

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
October 2, 2024 - 8:30 a.m.
BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL**

Members Present: Mr. David Beard, Chairman
Mr. Jay Wyatt
Mr. Delbert Allred
Mr. Mark Alriedge
Mr. Sean McNeill
Mr. Lloyd Turner
Mr. Jonathan Schmutz

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Director of Planning and Development Services
Mr. Van Watson, Building Official
Ms. Kelley Messer, Assistant City Attorney
Mr. Clay Door, Code Compliance Division Manager
Mr. Robert Marsh, Property Maintenance Inspector
Mr. Ricky Wright Jr., Property Maintenance Inspector
Ms. Teri Dollar, Property Maintenance Inspector
Ms. Christi Jones, Administrative Assistant

Others Present: Mr. Roel Lopez (1325 Pecan St.)
Mr. Festus Oguhebe (450 Peach St)
Ms. Michael Murphy (4474 La Hacienda Dr)
Mr. Elena Rhodes (4474 La Hacienda Dr)
Mr. Tommy Willis (4474 La Hacienda Dr)
Ms. Daniel Esparza (417 Amarillo St.)
Mr. Thomas Choate (4474 La Hacienda Dr)
Ms. Peggy Wilson (1333 Meander St)
Dr. Hugh Hurt (4474 La Hacienda Dr)
Mr. Jack Oduro (502 N Willis St)

CALL TO ORDER

Mr. Beard called the meeting to order at 8:30 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, September 4, 2024, were provided in advance to Board Members for review.

Mr. Allred made a motion to approve the minutes.

The motion was seconded by Mr. Wyatt, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. Turner, Mr. Beard

NAYS: None

ABSTAIN: Mr. McNeill, Mr. Schmutz

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition or Civil Penalties - Case# 22-002791: 4474 La Hacienda Dr. (VAQUERO SUB SEC 2, BLOCK A, LOT 10, ACRES 1.281, TAYLOR COUNTY, TEXAS), Owner: 4474 La Hacienda Trust

Mr. Marsh presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec 19-15 the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec. 8-554 (1)
- Nuisance, Chapter 8, Sec. 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring Chapter 8, Sec. 8-554 (5)

Staff recommendations are as follows:

Take no action until next hearing, if necessary. If owner fails to comply with the September 4, 2024 board order, then civil penalties will be recommended at the next board hearing from the date of non-compliance of the September 4, 2024 board order. (October 5, 2024)

Public Hearing: Mr. Beard opened the public hearing. Mr. Choate, Attorney spoke. He stated he is retained by the HOA. He stated the property has gotten worse, not better. He stated concern that the pool is dangerous. He stated that he cannot find any records about 4474 La Hacienda Trust. He stated that he had located parties who may be responsible. He stated that Ceaser Yepes lives at 19471 Desna Dr in Porter, TX and that he may be part of the LLC that owns this property. He said he also has 20240 Old Sorters Road in Porter, Texas 77365. He stated that Rose Swan may also be a part of the LLC as a trustee and that she lives in Porter Texas as well. He stated that the property is an eyesore and the pool is a danger and there is no fence to prevent anyone from falling into the stagnant water. He stated that the homeowners are desperately seeking a solution to the problem. He stated that it is time to take some action. Mr. Michael Murphy spoke next. He stated that this has been a 4 year nightmare. He asked for definitive action. Mr. Hurt then spoke. He stated that he is the President of the HOA. He also asked for action to be taken.

There being no additional speakers, Mr. Beard closed the public hearing.

The board then had a discussion about filling the pool. Ms. Messer discussed the reason that civil penalties were not allowable at this time. Mr. Allred stated that he did not feel that civil penalties will motivate the owners to act.

Mr. Allred 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 Mr. McNeill, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Mr. Allred 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. McNeill, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 22-003439: 1325 Pecan St. (LT4, BLK B OF JOHN J. TOOMBS SUBDIVISION OF BLKS A, B, & C OF RINEY & HAYS SUBDIVISION OF LT 2, BLK 208, TAYLOR COUNTY, TEXAS), Owner: Lopez, Roel

Mr. Marsh presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec 19-15, the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)
- Structural Hazards, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Hazardous Plumbing, Chapter 8, Sec 8-554 (5)
- Hazardous Mechanical Equipment, Chapter 8, Sec 8-554 (6)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

Staff recommendations are as follows:

Order: Owner is to repair – 30 days to obtain all permits and provide plan of action including a timeframe for repair and costs 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. Mr. Lopez stated that he just purchased the property and has cleaned the front yard and has closed and locked the gates. He stated that he can comply with the staff recommendations.

Mr. Turner made a motion to Owner is 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, was seconded by Mr. Allred, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 24-000052: 300 Wall St. (AUTOMATION INDUSTRIES, LOT 1-3 REP, & STREET, ACRES 18.7561, TAYLOR COUNTY, TEXAS) Owner: 300 Wall Street LLC

Mr. Wright presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec. 19-15, the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)
- Structural Hazard, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Hazardous Plumbing, Chapter 8, Sec 8-554 (5)
- Hazardous Mechanical Equipment, Chapter 8, Sec 8-554 (6)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

Staff recommendations are as follows:

Order: Owner is ordered to pay civil penalties for non-compliance of the Board's order on April 3, 2024 in the amount of \$500.00 per day from the date of non-compliance being May 5, 2024 through October 1, 2024, which is a total of 149 days. Total civil penalties to be assessed is \$74,500.

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

Mr. Turner made a motion that owner is ordered to pay civil penalties for non-compliance of the Board's order on April 3, 2024 in the amount of \$500.00 per day from the date of non-compliance being May 5, 2024 through October 1, 2024, which is a total of 149 days. Total civil penalties to be assessed is \$74,500, was seconded by Mr. Schmutz, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 24-000054: 5502 N 1st St.
(ABILENE PLAZA SEC 1, BLOCK 12, LOT E250, TAYLOR COUNTY, TEXAS) Owner: 300
Wall Street LLC

And

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 24-000055: 5512 N 1st St.
(ABILENE PLAZA SEC 1, BLOCK 12, LOT W205 OF E455, TAYLOR COUNTY, TEXAS)
Owner: 300 Wall Street LLC

Mr. Wright presented the cases,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec. 19-15, the following conditions
exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)
- Structural Hazard, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Hazardous Plumbing, Chapter 8, Sec 8-554 (5)
- Hazardous Mechanical Equipment, Chapter 8, Sec 8-554 (6)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

Staff recommendations are as follows:

Case 24-000054: 5502 N. 1st St.:

Order: Owner is ordered to pay civil penalties for non-compliance of the Board's order on April 3, 2024 in the amount of \$100.00 per day from the date of non-compliance being May 5, 2024 through October 1, 2024, which is a total of 149 days. Total civil penalties to be assessed is \$14,900.

Case 24-000055: 5512 N. 1st St.:

Order: Owner is ordered to pay civil penalties for non-compliance of the Board's order on April 3, 2024 in the amount of \$100.00 per day from the date of non-compliance being May 5, 2024 through October 1, 2024, which is a total of 149 days. Total civil penalties to be assessed is \$14,900.

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

Mr. Allred made a motion on both properties that the owner is ordered to pay civil penalties for non-compliance of the Board's order on April 3, 2024 in the amount of \$100.00 per day from the date of non-compliance being May 5, 2024 through October 1, 2024, which is a total of 149 days. Total civil penalties to be assessed is \$14,900. Both were seconded by Mr. Turner, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Case for Rehabilitation, Demolition, or Civil penalties - Case# 24-000295: 417 Amarillo St. (BOULEVARD PARK, BLOCK 3, LOT 9, TAYLOR COUNTY, TEXAS) Owner: Esparza Daniel Garcia & Garcia Daniel Damron Jr.

Mr. Wright presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec 19-15, the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)
- Structural Hazard, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Hazardous Plumbing, Chapter 8, Sec 8-554 (5)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

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.

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

Public Hearing: Mr. Beard opened the public hearing. Mr. Esparza stated that he is half owner with his 17 year old son and that they are trying to sell the property. He stated that he was not aware that he had to keep the grass clean and the property secure. There being no additional speakers, Mr. Beard closed the public hearing. Mr. Wright then clarified that the potential buyer stated that he has had no contact with Mr. Esparza and was not intending to purchase the property.

Mr. Allred 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 Mr. Wyatt, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Mr. Allred 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. Wyatt, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 24-000295: 502 N Willis St. (WESTWOOD PLAZA, BLOCK 1, LOT 101 REPLAT, ACRES 1.0553, TAYLOR COUNTY, TEXAS), Owner: Advance Capital Commercial LLC

Mr. Wright presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec. 19-15, the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)
- Structural Hazard, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Hazardous Plumbing, Chapter 8, Sec 8-554 (5)
- Hazardous Mechanical Equipment, Chapter 8, Sec 8-554 (6)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

Staff recommendations are as follows:

Order: Owner is to reach an agreement with the city for a Plan of Action.

Public Hearing: Mr. Beard opened the public hearing. Mr. Oduro stated that he is a real estate expert that he was speaking on behalf of the owner. He stated that there has been difficulty obtaining financing for the rehabilitation of the property. He stated that they would still like to complete part of the job, and then open that section of the building. He stated that they are considering using the tall part of the structure as affordable housing. He asked that the condemnation be removed in order to get funding. He state that the building is also for sale at this time. There being no speakers, Mr. Beard closed the public hearing.

Mr. Turner made a motion that the Owner is ordered as follows: 30 days to reach an agreement with the city for a complete Plan of Action, this was seconded by Mr. Allred, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: Mr. Wyatt

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 24-000346: 450 Peach St. (4-5 185 3 WISE PIEDMONT ABL OT, TAYLOR COUNTY, TEXAS), Owner: FOCO Capital LLC

Mr. Wright presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec. 19-15, the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)

- Structural Hazard, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Hazardous Plumbing, Chapter 8, Sec 8-554 (5)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

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.

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

Public Hearing: Mr. Beard opened the public hearing. Mr. Oguhebe stated that he is the owner of the property. He stated that he did not know it was condemned when he bought it. He stated that he was in the military. He stated that he has a plan to use the building as storage and raise funds to demolish the building and make the property into apartments. He twice stated that he has done partial demo on the building. He asked for more time. There being no additional speakers, Mr. Beard closed the public hearing.

Mr. Allred made a motion to Owner is 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, was seconded by Mr. McNeill, motion passed.

AYES: Mr. Wyatt, Mr. Allred, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

***Mr. Allred left the meeting at 10:30a.m.**

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 24-001518: 1333 Meander St. (MC MURRY COLLEGE, BLOCK 25, LOT 18, TAYLOR COUNTY, TEXAS), Owner: Peggy Wilson

Mr. Wright presented the case,

Pursuant to Chapter 8; Sec. 8-554 and Chapter 19, Sec. 19-15, the following conditions exist:

- Inadequate Sanitation, Chapter 8, Sec 8-554 (1)
- Structural Hazards, Chapter 8, Sec 8-554 (2)
- Nuisance, Chapter 8, Sec 8-554 (3), Chapter 19, Sec 19-15 (4)
- Hazardous Electrical Wiring, Chapter 8, Sec 8-554 (4)
- Faulty Weather Protection, Chapter 8, Sec 8-554 (7)

Staff recommendations are as follows:

Order: Owner is to repair – 30 days to obtain all permits and provide plan of action including a timeframe for repair and costs 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. Ms. Wilson stated that she is the owner of the property and that she has been living next door due to the condition of the house. She stated that she wants to repair it. . There being no additional speakers, Mr. Beard closed the public hearing.

Mr. Turner made a motion to Owner is 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, was seconded by Mr. McNeill, motion passed.

AYES: Mr. Wyatt, Mr. Aldriedge, Mr. McNeill, Mr. Turner, Mr. Schmutz, Mr. Beard

NAYS: None

ABSTAIN: None

ADJOURNMENT

There being no further business to come before the hearing, the Board of Building Standards meeting was adjourned at 10:40 a.m.

 11-6-24

Approved, Chairman

