 72 hours before the meeting.

ARTICLE VI. Order of Business at Meetings

- Sec.1. Order of Business, Regular and Special Meetings. The Order of Business at all Regular and Special meetings of the Commission shall be as follows:
- A. Call to order
 - B. Announcement of a quorum
The Chair shall announce that a quorum of the Commission is present and shall state, for the record, the names of all members present and absent.
 - C. Rules for Public Comment
The Chair shall inform the public of the rules for public comments in Art. IV, Sec. 8.
 - D. Approval or correction of minutes
The minutes of the previous meeting of the Commission shall be submitted to the Commission and shall either stand as submitted or be corrected and stand as corrected.
 - E. Public Comment
The Chair shall recognize any person from the audience who has requested an opportunity to speak per Article IV, Sec. 8.
 - F. Report from Building Official
 - G. Reports of Committees and Communications
 1. Communications to Commission members outside of posted meetings
 2. Committee reports
 3. Reports from Staff other than the Building Official.
 - H. Old business
Items of uncompleted business from previous meetings shall be addressed.
 - I. New business
The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future Agenda of the Commission or referral to Staff for investigation.
 - J. Public Hearings
Hearings before the Commission shall be conducted according to the rules in Article VIII.
 - K. Announcements and Comments by Commissioners
 - L. Adjournment
Upon a motion duly made and seconded, the Commission meeting will be adjourned by a majority vote of those members present.

- Sec. 2. Amending the Order of Business. The Chair, with the consent of a majority of the Commission members present at a meeting, may amend the order of business if it is in the best interest of carrying out the meeting agenda.
- Sec. 3. Order of Business at Workshops. The order of business at Workshops shall be determined by the Chair prior to each Workshop.

Article VII. Public Hearings

Sec. 1. Initiation of Hearings by Members of the Public

- A. Any person desiring to have a case heard by the Building and Standards Commission must first file the case with the Building Official on such forms or in such format as prescribed by the Building Official.
- B. The Building Official shall determine if probable cause exists to initiate a case before the Building and Standards Commission. The term "Probable Cause" as used herein shall be defined to mean the existence of sufficient facts and evidence to constitute a reasonable inference that a violation or potential violation of Bellaire City ordinance or building code exists of sufficient magnitude to warrant a hearing before the Commission. If the Building Official determines that no probable cause exists, no further action shall be taken on the complaint; except that the initiator of the complaint may take an appeal of such a determination to the City Manager, who shall proceed as in all other appeals to the City of Bellaire.

Sec. 2. Initiation of Hearings by the City of Bellaire

Hearings may be initiated by the Commission or upon recommendation of the Building Official. For example, if a structure is identified as being a substandard structure and the owner does not correct the violation(s) at the Building Official's request, the Building Official will generally refer the case to the Building and Standards Commission for further action.

Article VIII. Procedure for Public Hearings

- Sec. 1. Presentation by the City. The Building Official shall present all cases initiated by the City of Bellaire.
- Sec. 2. Notices. Notices shall be given to the owners of property that is the subject of a case before the Building and Standards Commission and to any other necessary parties by the Secretary of the Building and Standards Commission or by the Building Official or Assistant Building Official as required by Chapters 54 and 214 of the Local Government Code of the State of Texas.
- Sec. 3. Swearing of Witnesses; Parties in Interest. Prior to the commencement of any case witnesses may be sworn if deemed necessary and desirable by a majority of Building and Standards Commission members present at the hearing. If the Commission requires oath all parties in interest and any citizen appearing and offering comments on the case, shall be required to be sworn prior to offering any testimony.

A party in interest shall be defined as the Building Official or any other representative or employee of the City of Bellaire, and the owner, mortgagee, mortgagor, or their representatives, of any properties or improvements which are subject of a case before the Commission.

- Sec. 4. Inspection of Properties. Commission members hearing a case before the Commission should inspect the property or properties that are the subject of a proceeding prior to deciding an issue. Additional inspections may also take place at the request of a majority of members. At the request of the Chair, or by request of a majority of members, one or more members may conduct investigations outside of a formal meeting for the purpose of aiding Commission deliberations pertaining to a case before it.
- Sec. 5. Need for a Quorum. A majority of the Commission must be present to hear a case.
- Sec. 6. Order of Proceedings. The following order of proceedings shall be observed in hearing all cases before the Building and Standards Commission:
- A. The Secretary of the Commission or the Chair shall read the petition previously filed with the Building and Standards Commission concerning the case.
 - B. The record shall identify all parties having an interest or claiming an interest in the property and reflect the manner and method in which the required statutory notice was given to all parties in interest.
 - C. The applicant (or their designated representative) shall present all evidence documents, testimony and professional opinions necessary to support and prove the case before the Commission. A time limit of fifteen (15) minutes shall be imposed on the testimony with five (5) minute extensions as granted by a majority vote of the Commission members hearing the case.
 - D. The Building Official or other designated representative of the City of Bellaire shall present evidence; documents, testimony and professional opinions necessary to either support and prove, or discredit and dispute the case before the Commission. A time limit of fifteen (15) minutes shall be imposed on the testimony with five (5) minute extensions as granted by a majority vote of the Commission members hearing the case.
 - E. Public comments on the case before the Commission shall be allowed in accordance with Article IV Section 8.
 - F. Rebuttal by applicant (or their designated representative) shall be allowed with a time limit of six (6) minutes with extensions of two (2) minutes as approved by a majority vote of the Commission members present.
 - G. The Building Official or representative of the City of Bellaire may ask questions of the applicant (or their designated representatives). The Commission members may ask questions of the applicant (or their designated representative) and the Building Official or other designated representative of the City of Bellaire.
 - G. Variance requests to CFR 44 Part 59-60, Section 60.6 related to flood hazard management shall be judged in accordance with criteria set out in attached Exhibit A.
 - H. The Chair shall then close the hearing and the Commission shall deliberate its decision. The Commission may carry out its deliberations and reach a decision either at the meeting at which the hearing was held or any subsequent Regular or Special meeting. Pursuant to Chapter 54 Texas Local Government Code, a majority vote of the members voting on a matter is necessary to take any action.

Sec. 7. Commission Decisions. The decision of the Commission shall be in the form of an order, which shall clearly express the decision. Certified copies shall be delivered and noticed in accordance with the requirements of the Local Government Code of the State of Texas. The Commission may impose conditions or time limitations on any decision reached, as well as directing any peace officer of the State to carry out its orders. The applicant has the right of appeal as based on the Local Government Code of the State of Texas.

Article IX. Precedents

No decision of the Commission shall be deemed to set a precedent. Each case shall be decided on its merits and upon the consideration of the facts and circumstances and all other matters properly before the Commission.

Article X. Rehearings/Reconsiderations

The Commission shall have the jurisdiction to rehear and/or reconsider cases previously decided. Any person seeking rehearing and/or reconsideration of a case shall file a written motion addressed to the Commission, specifying the grounds for rehearing and/or reconsideration. Motions must be filed within ninety (90) calendar days after the date a copy of the final decision of the Commission is delivered personally or by first class mail, return receipt requested to all persons requiring notice.

The Commission shall review all motions properly filed, and if deemed to be meritorious, may schedule a formal hearing.

Article XI. Commission Staff

Sec. 1. Building Official Duties. The Building Official or his designee shall coordinate agendas, communications, meeting schedules, requisite public notices, and the maintenance of minutes and records of the Commission.

Sec. 2. Appointment of Secretary. The City Manager shall appoint the Secretary of the Building and Standards Commission who shall attend all Regular and Special meetings.

Sec. 3. Secretary Duties. The Secretary shall be responsible for:

- a. keeping meeting minutes;
- b. providing certified copies of the proceedings of the Building and Standards Commission upon payment of such cost as from time to time established by the City Manager of the City of Bellaire;
- c. conducting all correspondence of the Commission;
- d. publishing and sending out all notices and orders of the Commission; and
- e. maintaining the necessary files and indexes as public records.

Article XII. Making Recommendations to City Council

Sec. 1. Research and Development. Once the Commission and/or City Staff recognizes the need to amend an item in the City of Bellaire Code of Ordinances, Chapter 9, Buildings the identifying party shall research the need and validity for introducing the amendment. Upon determining that a valid need for change exists, the party shall prepare proposal language for the ordinance and provide supporting documentation.

- Sec. 2. Public Introduction of Amendment. Upon developing the proposed amendment language, the ordinance change will be presented at a Regular or Special Meeting of the Commission. If the Commission votes to recommend the amendment to City Council, the proposed amendment will be posted on the City's website for a period of 45 days so that public input can be gathered and evaluated. The 45 day review period will start upon the appearance of the recommendation on a Regular or Special Meeting Agenda of the Commission.
- Sec. 3. City Council Action. Upon completion, the final proposal shall be put forth to City Council for action. The final draft should include a proposed effective date. If City Council votes in favor of the amendment, the ordinance shall be adopted as prescribed by state law.
- Sec. 4. Adoption. Ordinances having no penalties shall go into effect immediately. Amendments having penalties shall have a written effective date occurring within 10 days of publication.
- Sec. 5. Special Conditions. In the event of a special circumstance, the Commission reserves the right to waive the 45 day review period.

Article XIII. Amendments

These Rules may be amended at any time by a majority vote of Commission members per Section 54.034(b) of the *Texas Local Government Code*. Amendments must be presented in writing at a regular meeting and voted on at a subsequent meeting. Amendments, unless otherwise stated in the amending motion, shall take effect immediately following the vote enacting them.

EXHIBIT A

VARIANCE CRITERIA

The National Flood Insurance Program (NFIP) Regulations provide variance criteria to guide the community in providing administrative relief from the minimum floodplain management standards in case where they impose exceptional unnecessary hardship for a particular applicant. The hardship that would result from failure to grant a requested variance must be exceptional, unusual, and peculiar to the property involved.

Mere economic or financial hardship alone is not considered exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or disapproval of one's neighbors likewise do not qualify as exceptional hardships. All of these problems can be resolved through proper design and construction techniques without granting a variance.

Variances must not result in additional threats to public safety or create nuisances. Local floodplain management ordinances (including elevation requirements) are intended to help protect the health, safety, and well-being, and property of the local citizens. Granting variances allows buildings to be rebuilt that would then be subject to future flood damages. Future property owners, of the property and the community as a whole, are subject to all those costs, inconvenience, danger, and suffering that future floods bring.

Any variance granted must be minimum necessary, considering the flood hazard to alleviate the hardship. This means that, if a variance is granted, other measures must be taken to minimize potential flood damages to the building. The community can specify these measures as a condition for granting the variance. Granting a variance to all the requirements is contrary to the purpose of the NFIP where there are feasible alternatives to reducing the potential for future flood damages.

Because the duty and need of local governments to help protect their citizens from flooding is so compelling, and the implications of the cost of insuring building construction below the Base Flood Elevation (BFE or 100-year flood) are serious, variances from the BFE or from other requirements from the local floodplain management ordinance should be quite rare. In particular, with the potential for local businesses and homes being damaged by future floods, the implications go beyond the possible damage to the building. If the business is not immediately operational due to flood damage or abandoned homes, the implications will likely include loss of jobs and an eroding tax base. This impact not only results in extending the recovery process for property owners, but could also potentially jeopardize the long term economic viability of the community.

We must reiterate that consideration in granting a variance must be consistent with the guidelines provided in Section 60.6 of the National Flood Insurance Program Regulations and the objectives of assuring that sound floodplain management is carried out by a community. If a review of a community's enforcement procedures indicates a (variance) pattern inconsistent with the objectives of sound floodplain management, the community would be subject to probation and then suspension from the NFIP if the practice continued (reference Section 60.6(a) of the NFIP regulations).

PART 60: CRITERIA FOR LAND MANAGEMENT AND USE

Subpart A: Requirements for Flood Plain Management Regulations

60.6 - Variances and exceptions.

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§ 60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under ? 59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

- (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
- (2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;
- (3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as

\$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and

(6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in ?? 60.3, 60.4 or ? 60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in ?? 60.3, 60.4, or ? 60.5, shall explain in writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment.

(2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human environment. The decision whether an Environmental Impact Statement or other environmental document will be prepared, will be made in accordance with the procedures set out in 44 CFR part 10. Ninety or more days may be required for an environmental quality clearance if the proposed exception will have significant impact on the human environment thereby requiring an EIS.

(c) A community may propose flood plain management measures which adopt standards for floodproofed residential basements below the base flood level in zones A1-30, AH, AO, and AE which are not subject to tidal flooding. Notwithstanding the requirements of paragraph (b) of this section the Federal Insurance Administrator may approve the proposal provided that:

(1) The community has demonstrated that areas of special flood hazard in which basements will be permitted are subject to shallow and low velocity flooding and that there is adequate flood warning time to ensure that all residents are notified of impending floods. For the purposes of this paragraph flood characteristics must include:

(i) Flood depths that are five feet or less for developable lots that are contiguous to land above the base flood level and three feet or less for other lots;

(ii) Flood velocities that are five feet per second or less; and

(iii) Flood warning times that are 12 hours or greater. Flood warning times of two hours or greater may be approved if the community demonstrates that it has a flood warning system and emergency plan in operation that is adequate to ensure safe evacuation of flood plain residents.

(2) The community has adopted flood plain management measures that require that new construction and substantial improvements of residential structures with basements in zones A1-30, AH, AO, and AE shall:

(i) Be designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet.

(ii) Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood;

(iii) Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover;

(iv) Have a registered professional engineer or architect develop or review the building's structural design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph;

(v) Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable.

**Building and Standards
Commission**

Council Chamber, First Floor of City Hall
Bellaire, TX 77401



Meeting: 07/25/18 07:00 PM
Department: Development Services
Category: Public Hearing
Department Head: ChaVonne Sampson
DOC ID: 2613

SCHEDULED

ACTION ITEM (ID # 2613)

Item Title:

Docket# 2018-01-Discussion, consideration, and possible action on a complaint filed by the Building Official to consider or determine whether the structures located at 4515 Maple Street, Bellaire, Texas 77401, comply with the minimum requirements of the City of Bellaire, Texas, Code of Ordinances and to consider or determine whether the structures must be vacated, repaired, secured or demolished in accordance with Chapter 54 and/or 214 of the Local Government Code of the State of Texas.

Background/Summary:

In January of 2018 the City of Bellaire began investigating the property at 4515 Maple for overgrown grass, a junked vehicle, a lack of remediation following Hurricane Harvey, and a lack of locked doors. The City issued a citation on February 23rd for all of these issues after attempting to contact the owner. The court proceedings began on that date, and proceeded through June. On April 18th, 2018, the Building Official conducted an inspection of the property, and found enough structural issues to determine that the building should be considered substandard. The Building Official had the building secured against entry on April 25th. After the court proceedings were completed in June, the Development Services department was able to contact the owner, and inform him that the City would be forced to demolish the building.

The structural issues included mold, floors that had swollen, warped, and expanded, window frames and door frames that had cracked and shifted, large cracks in walls and ceilings, and gypsum board that had begun to fall apart. The Building Official has also made an estimate of repair costs for the structure, and found that those costs exceed 50% of the value of the building, meaning no permit could be issued.

City Staff recommends that the Building Standards Commission uphold the Building Official's finding that the building is substandard, and issue an order of demolition.

ATTACHMENTS:

- Warranty Deed 4515 Maple (PDF)
- Timeline of Events (PDF)
- Notices & Citations (PDF)
- LBarbour Email 6.21.18 (PDF)
- 4515 Maple Value Assessment (PDF)
- 4515 Maple Replacement Cost Sheet (PDF)
- 4515 Maple HCAD (PDF)
- Stamped Photos(PDF)
- 4515 Maple Complaint (PDF)

F461236

GENERAL WARRANTY DEED - VENDOR'S LIEN

MICHAEL L PARKS
ATTORNEY AT LAW

185-06-1456

The State of Texas

COUNTY OF HARRIS

JAN-27-10 944992 OF 461236 LST A PG

5.00

Know All Men by These Presents:

THAT BRIAN CARL BARNESET UX PATRICIA AUKES BARNESof HARRIS County, TEXAS, hereinafter called GRANTOR (whether one or more), for and in consid-eration of the sum of TEN and no/100 DOLLARS (\$10.00) cash and other good and valuable considerations to THEMhand paid by VICTOR L. KUYKENDALL A BARON SOLEof HARRIS County, Texas, hereinafter called GRANTEE (whether one or more), the receipt and sufficiency ofwhich are hereby acknowledged and confessed, and the further consideration of FIFTY-ONE THOUSAND AND
00/100

DOLLARS

(S 51000.00) paid by NORTH AMERICAN MORTGAGE COMPANY, Houston, Texas,
hereinafter called BENEFICIARY, at the special instance and request of the GRANTEE herein, the receipt and sufficiency of which is
hereby acknowledged and confessed, and as evidence of such advancement the said GRANTEE herein has executed his note of even dateherewith for said amount payable to the order of said BENEFICIARY, said note payable IN MONTHLY INSTALLMENTS OF\$ 392.39 AS THEREIN SPECIFIED

and bearing interest at the rate therein specified; and

the payment of said note is secured by a vendor's lien herein reserved and is additionally secured by a deed of trust of even date herewith,

executed by GRANTEE herein to JAMES R. HUNT, TRUSTEE, reference to which is here made for all purposes,
and in consideration of the payment of the sum above mentioned by the said BENEFICIARY, GRANTOR hereby transfers, sets over, assigns
and conveys unto the said BENEFICIARY and assigns, the vendor's lien and superior title herein retained and reserved against the property
and premises herein conveyed, in the same manner and to the same extent as if said note had been executed in GRANTOR'S favor and by
said GRANTOR assigned to the BENEFICIARY without recourse: have BARGAINED, GRANTED, SOLD and CONVEYED, and by
these presents do BARGAIN, GRANT, SELL and CONVEY unto the said GRANTEE, the following described property, to-wit:LOT TWELVE (12), IN BLOCK SIX (6) OF POST OAK TERRACE, SECTION
TWO (2), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT THEREOF RECORDED IN VOLUME 34, PAGE 73, OF THE MAP
RECORDS OF HARRIS COUNTY, TEXAS.TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in
anywise belonging unto the said GRANTEE, his heirs and assigns forever. And GRANTOR does hereby bind himself, his heirs, executors
and administrators, to warrant and forever defend, all and singular the said premises unto the said GRANTEE, his heirs and assigns, against
every person whomsoever claiming or to claim the same or any part thereof.Taxes of every nature for the current year have been prorated and are assumed by GRANTEE. This conveyance is made subject to
all and singular the restrictions, mineral reservations, royalties, conditions, easements and covenants, if any, applicable to and enforceable
against the above described property as reflected by the records of the County Clerk of the aforesaid County.But it is expressly agreed and stipulated that the vendor's lien and superior title are retained in favor of the payee in said note
against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face
and tenor, effect and reading thereof, when this deed shall become absolute.When this deed is executed by more than one person, or when the GRANTOR or GRANTEE is more than one person, the instru-
ment shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words
"heirs, executors, and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns."EXECUTED, this the 16TH day of JANUARY, 1978

BRIAN CARL BARNES

PATRICIA AUKES BARNES

186-06-1457

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF HARRIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared known to me to be the person whose name S ARE subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the 16th day of January A. D. 19 78

Georgia Ann Willis
Notary Public in and for HARRIS County, Texas
Georgia Willis

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the day of A. D. 19

(L. S.)

Notary Public in and for County, Texas

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office this day of A.D. 19

(L. S.)

Notary Public in and for County, Texas

GENERAL WARRANTY DEED WITH
VENDOR'S LIEN IN FAVOR OF

NORTH AMERICAN MORTGAGE COMPANY

RETURN TO:

BRIAN CARL BARNES

PATRICIA AUKES BARNES

TO

VICTOR L. KUYKENDALL

Grantee

FILED

JAN 27

1 40 PM 1978

Victor L. Kuykendall
4515 Maple
Bellaire
Houston, Texas 77401

Notary Public
COUNTY CLERK
HARRIS COUNTY, TEXAS

MICHAEL L. PARKS
ATTORNEY AT LAW
6427 BUFFALO SPEEDWAY
HOUSTON, TEXAS 77005
(713) 626 3751

Warranty Deed
WITH VENDOR'S LIEN

FROM

TO

FILED FOR RECORD

A. D. 19

M

County Clerk

Deputy

RECORDED

STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED, in the Official
Public Records of Real Property of Harris County, Texas on

JAN 27 1978

Notary Public
COUNTY CLERK,
HARRIS COUNTY, TEXAS



Attachment: Warranty Deed 4515 Maple (2613 : Agenda Statement - 4515 Maple)

Timeline of Events:

12/20/2017: Original letter sent to owner, informing of need to remove debris and trash from yard

1/24/2018: Final notice sent via certified mail to owner, informing of need to have flood damaged material removed from home.

2/23/2018: Citation issued for creating attractive nuisance by failing to remove flood damaged material

4/3/2018: Original date of arraignment in municipal court. Mr. Kuykendal did not appear

4/18/2018: Building official inspects property, assesses for substandard conditions, finds home is still unsecured and in flooded condition

4/27/2018: Building Official has property secured with plywood to prevent unlawful access. 20 day period begins for home owner to request hearing re: securing of property

5/8/2018: Homeowner pays fine for failure to appear in court online

6/21/2018: Municipal court provides additional contact information to Code Enforcement Officer

6/21/2018: Code Enforcement Officer sends email to home owner requesting that he contact the City as soon as possible

6/25/2018: Building official receives phone call from home owner, gets new mailing address, and discusses the situation.

6/27/2018: Building Official sends home owner an email explaining the substandard house process, and that a hearing will be scheduled in the next month

7/9/2018: Notice of public hearing mailed to home owner



City of

Bellaire

7008 South Rice Avenue • Bellaire, Texas 77401-4495 • (713 662-8222 • Fax (713 662-8212

December 20, 2017

VL Kuykendall
4515 Maple
Bellaire Texas 77401

Re: High weeds/junk and debris

Dear Mr. Kuykendall:

I write to you regarding your property at 4515 Maple in Bellaire Texas. It is your responsibility to remove debris from the yard and to keep the weeds cut. Failure to do so is a violation of the City of Bellaire Code of Ordinances regarding *Offensive Conditions on Private Property*. The property then becomes a public health hazard if not properly maintained.

Bellaire Code of Ordinances 76-033, Chapter 22, Section 46 Nuisance Declared states in part: Whenever **weeds**, brush, rubbish, and all other objectionable, unsightly, and **unsanitary matter** of whatever nature shall exist, covering or partially covering the surface of any lots... the same is hereby declared to constitute a public nuisance, the prompt abatement of which is hereby declared to be a public necessity.

This violation must be corrected no later than December 28, 2017. Failure to comply may result in a citation being issued for your appearance in the Bellaire Municipal Court.

L Barbour

Linda Barbour
Code Compliance Officer
Development Services
City of Bellaire
713 662 8237

Attachment: Notices & Citations (2613 : Agenda Statement - 4515 Maple)



City of

Bellaire

7008 South Rice Avenue • Bellaire, Texas 77401-4495 • (713) 662-8222 • Fax (713) 662-8212

January 24, 2018

FINAL NOTICE**CERTIFIED MAIL: 7014 0510 0002 3468 8528**

V-1 Kuykendall
4515 Maple
Bellaire Texas 77401

Re: Remediation of damage from Harvey

Dear Mr. Kuykendall:

I wrote to you on December 20, 2017. It is still being reported to me that the damage to your home from Hurricane Harvey has not been remediated. This is a violation. It is your responsibility to maintain the property. Failure to do so is a violation of the City of Bellaire Code of Ordinances regarding *Offensive Conditions on Private Property*. The property then becomes an attractive nuisance.

Bellaire Code of Ordinances 76-033, Chapter 22, Section 46 Nuisance Declared states in part: Whenever weeds, brush, rubbish, and all other objectionable, unsightly, and **unsanitary matter** of whatever nature shall exist, covering or partially covering the surface of any lots... the same is hereby declared to constitute a public nuisance, the prompt abatement of which is hereby declared to be a public necessity.

The sheetrock and carpet must be removed from the home. Depending on the amount of water in your home the cabinetry will most likely need to be removed as well. You may also apply for a permit to repair the home and those are still currently free if you qualify. If you wish to demolish the house we can help you with that decision as well.

Additionally, there is an inoperative vehicle in the driveway that must be removed.

This violation must be corrected no later than January 31, 2018. Failure to comply will result in a citation being issued for your appearance in the Bellaire Municipal Court.

Linda Barbour
Code Compliance Officer
Development Services
City of Bellaire
713 662 8237

Attachment: Notices & Citations (2613 : Agenda Statement - 4515 Maple)



CITY OF BELLAIRE COMMUNITY DEVELOPMENT

7008 S RICE AVE
BELLAIRE, TEXAS 77401-4495

CD- 0337

CITATION

LAST NAME KUYKENDALL	FIRST VICTOR	MIDDLE L	DRIVER STATE TX	SEX M	DRIVER'S LICENSE NUMBER [REDACTED]		
PHYSICAL ADDRESS 4515 MAPLE					RACE	DATE OF BIRTH	
CITY/STATE/ZIP BELLAIRE TEXAS 77401					HOME TELEPHONE NUMBER [REDACTED]		
MAILING ADDRESS (IF DIFFERENT FROM PHYSICAL ADDRESS)			SOCIAL SECURITY NO. [REDACTED]		BUSINESS TELEPHONE NUMBER [REDACTED]		
EXACT LOCATION OR PHYSICAL ADDRESS OF VIOLATION [REDACTED]			DATE 2 23 18		TIME 215	AM X	PM
			SKETCH AREA HERE IF NECESSARY				
VIOLATIONS CHARGED			1. BELLAIRE CODE OF ORDINANCES 76-033 CHAPTER 22 SECTION 46:				
			NUISANCE DECLARED (FAILURE TO REMEDIATE)				
			2.				
			3.				
YOU ARE HEREBY NOTIFIED TO APPEAR AT THE BELLAIRE MUNICIPAL COURT, 5110 JESSAMINE ST., BELLAIRE, TEXAS ON OR BEFORE APRIL 3, 2018 AT 530PM ISSUED BY <i>Code Compliance Officer L. Barbour</i>							
If you fail to appear in court on the day and time indicated a warrant for your arrest may be issued. You may pay the fine or an amount accepted by the court before the time and date indicated and avoid appearing at that time.							
I HEREBY PROMISE TO APPEAR AT THE TIME AND PLACE DESIGNATED HEREIN <i>Sent by regular & certified mail:</i> SIGNATURE (THIS IS NOT A GUILTY PLEA) <i>7014-0510-0002-3A68-8641</i>							

Attachment: Notices & Citations (2613 : Agenda Statement - 4515 Maple)



CITY OF BELLAIRE
DEPARTMENT OF DEVELOPMENT SERVICES

CITY HALL, 7008 South Rice Avenue
Bellaire, TX 77401-4195
Phone: (713) 662-8230 Fax: (713) 662-8233

Date: 4/25/18

CERTIFIED MAIL #: 7017 2680 0001 1308 7151

NOTICE:
PURSUANT TO ORDINANCE # 14-057
CHAPTER 9 SECTION 84
OF THE CITY OF BELLAIRE CODE OF
ORDINANCES

THIS HOME HAS BEEN SECURED BY THE
CITY OF BELLAIRE.

The structure at 4515 Maple St has been secured by the City of Bellaire on April 25th, 2018, citing the following violations of Chapter 9-84 (a) & (c)

- The front and side doors do not lock and remain open
- Several windows do not close and are open
- The structure itself shows signs of cracking, shifting, and rolling in the foundation
- The structure and yard contain debris and other refuse

The property owner is entitled to a hearing before the Building Standards Commission. A written request for a hearing must be presented to the City at 7008 S. Rice Ave, Bellaire, Texas, 77401. The request for hearing must be addressed to the Secretary of the Building Standards Commission. The envelope shall be endorsed to state that a hearing is requested. A hearing will be scheduled within 20 days of the receipt of the request.

William Davidson

From: William Davidson
Sent: Wednesday, June 27, 2018 11:07 AM
To: 'vick52@earthlink.net'
Cc: Linda Barbour
Subject: 4515 Maple

Mr. Kuykendall,

Thank you for taking the time to speak with me on Monday. I wanted to fully brief you on the situation with your property. Firstly, let me begin with the lawn. The grass has gotten above the maximum allowable height enough times that the City paid a lawn crew to mow the lawn. The expense of this has been filed against the property as a lien. Likewise, the City has placed a lien for the cost of the work done to secure the building. If you need more information about those costs, I can provide you with the amounts.

During the inspection of the building as part of the securing process, I noticed a number of structural deficiencies. Nearly every location where walls intersect is cracked. The floors are heaving, and several of the windows no longer close. These issues are enough for me to consider it a substandard structure.

This means that the City must have a public hearing in front of the Building Standards Commission. While the date of the hearing is not set at the moment, I am anticipating it being scheduled for 7/18/18, a Wednesday, at 7 Pm. At that hearing I will present the evidence of structural deficiencies and the Commission will do one of three things: issue an order to repair or demolish, with a timeline of 30 to 60 days, declare the structure is not substandard, or require the structure to be moved out of the City limits. I believe the last option is entirely unlikely. I understand from our conversation that your income is limited, and therefore you are not able to pay for demolition of the structure. If that is the case, and the Building Standards Commission issues a demolition order, the City will demolish the building, and place a lien on the property for the cost of the work.

In order to avoid the hearing and compulsory demolition, you may begin demolition on your own. The City's goal is to merely remove the public hazard of an unlivable building. We can work with you if you want to reach compliance on your own, but I cannot allow the building to sit forever. It has been a year since the storm, and the City is turning now to make sure that the buildings that cannot be repaired are demolished and removed. Therefore I would like to know how you intend to proceed.

William Davidson

Building Official
 Development Services

City of Bellaire

7008 South Rice Avenue | Bellaire, TX 77401
 O: (713) 662-8232 | F: (713) 662-8233
www.bellairetx.gov

Attachment: Notices & Citations (2613 : Agenda Statement - 4515 Maple)

City of Bellaire

Attn: Victor L. Kuykendal
4515 Maple St
Bellaire, TX, 77401

Re: Notice of a Public Hearing on Substandard Structures

Owner of the Lot and Structures: Victor L. Kuykendal

Address of the Lot and Structures: 4515 Maple Street, Bellaire, TX, 77401. All Structures on Lot, including primary residence, and all attached accessory structures including garage, will be considered at the public hearing.

Legal Description of the Lot:
LT 12 BLK 6
POST OAK TERRACE SEC 2

Notice of a public hearing before the Bellaire Building and Standards Commission to consider or determine whether the structures located at 4515 Maple Street, Bellaire, Texas 77401 comply with the minimum requirements of the City of Bellaire, Texas, Code of Ordinances and to consider or determine whether the structures must be vacated, repaired, secured or demolished. Any person wishing to be heard in connection with the matter must appear at the public hearing.

Location of the Hearing: City of Bellaire Council Chambers, first floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, 77401

Date and Time of the Hearing: July 25th, 2018

Alleged Violations of the Bellaire Code of Ordinances:

- Mold and other unsanitary material present in the structure
- Structural and flood damage to floors, walls, ceilings, and windows.
- Hazardous accessory structure at rear of building
- And other defects

The Owner, Leinholder, and/or Mortgagee will be required to submit a scope of work for all repairs required to comply with the Bellaire Code of Ordinances, and an estimated timeline for those repairs.

Further information concerning the Public Hearing may be obtained from the Building Official of the City of Bellaire at 7008 South Rice Avenue, Bellaire, Texas during normal business hours.

William Davidson

From: Linda Barbour
Sent: Thursday, June 21, 2018 2:48 PM
To: 'vick52@earthlink.net'
Cc: William Davidson
Subject: 4515 Maple

Please contact the City of Bellaire regarding your property as soon as possible.
Your house has been boarded up and a lien has been placed on the property.
You may wish to talk to Mr. Davidson, the building official, before the next step is taken to have the property demolished.
He may be reached at 713 662 8232 or the email above.

Linda Barbour

Code Compliance Officer
Development Services

City of Bellaire

7008 South Rice Avenue | Bellaire, TX 77401
O: (713) 662-8237 | F: (713) 662-8233
www.bellairetx.gov

Attachment: LBarbour Email 6.21.18 (2613 : Agenda Statement - 4515 Maple)

Address 4515 Maple

Replacement Cost	154014.9
Depreciation	0.377
Total	95951.2827
Permit Amount	47975.64135

Sq. Footage	1326
Year built	1952
Age	65
Depreciation Factor	0.58

Address	4515 Maple	Amount	Cost
Sq Ft	1326	Sheet Rock	4508.4 9602.89
# Bedrooms	2	Flooring	1326 13260.00
# Bathrooms	1	Cabinets	56.41276 4324.98
Sheetrock Removal	48	Electrical	16 3520.00
Over Electrical?	y	Paint	4508.4 8565.96
# of Doors	12	Doors	12 4200.00
# of Windows	10	Windows	10 4000.00
AC unit submerged	y	AC	1500 1500.00
Bathroom Fixtures Removed	Y	Counters	28.20638 2115.48
Kitchen Fixtures Removed	Y	Plumbing	700 700.00
Sub floor damaged	y	Sub-floor	2652 2652.00
Foundation Damaged	y	Foundation	4500 4500.00
Structural damage	y	Insulation	4508.4 4508.40
		Structural	8500 8500.00
		Total	71949.71

Cracking evident in every door frame. Windows no longer close correctly. Complete floor replacement necessary

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0761930060012

Tax Year: 2018



Owner and Property Information							
Owner Name & Mailing Address: KUYKENDALL V L 4515 MAPLE ST BELLAIRE TX 77401-5810			Legal Description: LT 12 BLK 6 POST OAK TERRACE SEC 2 Property Address: 4515 MAPLE ST BELLAIRE TX 77401				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Map Facet	Key Map®
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	7,345 SF	1,326 SF	7457.04	1214	5254A	531R

Value Status Information

Value Status	Shared CAD
All Values Pending	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018 Rate
Residential Homestead	001	HOUSTON ISD	Pending	Pending	1.206700	
	040	HARRIS COUNTY	Pending	Pending	0.418010	
	041	HARRIS CO FLOOD CNTRL	Pending	Pending	0.028310	
	042	PORT OF HOUSTON AUTHY	Pending	Pending	0.012560	
	043	HARRIS CO HOSP DIST	Pending	Pending	0.171100	
	044	HARRIS CO EDUC DEPT	Pending	Pending	0.005195	
	048	HOU COMMUNITY COLLEGE	Pending	Pending	0.100263	
	052	CITY OF BELLAIRE	Pending	Pending	0.415900	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway](#).

Valuations

Value as of January 1, 2017			Value as of January 1, 2018		
	Market	Appraised		Market	Appraised
Land	528,840		Land		
Improvement	9,960		Improvement		
Total	538,800	418,732	Total	Pending	Pending

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value	SF1	SF	7,345	1.00	1.00	1.00	--	1.00	Pending	Pending	Pending

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1952	Residential Single Family	Residential 1 Family	Average	1,326 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data		Building Areas	
Building ID	101	Area 1	Area 2
Building Name	Building A	Area 3	Area 4
Building Type	Residential	Area 5	Area 6
Building Address	123 Main St	Area 7	Area 8
Building Owner	John Doe	Area 9	Area 10
Building Status	Active	Area 11	Area 12
Building Age	10	Area 13	Area 14
Building Height	5	Area 15	Area 16
Building Area	1000	Area 17	Area 18
Building Volume	5000	Area 19	Area 20
Building Weight	10000	Area 21	Area 22
Building Cost	1000000	Area 23	Area 24
Building Energy	10000000	Area 25	Area 26
Building Water	10000000	Area 27	Area 28
Building Air	10000000	Area 29	Area 30
Building Light	10000000	Area 31	Area 32
Building Sound	10000000	Area 33	Area 34
Building Vibration	10000000	Area 35	Area 36
Building Temperature	10000000	Area 37	Area 38
Building Humidity	10000000	Area 39	Area 40
Building Pressure	10000000	Area 41	Area 42
Building Force	10000000	Area 43	Area 44
Building Torque	10000000	Area 45	Area 46
Building Power	10000000	Area 47	Area 48
Building Energy	10000000	Area 49	Area 50
Building Water	10000000	Area 51	Area 52
Building Air	10000000	Area 53	Area 54
Building Light	10000000	Area 55	Area 56
Building Sound	10000000	Area 57	Area 58
Building Vibration	10000000	Area 59	Area 60
Building Temperature	10000000	Area 61	Area 62
Building Humidity	10000000	Area 63	Area 64
Building Pressure	10000000	Area 65	Area 66
Building Force	10000000	Area 67	Area 68
Building Torque	10000000	Area 69	Area 70
Building Power	10000000	Area 71	Area 72
Building Energy	10000000	Area 73	Area 74
Building Water	10000000	Area 75	Area 76
Building Air	10000000	Area 77	Area 78
Building Light	10000000	Area 79	Area 80
Building Sound	10000000	Area 81	Area 82
Building Vibration	10000000	Area 83	Area 84
Building Temperature	10000000	Area 85	Area 86
Building Humidity	10000000	Area 87	Area 88
Building Pressure	10000000	Area 89	Area 90
Building Force	10000000	Area 91	Area 92
Building Torque	10000000	Area 93	Area 94
Building Power	10000000	Area 95	Area 96
Building Energy	10000000	Area 97	Area 98
Building Water	10000000	Area 99	Area 100

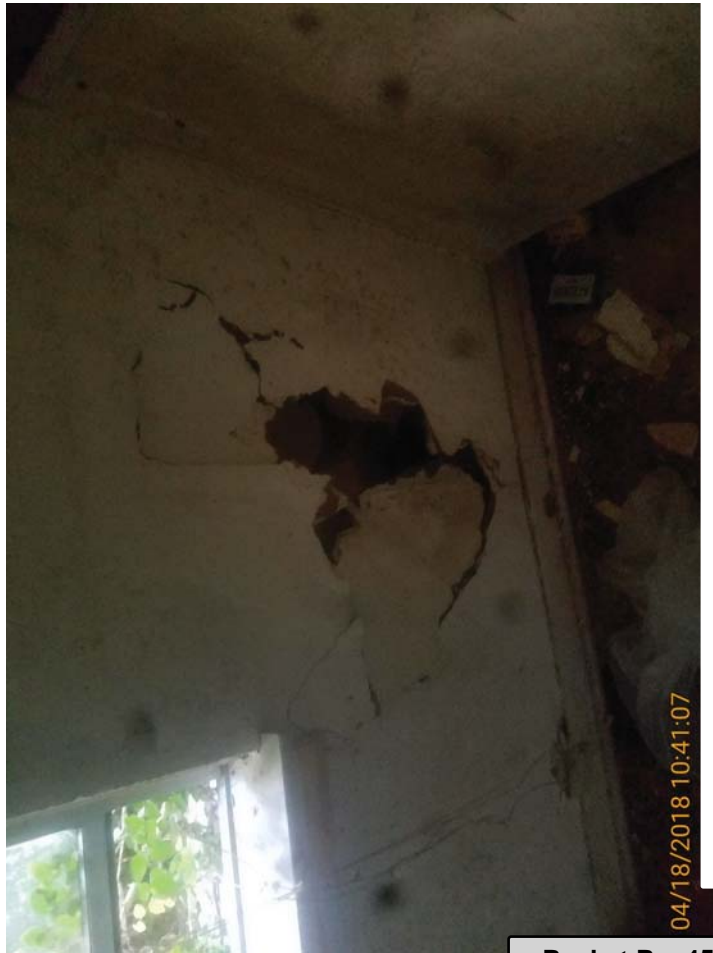
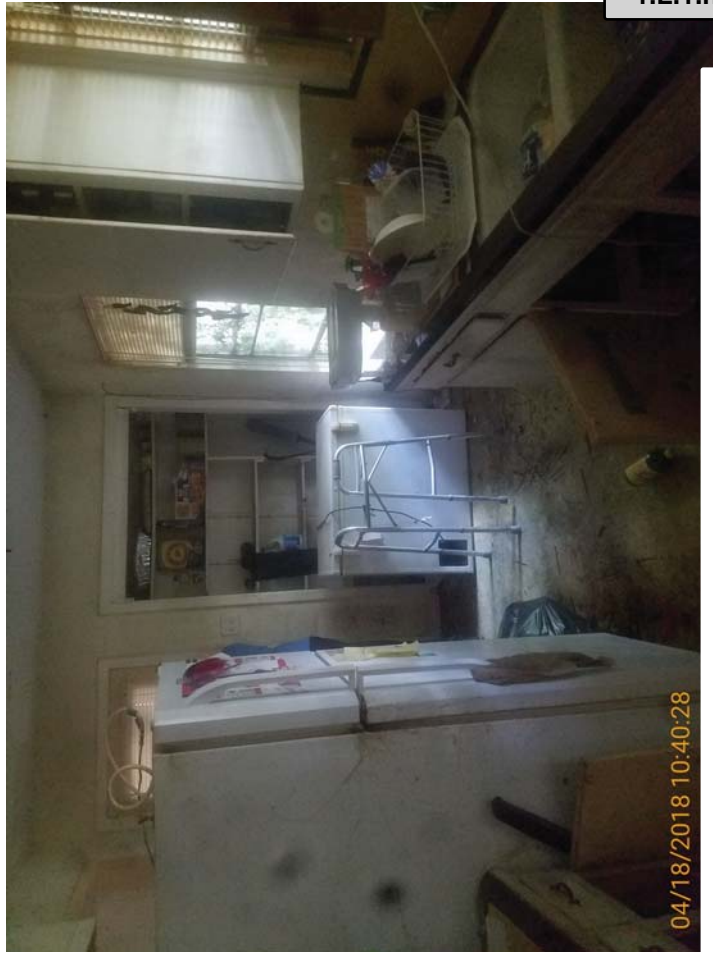
Description	Area
BASE AREA PRI	1,326
WOOD DECK PRI	313
FRAME GARAGE PRI	240
OPEN FRAME PORCH PRI	48
OPEN FRAME PORCH PRI	70

Line	Description	Quality	Condition	Units	Year Bulit
1	HOT TUB	Average	Average	2.00	1952

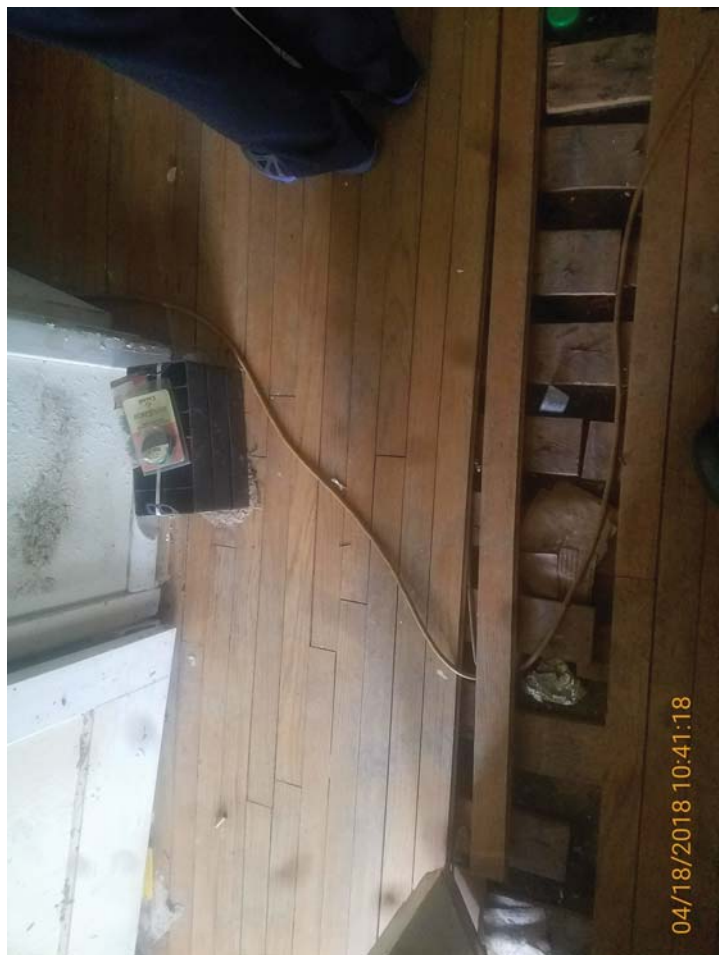
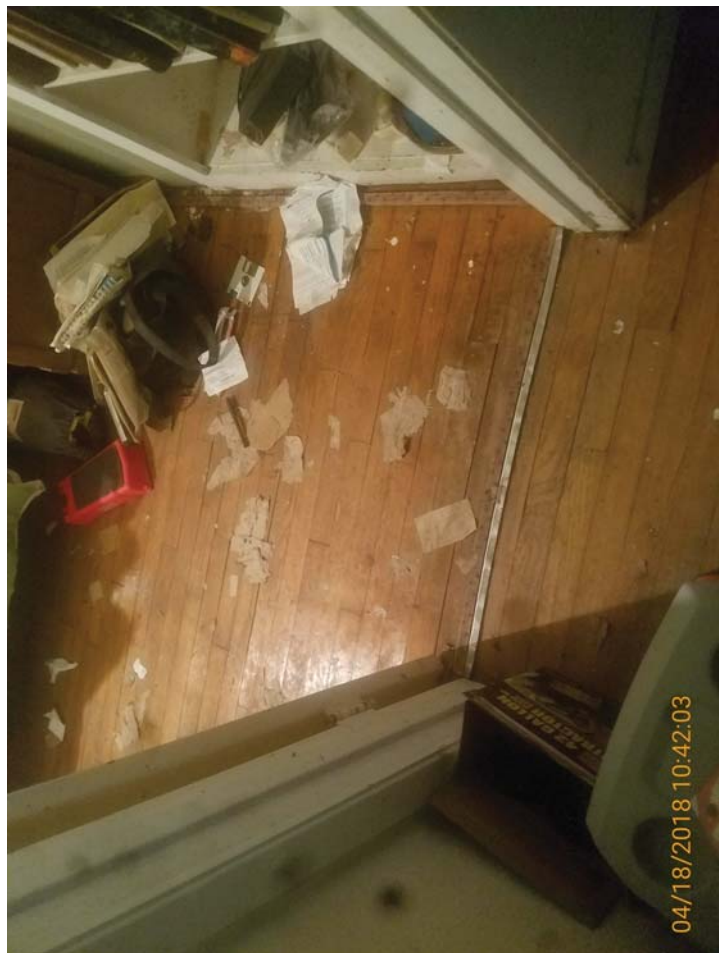




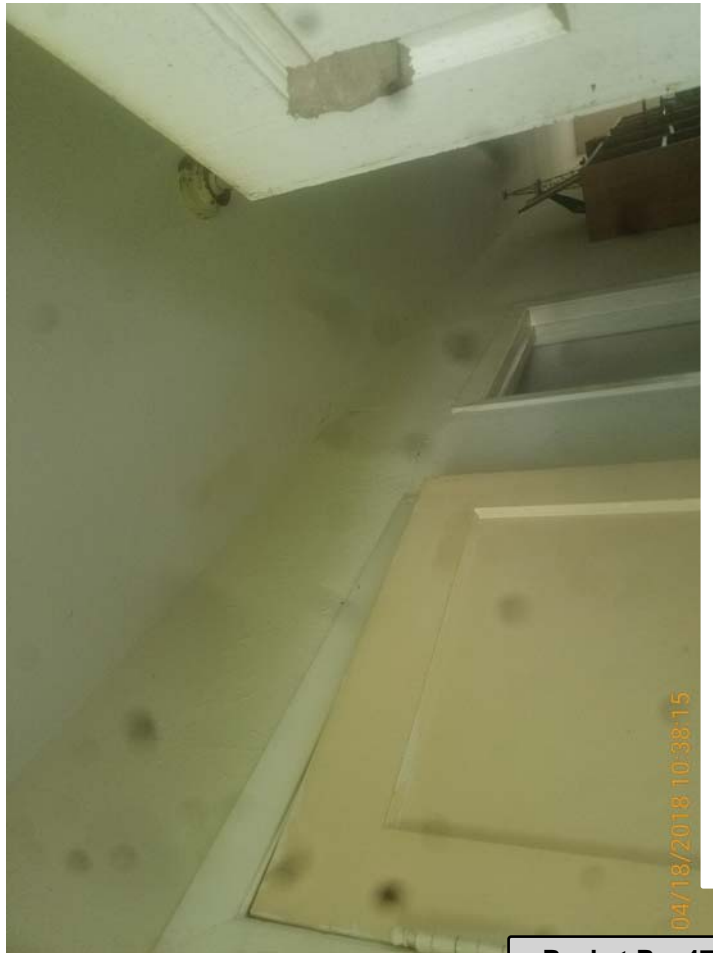




Attachment: Stamped Photos (2613 : Agenda Statement - 4515 Maple)



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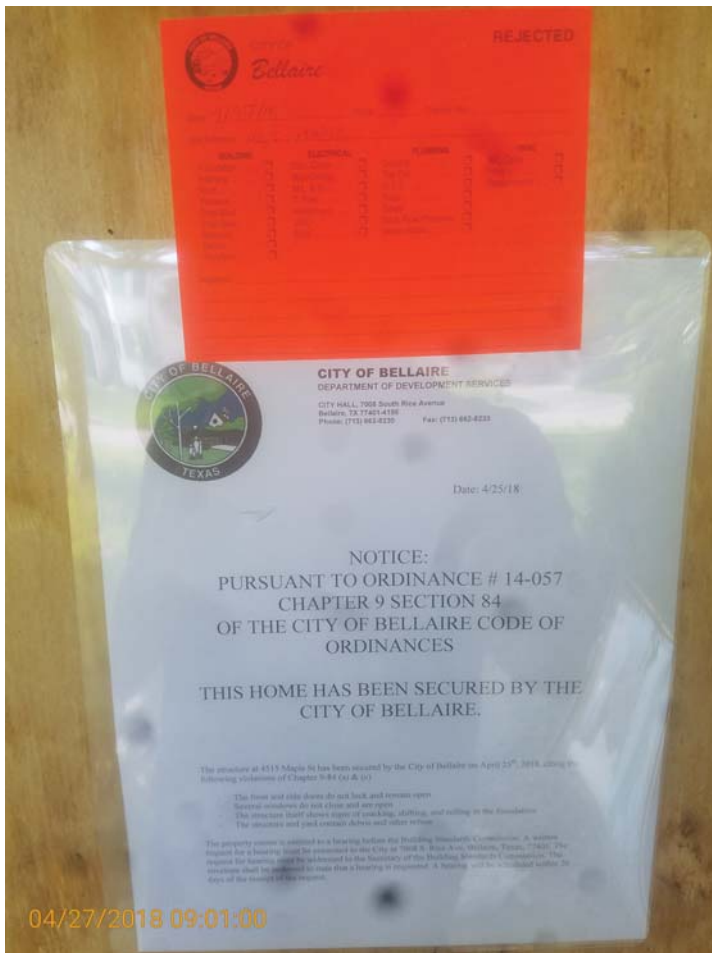
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COMPLAINT # 18-01

BUILDING OFFICIAL OF THE	§	THE BUILDING STANDARDS
CITY OF BELLAIRE, TX	§	COMMISSION OF THE
V.	§	CITY OF BELLAIRE, TX
VICTOR L. KUYKENDAL	§	
4515 MAPLE	§	

TO THE HONORABLE MEMBERS OF THE BUILDING STANDARDS COMMISSION OF THE CITY OF BELLAIRE, TX:

RESPONDENTS: Victor L. Kuykendall
4515 Maple St
Bellaire, TX, 77401

PROPERTY: 4515 Maple St.

LT 12 BLK 6, POST OAK TERRACE, SECTION TWO, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 34, PAGE 73, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

Complaint: VICTOR L. KUYKENDAL, THE LISTED PROPERTY OWNER OF 4515 MAPLE ST, IS BEING REFERRED TO THE BUILDING STANDARDS COMMISSION BECAUSE IT IS SUBSTANDARD PURSUANT TO THE BELLAIRE CODE OF ORDINANCES. THE HOUSE IS SUBSTANDARD AND VACANT. THE WALLS ARE CRACKED IN MANY AREAS, WITH GYPSUM BOARD FALLING OFF THE WALLS IN SOME AREAS. THE WALLS AND FLOORS WERE EXPOSED TO FLOOD WATERS AND ARE NOW VISIBLY MOLDED AND WARPED. THE GREENHOUSE IN THE REAR OF THE PROPERTY IS STRUCTURALLY INSECURE, AND MADE OF ROTTED WOOD WITH ELECTRICAL WIRING EXPOSED AND BROKEN. THE CITY HAS NOTIFIED THE OWNER REPEATEDLY FOR HAVING AN OVERGROWN YARD AND TRASH. THE HOME OWNER WAS CITED FOR FAILING TO REMOVE FLOOD

DAMAGED MATERIAL, AND LEAVING THE HOME UNSECURED
AGAINST ENTRY.

Pursuant to this complaint, the Building Official of the City of Bellaire, Texas, hereby requests the Building Standards Commission to issue an order to demolish the structure, in order to protect the health, safety and welfare of the citizens of the City of Bellaire.

Building and Standards Commission

Council Chamber, First Floor of City Hall
Bellaire, TX 77401



Meeting: 07/25/18 07:00 PM
Department: Development Services
Category: Discussion
Department Head: ChaVonne Sampson
DOC ID: 2609

SCHEDULED INFORMATION ITEM (ID # 2609)

Item Title:

Discussion on Chapter 2, Administration, Article VII, Boards and Commissions, Section 2-92, Creation of New Boards, subsection (b) of the Code of Ordinances of the City of Bellaire.

Background/Summary:

On June 19, 2018, City Council voted to commence a periodic review of the City of Bellaire board and Commissions, pursuant to Section 2-92 (b) of the Code of Ordinances. Subsection (b) of the Code provides as follows:

(b) Prior to adoption of an ordinance creating and establishing any new board, and each five years thereafter, city council shall specifically review and consider the following:

- (1) For boards other than ad hoc advisory boards, whether the establishment of the board will create sufficient betterment to the community to justify the city's delegation of a portion of its authority;
- (2) Whether another board or agency, either public or private, which is already in existence could serve the same purpose;
- (3) The costs, both direct and indirect, of establishing and maintaining the board;
- (4) Whether the board is necessary to enable the city to obtain state or federal grants or other financing; and
- (5) Whether the creation of a new board is the best method of achieving the benefit desired.

This item has been added to each board and commission's July agenda to allow members the opportunity to provide feedback. The Council Liaison to each board/commission will report back to City Council on the discussion during a Workshop Session to be held in August of 2018.