



**MEETING MINUTES**  
**October 28, 2010**  
**5:30 p.m.**

**Commissioners Present:**

C.W. Settles, Chairman  
Scott Lee, Vice Chairman  
Harold Cade  
Dorothy Harris  
Rawley McCoy  
Nick Hinojosa

**Staff Present:**

Jared Mayfield, Deputy Director  
Grace Campos, Senior CEO  
Carlos Longoria, CEO  
Laramie Gildon, CE Inspector  
Lila Foster, Development Specialist

**Commissioners Absent:**

John Acosta

Thomas Gwosz, City Attorney

- A. Call to Order:** Chairman Settles called the meeting to order at 5:30 pm.
- B 1) Approval of Meeting Minutes:** The July 22, 2010 minutes were approved as delivered.  
Motioned by: Mr. Hinojosa  
Seconded by: Ms. Harris  
The motion was unanimous.
- B 2) Presentation by Legal on New Demolition Delay Ordinance.** Mr. Gwosz outlined the new Demolition Delay Ordinance as it relates to homes of historical value. He stated the ordinance does not affect BSC decisions. If the building is declared unsafe and is therefore hazardous, then it is within the ordinance to have it demolished within 30 days. The Delay Ordinance only comes into play when a property owner applies for a demolition permit on their own. It is not in play when demolition is ordered by the BSC.

Mr. Settles asked if the ordinance is currently in effect and Mr. Gwosz stated that it is. Mr. Gwosz stated that another question that has come up; should the historic value of a building have an impact on the BSC decisions? The answer is No. The only time it would come into play is at the end of the decision matrix when they are deciding on whether to order it Secured, Repaired, or Removed.

Mr. Gwosz reviewed the BSC decision matrix and confirmed that the standard order for demolition is 30 days. If the owner can establish that it will take more than 30 days the BSC can allow more time but they must set a timeline. If the BSC is to grant more than 90 days the property owner

must present a written plan and schedule to the BSC at the current meeting, prior to the granting of more than 90 days.

Mr. McCoy asked if the Property owners are given a copy of the timeline requirements. Ms. Campos stated that they are given a copy of the timeline requirements and will also begin receiving a copy of the decision matrix.

**C. DISPOSITION OF THE FOLLOWING CASES:**

**Item #1 505 S. Liberty (Accessory)**

Case dismissed as structure was demolished by property owner.

**Item #2 606 S. Liberty (Accessory)**

The Commission reviewed pictures presented by the staff. Ms. Campos reported that Code Enforcement has been working the subject property since March 27, 2010. Code Enforcement observed the accessory building has broken wood members, no foundation. Upon inspection today the property has been cleaned and trash and junk removed; however, no repairs have been made. The Findings of Fact are items 2, 3, 6, 7 and 10. If allowed to remain it will continue to allow access to vagrants to cause more damage or a fire. Staff recommends the structure be declared unsafe and the Commission issue an order to demolish or repair.

- a. Public Hearing to determine if Structure is Unsafe: There was no one who wished to comment.
- b. Consider Issuing an Order to Repair or Demolish: Mr. Cade made a motion to declare building unsafe.  
Seconded by Ms. Harris. Motion Carried.

Mr. Hinojosa motioned to declare damage is more than 50%, with mandatory demolition within 30 days.

Seconded by Mr. Cade. Motion Carried.

**Item #3 603 S. Depot (Accessory)**

The Commission reviewed pictures presented by the staff. Ms. Campos reported that Code Enforcement has been working the subject property since August 18, 2010. On Sept 7, 2010 the property owner's daughter, Christine Cavalier, called to inquire about the notice. She stated they were in the process of leasing the property and are acquiring funds to repair the structure. The property owner's son Vincent Williams obtained a remodeling permit on October 1, 2010. Permit is active for 90 days and as of Oct. 28, 2010 he sent photos showing they are in the process of repairing it. Findings of Fact are items 2, 3, 6, 7, 9 and 10. Nothing has been repaired on the porch yet. Staff recommends the structure be declared unsafe and the property owners allowed the remaining days on the permit to make repairs.

- a. Public Hearing to determine if Structure is Unsafe: There was no one who wished to comment.
- b. Consider Issuing an Order to Repair or Demolish: Mr. Lee made a motion to declare building unsafe.  
Seconded Mr. McCoy. Motion Carried.

Mr. McCoy motioned to declared damage is less than 50% and allow the porch to be repaired within the time limits on the current permit.  
Seconded Mr. Mr. Hinojosa. Motion Carried.

**Item #4      208 Ave C (Accessory)**

The Commission reviewed pictures presented by the staff. Ms. Campos reported that on April 8, 2010 Code Enforcement observed this structure surrounded by high weeds and grass, with a dilapidated roof and junk/ trash throughout. There is no foundation, rotted walls with cracks, loose members and it is leaning. Certified letters were sent to the property owner and no progress was made since the first inspection. Findings of Fact are items 1, 2, 3, 4, 5, 6, 7 and 10. Staff recommends this accessory building be declared unsafe and the Commission issue an order to demolish.

- a. Public Hearing to determine if Structure is Unsafe:  
**Jimmy Montgomery, 1706 Bowie Victoria, TX 77901** stated that he was deeded the property by his Mother-in-Law but that she still resides at that address. He further stated that she is on Social Security and does not have the money to make repairs, therefore the financial responsibility would fall on him. He also stated that he did not have the money to have the repairs made at this time. He requested more than 30 days because he does not have the money to demolish. He further stated that they have been working on the house.  
**Rex Kessler, 14202 Champion Forest Dr. Houston, TX 77069** an Attorney for the lien holder, Citi Mortgage, stated that this property is about to go into foreclosure and the process will take more than 30 days. He asked if the Commission could consider the accessory building as a portion of the entire property value, therefore it would constitute less than 50% of the value. This would allow the lien holder time to deal with the foreclosure prior to any demolition.
- b. Consider Issuing an Order to Repair or Demolish: Mr. Lee made a motion to declare the structure unsafe.  
Seconded by Mr. Hinojosa. Motion Carried.

Further discussion was tabled from 6:10 until 6:25 pm until Mr. Gwods could be contacted by phone for a determination on Mr. Kessler's request. Mr. Gwods stated that the appraised value (building and house are appraised together) is not the determining factor. It is whether the structure is more than 50% damaged or the damage is 50% of the value of the structure. Each property must be evaluated separately.

Mr. McCoy asked what the timeline for the foreclosure would be and Mr. Kessler stated possibly the 1<sup>st</sup> Tuesday of Jan. 2011 or 1<sup>st</sup> Tuesday of Feb. 2011. Mr. McCoy explained that without a written plan presented to the commission tonight they could not allow more than 90 days.

Mr. Hinojosa motioned to declare the damage to be more than 50%, with mandatory demolition within 30 days.  
Seconded by Ms. Harris. Motion carried with Mr. Lee opposing.

**Item #5            2512 Huisache (Accessory)**

The Commission reviewed pictures presented by the staff. Ms. Campos reported that on April 8, 2010 Code Enforcement observed this structure surrounded by high weeds and grass, with a dilapidated metal roof as well as junk and trash. The structure has no foundation; walls are rotted, with loose members. Interior walls have leaning and deteriorated studs as well as water damage. Certified letter was mailed to the Property Owner, no progress has been made. Findings of Fact are items 1, 2, 3, 4, 5, 6, 7 and 10. Staff recommends it be declared unsafe with more than 50% damage.

- a. Public Hearing to Determine if Structure is Unsafe: There was no one who wished to comment.
- b. Consider Issuing an Order to Demolish: Mr. Lee made a motion to declare the structure unsafe.  
Seconded by Mr. Cade. Motion Carried.

Mr. McCoy motioned to declare damage to be more than 50%, with mandatory demolition with 30 days.  
Seconded by Mr. Lee. Motion Carried.

**Item #6            Juan Linn (3908 Pleasant Green Accessory)**

The Commission reviewed pictures presented by the staff. Mr. Longoria reported that on April 8, 2010 Code Enforcement observed this structure with a shifting foundation, deteriorated roof, wood siding and front porch. There are also cracks, deterioration and extensive repairs needed on the foundation. The roof and walls have holes and loose members. There is extensive deterioration, sagging and rotting; needs complete reconstruction. Certified Notice was sent to the Property owner on July 12, 2010 and no progress was made. Oct.13, 2010 a bid was received from Martha Bivins to make repairs. Findings of Fact are items 2, 3, 5, 6, 7, 8, 9 and 10. Staff recommends it be declared unsafe and issue an order to demolish or repair.

- a. Public Hearing to Determine if Structure is Unsafe:  
**Martha Bivins, 291 FM 236 Victoria, TX 77905** stated that her father had hoped to repair the building but has decided now to demolish it. She further stated that her brother could do the work but would need more than 30 days. She felt the work could be completed within 90 days.
- b. Consider Issuing an Order to Demolish: Mr. Hinojosa made a motion to declare the building unsafe.  
Seconded by Mr. Lee. Motion Carried.

Mr. Hinojosa Motion to declare the damage less than 50%, with 90 days to repair or demolish.  
Seconded by Mr. Cade. Motion Carried.

**Item #7            Juan Linn (3808 Pleasant Green-West Accessory)**

The Commission reviewed pictures presented by the staff. Mr. Longoria reported that on April 8, 2010 Code Enforcement observed this structure with a shifting foundation, deteriorated roof trim, wood siding, and window frames rotting and deteriorating. There are also cracks in need of extensive repair on the foundation. The walls have holes and loose members and are in need of

repair. Code Enforcement also observed broken sheet rock, water damage holes and deteriorating and leaning studs. There is extensive deterioration, sagging and rotting; needs complete reconstruction. Rear door appears to be unsecured. Certified Notice was sent to the property owner on July 12, 2010 and no progress was ever made. Oct.13, 2010 a bid was received from Martha Bivins to make repairs. Findings of Fact are items 2, 3, 4, 5, 6, 7, 8, 9 and 10. Staff recommends it be declared unsafe with an order to demolish or repair.

- a. Public Hearing to Determine if Structure is Unsafe:  
**Martha Bivins, 291 FM 236 Victoria, TX 77905** stated that her father had hoped to repair the building but has decided now to demolish it. It was used as a storage building for the BBQ place. She further stated that her brother could do the work but would need more than 30 days. She felt the work could be completed within 90 days.
- b. Consider Issuing an Order to Demolish: Mr. Hinojosa motioned to declare the building unsafe.  
Seconded by Mr. Cade. Motion Carried.

Mr. Cade made a motion to declare the damage less than 50% with 30 days to secure and 90 days to either repair or demolish the structure.  
Seconded by Mr. Lee. Motion carried with Mr. Settles opposing.

**Item #8      1108 E San Antonio (Accessory)**

The Commission reviewed pictures presented by the staff. Mr. Longoria reported that Code Enforcement observed this structure with a cracked foundation, unsecured windows, holes in the wall, damaged to the support beams, roof and overhang on April 13, 2010. Upon re-inspection no progress had been made to secure or repair the building. Findings of Fact are items 2, 3, 6, 7, 8 and 10. Staff recommends structure be declared unsafe and an order to demolish issued.

- a. Public Hearing to Determine if Structure is Unsafe:  
**Rosie Trevino, 3006 Mayfair Victoria, TX 77901** on behalf of the property owner Yolanda Acosta. Ms. Trevino stated that Ms. Acosta is a single mother and does not have the money to demo the building. She would like the opportunity to make repairs and convert it into a storage building only. She will remove the windows and replace the rotted door frames and doors. The property has been cleaned out. She feels she could get the repairs made in 90 days.
- b. Consider Issuing an Order to Demolish: Mr. McCoy noted that the roof beams had been spliced and this is unsafe. He explained that a contractor could make some changes to assure this condition was made safe. Mr. Lee motioned to declare the building unsafe.  
Seconded by Mr. Cade. Motion Carried.

Mr. Hinojosa made a motion to declare the building less than 50% damaged.  
Seconded by Ms. Harris. Motion Carried.

Mr. McCoy motioned to allow 30 days to secure the building and 90 days to repair or demolish. Seconded by Mr. Cade. Motion Carried.

**Item #9            805 Park Ave (Accessory 2)**

Case dismissed as structure was demolished by property owner.

**Item #10            2310 Cameron (Accessory)**

The Commission reviewed pictures presented by the staff. Mr. Gildon reported that Code Enforcement observed this structure with rotted wood, a collapsed foundation, and sagging roof on June 18, 2010. Wood paneled walls and interior walls have holes, water damage and rotted studs, structure is leaning and in need of complete reconstruction. On Sept. 29<sup>th</sup> a Public Hearing Notice was sent and no progress was made on repairing the structure. Finding of Facts are # 1, 2, 3, 4, 5, 6, 7 and 10. Structure is leaning and unstable. Staff recommends structure be declared unsafe and an order to demolish issued.

- a.        Public Hearing to Determine if Structure is Unsafe:  
**Janice Hammond, 2310 N Cameron Victoria, TX 77901** stated that the building houses her water heater and feels it would not be affordable to move the water heater, she would like the opportunity to repair the building within 90 days.
- b.        Consider Issuing an Order to Repair or Demolish: Mr. Hinojosa made a motion to declare the building unsafe.  
          Secoded by Mr. Cade. Motion Carried.

Mr. Lee motioned to declare the damage to be less than 50%.  
Secoded by Mr. Cade. Motion Carried.

Mr. McCoy motioned to structurally secure the building within 30 days and repair in 60 days.  
Secoded by Mr. Lee. Motion Carried.

- D.        **UNSAFE BUILDING CASE REPORT:** None
- E.        **ITEMS FROM BUILDING AND STANDARDS COMMISSION:** None
- F.        **ADJOURNMENT:** The meeting was adjourned at 7:15 p.m.