

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
October 07, 2020 8:15 a.m.
BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL**

Members Present: Mr. Anthony McColum, Co-Chairman
Dr. Wayne Paris
Mr. Delbert Allred
Mr. Gary Webb
Mr. Wayland Schroeder
Mr. Lloyd Turner

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Assistant Director of Planning and Development
Services / Building Official
Mr. Chace Craig, Assistant City Attorney
Mr. Clay Door, Community Enhancement Division Manager
Mr. Josh Mares, Code Compliance Officer
Ms. Catina Betoncur, Office Assistant III

Others Present: Mrs. Blanca Cortez
Ms. Lupe Hernandez
Mr. Ryan Kang
Mr. Aaron Waldrop

CALL TO ORDER

Mr. McColum called the meeting to order at 8:15 a.m. and Ms. Betoncur recorded the minutes. A quorum of members was present, and the meeting proceeded.

APPROVAL OF MINUTES

The minutes of the last meeting, September 02, 2020, were provided in advance to Board Members for review.

Mr. Allred made a motion to approve the minutes as written and was seconded by Mr. Schroeder, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, , Mr. Turner, Mr. Schroeder, Mr. McColum

NAYS: None

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties - 10-031: 617 Jeanette St. (3 185 5 WISE ABL OT PIEDMONT) Owner: Cortez, Anthony

Mr. Mares presented the case, staff recommendation is as follows:

Finding: The property is a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Order: The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.

The Board wanted clarification if any one lived in the house and who owned it.

Mr. Mares stated that no one was living in the house and that it was owned by Mr. Anthony Cortez.

Public Hearing:

Mr. McColum opened the public hearing.

Blanca Cortez, (410 W. University) spoke on behalf of her son (Anthony Cortez) and stated that he planned to flip the house. He has not had time to work on it because his son has been hospitalized. She also stated that there are homeless people that have entered into the property. She also explained to the Board that she can deed the ownership back into her son's name. Mrs. Cortez asked for 120 days to remove the property from condemnation status.

The Board had concerns that there was no assurance that Mrs. Cortez would follow through with the Board order to correct the repairs of the structure if given 120 more days. There have been numerous chances to remedy the problems and not much has been done.

There being no other speakers, Mr. McColum closed the public hearing.

Mr. Webb made a motion that the property is a public nuisance, in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable and was seconded by Dr. Paris, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Turner, Mr. McColum

NAYS: Mr. Schroeder

Mr. Webb made a motion that the owner is ordered to demolish or appeal the order to district court within thirty days or the City may demolish , and was seconded by Dr. Paris, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Turner, Mr. McColum

NAYS: Mr. Schroeder

Case for Rehabilitation, Demolition, or Civil Penalties – Case No. 20-002282: 1517 N. 16th St. (COLLEGE HEIGHTS, BLOCK 26, LOT 3 & W/2 OF 2) Owner: Jones, Gregory ET AL % Gregorio Hernandez

Mr. Mares presented the case, staff recommendations are as follows:

Finding: The property is a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Order: The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.

Mr. Mares explained to the Board that there was a structure fire and there are two structures on the property. Mr. Mares also explained that the ownership documents were lost in the fire, so there is a delay in getting the property repaired.

The Board had discussion about the owner's finances and ability to repair the house and if the taxes are current.

Mr. Mares confirmed that the taxes were current and that there is an insurance check that hasn't been able to be cashed. The names of Mrs. Hernandez and the other owner, Mr. Gregory Jones are listed but Mr. Jones has not been found. The check is not able to cash the funds because both signatures are required.

Public Hearing:

Mr. McColum opened the public hearing.

Mrs. Lupe Hernandez (1517 N 16th St.) spoke about the status of the property. She has not been able to find Mr. Jones. Mrs. Hernandez was informed by the insurance that they cannot issue a check to her until the house is transferred to her name proving that she is the owner. Mrs. Hernandez stated that she has an appointment with an attorney on October 30th to assist her with

the case. She requested 3 months to get the house fixed. She stated that she was able to find someone name Penny Jones, but she does not know exactly where, the heir, Mr. Gregory Jones, is. He is listed as living at an unknown address in Oklahoma. Ms. Zeta Jones initially generated the original contract, but Ms. Hernandez never met any of these people. Her husband entered into the contact agreement with Mr. Jones.

Mr. Mares also explained to the Board that Mrs. Hernandez has been paying the taxes every year, and she explained to the Board that her late husband, Gregorio Hernandez, has been deceased for 7 years.

The Board asked Mrs. Hernandez what her intention was for fixing up the property. The Board also advised her to complete a Plan of Action.

Mrs. Hernandez stated that she planned to fix the house and live in it.

There being no other speakers, Mr. McColum closed the public hearing.

Mr. Craig advised the Board to allow the citizen time to obtain legal representation to pursue legal advice.

The Board discussed that the owner has demonstrated intent and an available option would be to table this case and have the citizen complete a Plan of Action.

Mr. Schroeder made a motion to table the case until the next meeting. The motion was seconded by Mr. Turner, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. McColum

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-002714:108 Carriage Hills Pkwy (CARRIAGE HILLS ADDN SEC 1, BLOCK A, LOT 27, ACRES .445) Owner: Cowboy Custom Homes LLC

Mr. Mares presented new information on the case, staff recommendations are as follows:

Order: Owner to repair – 30 days to obtain all permits and provide plan of action including a timeframe for repair and cost estimates. If this is done, 60 days to obtain rough-in inspections and if this is done, all final inspections shall be completed by the expiration of all permits.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Mr. Mares stated that this property is an incomplete project and Mr. (Lynn) Gregory is the registered agent for Cowboy Custom Homes LLC.

Mr. Mares informed the Board that the plumbing has been topped out and there has been no response from Cowboy Custom Homes about the plans for the property.

Public Hearing:

Mr. McColum opened the public hearing.

Mr. Ryan Kang (Next Wave Development) spoke about the status of the property. He said that he began the foreclosure process in June. He stated that Mr. Gregory's attorney reached out to his attorney requesting more time to complete the build out of the house. This process was to be completed by August and it was not. The foreclosure process was finalized on October 6th. Mr. Kang stated that he came to Abilene to meet with the contractors to complete the project. He informed the Board that he has the title of ownership and his intention is to finish the house.

The Board explained to Mr. Kang that the order is a standard order for the repair of the house. There are 30 days to obtain the permits and he will have up to six months to complete the project.

Mr. Aaron Waldrop (Developer for Carriage Hills) spoke to the Board about Mr. Kang and his plan to speak with some builders while Mr. Kang is in town to complete the property.

There being no other speakers, Mr. McColum closed the public hearing.

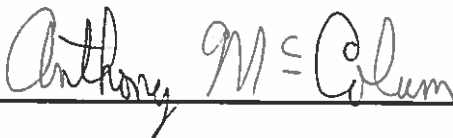
Mr. Webb made a motion to order the owner to repair, 30 days to obtain all permits and provide a plan of action including a time frame for repair and cost estimates, and if this is done, 60 days to obtain rough in inspections, and if this is done all final inspections shall be completed by the expiration of all permits. The motion was seconded by Mr. Allred.

AYES: Dr. Paris, Mr. Allred, Mr. Turner, Mr. Webb, Mr. Schroeder, Mr. McColum

NAYS: None

ADJOURNMENT

There being no further business to come before the meeting, the Board of Building Standards meeting was adjourned at 9:14 a.m.

X 

Approved, Chairman