

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember at Large A
DOTTIE KAMINSKI
Councilmember at Large B
DANNY EARP
Councilmember District 1
Mayor Pro-Tem
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

AGENDA ADDENDUM

Notice is hereby given of an ADDENDUM to the regular meeting agenda of items coming before the City Council of La Porte at a regular meeting to be held **February 13, 2017**, beginning 6:00 p.m. at: City Hall - Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items.

7(b). PUBLIC HEARING

Continue public hearing to receive comments on the recommendation of the Dangerous Building Inspection Board for condemnation of dangerous/substandard building located at 211 N. Forrest; consider approval or other action regarding an Ordinance for condemnation of dangerous/substandard building located at 211 N. Forrest – M. Collier

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the February 13, 2017, Agenda Addendum of items to be considered by the City Council was posted on the City Hall bulletin board on February 9, 2017, at 12:00 p.m.

Patrice Fogarty

Patrice Fogarty, City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 13, 2017</u>
Requested By: <u>Mike Collier</u>
Department: <u>Planning and Development</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u> X </u>

<u>Budget</u>
Source of Funds: <u>General Funds</u>
Account Number: <u>001-9092-524-6021</u>
Amount Budgeted: <u>\$60,000</u>
Amount Requested: <u>N/A</u>
Budgeted Item: <u>YES</u> <u>NO</u>

Exhibits: _____

Exhibits: _____

Exhibits _____

SUMMARY & RECOMMENDATION

The Dangerous Building Inspection Board, as established by Sect. 82-472 of the City's Code of Ordinances, is composed of the Deputy Building Official (Mike Collier), the Fire Chief (Mike Boaze) and the Fire Marshal (Clif Meekins).

On January 9, 2017, Council conducted a public hearing and granted the property owner an extension of 30 days. Mike Collier was to perform an inspection of 211 N. Forrest to determine if it met the standards to be considered a dangerous building. Prior to tonight's meeting, Mr. Collier has met with the home owner and inspected the property.

The current status of each property is as follows:

211 N. Forrest: Some improvements

At this time, staff is recommending Council consider removing 211 N. Forrest from the Dangerous Buildings List.

Action Required by Council:

1. Continue public hearing for one structure located at 211 N. Forrest ; and
2. Consider approval or other action to proceed with removing 211 N. Forrest from the Dangerous Buildings List.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE DECLARING THE PRIMARY RESIDENTIAL DWELLING LOCATED AT LOT 11 AND EAST ½ OF LOT TEN (10), BLOCK 4, SYLVAN BEACH FIRST SUBDIVISION, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 211 NORTH FORREST AVE. TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT CHARLES S. DOIZE AND NANCY L. DOIZE ARE THE RECORD OWNERS OF SAID PROPERTY; ORDERING THE SAID OWNERS TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNERS TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING) BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

WHEREAS, the City Council of the City of La Porte, passed and approved Section 82-472 of the Code of Ordinances, creating a Dangerous Building Inspection Board (*the Board*) to be composed of the Building Official or his duly authorized representative, the Fire Chief or his duly authorized representative, the Fire Marshal or his duly authorized representative; and

WHEREAS, Section 82-474 (a) provides that:

Whenever it shall come to the attention of the Board or any member thereof, by reason of the carrying out of the necessary duties of such member, or by reason of a complaint of any citizen of the City or of the City Council, that a dangerous building exists, the Board shall make a thorough inspection of such building(s); and

WHEREAS, Section 82-474 (e) provides that:

After the inspection provided for in this Section has been made, with or without the aid of experts, the Board shall report its conclusion in writing to each of the members of the City Council and to the City Attorney. Such report shall state the circumstances and the condition of the building(s) upon which such conclusion was based. The report shall be filed in all cases no matter what conclusion is stated by the Board; and

WHEREAS, it has heretofore come to the attention of the Board that the primary residential dwelling at LOT 11 AND EAST ½ OF LOT TEN (10), BLOCK 4, SYLVAN BEACH FIRST SUBDIVISION, HARRIS COUNTY, TEXAS, which is further described as 211 NORTH FORREST AVE., Harris County, Texas, has become dangerous or substandard and thereby a public nuisance, as established in Section 82-473 of the Code of Ordinances of the City of La Porte; and

WHEREAS, said Board has heretofore made and filed its written report, dated APRIL 11, 2016 finding said building to be in fact a dangerous building;

WHEREAS, City Council received such report, and ordered notice to the record owner of said property that a hearing as provided in Section 82-477 of said Ordinance would be held at 6:00 PM on SEPTEMBER 12, 2016, at 604 W. Fairmont Parkway, at the Council Chambers, City Hall, City of La Porte, Texas, at which time the Council would hear further evidence for and against the conclusions of the Board;

WHEREAS, the City of La Porte has heretofore served notice of said hearing upon said owner(s), by posting a notice on the subject property on or about AUGUST 12, 2016; and by registered mail, return receipt requested, which notice was shown by USPS as delivered on AUGUST 26, 2016; a date more than ten (10) days before the date set for said hearing;

WHEREAS, on SEPTEMBER 12, 2016 City Council met in regular session to conduct such public hearing, at which time evidence was presented both for and against the conclusions of the Board;

WHEREAS, in lieu of closing the public hearing and considering formal action to order the condemnation of the building, the City Council voted to continue such public hearing until its regularly scheduled meeting date on JANUARY 9, 2017;

WHEREAS, on JANUARY 9, 2017 the City Council met in regular session to complete such public hearing, at which time evidence was presented both for and against the conclusions of the Board, after which the public hearing was concluded;

WHEREAS, the City Council, after due deliberation, and within fifteen (15) days after the termination of the public hearing, is required to make its decision in writing and enter its order; and;

WHEREAS, City Council entered its order to condemn the building on JANUARY 9, 2017 a day which is within fifteen (15) days after the termination of the hearing; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. This Ordinance contains the Findings of Fact, Conclusions of Law, and orders of the City Council of the City of La Porte, based upon the evidence presented at said hearing.

Section 2. Based on the evidence presented at said hearing, the City Council hereby adopts the attached report of the Board, in full, and incorporates such by reference herein as fully as though set out herein.

Section 3. The City Council hereby finds, determines and declares such building, being the primary residential dwelling structure, to be a public nuisance, and orders such building condemned.

Section 4. The City Council hereby finds, determines and declares that CHARLES S. DOIZE AND NANCY L. DOIZE are the record owner of the property on which the aforementioned primary residential dwelling structure is situated, and that as such record owners, the said CHARLES S. DOIZE AND NANCY L. DOIZE have been duly and legally notified of those proceedings.

Section 5. The City Council hereby orders the said CHARLES S. DOIZE AND NANCY L. DOIZE to entirely remove or demolish such building including all slabs, parking bays and driveways, and further orders the said CHARLES S. DOIZE AND NANCY L. DOIZE to commence such removal within ten (10) days from the effective date of this Ordinance, and to complete said removal or demolition within forty-five (45) days from the effective date of this ordinance.

Section 6. The City Council hereby orders the Board of the City of La Porte to cause a notice of the dangerous, unsanitary condition of the building to be affixed in one or more conspicuous places on the exterior of the building, which notice or notices shall not be removed or defaced by any person, under penalty of law.

Section 7. The City Council hereby orders the City Secretary to forward a certified copy of this Ordinance, to the record owner of said property and to any and all lienholders or mortgagees, by registered mail, return receipt requested; file a copy of this Ordinance in the office of the City Secretary; and, publish in the official newspaper of the city a notice containing: 1) the street address or legal description of the property, 2) the date of the public hearing, 3) a brief statement indicating the results of the hearing, and 4) instructions stating where a complete copy of this Ordinance may be obtained.

Section 8. Should the said CHARLES S. DOIZE AND NANCY L. DOIZE not comply with the orders contained in this Ordinance relating to the removal or demolition of such building including all slabs, parking bays and driveways within forty-five (45) days after hereof, then the City of La Porte shall enter upon the said premises with such assistance as it may deem necessary, and cause the said building to be removed or demolished without delay, and the expenses of such procedure shall be charged against the said record owners of said property, and shall thereupon become a valid and enforceable personal obligation of said owner of such premises, and the said City shall carefully compute the cost of such removal or demolition, which cost shall be hereafter assessed against the land occupied by such building, and made lien thereon.

Section 9. The City Council officially finds, determines, and recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this the 9th day of JANUARY, 2017.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins
Clark T. Askins, Assist. City Attorney