



## Public Hearing and Special Meeting Minutes City Council (amended)

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Tuesday, July 10, 2018

6:00 p.m.

Clubhouse - 931 Cedar

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**Present:** Mayor Michael McNamara, Mayor Pro-Tem Amanda Fenwick, Councilwoman Christy Lyons, Councilwoman Angie Terrell, Councilman Kurt Otten, Chief Kenneth Cook, City Secretary Christy Stroup, Bldg. Official Kevin Harrell, Fire Chief Brent Hahn, City Attorney Leah Hayes

**Absent:** Councilwoman Jan Bailey

### 1. CALL TO ORDER & DETERMINATION OF QUORUM:

Mayor McNamara called Public Hearing to order at 6:00 p.m.

### 2. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE TEXAS FLAG.

Mayor McNamara lead the Pledge of Allegiance to the Flag of the United States of America and the Texas Flag

### 3. PUBLIC HEARING:

**Pursuant to City Code Section 14-142 notice is hereby given that a public hearing will be conducted to determine whether the building located at 19 Tindel complies with the standards set out in the City Code Section 14-141.**

**Building Official Kevin Harrell** presented the City Council and audience a slide show of interior and exterior photos of the dwelling at 19 Tindel. Photos presented showed violations of city ordinances, state electrical and state plumbing violations and health and safety issues inside and outside of the dwelling and the property. He turned the floor over to Fire Chief Brent Hahn.

Fire Chief Brent Hahn stated that they would not enter the dwelling due to safety of his firefighters. If there was a fire at the dwelling it would be an exterior fire fight and he feels that it would be a danger to the surrounding residents.

Councilwoman Terrell inquired of City Ordinance Section 141-14 and the 10 standards that would require a dwelling to be repaired or demolished. City Attorney Leah Hayes stated that you do not have to have all 10 violations.

Councilwoman Terrell also inquired about Section 141-42 (e) concerning the repairs costing 50% or more of the appraised value a building or structure shall be demolished or removed. This property appraises at \$158,000.00 and 50% is \$79,000.00. Kevin stated that the estimate is for the land as well but the structure is \$56,000.00 so 50% of that is \$28,000.00 so if the repairs go over that amount then the building would need to be demolished.

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City Attorney Leah Hayes said that this discussion should be handled later on the agenda and that for now we need to address the property owner and see if they have provided a plan as requested in the notice.

Candice Schwager, Attorney for John Shandley and Yfigenia Shandley – resident of 19 Tindel was present and stated that her clients were not present and she is appearing on his behalf. She stated that the she feels her client was not given property notice and the Writ of Entry to the property was not issued as eminent danger at the dwelling but more of a fishing expedition to allow entry into the home.

(Most of the comments made by Ms. Schwager were not understandable on the recording)

A portion of Ms. Schwagers comment referred to a 24 hour notice to vacate property and that her client was not allowed to enter to get any of their belongings.

Rick Schwager, spouse of the Ms. Schwager, (not a certified attorney) stated that the client was arrested without cause. Also, said that the client had a contractor lined up to come do the clean-up. He also stated the client tried to pull a permit to have the property cleaned up and was told that the city did not charge for that permit but for some reason the city was requiring a 1% fee of the property value plus \$175.00 for the permit fee.

Mr. Schwager also said that the client had tried to set-up a meeting time to enter the home with the building official but the building official needed to acquire a police officer to accompany him when they met at the property.

Ms. Schwager said that there is a plan to clean up the property but is not a comprehensive plan. She also stated that she has not had any photographs presented to her and was not given adequate notice to clean up the property. She also requested a reset to give proper time to present a plan.

Joe Huntington 205 Blue Point – Stated that he thought the code for demolition or removal of property was incorrect and that it had not been handled this way in the past.

Herb ? 22 Tindel – main concern is fire hazard and concerned about boats.

Linda VanWagner 24 Tindel – Has been a resident for 24 years and the house and property has always been unsanitary.

William ? 24-1/2 Tindel – live here for 3 years and the place has always been a mess. Since the tenants have moved out the street is quieter and not near as much traffic on the road.

Mayor closed the Public Hearing at 6:57 pm

Open Council Meeting at 6:57 pm

**8. COUNCIL BUSINESS:** Discussion and possible action may be taken on the following items:

- a. Action from Public Hearing: City Council to determine whether the building located at 19 Tindel complies with the standards set out in the City Code Section 14-141 and approve action to be taken on the property/property owner or its representative(s).

Mayor stated that Ms. Schwager accusations were false. That we have several habitats that are unsafe and that is what this hearing is about.

Councilwoman Terrell asked Kevin Harrell when the first letter was sent about the property. Kevin said that a letter was sent April 15<sup>th</sup> to the property owner Yfigenia Shandley describing the complaints concerning the boats and trash and debris. No response from property owner and a citation was issued on May 11<sup>th</sup> and no appearance was made to the court. At this point he contacted Judge Cope and requested a Writ of Entry to the property.

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There was discussion between City Council, Attorney Leah Hayes, Kevin Harrell and Atty. Ms. Schwager concerning the notices and timeline.

Mayor Pro Tem Fenwick made motion to issue an order to allow 90 days for the Shandley's to acquire all the proper permits, engineer approval and requirements to bring the residence into compliance.

No Second

MOTION DIED

Councilman Otten made motion to give a continuance of 15 days to allow the Shandley's to come back and present to City Council a proposed plan and also a report from a structural engineer stating that his house safe.

Councilwoman Terrell second the motion

MOTION FAILED

Mayor Pro Tem Fenwick made motion to require owner to remove, repair or demolish the dwelling within 30 days.

Councilwoman Terrell second the motion

MOTION PASSED UNANIMOUS

9. ADJOURNMENT:

Mayor McNamara adjourned the meeting at 7:26 p.m.

9-20-18  
Date Approved

[Signature]  
Mayor Michael McNamara

Attest:

[Signature]  
Christy Stroup, City Secretary

