



MEETING MINUTES

Building and Standards Commission

Thursday, August 21, 2014

4:00 PM

City Hall, 200 Rusk Street, Council Chambers

Members Present: Michael Blake, Jess Cason, Jock Conner, John Hendrik and Thomas Robinson
Members Absent: Robbie Baugh
Staff Present: Julia Smith, Linda Ames, Chip Matthew, Jennifer Ekstrand and Dale Alexander
Visitors Present: Francisco Amaya and Myrna Nix
Chair: Thomas P. Robinson

Item 1 - Declaration of Quorum

With a quorum present, Chair Robinson called the meeting to order at 4:00 pm.

Item 2 - Approval of July 17, 2014 Minutes

Commissioner Robinson moved to approve the minutes from the July 17, 2014, meeting as presented by staff, and Commissioner Cason seconded the motion. All present voted AYE. Motion carried unanimously.

Item 3 - Dilapidated/Substandard Structure: 511 North Culberson - Case Number (13-00973)

Chair Robinson read the case into the record.

[At this point, Commissioner Michael Blake recused himself, because he was not present at the prior meeting concerning this property.]

Code Enforcement Officer Chip Matthews reviewed the case as presented July 17, 2014, to the Board. At that meeting, the Commission granted the owners 30 days to present a revised scope of work and budget to reflect a bid to replace all the siding with a masonry product and to provide a letter of credit/proof of financing to cover the costs of bringing the structure up to City Code. The Commission asked this information be presented at the August 21, 2014, BSC meeting.

The owners of 511 North Culberson, Francisco L. Amaya and Myrna Nix, were present. Francisco L. Amaya presented the following statement:

To the City of Gainesville's Building and Standards Commission:

My name is Francisco Amaya (not Amaya L. Francisco as the agenda shows) and I came here today to address you, the members of this commission, because I am totally confused regarding why property owners are discouraged from renovating properties such as ours at 511 N. Culberson, and why some officials of the City of Gainesville are so anxious to demolish much of the City's historic architecture. Since we first purchased property here in 2012, scores of homes - perhaps even hundreds - have been demolished as well as 4 historic school buildings. On 2 occasions – by registered mail - we have requested documents from the City records per the Freedom of Information Act and only yesterday received a partial set of records regarding 511 N. Culberson and the agendas for the BSC. Nothing was received that officially declares the property as Substandard and we still dispute that this classification is correct. Just by looking at the exterior of 511 and many of the surrounding houses, you would not choose 511 as the property that is more than 50% dilapidated as the City's building official claims. It has a new roof, is no longer boarded up, it has been painted, and there is nothing on the lawn other than grass and trees – no junk, no trash, no abandoned vehicles, etc. We only want to improve the property and the neighborhood – not make it worse – yet we have been discouraged at every turn by the City's current staff members.

The first time we appeared in front of this committee on June 19, 2014, we distributed notebooks filled with evidence of the City's missteps and erroneous information provided to the City Attorney regarding their "case" against us. We were never given a chance to discuss how the City allowed a demolition crew to falsely obtain a demolition permit and commence demolition on the property only 3 days after our meeting with Julie Smith and Chip Mathews at the Community Services Offices on Jan. 24, 2014. We have never received an apology, compensation for the damage done, and seen any remorse by said officials of the City for this malicious act.

Mr. Mathews stated in the 2nd hearing on July 17th that the house "doesn't have any floors" which is totally false. The entire 2 story section of the house – more than 1500 square feet of the 2200 square feet total - is fully floored with wood flooring in good condition. The only area that does not have flooring is in the 1 story section at the rear of the house where we removed the rotten subfloor and joists in order to replace them.

We have exerted our best efforts to comply with the City's requests including their request in January that we get electrical service and water to the house. Since then, Oncor has installed a new electric pole and all is ready to connect to the service panel once we can go forward with having an electrician obtain a permit. A water meter has been set by the water department and once a permit is received, the lines can be run from the house to the meter and this service will also be implemented.

We have provided budgets, estimated costs (which many of the commission members agreed were on target), timelines for renovation completion, etc. and still that was not enough for the City officials to grant us another permit. The biggest hurdle at our second appearance before this commission on July 17, 2014, was the issue of siding repair and replacement. Mr. Mathews insisted that all the siding would need to be replaced with

Hardi-plank or masonry siding and that repair and replacement with wood was not allowed. We searched the City's building codes and the 2009 International Residential Building Codes and did not find that was true. Yesterday, our attorney advised us that Mr. Mathews and Ms. Smith told him that the masonry requirement was in the Zoning ordinances – not in the Building Codes. Well, we have to wonder why such a major requirement that would affect anyone building new construction or trying to renovate a so-called "substandard" property would not be in the Building Codes. We also have to ask why this was the first time this issue was ever mentioned. Why didn't the City representatives mention this issue when we first requested our building permit in February of 2013? They were aware of our plans to repair, replace, and paint the siding currently on the structure and never informed us of any requirement for masonry veneer. This was also not mentioned in our meeting on January 24th with Mr. Mathews and Ms. Smith.

We have been instructed by this Commission to provide detailed information including proof of financing or a certified letter of credit, estimates for renovations, etc. that we feel are not in the City's realm of authority to request. The amount of money we choose to spend on our own property and where we obtain the money is our private business. I believe that the Attorney General's office makes it quite clear in their section called "Rights of the Elderly". And I quote:

"Texas law provides special rights for citizens age 60 and over. There rights are in addition to those enjoyed by all Texans..."

Per statute 102.003 Texas Human Resources Code:

"An elderly individual has all the rights, benefits, responsibilities, and privileges granted by the constitution and laws of this state and the United States, except where *lawfully* restricted. The elderly individual has the right to be free of interference, coercion, discrimination, and reprisal in exercising these civil rights."

"An elderly individual has the right to be treated with dignity and respect for the personal integrity of the individual without regard to race, religion, national origin, sex, age, disability, marital status, or source of payment."

In the notebooks that we presented at the first hearing in June, we included an independent inspector's report and other documents and literature as our evidence and argument for saving this structure. The City officials, however, were set on rudely railroading us out of this chamber and maybe having a good laugh at our expense.

Well gentlemen, I'm back, and I'm not laughing. The stress caused by our interactions with the City regarding our property has been immense. We have had sleepless nights, inability to concentrate on work and family issues, high blood pressure and other health problems, not to mention the additional financial expenses that we have incurred for lawyers, etc. – money that could have been spent on improving the property.

I am going to make sure that my message is understood, is plain enough for all to understand, and everyone involved gets notice. We have done our research and have spoken to enough people of this city and nearby communities and the results don't put the City of Gainesville in a very good light. Corruption was a recurring theme and that word confirms my suspicion of what is going on here and what has been occurring in this town for a long time.

I imagine that you would prefer that I become just another victim who lies down, rolls over, and plays dead, but I will not. I intend to make sure that you and all your constituents take notice. There is a horrible injustice that has been perpetrated on this community and its citizens, including many of the elderly and less fortunate people of this town. I will continue to the very end to fight for what is right and proper for the citizens of this town and community. I have become informed of how the day to day activities have been handled, how issues are addressed, and how the average, easily intimidated person would not question the ethics of its most "respected" citizens and go on attending to their daily business without investigating the truths just under the surface.

Well, members of our outstanding "Medal of Honor" community, you know who you are and what has been going on. I am not here to explain your deeds. I am here to express my dissatisfaction. I am here to tell you that I am going to defend my constitutional rights, as a U.S. citizen, as a citizen of the state of Texas and of this community. I have paid my hard earned cash for the properties I purchased in Gainesville and I will not allow anyone to have them taken from me, my wife, or my heirs. The issue with 511 N. Culberson has been exposed in the evidence that we presented to you and you, the committee, chose to ignore. I will not stand for anyone to illegally force me or any other person in this community to "voluntarily" demolish a structure that is not actually a candidate for demolition when there are scores of other structures, some owned by prominent citizens, that are truly dilapidated and should be candidates for the program if the owners cannot afford to renovate or repair as necessary. If it comes to light that those who can afford to renovate and repair, but choose not to and let the city have the structures demolished, at the *taxpayer's expense*, then it will just be one more nail in the coffin of the corruption evident in this community.

I am just an average educated person that chose to live here, but let it be understood that I will not lie down to injustice, prejudice, or coercion of any kind or source. If you want to question my character or my attitude, go ahead. I will not be intimidated, scared off, or damaged financially to the point of giving up this cause. I have rights under many umbrellas and I intend to use them. Be advised, that if you continue with your unfair agenda, I will pursue justice until I have exhausted all available avenues including the Supreme Court of Texas.

There is and has been much injustice with no concern for people's civil rights, as well as property rights, but that manner of business must come to an end. Take a look at us – elderly (over 60) and minority – then, figure out who you have targeted. I will make sure

that all people involved in the disorder we've discovered will be targeted with as much legal redress and as much media as I can muster to publicize the injustices perpetrated. It may not be in your personally influenced home town newspapers, that are probably manipulated or coerced, but outside media coverage will put this town on notice. People today are very curious and love a scandal. They want to know of any and all sources of discrimination, transgression, and injustice that occur in the world.

We are but two individuals on this issue now, but I will make it a community, state, and federal issue by the time I am done. Let it be known, I will not allow any coercion from any source to be ignored. Bringing all issues of local, state and federal government public is the prudent and ethical thing to do.

If you were in our shoes, I feel certain that you would expect nothing less than fair and ethical treatment regarding your own properties.

Chair Robinson requested Staff to respond.

Building Official Smith responded by reminding the Commission that as yet the Commission had not received what they requested at the last meeting - a revised scope of work and budget to reflect a bid to replace all the siding with a masonry product and to provide a letter of credit/proof of financing to cover the costs of bringing the structure up to City Code. recommends to order abatement.

Chair Robinson moved to grant a 90-day extension to the owners (Francisco Amaya and Myrna Nix) to complete the work by November 21, 2014. The owners are to obtain a permit based on the required scope of work. With respect to any construction not completed within the required 90 days, the owners will follow state law and permit city staff to inspect the premises on a monthly basis to insure work is being done in a timely fashion. The owners will also supply the BSC with monthly reports if construction is not completed within 90 days. Commissioner Cason seconded the motion. Commissioner Hendrik voted NAY. All others voted AYE. Motion carries.

Item 4 – Dilapidated/Substandard Structure: 1118 South Howeth - Case Number (14-00181)

Chair Robinson read the case into the record.

Officer Matthews thanks the Board for working with him and explains he will no longer be the appointed presenter but that Julie Smith, as the Building Official, will be presenting the cases.

Building Official Smith presented the code violation history of the property (high grass and weeds, substandard/dilapidated accessory structure) to the Commission, described what elements contributed to staff's recommendation to the BSC to find the accessory structure at 1118 South Howeth to be dilapidated/substandard, and gave staff's recommendation to the Commission to abate the nuisance. The owner, Sanger Bank, supports a demolition order.

Commissioner Conner moved for abatement as recommended by staff, and Commissioner Hendrik seconded the motion. All present voted AYE. Motion carried unanimously.

Item 5 – Dilapidated/Substandard Structure: 801 West Scott - Case Number (14-00204)

Chair Robinson read the case into the record.

Building Official Smith explained that the case had been removed from the agenda, because the owners signed a voluntary demolition agreement earlier in the day.

Item 6 – Dilapidated/Substandard Structure: 1103 Locust - Case Number (14-00258)

Chair Robinson read the case into the record.

Building Official Smith explained that the owners (Mr. and Mrs. Litteken) were not opposed to demolition; the family wanted nothing more to do with the property and lived out of town. BO Smith described the property (including a dilapidated residence and accessory structure) to the Commission, described what elements contributed to staff’s recommendation to the BSC to find the structure at 1103 Locust to be dilapidated/substandard, and recommended that the Commission order abatement.

Commissioner Hendrik moved for abatement as recommended by staff, and Commissioner Cason seconded the motion. All present voted AYE. Motion carried unanimously.

Item 6 – Adjourn Regular Meeting

Chair Robinson moved to adjourn the regular meeting. Commissioner Cason seconded the motion. All present voted AYE. Motion carried unanimously.

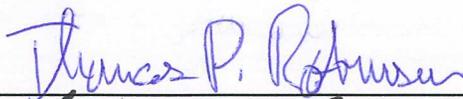
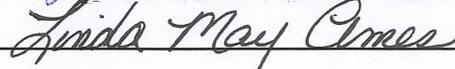
The meeting adjourned at 5:10pm

Item 7 – Call To Order Work Session

Chair Robinson opened work session at 5:10.

Staff reviewed the City of Gainesville’s Ordinance regarding elements comprising a “substandard structure”.

The meeting adjourned at 5:30pm.

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| Signature of Chairman: |  | Date: | 9-18-14 |
| Signature of Secretary: |  | Date: | 9-18-14 |