



MINUTES
PROPERTY STANDARDS BOARD
MAY 25, 2017

Council Chambers

6:30 p.m.

1945 E. Jackson Road

DINNER AND BRIEFING SESSION: 6:00 PM

No public testimony allowed at the briefing.

Board members present: Chair Roy Atwood, Dick Calvert, Subal Sakar, Stephanie Doss, Mike Whitley, Scott Carstens, Andy Folmer, Jim Pipkin and Rick Pfeil.

Staff members present: Asst. City Attorney Aliceson Foote; Building Official Brett King; Community Services Manager Brian Passwaters; Code Enforcement Officers Reid Hensley and Michael Foitek; and Administrative Support Specialist Lydia Tormos.

CALL MEETING TO ORDER:

Chair Atwood called the meeting to order at 6:30 p.m.

1. Approval of minutes of the **April 27, 2017** meeting.

Rick Pfeil moved approval of the minutes as presented; second by Folmer and the motion was approved with a unanimous 9-0 vote.

PUBLIC HEARING

2. **Case PSB 2017-06.** The Carrollton Environmental Services department inspected the structure – residence at 1706 East Crosby Road, William Larner ABST 799 PG 513, S-1-B PT TR F ASCS 0.2763 DIV 95-15083 CO- Dallas 0799513100300 2CC07995131, and found it to be as safety hazard. Staff has requested a hearing before the board to issue a Notice and Order to demolish said structure – residence within specified period of time.

Chair Atwood noted that the case was left open from a previous meeting. He administered the Oath to all individuals testifying on the case.

Code Enforcement Officer Reid Hensley stated that the property was an unoccupied single-family home that has deteriorated due to lack of maintenance and has become a dangerous structure pursuant to City Code. The title search and appraisal district records show the property to be owned by Inez Martinez Rosales and there was no lien holder on the property. He stated that the case was originally brought before the Board on February 23, 2017 and was continued to allow staff time to confirm that the property owner was deceased; a copy of the death certificate was included in the packet before the Board. He provided a history of the property that began with the first inspection on January 9, 2017 and reviewed a long list of the violations, photographic copies of which were provided to the Board. He stated that while

NOTE: Board minutes are informational only and are not official until approved by Board.

executing a search warrant, he was advised by a neighbor that the property owner had passed away in 2015 and someone else was living in the residence. That person was not present at the time the warrant was executed and the warrant was taped to the front door. After the warrant was executed, a notice of violation and a notice to vacate placard were posted on the property. Upon inspection the next day all of the documents had been removed showing further evidence of someone living on the premises. On February 23, 2017 Julio Cesar visited the Environmental Services Department explaining that he was residing at the property and he has since vacated the property. Officer Hensley testified that on March 28, 2017 he received a call from Mari Mendoza informing him that she was the daughter of the deceased and that she and her brother Oscar Rosales were attempting to make improvements to the property with the intent of either selling or renting it. He further stated that on April 4, 2017 Mari Mendoza and Oscar Rosales visited the Environmental Services Department to provide a copy of the death certificate. Staff met with both individuals on April 25 at the property for another inspection. Officer Hensley advised that the inspection found that a large amount of trash and debris inside the main structure had been removed and it appeared that no one was living at the property; however the housing code violations remained. The most recent inspection was conducted today and it appeared that none of the housing code violations had been abated. He testified that the Property Standards Board packet was prepared by records in and under the control of Environmental Services. Copies of the packet were mailed by regular and certified mail on May 8, 2017. Written notice of the violations and written notice of this hearing were mailed by regular and certified mail according to Dallas Central Appraisal District records on May 2, 2017. Notice of the hearing was also posted in the *Carrollton Leader* on May 2, 2017. He stated that there was no confirmation of signature service and none of the certified or regular mail notices sent to the home owner or interested parties were returned. A search of the County probate records indicates that Inez Martinez Rosales has no probates. On May 24, 2017, Mari Mendoza was informed that the Property Standards Board would meet on May 25. On May 25, staff received a phone call from Mickie McCabe on behalf of her aunt, Mary Cruz, the common law wife to Inez Martinez Rosales wanting confirmation that the Property Standards Board meeting would be held on May 25 and advising that her aunt would be in attendance. Finally he advised that all legal requirements for notices were met. Staff recommended the Board determine the structure at 1706 East Crosby Road, Carrollton, Dallas County Texas as dangerous, substandard, dilapidated, and a hazard to the public's health, safety and welfare. Staff further seeks a Notice and Order for the property owner and any interested party make the necessary repairs or demolish the structure to bring the property into compliance with City Code within 30 days. If the interested parties fail to complete the repairs or demolition in the allotted time, staff requests that the Board authorize the City of Carrollton to demolish said structure to bring the property into compliance and attach the costs a lien against the property.

Oscar Rosales, 2807 Whitewood Drive, Dallas, son of Inez Rosales; Mari Mendoza, 841 Timber Dell Ln., Dallas, daughter of Inez Rosales; both of whom stated there were no other heirs, addressed the Board. Mr. Rosales stated they found out a couple of months ago that Inez Rosales had passed away. He stated that they have removed the trash and debris and stated that he was in the process of getting the deed transferred. He felt that the major issue that needed to be addressed was the foundation and maybe the floor but the structure was good. He noted the hole in the roof as also needing repair and understood that the corner room needed to be removed because it had not been permitted and stated he was in the process of tearing it out. Ms. Mendoza stated they found out about the issues in March and they have been working on it regularly. They noted they have been cooperative with the City to provide what is needed such as the death certificate. She said that they demolished a carport; cleaned up the back yard and removed a lot of trash. She stated they do not want the house to be demolished because Mr. Rosales stated he would like to bring it up to date so he could live in it. Ms. Mendoza stated they were able to get the electricity turned on but were unable to get the water turned on because they needed proof of ownership or

a lease which they don't have. She advised that they have secured an attorney to assist them to obtain the deed or paperwork required. Mr. Rosales explained that his father was a diabetic which was the reason for the syringes. He offered current pictures of the house to show that it has been cleaned including the front yard as well.

Rick Pfeil asked Ms. Mendoza if she was the heir and if she had possession of the property. Ms. Mendoza said the property had not transferred yet; it is still under the deceased's name.

Subal Sarkar asked if an electrician was involved with getting the electricity turned on. Mr. Rosales stated that there was no electrical damage and the electric company didn't require any paperwork identifying ownership. He stated there were a few outlet covers missing but he was not aware of any other electrical concerns. Sarkar voiced concern with the other violations such as the hole in the roof and Mr. Rosales said the hole in the roof was small.

Mike Whitley asked Mr. Rosales if he had contacted a structural engineer to look at the foundation noting several cracks and rotting wood. Ms. Mendoza replied that they would be working on the hole in the roof and the outside area before working on the foundation. In response to Mr. Whitley's question regarding water damage, Mr. Rosales replied that the damage was in the room that was added without a permit and he was in the process of tearing down that part. He also stated that the dilapidated stairway mentioned earlier had been removed as well.

Mickie McCabe, 7501 Bryn Mawr Dr., Rowlett, stated she was the niece of Mary Cruz, who was the common law wife of Inez Rosales. Ms. McCabe said that Mr. Inez Rosales had given the house to her aunt. She said she does not have the papers with her but knows that her aunt owns the property. She said that another aunt was helping Ms. Cruz with this issue but was unable to be present at the meeting. She said they do not want the house to be torn down but would repair it if the City would allow them the time to do so. She stated she was made aware of the meeting on May 24 and that her aunt received notice on May 2. Ms. McCabe stated her husband was a master carpenter and they would help to repair the property but they need time because they would have to work on the weekends.

Chair Atwood asked if Ms. Cruz had made any attempt to make repairs or anything since she received the May 2 notice and Ms. McCabe replied she had not. She also advised that Ms. Cruz was in early stages of dementia so they were trying to help her.

Rick Pfeil asked if Ms. Cruz had any paperwork regarding ownership being transferred to her because the County records did not reflect a transfer. Ms. McCabe stated she believed there were papers but she did not currently know where the papers were.

Brian Passwaters advised the Board that the appraisal district put the improvement value on the property under \$21,000. He wanted all interested parties to understand that if the cost of repairs exceeds half the value of the home, the entire house would have to completely be brought up to code. If the Board was willing to allow the repairs, they would need to show that the repairs do not exceed half that value.

Subal Sarkar asked if there was a chance that if the house was damaged in a storm, would it cause damage to any neighbors. Officer Hensley replied that there is a lot of damage to the addition that had been built on the southwest corner and the accessory structure also had severe buckling in the walls but couldn't answer what type of weather might cause it to collapse.

Chair Atwood noted the obvious dispute as to whom the property owner is; however it appears that all interested parties received adequate notice and asked if that was correct. Assistant City Attorney Foote replied affirmatively and stated it was not in the purview of the Board to determine who held ownership.

Scott Carstens asked staff if the foundation problems would be required to be repaired and Officer Hensley replied that City ordinance would require the foundation to be repaired.

Rick Pfeil stated he was confused about how the electrical service to the house had been restored without an inspection and Officer Hensley stated he was not sure how service had been connected. Oscar Rosales advised that there was no electrical power to the room they were referring to and explained that it is the room that he would be tearing down. He also stated that Reliant Electricity inspected the property before turning the power on. Ms. Mendoza stated they were assured that as long as they were working on the property, the City would work with them. She stated they've only known about it for two months and they have been working on it diligently since then. She reiterated that they would be working on the exterior including replacing windows to bring the house into compliance.

Mike Whitley asked if the house had been secured against vagrants and Ms. Mendoza replied that it was; they changed the locks and they visit the property regularly. Mr. Rosales added that they also hired a yard man to go every two weeks to take care of the yard.

Stephanie Doss asked if they could get the work completed in 30 days and Mr. Rosales estimated it would take about 90 days and Ms. Mendoza stressed that they have been working with staff.

Dick Calvert explained that the valuation for the house is \$21,000; if the repairs costs more than 50% of that amount, the whole house has to be brought up to Code; he underscored there were some major things that would have to be done. Mr. Rosales felt the only major item was the foundation and he stated he understood.

Mickie McCabe stated she was just informed that her aunt, Mary Cruz, has the notarized papers and while she doesn't know where they are, she would find the papers and bring them to the City if necessary. Chair Atwood stated that the Board's role was not to decide who owns the house; the Board's role is to decide whether the property is substandard and enter an Order based on that.

Rick Pfeil moved to close the public hearing; second by Subal Sarkar and the motion was approved with a unanimous 9-0 vote.

Rick Pfeil moved to find that the structure at 1706 East Crosby is dangerous, substandard and a hazard to the safety and health of the public; and that the Board approve a Notice and Order to repair or demolish the structure within 30 days. If the property owner fails to comply, the Board authorizes the City to demolish the structure, abate all Code violations on the property and attach the costs as a lien against the property; second by Andy Folmer.

Rick Pfeil stated that since neither party that has come forward has provided a schedule of the work, what the work would consist of, and what the value of that work is going to be, it is prudent for the Board to proceed with approving and placing the Order into effect and giving the City authority to move forward.

Chair Atwood added that there is still time to come to the City with a plan for repair within that 30 day period.

The motion was approved with a unanimous 9-0 vote.

CHAIR/BOARD/STAFF REPORTS

Brett King stated that in order to change the date of the next meeting, the Board would need to take action with a motion.

Andy Folmer moved to move the June meeting to June 29; second by Jim Pipkin and the motion was approved with a unanimous 9-0 vote.

ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

Chairperson

Secretary