

MINUTES
BOARD OF APPEALS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 20 May 2019

1. CALL TO ORDER: Chairman Cheryl Maxwell at 6:00PM
2. QUORUM CHECK: Jacob Jenkins, Code Enforcement Officer

Members Present:
Mat Matecko, Vice-Chairman
John Hudson, Member
Lori Putt, Member
Cheryl Maxwell, Chairman
Mary Andrews, Member
Michael Murray, Member
James Vinci, Member

Present:
Kim Turner-City Manager
Michael Cassata- Development Services Director
Jaclyn Redmon- Building Official
Calaundra Long- 514 W Lindbergh, Property Owner
Emmanuel Mallen- 13510 Forum Rd, Property Owner

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – April 29, 2019

Member Andrews moved to approve the minutes as presented. Member Putt seconded the motion. The minutes were unanimously approved without correction on a 7/0 vote.

4. NEW BUSINESS:

- A. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 506 W Wright Blvd, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order.

City gave report on the property and answered questions from the Board. The property owner was not present at the meeting.

Member Matecko made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 506 W Wright, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than June 24, 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law."

Member Hudson seconded the motion and the motion was approved on a 7-0 vote.

- B. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 126 Doris, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order

City gave report on the property and answered questions from the Board. The property owner was not present at the meeting.

Member Putt made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 126 Doris, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 24 June 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law."

Member Andrews seconded the motion and the motion was approved on a 7-0 vote.

- C. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 13510 Forum Rd, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order

City gave report on the property and answered questions from the Board. The property owner was present at the meeting, spoke to the Board, and answered their questions.

Member Matecko made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 13510 Forum Rd, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 24 June 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law."

Member Putt seconded the motion and the motion was approved on a 7-0 vote.

- D. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 514 W Lindbergh, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order.

City gave report on the property and answered questions from the Board. The property owner was present at the meeting, spoke to the Board, and answered their questions.

Member Matecko made a motion stating, " I find that the property owner(s), lienholder, or mortgagee of 514 W Lindbergh, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 24 June 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law."

Member Hudson seconded the motion and the motion was approved on a 7-0 vote.

- E. Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 119 Amistad, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order.

Item was removed from agenda by City

- F. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 807 Highgate, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City gave report on the property and answered questions from the Board. The property owner was not present at the meeting. Chairman Maxwell opened the public hearing at 6:43PM. There was nobody present from the public to speak for or against the property. The public hearing was closed at 6:44PM.

- G. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 807 Highgate, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Putt made a motion stating, " I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 807 Highgate:

"That the conditions of the property commonly described as 807 Highgate, CB 5054G BLK 9 LOT 23 (Old Rose Garden (SC), Universal City, Bexar County, Texas 78148 (Bexar County Property ID#309081) constitutes a public nuisance in need of abatement, specifically:

- 1. The primary structure is damaged due to years of neglect. The roof, fascia, soffit, windows and siding are damaged and in need of replacement and proper repair. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.**
- 2. The property owner will need to schedule a walkthrough of the entire property, with the Building Official and if it is determined that foundation/structure is damaged, then a structural engineer's report will need to be submitted and proper repairs made as required by the engineer.**
- 3. The fence is also in a dilapidated condition and in need of repair or replacement.**
- 4. The high weeds/grass on the property need to be mowed and kept maintained always.**
- 5. If the house is demolished, then the fence and all accessory structures will be in violation of Zoning Ordinance 581 and will also need to be removed.**
- 6. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.**
- 7. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.**

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before June 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement.

If it is shown that sufficient progress has been made by the June 20, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure."

Member Andrews seconded the motion and the motion was approved on a 7-0 vote.

- H. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 302 Pat Booker Rd, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City gave report on the property and answered questions from the Board. The property owner was not present at the meeting. Chairman Maxwell opened the public hearing at 6:54PM. There was nobody present from the public to speak for or against the property. The public hearing was closed at 6:56PM.

- I. **Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 302 Pat Booker Rd, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Matecko made a motion stating, “I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 302 Pat Booker Rd:

“That the conditions of the property commonly described as 302 Pat Booker Rd CB 5768 BLK 22 LOT 29, Universal City, Bexar County, Texas 78148 (Bexar County Property ID# 354511) constitutes a public nuisance in need of abatement, specifically:

1. **The structure is damaged due to years of neglect. The building is showing signs of having foundation damage. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.**
2. **The property owner will need to schedule a walkthrough of the entire property, with the Building Official and Fire Marshall. Foundation/structure damaged will require a structural engineer’s inspection and a report will need to be submitted and proper repairs made as required by the engineer.**
3. **The City as well as the Texas Commission of Environmental Quality (TCEQ) need to be notified of the intention of the property, due to underground gas storage tanks present. Proper reports need to be filed with TCEQ and corrective action taken as required by their rules and regulations, including removal of underground gas storage tanks.**
4. **If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished. The underground gas storage tanks will also need to be removed.**
5. **The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.**

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before June 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement.

If it is shown that sufficient progress has been made by the June 24, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure.”

Member Putt seconded the motion and the motion was approved on a 7-0 vote.

5. UPDATED BOARD ON CASES and CITY MANAGER REPORT.
6. ADJOURNMENT:

The meeting adjourned at 7:11PM

