

**REVISED
NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE REVIEW BOARD**

NOTICE IS HEREBY GIVEN THAT THE SUBSTANDARD STRUCTURE REVIEW BOARD MEMBERS OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A MEETING ON:

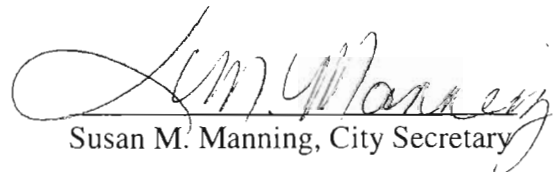
WEDNESDAY, JANUARY 8, 2020

4:30 P.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to order.
2. Pledge of Allegiance and Texas Pledge.
3. **Public Comments and Announcements:** *This is an opportunity for citizens to speak to the Substandard Structure Review Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board to discuss, debate or consider items that are not on the agenda. Citizen comments may be referred to City Staff or may be placed on the agenda of a future Substandard Structure Review Board meeting]*
4. Discussion and action to select a Chairman and Vice Chairman.
5. Discussion and action to approve minutes of the November 6, 2019 meeting.
6. Discussion and action regarding the proposed repair or removal of the structure(s) located at 5705 A Gulf Boulevard (Replat of Lots 2-3-4, Block 189, Lot 3A, Block 189, Fiesta Isles Subdivision (Plat C1-1352 B)).
7. Discussion and action regarding the proposed repair or removal of the structure(s) located at 5705 B Gulf Boulevard (Replat of Lots 2-3-4, Block 189, Lot 3B, Block 189, Fiesta Isles Subdivision (Plat C1-1352 B)).
8. Update, discussion and possible action regarding the proposed repair or removal of the structure(s) located at 1601 Padre Boulevard (South Padre Island – Sunny Isle, Lot 1, Block 7, Replat of Lots 1-6 & 32-34, Block 7, 1.0330 Acres).
9. Update, discussion and possible action regarding the proposed repair or removal of the structure(s) located at 119 East Kingfish Street (So Padre Is – Padre Beach Section V, Lot 11, Block 63).

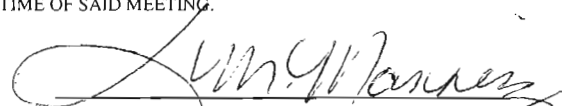
Adjourn.

DATED THIS THE 3RD DAY OF JANUARY 2020.


Susan M. Manning, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **JANUARY 3, 2020** AT/OR BEFORE 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan M. Manning, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, DAVID TRAVIS; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-8103.

**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD MEETING
AGENDA REQUEST FORM**

MEETING DATE: January 8, 2020

NAME & TITLE: Susan Manning

DEPARTMENT:

ITEM

Discussion and action to approve minutes of November 6, 2019 meeting.

ITEM BACKGROUND

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

LEGAL REVIEW

Sent to Legal: YES: _____ NO: _____
Approved by Legal: YES: _____ NO: _____

RECOMMENDATIONS/COMMENTS

Approve minutes.

**MINUTES
CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE REVIEW BOARD**

WEDNESDAY, NOVEMBER 6, 2019

I. CALL TO ORDER

The Substandard Structure Review Board of the City of South Padre Island, Texas held a Meeting on Wednesday, November 6, 2019 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Board Member McNulty called the meeting to order at 4:30 p.m. A quorum was present: Board Members Patrick McNulty, Ken Medders, Jr., Kerry Schwartz, Joe Ricco, Alita Bagley and Eva-Jean Dalton.

City staff members present were City Manager Randy Smith, Director of Operations Wendi Delgado, Chief of Police Claudine O'Carroll, Building Official David Travis and City Secretary Susan Manning.

II. PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Board Member Dalton led the Pledge of Allegiance and Texas Pledge.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

None.

IV. DISCUSSION AND ACTION TO APPROVE MINUTES OF THE OCTOBER 16, 2019 MEETING.

Board Member Ricco made a motion, seconded by Board Member Medders to approve the October 16, 2019 minutes. Motion passed on a 5 to 0 vote with Board Member Bagley abstaining from the vote.

V. DISCUSSION AND ACTION REGARDING THE PROPOSED REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 1601 PADRE BOULEVARD (SOUTH PADRE ISLAND – SUNNY ISLE, LOT 1, BLOCK 7, REPLAT OF LOTS 1-6 & 32-34, BLOCK 7, 1.0330 ACRES).

After some discussion, Board Member Ricco made a motion that starting Thursday, November 7, 2019, we start to levy a fine of \$1,000 per day until March 27, 2020 for the structure at 1609 Padre Blvd, a surety bond put in place to cover the demolition cost and raising of the foundation for the structure on or before March 27, 2020. If the construction process has commenced and is agreeable with the construction timeline, the Board will waive the fine. If this does not happen, the demolition of the property shall commence at the owner's expense. The motion was seconded by Board Member Schwartz. Motion was amended by Board Member Ricco and Schwartz that proof of funding to perform the project by March 27, 2020 be submitted. Board Member Ricco

amended the motion to correct the address from 1609 Padre Boulevard to 1601 Padre Boulevard. Board Member Schwartz seconded the amendment. Motion with the two amendments passed unanimously.

With no objection from the Board, Items VI and VII were merged and heard together.

- VI. **DISCUSSION AND ACTION REGARDING THE PROPOSED REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 5705 A GULF BOULEVARD (REPLAT OF LOTS 2-3-4, BLOCK 189, LOT 3A, BLOCK 189, FIESTA ISLES SUBDIVISION (PLAT C1-1352 B)).**
- VII. **DISCUSSION AND ACTION REGARDING THE PROPOSED REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 5705 B GULF BOULEVARD (REPLAT OF LOTS 2-3-4, BLOCK 189, LOT 3B, BLOCK 189, FIESTA ISLES SUBDIVISION (PLAT C1-1352 B)).**

Note: Board Member McNulty recused himself from discussion and vote on Item VI and VII, Board Member Medders conducted the meeting for these items.

Board Member Ricco made a motion, seconded by Board Member Schwartz that beginning on November 7, 2019 a fine be levied of \$250 per day per side until May 1, 2020 for the structure at 5705A and 5705B Gulf Boulevard, a surety bond put in place to cover the demolition cost and raising of the foundation for the existing structure on or before May 1, 2020. If the construction process has commenced and is agreeable with the construction timeline, the Board will waive all fines. If this does not happen, the demolition of the property shall commence at the owner's expense. After discussion, motion was withdrawn.

Board Member Ricco made a motion to table these items. Board Member Schwartz seconded the motion. Motion carried on a 5 to 0 vote with Board Member McNulty abstaining from the vote and discussion.

- VIII. **DISCUSSION AND ACTION REGARDING THE PROPOSED REPAIR OR REMOVAL OF THE STRUCTURE(S) LOCATED AT 119 EAST KINGFISH STREET (SO PADRE IS – PADRE BEACH SECTION V, LOT 11, BLOCK 63).**

Board Member Ricco made a motion that beginning on November 7, 2019 a fine be levied of \$250 per day per side until May 29, 2020 for the structure at 119 E. Kingfish, a surety bond put in place to cover the demolition cost and raising of the foundation for the existing structure on or before March 28, 2020. If the construction process has commenced and is agreeable with the timeline, the Board will waive all fines. If this does not happen, the demolition of the property shall commence at the owner's expense. Board Member Bagley seconded the motion, which carried unanimously.

- IX. **ADJOURN.**

There being no further business, Board Member McNulty adjourned the meeting at 5:16 p.m.

Susan M. Manning, City Secretary

APPROVED

Patrick McNulty, Board Member



**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD
AGENDA REQUEST FORM**

MEETING DATE: January 8, 2020

NAME & TITLE: David Travis, Building Official, and Aaron Hanley, Planning Director

DEPARTMENT: Building Inspections Division, Planning Department

ITEM

Discussion and action regarding the proposed repair or removal of the structure(s) located at **5705 A Gulf Boulevard** (Replat of Lots 2-3-4, Block 189, Lot 3A, Block 189, Fiesta Isles Subdivision (Plat C1-1352 B)).

ITEM BACKGROUND

Chronology of Events

The final plat of the property was filed on or about July 17, 1995. The plat reflects uses of a townhouse on Lot 3A, Block 189, Fiesta Isles Subdivision (the “Property”). The City’s Zoning Map indicates that the property is zoned District B-2.

On or about February 10, 2014, the City of South Padre Island Building Inspections Division issued a Building Permit to Sara Investments for the construction of a single family townhouse on the Property. The last inspection of the structure during construction was on October 9, 2014.

On or about August 24, 2017, the City of South Padre Island Building Inspections Division issued a Demolition Permit to E. B. Merit Construction for the removal of the wood, floor deck and concrete slab, and the treatment of the existing nail plates within the structure on the Property.

On or about December 12, 2017, the City of South Padre Island Building Inspections Division issued a Building Permit to E. B. Merit Construction for the construction of a single family townhouse on the Property.

On or about December 19, 2017, the City of South Padre Island Building Inspections Division issued an Electrical Permit to Matt’s Electric for the electrical improvements to the existing structure on the Property.

On or about January 3, 2018, a request for the refund of the Building Permit fee in the amount of \$2,100.00 was submitted to the Building Inspections Division.

On or about January 9, 2018, the request for the refund was processed after it was confirmed by the Building Official that no improvements were made to the structure on the Property.

On or about August 2, 2019, the Building Official inspected the exterior of the Property. It was observed that the structure on the property is unfinished and not suitable for habitation. The structure does not have a roof, and the window and door openings on the first floor are boarded with oriented strand board (OSB).

On or about August 21, 2019, a Substandard Structures Review Board Notice of Hearing was mailed to Mr. Enrique Garza, BES Merit Properties, LLC, at 307 E. University Dr., Edinburg, Texas 78539-3549, via United States Postal Service Certified Mail Return Receipt Requested.

On or about August 22, 2019, the Substandard Structures Review Board Notice of Hearing was received and signed for.

On or about October 2, 2019, a hearing with the Substandard Structures Review Board was held at 4601 Padre Boulevard to determine whether or not the aforementioned structure is substandard. There was no representation from the owner, therefore the board motioned and voted unanimously to postpone the hearing until October 16, 2019, and begin the penalty process on October 17, 2019 if there is no representation from the owner(s).

On or about October 16, 2019, the Substandard Structures Review Board heard the comments from Mr. Brandon Fairlie, and reviewed the proposal for the repairs and renovations of the structure and property. The Board ruled to continue the meeting on November 6, 2019, at which time the owner will provide a timeline, engineering reports, and a determination of whether or not to tear down the existing structure or move forward with finishing it out. Also, penalties will be waived until November 6, 2019.

On or about November 6, 2019, the Substandard Structures Review Board heard the comments from Mr. Enrique Garza, and reviewed the proposal for the repairs and renovations of the structure and property. The Board ruled to table the item until the next meeting, at which time the Mr. Garza will provide an engineering report which will be Mr. Garza's deciding factor of whether tear down the existing structure or move forward with finishing it out.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

- Chapter I Land Use, GOAL 2: The City should continue to monitor, protect, and evaluate development and resource conservation.
 - Objective 2.1: City ordinances should be consistent with the Comprehensive Plan.
 - Policy 2.1.1: The City should continue to enforce ordinances and regulations consistently and equally. Strategy 2.1.1.1: Regulations and development standards should be user-friendly and serve to streamline the permitting process while “raising the bar” of standards of development quality.
- Chapter IV Economic Development, GOAL 3: The City shall support an environment that is friendly to residents, tourists, and businesses.
 - Objective 3.1: The City should support ordinances, events, and policies that enhance the Island’s economic development potential.

LEGAL REVIEW

Sent to Legal: YES: _____ NO: _____
 Approved by Legal: YES: _____ NO: _____

Comments:

RECOMMENDATIONS/COMMENTS

Per City of South Padre Island Code of Ordinance Section 4-18, Substandard Structures Review Board, Subsections A through G:

(A) In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the Substandard Structures Review Board to pass upon matters pertaining to building standards. The Substandard Structures Review Board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

(B) *Duties of the Substandard Structures Review Board.*

(1) The Substandard Structures Review Board shall:

(a) Schedule and hold a public hearing and hear testimony from the code official, and the owner, mortgagee, or lienholder of the substandard structure. Such testimony shall relate to the determination of the question of whether the building or structure in question is a Substandard Structure and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner, mortgagee, and/or lienholder shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(b) Upon conclusion of the hearing, the Substandard Structures Review Board shall determine by majority vote of its Board membership whether the building or structure in question is a substandard structure. Upon a determination that the building or structure in question constitutes substandard and out of conformance with the requirements of this Chapter, the Substandard Structures Review Board shall issue an order:

1. Containing an identification of the building and the property on which it is located;
2. Making written findings of the violations of the minimum standards that are present at the building;
3. Requiring the owner, mortgagee, or lienholder to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the Substandard Structures Review Board shall specify a reasonable time for the completion of the work; and
4. Containing a statement that the city will vacate, secure, repair or demolish the Substandard Structure and relocate the occupants of the structure if the ordered action is not taken within the time specified by the Board.

(C) The code official or city secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that are found to be present at the building; and a statement that the municipality will vacate, secure, remove, repair, or demolish the building and relocate the occupants of the building if the ordered action is not taken within the agreed-upon reasonable time.

(D) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 30 days to repair, remove, or demolish the building, the Board in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the Code official.

(E) The Substandard Structures Review Board shall not allow the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

- (1) Submits a detailed plan and time schedule for the work at the hearing; and
- (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(F) If the value of a property subject to a Substandard Structures Review Board order exceeds \$100,000.00, the board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. If required by the board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the Board issues its order.

(G) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Board shall require them to regularly submit progress reports to the Board to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that they appear before the code official to demonstrate compliance with the time schedules.

**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD
AGENDA REQUEST FORM**

MEETING DATE: January 8, 2020

NAME & TITLE: David Travis, Building Official, and Aaron Hanley, Planning Director

DEPARTMENT: Building Inspections Division, Planning Department

ITEM

Discussion and action regarding the proposed repair or removal of the structure(s) located at **5705 B Gulf Boulevard** (Replat of Lots 2-3-4, Block 189, Lot 3B, Block 189, Fiesta Isles Subdivision (Plat C1-1352 B)).

ITEM BACKGROUND

Chronology of Events

The final plat of the property was filed on or about July 17, 1995. The plat reflects uses of a townhouse on Lot 3B, Block 189, Fiesta Isles Subdivision (the "Property"). The City's Zoning Map indicates that the property is zoned District B-2.

On or about February 10, 2014, the City of South Padre Island Building Inspections Division issued a Building Permit to Sara Investments for the construction of a single family townhouse on the Property. The last inspection of the structure during construction was on October 9, 2014.

On or about August 24, 2017, the City of South Padre Island Building Inspections Division issued a Demolition Permit to E. B. Merit Construction for the removal of the wood, floor deck and concrete slab, and the treatment of the existing nail plates within the structure on the Property.

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On or about August 2, 2019, the Building Official inspected the exterior of the Property. It was observed that the structure on the property is unfinished and not suitable for habitation. The structure does not have a roof, and the window and door openings on the first floor are boarded with oriented strand board (OSB).

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On or about October 16, 2019, the Substandard Structures Review Board heard the comments from Mr. Brandon Fairlie, and reviewed the proposal for the repairs and renovations of the structure and property. The Board ruled to continue the meeting on November 6, 2019, at which time the owner will provide a timeline, engineering reports, and a determination of whether or not to tear down the existing structure or move forward with finishing it out. Also, penalties will be waived until November 6, 2019.

On or about November 6, 2019, the Substandard Structures Review Board heard the comments from Mr. Enrique Garza, and reviewed the proposal for the repairs and renovations of the structure and property. The Board ruled to table the item until the next meeting, at which time the Mr. Garza will provide an engineering report which will be Mr. Garza's deciding factor of whether tear down the existing structure or move forward with finishing it out.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

- Chapter I Land Use, GOAL 2: The City should continue to monitor, protect, and evaluate development and resource conservation.
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- Chapter IV Economic Development, GOAL 3: The City shall support an environment that is friendly to residents, tourists, and businesses.
 - Objective 3.1: The City should support ordinances, events, and policies that enhance the Island’s economic development potential.

LEGAL REVIEW

Sent to Legal: YES: _____ NO: _____
 Approved by Legal: YES: _____ NO: _____

Comments:

RECOMMENDATIONS/COMMENTS

Per City of South Padre Island Code of Ordinance Section 4-18, Substandard Structures Review Board, Subsections A through G:

(A) In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the Substandard Structures Review Board to pass upon matters pertaining to building standards. The Substandard Structures Review Board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

(B) *Duties of the Substandard Structures Review Board.*

- (1) The Substandard Structures Review Board shall:
 - (a) Schedule and hold a public hearing and hear testimony from the code official, and the owner, mortgagee, or lienholder of the substandard structure. Such testimony shall relate to the determination of the question of whether the building or structure in question is a Substandard Structure and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner, mortgagee, and/or lienholder shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(b) Upon conclusion of the hearing, the Substandard Structures Review Board shall determine by majority vote of its Board membership whether the building or structure in question is a substandard structure. Upon a determination that the building or structure in question constitutes substandard and out of conformance with the requirements of this Chapter, the Substandard Structures Review Board shall issue an order:

1. Containing an identification of the building and the property on which it is located;
2. Making written findings of the violations of the minimum standards that are present at the building;
3. Requiring the owner, mortgagee, or lienholder to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the Substandard Structures Review Board shall specify a reasonable time for the completion of the work; and
4. Containing a statement that the city will vacate, secure, repair or demolish the Substandard Structure and relocate the occupants of the structure if the ordered action is not taken within the time specified by the Board.

(C) The code official or city secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that are found to be present at the building; and a statement that the municipality will vacate, secure, remove, repair, or demolish the building and relocate the occupants of the building if the ordered action is not taken within the agreed-upon reasonable time.

(D) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 30 days to repair, remove, or demolish the building, the Board in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the Code official.

(E) The Substandard Structures Review Board shall not allow the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

- (1) Submits a detailed plan and time schedule for the work at the hearing; and
- (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(F) If the value of a property subject to a Substandard Structures Review Board order exceeds \$100,000.00, the board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. If required by the board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the Board issues its order.

(G) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Board shall require them to regularly submit progress reports to the Board to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that they appear before the code official to demonstrate compliance with the time schedules.

**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD
AGENDA REQUEST FORM**

MEETING DATE: January 8, 2020
NAME & TITLE: David Travis, Building Official, and Aaron Hanley, Planning Director
DEPARTMENT: Building Inspections Division, Planning Department

ITEM

Update, discussion and possible action regarding the proposed repair or removal of the structure(s) located at **1601 Padre Boulevard** (South Padre Island – Sunny Isle, Lot 1, Block 7, Replat of Lots 1-6 & 32-34, Block 7, 1.0330 Acres).

ITEM BACKGROUND

Chronology of Events

The final plat of Lot 1, Block 7, Sunny Isle Subdivision (the “Property”) was filed on or about August 13, 1984. The City’s Zoning Map indicates that the Property is zoned Padre Boulevard South. It has been used for at least the last decade as a night club, bar, and restaurant with no change.

On or about March 14, 2016, the last known Health Permit (attached) was issued to Club Chaos by the City of South Padre Island Environmental Health Services Department with an expiration date of February 21, 2017.

On or about February 10, 2018, the main electrical service to the structure on the Property was disconnected by AEP due to unsafe electrical equipment.

On or about April 19, 2018, a Commercial Demolition Permit number 20180389 was obtained from the South Padre Island Building Inspections Division in order to demolish the interior of the structure located on the Property.

On or about May 11, 2018, the request to demolish the previously existing tower and wall located along the east portion of the structure was amended to the existing Commercial Demolition Permit.

On or about September 13, 2018, a Visual Structural Observation report (attached) was submitted to the Building Inspections Division. The report contains a statement from

Professional Engineer David V. Day, P.E., *“The scope was limited to a brief visual observation only, no structural analysis was performed.”*

On or about June 19, 2019, a Substandard Structure Notice Letter was mailed Certified Return Receipt Requested to 3500 Padre Boulevard, South Padre Island, Texas 78597, which is the address on file with Cameron County Appraisal District and Cameron County Tax Assessor. The letter was returned undeliverable on or about July 3, 2019.

On or about July 17, 2019, the Substandard Structure Notice Letter was hand delivered to Mr. Mennish Amoyal, at 4601 Padre Boulevard, South Padre Island, Texas 78597.

On or about August 1, 2019, written confirmation from Fire Inspector Ashley Bowen was received that the last recorded fire inspection on the Property was on January 18, 2018. Notes on the report read, “Building is not up to code for occupancy at this time. Will require a full inspection by Building and Fire before it can be occupied.”

On or about August 2, 2019, the Building Official viewed the exterior of the Property and took photos.

On or about August 16, 2019, Planning Director Aaron Hanley, Building Official David Travis, Architect Roberto Ruiz, AIA, and Mennish Amoyal (owner) met at 4601 Padre Boulevard to discuss the proposed use and design of a new hotel on the Property utilizing the existing structure.

On or about August 1, 2019, written confirmation from Fire Inspector Ashley Bowen was received that the last recorded fire inspection on the Property was on January 18, 2018. Notes on the report read, “Building is not up to code for occupancy at this time. Will require a full inspection by Building and Fire before it can be occupied.”

On or about August 20, 2019, Building Official David Travis, Architect Roberto Ruiz, AIA, Environmental Health Director Victor Baldovinos, and Councilman Joe Ricco walked throughout the interior of the structure on the Property.

On or about October 2, 2019, the Substandard Structures Review Board heard the comments from Roberto Ruiz and Troy Giles, and reviewed a proposed timeline for the repairs and renovations of the structure and property. The Board ruled to continue the meeting on November 6, 2019, at which time the owner will provide a structural report to the Board.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

- Chapter I Land Use, GOAL 2: The City should continue to monitor, protect, and evaluate development and resource conservation.
 - Objective 2.1: City ordinances should be consistent with the Comprehensive Plan.

- Policy 2.1.1: The City should continue to enforce ordinances and regulations consistently and equally. Strategy 2.1.1.1: Regulations and development standards should be user-friendly and serve to streamline the permitting process while “raising the bar” of standards of development quality.
- Chapter IV Economic Development, GOAL 3: The City shall support an environment that is friendly to residents, tourists, and businesses.
 - Objective 3.1: The City should support ordinances, events, and policies that enhance the Island’s economic development potential.

LEGAL REVIEW

Sent to Legal: YES: _____ NO: _____
 Approved by Legal: YES: _____ NO: _____

Comments:

RECOMMENDATIONS/COMMENTS

Per City of South Padre Island Code of Ordinance Section 4-18, Substandard Structures Review Board, Subsections A through G:

(A) In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the Substandard Structures Review Board to pass upon matters pertaining to building standards. The Substandard Structures Review Board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

(B) Duties of the Substandard Structures Review Board.

- (1) The Substandard Structures Review Board shall:
 - (a) Schedule and hold a public hearing and hear testimony from the code official, and the owner, mortgagee, or lienholder of the substandard structure. Such testimony shall relate to the determination of the question of whether the building or structure in question is a Substandard Structure and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner, mortgagee, and/or lienholder shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
 - (b) Upon conclusion of the hearing, the Substandard Structures Review Board shall determine by majority vote of its Board membership whether the building or structure in question is a substandard structure. Upon a determination that the building or structure in question constitutes substandard and out of conformance

with the requirements of this Chapter, the Substandard Structures Review Board shall issue an order:

1. Containing an identification of the building and the property on which it is located;
2. Making written findings of the violations of the minimum standards that are present at the building;
3. Requiring the owner, mortgagee, or lienholder to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the Substandard Structures Review Board shall specify a reasonable time for the completion of the work; and
4. Containing a statement that the city will vacate, secure, repair or demolish the Substandard Structure and relocate the occupants of the structure if the ordered action is not taken within the time specified by the Board.

(C) The code official or city secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that are found to be present at the building; and a statement that the municipality will vacate, secure, remove, repair, or demolish the building and relocate the occupants of the building if the ordered action is not taken within the agreed-upon reasonable time.

(D) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 30 days to repair, remove, or demolish the building, the Board in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the Code official.

(E) The Substandard Structures Review Board shall not allow the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

- (1) Submits a detailed plan and time schedule for the work at the hearing; and
- (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(F) If the value of a property subject to a Substandard Structures Review Board order exceeds \$100,000.00, the board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party

approved by the city. If required by the board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the Board issues its order.

(G) If the Substandard Structures Review Board allows the owner, mortgagee, or lienholder of the Substandard Structure more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Board shall require them to regularly submit progress reports to the Board to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that they appear before the code official to demonstrate compliance with the time schedules.

**CITY OF SOUTH PADRE ISLAND
SUBSTANDARD STRUCTURE
REVIEW BOARD
AGENDA REQUEST FORM**

MEETING DATE: January 8, 2020

NAME & TITLE: David Travis, Building Official, and Aaron Hanley, Planning Director

DEPARTMENT: Building Inspections Division, Planning Department

ITEM

Update, discussion and possible action regarding the proposed repair or removal of the structure(s) located at **119 East Kingfish Street** (So Padre Is – Padre Beach Section V, Lot 1, Block 63).

ITEM BACKGROUND

Chronology of Events

Lot 11, Block 63, Padre Beach Subdivision, Section V (the “Property”), is zoned District B-2 as reflected on the City’s Zoning Map.

On or about September 15, 2010, the City of South Padre Island Building Inspections Division issued Building Permit number 6862 to Paradise Construction for the construction of a single family home on the Property. The last inspection of the structure during construction was for the 3rd floor bond beam, on April 21, 2011.

On or about May 15, 2012, a letter was sent to the owners, Hector Saucedo and Hortencia Garza, advising them that Building Permit 6862 had expired due no improvements being made on the structure in over 6 months. The letter also explains that Paradise Construction, the permit holder, was no longer working for Mr. Saucedo and Ms. Garza as of December 20, 2011.

On or about June 11, 2012, the City of South Padre Island Building Inspections Division issued Building Permit number 7217 to Jose Luis Diaz for the roofing, windows, doors, decking, repairing of all damaged plywood, and finish exterior wood walls with stucco on the single family home on the Property.

On or about June 26, 2012, the last inspection of the structure during construction was for the roof deck was performed.

On or about August 2, 2019, the Building Official inspected the exterior of the Property. It was observed that the structure on the property is unfinished and not suitable for habitation. The window and door openings on the first floor of the structure are boarded with plywood, the second floor window and door openings are not covered, and the third floor wood frame walls are partially covered with plywood.

On or about October 2, 2019, the Substandard Structures Review Board heard the comments from Mr. Guadalupe Maldonado, and reviewed the proposal for the repairs and renovations of the structure and property. The Board ruled to continue the meeting on November 6, 2019, at which time the owner will provide an engineer's report and signed agreement with a contractor to the Board.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

- Chapter I Land Use, GOAL 2: The City should continue to monitor, protect, and evaluate development and resource conservation.
 - Objective 2.1: City ordinances should be consistent with the Comprehensive Plan.
 - Policy 2.1.1: The City should continue to enforce ordinances and regulations consistently and equally. Strategy 2.1.1.1: Regulations and development standards should be user-friendly and serve to streamline the permitting process while “raising the bar” of standards of development quality.
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Comments:

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(1) The Substandard Structures Review Board shall:

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(b) Upon conclusion of the hearing, the Substandard Structures Review Board shall determine by majority vote of its Board membership whether the building or structure in question is a substandard structure. Upon a determination that the building or structure in question constitutes substandard and out of conformance with the requirements of this Chapter, the Substandard Structures Review Board shall issue an order:

1. Containing an identification of the building and the property on which it is located;
2. Making written findings of the violations of the minimum standards that are present at the building;
3. Requiring the owner, mortgagee, or lienholder to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the Substandard Structures Review Board shall specify a reasonable time for the completion of the work; and
4. Containing a statement that the city will vacate, secure, repair or demolish the Substandard Structure and relocate the occupants of the structure if the ordered action is not taken within the time specified by the Board.

(C) The code official or city secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation

of this article that are found to be present at the building; and a statement that the municipality will vacate, secure, remove, repair, or demolish the building and relocate the occupants of the building if the ordered action is not taken within the agreed-upon reasonable time.

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- (1) Submits a detailed plan and time schedule for the work at the hearing; and
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(F) If the value of a property subject to a Substandard Structures Review Board order exceeds \$100,000.00, the board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. If required by the board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the Board issues its order.

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