

Minutes
Special Meeting
Breckenridge City Commission

September 23, 2013 – 8:30 A.M.
Breckenridge City Offices
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Jimmy McKay, Mayor; Kody Knight, Mayor Pro-Tem; Sherry Strickland, Commissioner; Scott Carter, Commissioner; Andy McCuiston, City Manager; Heather Robertson, City Secretary; Malcolm Bufkin, Fire Chief; Calvin Chaney, Assistant Fire Chief; Christi Tidrow, Fire Chief Secretary; Lois Rockefeller, City Attorney; Michael Matheson, Code Enforcement; Shelly Perez, Bill Andrews, Eugenia Duran, Roy James, Maria Duran.

1. Call to Order

Meeting called to order by Mayor McKay at 8:39 A.M.

2. Absent

Commissioner David Wimberley

3. Citizens Presentations

CONSENT AGENDA

ALL ITEMS LISTED BELOW ARE CONSIDERED TO BE ROUTINE BY THE CITY COMMISSION AND WILL BE ENACTED WITH ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS UNLESS A COMMISSION MEMBER OR CITIZEN SO REQUEST, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE.

4. None

INDIVIDUAL CONSIDERATION

5. 8:30 AM – 0 W. 3rd – Patricia Gonzalez, 207 W. 7th, Breckenridge, TX 76424;

Fire Chief Bufkin informed that this house burned down sometime in the 80's or 90's. Commissioner Strickland asked if there was anything outside the house, Fire Chief Bufkin stated that the grass was so tall that he was not able to get close enough. Commissioner Strickland stated that she drove by this address she asked how much land this property had. Fire Chief Bufkin stated that the property is 144 ft. by 55 ft. wide.

City Manager McCuiston asked if the property owners were unwilling to clean up the lot. Fire Chief Bufkin stated that the property owners stated that she could but did not know if she could afford it, therefore he did not get an answer. Fire Chief Bufkin stated that Maria Duran owns some rental properties and always keeps them clean and in good condition.

Assistant Fire Chief Chaney stated that Maria Duran had asked about the time frame. Commissioner Strickland stated that she thought the time frame was provided to the property owners. Fire Chief Bufkin stated that the property owners could board up the property for up to a year and after that initial time they will have 6 months.

Commissioner Knight asked if they could tell if people were going in to the property. Fire Chief Bufkin stated that he does not believe anybody is going in because no trails are visible.

Commissioner Knight asked if the property was in the flood zone. Fire Chief pointed that address out on a map and stated that he thinks that this property is not in the flood zone.

Commissioner Strickland asked if the property owners ever indicated if they might clean up the property. Fire Chief Bufkin stated that the property owner stated that they would like to clean it up but thinks that it is too much of a job to clean it. Fire Chief Bufkin stated that he told Mrs. Duran that if the City takes the property they will clean it up and after following a process that it will be sold. Fire Chief Bufkin stated that this property is owned by Mrs. Duran's daughter, City Attorney Rockefeller asked if the daughter received the notice, Fire Chief Secretary Tidrow stated that Mrs. Duran was the one that signed for the certified letter that the City sent. Commissioner Carter asked if Mrs. Duran could legally represent her daughter, City Attorney Rockefeller stated that Mrs. Duran could not represent her daughter without authority.

Commissioner Strickland asked what the price to demolish a property is, Fire Chief Bufkin responded that it would be anywhere from \$5,000 to \$10,000.

At 9:05 A.M. Maria Duran arrived

City Attorney Rockefeller asked Mrs. Duran where her daughter Patricia Gonzalez lives. Mrs. Duran stated that her daughter lived in Conroe, and stated that they were going to sign the property over to the City because they were unable to clean it. City Attorney Rockefeller asked if Patricia Gonzalez was willing to deed the property over to the City, Mrs. Duran said yes. City Attorney Rockefeller asked Mrs. Duran to provide the correct address for Patricia Gonzalez, Mrs. Duran asked if she could deliver the paper work to her daughter. City Attorney Rockefeller stated that when Patricia Gonzalez receives the papers that she needs to sign and she also needs to get them notarized.

Mayor McKay stated that Fire Chief Bufkin went over the reasons the property is a dangerous building. Mrs. Duran stated that she understood, they do not have the money to clean up the property.

City Attorney Rockefeller asked the Commission and Fire Chief Bufkin if they thought 60 days would be enough time.

Mayor McKay stated that he orders that within 60 days from today the property be demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley

6. 8:50 AM – 811 N. Court – Dennis Miller, 340 Jerome Ave., Piedmont, CA 94610;

Fire Chief Bufkin stated that this structure does not look too bad from the outside but the inside is infested with wasps, about 4 to 5 years ago the City was trying to clean around this structure and the City employee got attacked by bees and some of them ended up in the hospital. Fire Chief Bufkin stated that he received a call from Mr. Dennis Miller last Thursday. Mr. Miller told Fire Chief Bufkin that he is 80 years old and that he bought this house thinking that he could move back and fix it. Fire Chief Bufkin stated that Mr. Miller told him that he would sign this property over to the City, Mr. Miller lives in California.

City Attorney Rockefeller stated that Fire Chief Bufkin needs to send Mr. Miller a copy of the agreement and deed together with an explanation of what he needs to do. Fire Chief Bufkin stated that Mr. Miller is willing to sign the property over.

Mayor McKay stated that he orders that within 60 days from today the property be demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley

7. 9:10 AM – 607 N. Court – Shelly Perez, 201 W. 3rd, Breckenridge, TX 76424;

Fire Chief Bufkin stated that this property is beyond repair. Shelley Perez stated that she bought this property because it was close to her home. Fire Chief Bufkin stated that if this structure is demolished another structure will not be put in since it is in the flood zone.

Mayor McKay asked if Mrs. Perez had any plans of cleaning the property. Mrs. Perez stated that she cannot afford to clean up the property. Commissioner Strickland asked Mrs. Perez how long she has had the property for. Mrs. Perez stated that she has had it for a couple of years. Mayor McKay asked Mrs. Perez if she would be willing to deed the property to the City, Mrs. Perez asked if this would be for the front or the back lot. Fire Chief Bufkin stated that it would be the front lot where the house is on. Commissioner

Strickland asked about the lot in the back. Mrs. Perez stated that the back lot had three sheds and they have begun to remove them.

Fire Chief Bufkin stated that there is another vacant home across the street and homeless people are sleeping there. Mrs. Perez stated that homeless people have been staying across the street from her home. Fire Chief Bufkin stated that this was another reason that they have targeted this area.

Mayor McKay asked Mrs. Perez if she would deed the property to the City, Mrs. Perez stated that she would deed the front lot over to the City. Fire Chief Bufkin stated that the City is only interested in the front lot because they want to remove the dangerous structure. Mrs. Perez stated that she was ok with signing the lot over to the City as long as the City guaranteed that nobody would get that lot. Commissioner Knight stated that the City cannot guarantee that, the process of this would be that Mrs. Perez would deed the property to the City and after it has been cleaned off the City will put it back on the tax roll at that point Mrs. Perez could buy it back, Mrs. Perez agreed.

Mayor McKay stated that he orders that within 60 days from today the property be demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley

8. 9:30 AM – 803 N. Pecan – Arturo & Beatrice Puebla, 805 Shermell St., Lufkin, TX 75901;

Assistant Fire Chief Chaney stated that this is another area that they want to concentrate on, this particular property has been brought up by complaints from multiple people. Assistant Fire Chief Chaney stated that all the metal has been stripped from the house, since the weeds have grown up so tall trails are now visible and stated that the back wall is missing. Eugenia Duran the daughter of Arturo and Beatrice Puebla will be representing them.

Mayor McKay asked Mrs. Eugenia Duran if they had any plans to clean the property up, Mrs. Duran stated that both her and her husband would like to demolish and clean up the property. Commissioner Strickland asked if they had the resources to clean up the lot. Mrs. Duran stated that her husband works for Mike McKenzie, they could demolish and clean the property. Commissioner Knight asked Mrs. Duran if they have discussed a time frame, Mrs. Duran stated that it would probably be next weekend before they can get started. Commissioner Strickland asked Mrs. Duran if she thinks that they could get it done in a time frame of 60 to 90 days, Mrs. Duran stated that she thinks that they would. Commissioner Carter asked Mrs. Duran if once they clean up the lot if they are going to continue to maintain the weeds, Mrs. Duran stated that they would.

City Attorney Rockefeller informed Mrs. Duran that if she is not done within the time frame that she needs to get in contact with one of the Code Enforcement officers to ask

for additional time. City Attorney Rockefeller stated that if Mrs. Duran is not done within the time frame the City can go in and finish cleaning the lot but they would also put a lean on the property.

Commissioner Strickland stated that she appreciates that Mrs. Duran is taking responsibility for the property.

Mayor McKay stated that he orders that within 60 days from today the property be demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley.

9. 9:50 AM – 706 W. Jeanette – Christine Stanley, 40403 Manor Dr., Magnolia, TX 77354;

Fire Chief Bufkin stated that the property owner has not kept up with maintaining this property, this property is about a block from the new high school gym. Fire Chief Secretary Tidrow stated that this property has a City lean on it. Assistant Fire Chief Chaney stated that the school is concerned because they have had students go into a vacant house east of this property during lunch. Fire Chief Bufkin stated that Mrs. Christine Stanley did sign for the hearing notice, but she did not show up.

Mayor McKay asked that if the City demolished the property would a lean be put on the property. City Attorney Rockefeller stated that this was correct, she then went on to explain the correct process to obtain a deed on the property.

Bill Andrews asked that since nobody was here to claim the property, could somebody like him buy the property and fix it. City Attorney Rockefeller stated that a certified letter was sent to Mrs. Stanley, she accepted that letter therefore she knows that this hearing is taking place. City Attorney Rockefeller stated that she does not think that there would be a problem with the City providing Mr. Andrews with Mrs. Stanley's address. Mr. Andrews stated that he already has Mrs. Stanley's address, he has looked at the property and he thinks that the only problem would be the roof. City Attorney Rockefeller stated that as far as repairing the property this hearing is for the council to decide if these properties are repairable or if they need to be demolished.

Mayor McKay asked what the Commission taught was the proper time frame. Commissioner Strickland stated that she thought 90 days would be reasonable since Mrs. Stanley lives out of town.

Mayor McKay stated that he orders that within 90 days the property be repaired to City code or demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley.

10. 10:10 AM – 701 N. Court – Lue Ella Wood, 209 W. Hulum, Breckenridge, TX 76424;

Assistant Fire Chief Chaney stated that the certified letter that declared the structure dangerous was signed for by the son-in-law, the certified letter regarding this hearing was returned.

Assistant Fire Chief Chaney stated that this property is in the flood zone, the roof has fallen in and the house has no windows or doors.

Mayor McKay stated that he orders that within 90 days from today the property be demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley.

11. 10:30 AM – 607 S. Robert – John Wilson, 207 W. 2nd, Breckenridge, TX 76424;

12. 10:50 AM – 207 W. 2nd – John Wilson, 207 W. 2nd, Breckenridge, TX 76424; &

13. 11:10 AM – 905 N. Rose – John Wilson, 207 W. 2nd, Breckenridge, TX 76424

City Manager McCuiston stated that the three cases are for the same owner.

Fire Chief Bufkin stated that they have tried to get in contact with Mr. John Wilson but have not been successful. Fire Chief Secretary Tidrow stated that this address was provided to Wayne McMullen by Jim Pichler.

City Manager McCuiston asked if these properties were once owned by Jim Pichler. Fire Chief Secretary Tidrow stated that these properties were once owned by Jim Pichler.

Commissioner Carter asked if Mr. Pichler ever did a deed or if he transferred the properties, City Attorney Rockefeller stated that they believe that Mr. John Wilson is fictitious. Fire Chief Bufkin asked if the signature of the person buying these properties was required. Commissioner Knight stated that on a warranty deed the only signature required is that of the person selling the property. City Attorney Rockefeller stated that she often does deeds and it is not required to have the person that is buying a property sign.

City Manager McCuiston asked if the taxes on these properties were paid. Fire Chief Secretary Tidrow stated that the last time they checked, taxes on the properties are still owed.

City Attorney Rockefeller asked if an address for Mr. Wilson appears on the tax records. Fire Chief Secretary Tidrow stated that Mr. Wilson's name and address does appear on the tax records.

Commissioner Knight asked if the mail that is being sent to Mr. Wilson gets returned, Fire Chief Bufkin stated that all mail that has been sent to Mr. Wilson has been returned.

City Attorney Rockefeller stated that they do believe that Mr. Wilson is a fictitious person however there are actions that can be taken against Mr. Pichler. City Attorney Rockefeller asked

if Mr. Pichler had any other properties that were up for sell, Fire Chief Bufkin stated that Mr. Pichler did have some properties up for sell.

Commissioner Knight asked if the City has to demolish the house and a lean is put on the property, would that lean apply to all properties that one individual owns. City Attorney Rockefeller stated that the lean would only apply to the one property, she stated that the best thing would be if these properties would be taken for back taxes and the City acquires them that way. City Attorney Rockefeller asked if any of these properties were in the flood plain, Assistant Fire Chief Chaney stated that the property on 207 W. 2nd is on the flood plain. City Manager McCuistion stated that he will talk to the tax attorney regarding the properties that have taxes owed on them. Commissioner Strickland asked if they have to have delinquency of taxes for so many years before they can be taken back for taxes owed, City Attorney Rockefeller stated that the tax attorneys have a protocol. Fire Chief Bufkin stated that it would then have to go to auction.

Fire Chief Bufkin stated that the property on 607 South Roberts is uninhabitable as it is falling apart. Commissioner Strickland asked if the garage was full of debris, Fire Chief Bufkin stated that the debris was the roof that had fallen in. Fire Chief Bufkin stated that they were unable to make entrance in to the home.

Fire Chief Bufkin stated that the property on 207 West 2nd is leaning to the West, the roof has caved in and the floor has buckled therefore it is uninhabitable. Mayor McKay asked about a trailer that is in one of the pictures, Fire Chief Bufkin stated that a neighbor across the street bought the property next to this one and cleaned it off, they went ahead and put a trailer and a vehicle on that property. Fire Chief Bufkin stated that this property is in the flood zone. Commissioner Strickland asked what the difference between the flood zone and flood way was, Assistant Fire Chief Chaney stated that on the flood way you cannot build at all and on the flood zone you can build but it has to be above the highest flood level.

Fire Chief Bufkin stated that the property on 905 North Rose burnt down in the 80's, this property is full of trash and rubbish and it is not secure.

Mayor McKay stated that he orders that within 60 days from today these properties be demolished. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None. Absent: Wimberley.

14. Items from the City Commission not requiring formal action

None

15. Adjourn

Mayor McKay made a motion, seconded by Commissioner Knight to adjourn the meeting. When the motion was put to vote it prevailed as follows: Ayes: McKay, Knight, Carter, Strickland. Nays: None Absent: Commissioner Strickland.

Meeting adjourned 10:39 A.M.

SEAL

Jimmy McKay, Mayor

Heather Robertson, City Secretary