

CITY OF KYLE

Notice of Special City Council Meeting



Kyle City Hall, 100 W. Center Street, Kyle, TX 78640
The public can watch remotely at: Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 5:30 PM on May 12, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

Posted this 9th day of May, 2022, prior to 12:00 p.m.

I. Call Meeting to Order

II. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of special meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

III. Consider and Possible Action

1. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 8 Building Regulations, Article III Unsafe Building Abatement of the City of Kyle Code of Ordinances, Amending regulation of dangerous buildings and structures within the City in its entirety; Adopting the International Property Maintenance Code and making amendments thereto; Adopting Chapter 214 of the Texas Local Government Code by reference; Amending penalty provisions, providing for inspection and securing of property, providing for diligence and notice; Providing for hearings before city council; Providing for appeals to district court; Providing for repair and demolition of buildings; Providing an effective date, repeal of conflicting ordinances, savings, and open meetings clauses; and Providing for related matters.
2. The City Manager and Department Directors will present new budget requests for operating and capital budgets to City Council for consideration and discussion,

budget prioritization, and policy direction for the development of the City's proposed operating and capital improvement program (CIP) budgets for fiscal year 2022-2023. ~ *J. Scott Sellers, City Manager*

IV. Executive Session

3. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.

4. Take action on items discussed in Executive Session.

V. Adjourn

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."



CITY OF KYLE, TEXAS

Unsafe Building Abatement

Meeting Date: 5/12/2022

Date time:5:30 PM

Subject/Recommendation: *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 8 Building Regulations, Article III Unsafe Building Abatement of the City of Kyle Code of Ordinances, Amending regulation of dangerous buildings and structures within the City in its entirety; Adopting the International Property Maintenance Code and making amendments thereto; Adopting Chapter 214 of the Texas Local Government Code by reference; Amending penalty provisions, providing for inspection and securing of property, providing for diligence and notice; Providing for hearings before city council; Providing for appeals to district court; Providing for repair and demolition of buildings; Providing an effective date, repeal of conflicting ordinances, savings, and open meetings clauses; and Providing for related matters.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2022-04 Dangerous Buildings Amendment Ordinance _ FULL AMEND
- 2022-05 Dangerous Buildings Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING ORDINANCE NUMBER 279; AMENDING CHAPTER 8 BUILDING REGULATIONS, ARTICLE III UNSAFE BUILDING ABATEMENT OF THE CITY OF KYLE CODE OF ORDINANCES, AMENDING REGULATION OF DANGEROUS BUILDINGS AND STRUCTURES WITHIN THE CITY IN ITS ENTIRETY; ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND MAKING AMENDMENTS THERETO; ADOPTING CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE BY REFERENCE; AMENDING PENALTY PROVISIONS, PROVIDING FOR INSPECTION AND SECURING OF PROPERTY, PROVIDING FOR DILIGENCE AND NOTICE; PROVIDING FOR HEARINGS BEFORE CITY COUNCIL; PROVIDING FOR APPEALS TO DISTRICT COURT; PROVIDING FOR REPAIR AND DEMOLITION OF BUILDINGS; PROVIDING AN EFFECTIVE DATE, REPEAL OF CONFLICTING ORDINANCES, SAVINGS, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City of Kyle (the “City”) is necessary and essential to the economic health of the community and the preservation and protection of the public welfare;

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City will preserve and protect the public health and safety;

WHEREAS, the implementation of this Ordinance will result in the repair, refurbishment and preservation of some residences and buildings, before deterioration advances to the point that preservation is no longer economically feasible;

WHEREAS, the implementation of this Ordinance will assist the preservation and protection of property values, the City’s tax base, and housing opportunities within the City;

WHEREAS, this Ordinance is authorized by State law, including but not limited to, *Chapter 214, Tex. Loc. Gov’t. Code*, (“Chapter 214”) which specifically authorizes the City to regulate, control and abate substandard and dangerous structures and buildings;

WHEREAS, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, plumbing, electrical work, and buildings within the City; and

WHEREAS, adoption of the International Property Maintenance Code, together with certain deletions, additions, and amendments thereto, is in the best interest of the health, safety, and welfare of the citizens and will more adequately protect life and property from fire and other hazards

incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures and premises;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

**ARTICLE I.
FINDINGS AND ADOPTION OF CODES**

Section 1.01. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 1.02. Repeal and Replace Chapter 8, Article III. Chapter 8 “Building Regulations,” Article III “Unsafe Building Abatement” is repealed in its entirety and replaced with the provisions attached hereto as Exhibit A.

**ARTICLE II.
GENERAL MATTERS**

Section 2.01. Amendment of Ordinances. Ordinance Number 279 is hereby amended in its entirety and replaced by this Ordinance. All other ordinances, or parts thereof, regulating the abatement of dangerous structures, that are in conflict herewith are amended to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 2.02. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting dangerous and substandard buildings within the City which are pending or have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 2.03. Severability. It is hereby declared that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 2.04. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Government Code.*

Section 2.05. Effective Date. This Ordinance shall take effect immediately upon its approval and passage, and publication as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2022.

THE CITY OF KYLE

Attest:

Travis Mitchell, Mayor

Jennifer Holm, City Secretary

ARTICLE III. UNSAFE BUILDING ABATEMENT

Sec. 8-67. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the city building inspector or a person employed, appointed, or designated by the city council for purposes of making inspections, sending notices, and otherwise enforcing the provisions of this article.

Dangerous building or unsafe building means any structure or building located within the incorporated limits of the city that is:

- (1) In such a state or condition of repair or disrepair that all or any of the following conditions exist:
 - a. Walls or other vertical structural members list, lean, or buckle;
 - b. Damage or deterioration exists to the extent that the building is unsafe;
 - c. Loads on floors or roofs are improperly distributed or the floors or roofs are insufficient strength to be reasonably safe to the purposes used;
 - d. Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
 - e. The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential of decent living that the same is unfit for human habitation or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety, and welfare;
 - f. Light, air and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;
 - g. Stairways, fire escapes and other facilities of egress in case of fire or panic are inadequate;
 - h. Parts or appendages of the building or structure are so attached that they are likely to fall and injure persons or property;
- (2) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare of the city's residents;
- (3) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be

entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

- (4) Boarded up, fenced or otherwise secured in any manner if:
- a. The building constitutes a danger to the public even though sed from entry;
 - b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
 - c. Defined as a dangerous or unsafe building by the Standard Unsafe Building Abatement Code, 1985 edition, published by the Southern Building Code Congress International, Inc.

Responsible Parties or Responsible Party means the owner, occupant or person in custody of the building or structure, and any mortgagee or lienholder.

Section 8-68 Chapter 214 Adopted.

Chapter 214 of the Texas Local Government Code, is hereby adopted by the City and made a part of this Ordinance. In the event of any conflict or inconsistency between the terms and provisions of this Ordinance and Chapter 214, the terms and provisions of Chapter 214 shall govern and control.

Section 8-69 Adoption of International Property Maintenance Code and Amendments.

(a) That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the "International Property Maintenance Code," 2021 edition, or subsequent years as amended from time to time including all Appendix Ordinances, published by the International Code Council, Inc., is hereby adopted as the building code of the City establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in connection with the City's dangerous building regulations and Chapter 214, Tex. Local Gov't Code; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made a part of this Section as if fully set out in this Ordinance.

(b) The International Property Maintenance Code is further amended as follows:

(1) Each reference to “Board of Adjustments and Appeals” is hereby amended, to the extent necessary, to provide that the Board of Adjustments and Appeals of the City of Kyle shall be the City Council for the City of Kyle.

(2) Each reference to the qualification requirements for members of the “Board of Adjustments and Appeals” is hereby repealed.

(3) Any reference to the appeal process is hereby deleted and replaced with the relevant provisions herein.

(4) Any reference to civil or criminal penalties for non-compliance is hereby replaced with relevant provisions herein.

Sec. 8-70. Unsafe buildings declared a nuisance.

- (a) It shall be unlawful for any person to maintain or permit the existence of any unsafe building in the city; and it shall be unlawful for any person to permit same to remain in such condition.
- (b) All unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this article.
- (c) The building official shall enforce the provisions of this article.

Sec. 8-71. Inspections and duties of the building official.

The building official shall inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is determined to be unsafe, the building official shall give the responsible parties notice in accordance with the requirements set forth in sections 8-72 and 8-73. The building official shall further:

- (1) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a dangerous building as defined in section 8-67.
- (2) Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building wall or structure is or may be existing in violation of this article.
- (3) Report to the City Council any noncompliance with the minimum standards set forth in this article. The city building official shall obtain from the City Secretary a hearing date for a public hearing by the City Council on any structure believed to be a dangerous building and shall provide the secretary of the City Council with copies of

the written notice to persons with interest in the property as provided for in section 8-72.

(4) Appear at all hearings conducted by the City Council and testify as to the conditions of dangerous buildings within the city.

(5) Place a notice on all dangerous buildings reading as follows:

"This building has been found to be a dangerous building by the city building official. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the owners, occupants and persons with interests in the property as shown by the records of the city secretary and the tax appraisal district. It is unlawful to remove this notice until such notice is complied with."

(6) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

(7) Make a diligent effort to determine the identity and address of each Responsible Party. The Building Official satisfies the requirements of this subsection to make a diligent effort, to use best efforts, or to make a reasonable effort to determine the identity and address of Responsible Party if the Building Official searches the following records:

- (i) County real property records of the county in which the building is located;
- (ii) Appraisal district records of the appraisal district in which the building is located;
- (iii) Records of the secretary of state;
- (iv) Assumed name records of the county in which the building is located;
- (5) Tax records of the City; and
- (6) Utility records of the City.

Sec. 8-72. Notice to repair.

(a) Should the building official determine that any building or structure within the incorporated limits of the city is a dangerous building or unsafe building, he shall cause written notification to be sent, by certified mail, and regular U.S. mail, to the Responsible Parties and all other persons having an interest in the building. Such notice shall contain:

- (1) A description of the building or structure deemed unsafe and the address or legal description of it's location;
- (2) A statement of the specific conditions, violations, or defects which make the building or structure a dangerous building;

- (3) Notice of the date and time of a public hearing before the City Council to determine whether the building complies with the standards set out in this article;
- (4) A statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing proof of 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.

(b) Such notice is to be served upon the responsible parties on or before the 10th day before the date of the hearing unless the Building Official determines that the property, building, or structure is in immediate need to be secured, repaired, or abated and the property, building, or structure presents an immediate threat to the health, safety, and welfare of the public. For purposes of providing the minimum notice under this subsection, the Notice of Dangerous Building or Dangerous Condition of Property shall be deemed served upon the Responsible Parties on the date the notice is deposited with the U.S. Postal Service.

Sec. 8-73. Sufficiency of notice.

(a) Except when otherwise indicated herein, notice given pursuant to this article shall be deemed property served upon the responsible parties if a copy thereof is:

- (1) Served upon him personally;
- (2) Sent by registered or certified mail, return receipt requested, to the last known address of such person as shown in the diligent search conducted pursuant to Section 8-71(7); and
- (3) Sent through regular U.S. mail to the last known address of such person as shown in the diligent search conducted pursuant to Section 8-71(7).

(b) When the City mails a notice in accordance with this section to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice “refused” or “unclaimed”, the validity of the notice is not affected, and the notice is considered delivered.

(c) The City shall file notice of the hearing in the County real property records.

Sec. 8-74. Duties of the City Council.

The City Council' duties are as follows:

- (1) The City Council shall schedule and hold a hearing and hear testimony from the building official, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the unsafe building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building 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 or a person having an interest in the dangerous building 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.
- (2) Upon conclusion of the hearing, the City Council shall determine by majority vote whether the building or structure in question is a dangerous building. Upon a determination that the building or structure in question constitutes a dangerous building, the City Council shall issue an order:
 - a. Containing an identification of the building and the property on which it is located;
 - b. Making written findings of the violations of the minimum standards that are present at the building;
 - c. Requiring the owner and persons having an interest in the building 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 City Council shall specify a reasonable time for the completion of the work; and
 - d. Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the City Council.
 - (3) The City Council shall deliver a copy of the order by hand delivery or certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders as soon as is practicable after the hearing.
 - (4) If the City Council allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the City Council 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 city building official.
 - (5) The City Council may not allow the owner or person with an interest in the dangerous building 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:
 - a. Submits a detailed plan and time schedule for the work at the hearing; and
 - b. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
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- (6) If the City Council allows the owner or person with an interest in the dangerous building more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the City Council shall require the owner or person to regularly submit progress reports to City Council 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 the owner or person with an interest in the building appear before the city building official to demonstrate compliance with the time schedules.
- (7) In the event the owner or a person with an interest in a dangerous building fails to comply with the order within the time specified therein, the city may cause any occupants of the dangerous building to be relocated, and may cause the dangerous building to be secured, removed, or demolished at the city's expense. The city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the dangerous building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner of the dangerous building if that information can be determined by a diligent effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.
- (8) In addition to the authority set forth in subsection (7) of this section, after the expiration of the time allotted in the order for the repair, removal, or demolition of a dangerous building, the city may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this article, and to the extent such repairs do not exceed minimum housing standards. This section shall be applicable only to residential buildings with ten or fewer dwelling units. The city shall follow the procedures set forth in subsection (7) of this section for filing a lien on the property on which the building is located.
- (9) If repair or demolition is ordered, the City Council shall send a copy of the Order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders within a reasonable period of time after the hearing. Within 10 days after the date that the Order is issued, the City shall:
 - (1) File a copy of the Order in the office of the municipal secretary or clerk; and

- (2) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
- i. The street address or legal description of the property;
 - ii. The date of the hearing;
 - iii. A brief statement indicating the results of the Order (may be a copy of the Order); and
 - iv. If not provided in the notice, instructions stating where a complete copy of the Order may be obtained.

Sec. 8-75.—Appeal to District Court

(a) Any Responsible Party of record aggrieved by an order of a City Council issued under this Ordinance and Section 214.001 of the Tex. Loc. Gov't Code may file in district court a verified petition setting forth that the decision is wrong, illegal or not supported by the evidence, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

(b) Upon an appeal being filed with the district court, the City shall stay all further proceedings, administrative actions, repairs, or demolition regarding the building until a final decision by the courts.

(c) The appeal in the district court shall be subject to a de novo court review. The City shall seek a judgment of the court finding the building is a public nuisance. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.

(d) Costs may not be allowed against the City.

(e) If the decision of the municipality is affirmed or not substantially reversed but only modified, the district court shall allow to the City all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners, lienholders, or mortgagees as well as all persons subject to the proceedings before the City.

Sec. 8-76. Assessment of expenses and penalties.

(a) If an appeal has been made to the city council by any interested party, and if the city council has held a hearing pursuant to section 8-75(2) and the time allotted for the repair, removal or demolition of a building under section 8-75(4) or (5) has expired, then the city

council may, in addition to the authority granted under V.T.C.A., Local Government Code ch. 214 and section 8-75:

- (1) Order the repair of the building at the city's expense and assess the expenses on the land on which the building stands or to which it is attached; or
 - (2) Assess a civil penalty against the responsible party for failure to repair, remove, or demolish the building.
- (b) The city building official shall invite at least two or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The building official shall cause to be made an assessment of expenses or civil penalty based on such estimates. The building official shall endeavor to minimize the expenses of any building repairs, removal or demolitions order pursuant to this section.
 - (c) The city may repair a building under subsection (a) of this section only to the extent necessary to bring the building into compliance with the minimum standards of the city and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum standards prescribed by the city.
 - (d) The city shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the state constitution, to secure the payment of the repair, removal, or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the city shall file for record, in recordable form in the office of the county clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.
 - (e) The city's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the county clerk before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The city's lien is superior to all other previously recorded judgment liens.
 - (f) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent a year from the date of the assessment until paid in full.
 - (g) In any judicial proceeding regarding enforcement of the city's rights under this section, the prevailing party is entitled to recover reasonable attorney's fees as otherwise provided by statute.
 - (h) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

Sec. 8-77. Violations.

- (a) The owner of any unsafe building or dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building or structure, such notice or order given by the authority of the city council, shall be guilty of a misdemeanor.
- (b) An occupant or lessee in possession of any unsafe building or dangerous building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the City Council shall be guilty of a misdemeanor.
- (c) Any person removing the notice of a dangerous building as provided for in section 8-71(5) shall be guilty of a misdemeanor.
- (d) The violation of any provision of this article shall be unlawful and a misdemeanor offense punishable by a fine not exceeding \$500.00. Each day a violation of this article continues shall constitute a separate offense.

Section 8-78 Securing Dangerous Building.

(a) Should the Building Official determine that any building or structure within the incorporated limits of the City is a Dangerous Building, or is unoccupied and unsecured, or is occupied only by persons who do not have a right of possession of the building, he/she shall cause the building to be secured.

(b) Before the 11th day after the date the building is secured, the municipality shall give notice to the owner by:

(1) Personally serving the owner with written notice; or

(2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or

(3) Publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or

(4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(c) The notice must contain:

- (1) Identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of the City standards that is present at the building;
- (3) A statement that the City will secure or has secured, as the case may be, the building; and
- (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.

(d) The City Council shall conduct a hearing at which any of the Responsible Parties may testify and present witnesses and written information about any matter relating to the City's securing of the building, if, within 30 days after the date the Building Official secures or causes to be secured the building, a Responsible Party files a written request for the hearing. The City Council shall conduct the hearing within 20 days after the date the request is filed with the City.

(e) The City shall impose a lien against the land on which the building stands, unless it is a homestead, to secure the payment of the cost of securing the building. Promptly after the imposition of the lien, the City shall provide notice to the Responsible Parties of the lien and file for record, in recordable form in the Official Public Records of the County, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.

Secs. 8-79—8-97. Reserved.



CITY OF KYLE, TEXAS

City Council Budget Worksession No.1 of 5 for Fiscal Year 2022-2023

Meeting Date: 5/12/2022

Date time:5:30 PM

Subject/Recommendation: The City Manager and Department Directors will present new budget requests for operating and capital budgets to City Council for consideration and discussion, budget prioritization, and policy direction for the development of the City's proposed operating and capital improvement program (CIP) budgets for fiscal year 2022-2023. ~ *J. Scott Sellers, City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Budget Notice #1
- Budget Calendar for FY 2022-2023



City of Kyle, Texas
Notice of City Council Budget Meetings and Public Hearings
Proposed Operating and Capital Budget
For Fiscal Year 2022-2023

The Kyle City Council is scheduled to conduct worksessions, meetings, and public hearings on the City's proposed budget for fiscal year 2022-2023 to review revenues, expenditures, and fund balances for all City Funds. This review and discussion will cover property tax rates, water and wastewater service rates, storm drainage fee, other fees and charges for various City programs and services, capital improvement projects, requests for additional personnel, requests for new equipment and vehicles, and other budgetary items.

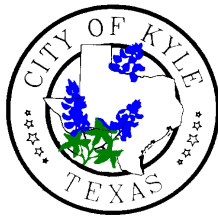
The Kyle City Council is scheduled to hold budget meetings and public hearings on the City's proposed budget for fiscal year 2022-2023 on the following dates at Kyle City Hall located at 100 West Center Street, Kyle, Texas:

- City Council Budget Workshop No. 1: Thursday, May 12, 2022, at 5:30 p.m.
- City Council Budget Workshop No. 2: Thursday, July 7, 2022, at 5:30 p.m.
- City Council Budget Workshop No. 3: Thursday, July 28, 2022, at 5:30 p.m.
- City Council Budget Workshop No. 4: Tuesday, August 16, 2022, at 7:00 p.m.
(includes public hearing and 1st Reading of Budget & Property Tax Rate Ordinances)
- City Council Budget Workshop No. 5: Thursday, August 25, 2022, at 5:30 p.m.
(includes public hearing & 2nd Reading of Budget & Property Tax Rate Ordinances)

All Kyle residents, taxpayers, business owners, and interested persons are invited to attend the City Council's budget meetings and public hearings to provide their comments to the City Council. An electronic copy of the City's proposed operating and capital budget for fiscal year 2022-2023 will be available on the City's website beginning July 28, 2022. A printed copy of the complete proposed budget document will also be available for public inspection during business hours beginning July 28, 2022, at Kyle City Hall located at 100 West Center Street, Kyle, Texas, and at Kyle Public Library located at 550 Scott Street, Kyle, Texas.

Date Issued: May 2, 2022

Issued By: Perwez A. Moheet, CPA
Director of Finance
City of Kyle, Texas



City of Kyle, Texas
Budget Development Timeline
For Fiscal Year 2022-2023 Operating & CIP Budgets

Approved by City Manager: 2-22-2022

Friday, February 11, 2022, Saturday,
February 12, 2022 & Sunday, February
13, 2022

City Council Visioning Workshop - Frisco, Texas

Monday, February 14, 2022

Based on City Council's Visioning Workshop, City Manager Shares Goals, Expectations, & Budget Guidelines with the Department Directors

Friday, April 22, 2022

Deadline for Department Directors to submit new budget requirements for positions, support costs, CIP, vehicles, and equipment in preparation for Council Budget Worksession #1 on May 12, 2022

Friday, April 29, 2022

Chief Appraiser (HaysCAD) Provides Certified Preliminary Estimates for Property Valuations to City

Thursday, May 12, 2022
(Special Called City Council Meeting)

Council Budget Worksession #1 (5:30 p.m.)

City Manager & Department Directors Present "New" Budget Needs (O&M and CIP) to City Council.

City Council Provides Feedback, Project Priorities, & Direction to City Manager for the Development of the City's FY 2022-2023 Proposed Operating & CIP Budgets

Friday, May 27, 2022

Deadline for Department Directors to submit proposed FY 2022-2023 line item budgets for Council Budget Worksession #2 on July 7, 2022.

Monday, June 6, 2022 thru
Wednesday, June 8, 2022 & Monday,
June 13, 2022

Department Directors Meet With City Manager to Review and Finalize CYEs, Proposed Line Item Budgets, CIP Spending Plan, and Revenue Projections

Monday, July 4, 2022

City Holiday - Independence Day

Thursday, July 7, 2022
(Special Called City Council Meeting)

Council Budget Worksession #2 (5:30 p.m.)

City Manager & Department Directors Present "Preliminary" Proposed Operating and CIP Budgets to City Council

City Council Provides Feedback & Direction to City Manager for Final Changes to the City's Proposed Budget for FY 2022-2023

Monday, July 25, 2022

Deadline for Chief Appraiser (HaysCAD) to Provide Certified Property Tax Valuations to City

Wednesday, July 27, 2022

City Manager Sends Proposed FY 2022-2023 Line Item Budget and CIP Spending Plan to City Council

Thursday, July 28, 2022

(Special Called City Council Meeting)

Council Budget Worksession #3 (5:30 p.m.)

City Manager Presents Proposed Budget for FY 2022-2023 to City Council

Tuesday, August 16, 2022

(Regular City Council Meeting)

Budget Worksession #4 (7:00 p.m.)

Public Hearing - Budget & Tax Rate

1st Reading: Budget Ordinance

1st Reading: Property Tax Rate Ordinance

Thursday, August 25, 2022

(Special Called City Council Meeting)

Council Budget Worksession #5 (5:30 p.m.)

Public Hearing - Budget & Tax Rate

2nd Reading: Budget Ordinance

2nd Reading: Property Tax Rate Ordinance



CITY OF KYLE, TEXAS

Executive Session - Convene

Meeting Date: 5/12/2022

Date time:5:30 PM

Subject/Recommendation: Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 5/12/2022
Date time:5:30 PM

Subject/Recommendation: Take action on items discussed in Executive Session.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available