

**BOARD OF BUILDING STANDARDS
MEETING MINUTES**

March 02, 2022 8:15 a.m.

**BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS
ABILENE PUBLIC LIBRARY, SOUTH BRANCH, MALL OF ABILENE, 4310
BUFFALO GAP ROAD, ABILENE, TEXAS, 79606**

Members Present: Mr. David Beard, Chairman
Dr. Wayne Paris
Mr. Jeremy McBrayer
Mr. Gary Webb
Mr. Lloyd Turner
Mr. Wayland Schroeder

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Interim Director of Planning and Development
Services / Building Official
Mr. Van Watson, Assistant Building Official
Ms. Kelley Messer, Assistant City Attorney
Mr. Clay Door, Code Enforcement Division Manager
Mr. Robert Marsh, Code Enforcement Officer
Mr. Ricky Wright, Code Enforcement Officer
Mr. Josh Mares, Code Enforcement Officer
Mr. Robert Norton, Code Enforcement Officer
Ms. Christi Jones, Administrative Assistant

Others Present: Sergeant John Ramirez, Police Administration
Alicia Jordan
Joe Gonzales

CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes of the last meeting, February 02, 2022, were provided in advance to Board Members for review.

Mr. Schroeder made a motion to approve the February minutes as written was seconded by Mr. Webb, motion passed.

AYES: Dr. Paris, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Mr. McBrayer arrived at this time.

AGENDA ITEMS & PUBLIC HEARINGS

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & i)
- (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

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

Mr. Mares presented the case, staff recommendations are as follows:
Kuruwila Joe Trustee of the 610 S. Leggett Dr. Land Trust
Lynwood Ln. (ELMWOOD WEST, SEC D, BLOCK 5, TAYLOR COUNTY, TEXAS), Owner
Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 21-004456: 3902/3906

NAYS: None

AYES: Dr. Paris, Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

Motion Passed.

Mr. Schroeder made a motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish and was seconded by Mr. Turner,

the City may demolish.

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

NAYS: None

AYES: Dr. Paris, Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

was seconded by Mr. Turner, motion passed.

Mr. Schroeder 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

the public hearing.

Public Hearing: Mr. Beard opened the public hearing. There being no speakers, Mr. Beard closed

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.

- (1) Inadequate Sanitation Chapter 8; Sec. 8-554 (d, e, f, & i)
- (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)

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

Mr. Mares presented the case, staff recommendations are as follows:
St. (NORTHINGTON W/2, BLOCK C, LOT W54.05 E140 N101, TAYLOR COUNTY, TEXAS), Owner: Legacy Dwelling, LLC
Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 21-003216: 1009 S. 12th

(7) Faulty weather protection Chapter 8; Sec. 8-554 (b, c, d)

Order: Owner to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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.

Public Hearing: Mr. Beard opened the public hearing.

Alicia Jordan property manager spoke to the board about transforming the 3 (next 2 cases also) into storage for the property. Ms. Jordan also spoke about wanting to work with the city to get properties in question up to code for storage facilities.

Sergeant John Ramirez, Police Administration, spoke to the board about the volume of calls (medical, criminal, and any other calls) coming in for the whole complex (not this one address).

Mr. Beard closed public hearing.

Board Held Discussion: Board asked legal about properties being in one complex, hearing all the complex cases as one case instead of 3 individual cases. Legal stated cases need to be separated out each unit is a separate individual property; each unit has its own address.

Mr. Webb made a motion that the owner is ordered to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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 and was seconded by Mr. McBrayer, Motion passed.

AYES: Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: Dr. Paris

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 21-004459: 3933/3937
Lynwood Ln. (ELMWOOD WEST, SEC D, BLOCK N1/2 OF 4, TAYLOR COUNTY, TEXAS), Owner: Kuruvila Joe Trustee of the 610 S. Leggett Dr. Land Trust

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

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: Owner to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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.

Public Hearing: Mr. Beard opened the public hearing. Alicia Jordan spoke again about transforming unit into storage buildings for the complex.

Mr. Beard closed public hearing.

Board Held Discussion: The board stated concerns about converting the units in question would make no difference in the criminal activity happening at the complex.

Mr. Webb made a motion that the owner is ordered to repair – 30 days to obtain all permits and provide a plan of action including a timeframe for repair and cost estimates, and if this is done, 60 days to obtain rough-in inspections shall be completed by the expiration of all permits and was seconded by Mr. McBrayer, Motion passed.

AYES: Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard
NAYS: Dr. Paris

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 21-004463: 410/412 S. Leggett Dr. (ELMWOOD WEST, SEC C, BLOCK 3, TAYLOR COUNTY, TEXAS), Owner:
Kuruvilla Joe Trustee of the 610 S. Leggett Dr. Land Trust

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

- Pursuant to Chapter 8, Sec. 8-554 the following conditions exist:
- (1) Inadequate Sanitation Chapter 8, Sec. 8-554 (d, e, f, & I)
 - (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: Owner to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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.

Public Hearing: Mr. Beard opened the public hearing. Alicia Jordan Property Manager spoke about transforming units into storage buildings, one for lawn mowers, one for maintenance, and one for miscellaneous / office supplies.

Mr. Beard closed public hearing.

Mr. Turner made a motion that the owner is ordered to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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 and was seconded by Mr. Webb, Motion passed.

AYES: Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard
NAYS: Dr. Paris

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 21-004567: 1509 Truman St. (E70 W609 LT 25 SIDNEY SMITH, TAYLOR COUNTY, TEXAS), Owner: Gonzales Joe Ozuna Jr

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

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: Owner to repair – 30 days to obtain all permits and provide a plan of action including a timeframe 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.

Public Hearing: Mr. Beard opened the public hearing. Joe Gonzales, owner of property, spoke to the board about his intent for property and structure, he is wanting to build a 1-foot wall around the structure for the flooding issue. Mr. Gonzales stated he had a misunderstanding with the person who moved the building. The mover got permits to move the structure not permits to put on property. Mr. Gonzales is in violation of building permits at this time. Mr. Gonzales stated he is cleaning the property up.

Board Held Discussion: Board talked to legal and Mr. Watson about what the board can do. Mr. Watson stated the city can't help Mr. Gonzales with moving forward until he comes in to talk about plans.

Mr. Beard closed public hearing.

Board Held Discussion: Board discussed the instability, and safety hazard of the structure. That it is an imminent danger that the property is not properly secure. The building is in violation of building permits and the documents Mr. Gonzales submitted were not sufficient. There needs to be a detailed plan of action and contractors have to bonded and certified with the city.

Reopened Public Hearing: Board asked Mr. Gonzales questions about what the inside looks like, being able to do the work in a timely manner, also having help to complete the work, and have the financial stability to comply with city standards.

Mr. Beard closed public hearing.

Mr. Mares informed the board it is up to the owner to hire contractors to do the work, get permits and make sure everything is done to get property up to code.

Board Held Discussion: Mr. Watson informed the board that Mr. Gonzales needs to have a plan of action brought into staff. He also stated it's the boards responsibility to provide a direction of what they want done so the city can assess and provide a plan to make this a safe livable structure. The board discussed the immediate hazard, the way the structure sits right now, needs to have a definite timeline for what the board does decide. The board discussed that the owner has been given a 30/60 in December from Code Enforcement and nothing has been done. Also, that the staff has gone over to the property to discuss with the owner and staff was ordered off the property. This shows that there is no intent to properly secure the property and there was testimony from Mr. Gonzales that he does not have the financial resources or time to complete the work. The board discussed different motions they could do and the timelines they can set in the motion. Legal asked board to keep in mind the jurisdiction of the board is to order repair, or plan of action. The statute says you can order certain things, the board does not have authority to give building code level of specificity to what they can or cannot do. The city has tried to work with him. If the board orders a 30/60 or any other motion if Mr. Gonzales doesn't comply it will be back before the board again.

Mr. Mares addressed the board about securing the property. Part of securing the property is fencing or boundary to prevent anyone from getting into potential danger.

Mr. Schroeder made a motion that the owner is ordered to secure the property and lower the structure within 30 days and was seconded by Mr. Webb, Motion failed.

AYES: Mr. Beard

NAYS: Dr. Paris, Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder

Board Held Discussion: Board discussed different motions and what orders could be done with specific time limits for certain portions of the order. Securing the property by lowering or adding some bracing is the most important thing to be done because of safety hazards. Mr. Gonzales needs to accelerate it cannot take 9 months to get this done.

Board went into Executive Session at 10:35 a.m.

Board reconvened at 11:03 a.m.: No action was taken during Executive Session.

Mr. Schroeder made a motion that the property is a public nuisance in that it is a hazard to the public health, safety and welfare, and was seconded by Mr. Turner, motion passed.

NAYS: None

Mr. Schroeder made a motion that the owner is to secure the property in 30 days, if that is done – 30 days to obtain all permits and provide a plan of action including a timeframe 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 and was seconded by Mr. Turner, Motion passed.

AYES: Dr. Paris, Mr. McBrayer, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

ADJOURNMENT

There being no further business to come before the hearing, the Board of Building Standards meeting was adjourned at 11:10 a.m.

X *David D Beard* 4-6-22

Approved, Chairman

