MINUTES OF THE PUBLIC HEARING
Building and Standards Commission
Tuesday, October 26, 2021 at 4:00 PM
City Hall, First Floor Council Chambers
825 W. Irving Blvd.
Irving, TX 75060

The Irving Building and Standards Commission met in regular session on Tuesday, October 26, 2021 at approximately 4:00 p.m. The following members of the commission were present/absent:

Commissioners Present:
Robert Andrews, Chairperson, Voting Member
Gaither Fisher III, Voting Member
Kevin Dodd, Voting Member
Phillip Meaders, Voting Member
Debbie Smith, Alternate
John Glover, Alternate
Matthew Boyle, Commission’s Legal Counsel

Commissioners Absent:
Paul Singh, Voting Member
Sylvia Dominguez-Santillan, Alternate

Commission Chairperson Andrews called the meeting to order and administered the swearing in of all persons who wished to speak in the Public Hearing. Code Enforcement Administrative Staff testified that all required legal notification and postings were completed for the meeting.

1. Approval of the Building and Standards Commission Work Session Minutes of April 27, 2021
2. Approval of the Building and Standards Commission Public Hearing Minutes of April 27, 2021

Commissioner Dodd made a motion to jointly approve both the Work Session and Public Hearing Meeting Minutes from April 27, 2021. Motion was seconded by Commissioner Meaders and passed unanimously.

3. BSCP 1808-0003 – 2333 Hill N Dale Dr. – Nelson, Barbara A. (Continued)

Program Coordinator, Randall Anglin, presented the case and provided photo evidence and gave oral testimony showing the property still not in compliance with the January 23, 2020 Commission Orders to repair or demolish the structures at the property. Since October 13, 2020, all permits have expired; no inspections requested; and nor has work been observed by City Staff. Staff recommended an Order to Assess Civil Penalties for the remaining violations in the amount of $9,850.00 for failure to comply with the January 23, 2020 Commission Orders.

Chairperson Andrews opened the floor to anyone who wished to speak on the case.

No speakers came forward on this case and the floor was closed to the public to begin deliberation. Chairperson Andrews opened the floor to City Staff or Commissioners for questioning.

Commissioner Dodd asked for clarification on progress made since Mr. Nelson’s appearance at the April 27, 2021 hearing. Due to knowledge of the case and his previous testimony, Commissioner Dodd suggested amending the amount for the civil penalties to reflect a start date of April 27, 2021.
Commissioner Meaders asked for the calculation of the penalties.

Commissioner Dodd made a motion to amend Staff's recommended Order for the penalties to start April 27, 2021 to October 26, 2021.

Deputy City Attorney Spugnardi confirmed the new penalty amount to be $4,550.00 for 182 days.

Seconded by Commissioner Fisher III, a vote was called for. The motion passed 4-1.

4. BSCP 1804-0005 – 1927 Colony Dr. – Est. of Lotis & Helen M Talbert (Continued)

Inspector Anglin provided photo evidence and oral testimony regarding the status of the property. The amended orders from April 27, 2021 required that the property be vacated, and all structures be repaired or demolished. After the occupants vacated the property, City Staff had the property cleaned and secured. He stated that although vacant, the property continues to deteriorate. The inside of the structure is uninhabitable. Due to the severe conditions at the property, Staff recommended an Order to demolish all structures on the property within thirty (30) days.

Ms. Spugnardi asked Inspector Anglin to testify to the following: the property is dilapidated, substandard; unfit for human habitation; a hazard to the public health, safety and welfare; constitutes an urban nuisance; the property cannot be repaired without substantial reconstruction; and demolition of the structures is appropriate. Inspector Anglin confirmed all to be correct.

Chairman Andrews opened the floor to anyone else who wished to speak on the case.

No speakers came forward on this case and the floor was closed to the public to begin deliberation. Chairperson Andrews opened the floor to City Staff or Commissioners for questioning.

Commissioner Dodd asked for confirmation that the property can be demolished within thirty (30) days. Inspector Anglin confirmed.

Commissioner Fisher III made a motion to adopt Staff’s recommended Order to demolish all structures on the property within thirty (30) days. Seconded by Commissioner Meaders, a vote was called for. The motion passed unanimously.

5. BSCP 2010-0004 – 1013 Shana Ln. – Nguyen David Est of (Continued)

Inspector Anglin provided oral testimony and photo evidence regarding the status of the property. The Commission Orders from January 26, 2021 required that the property be repaired or demolished no later than March 26, 2021. Since the deadline passed, Staff sought out contracts for the demolition. Due to completion of the demolition, Staff recommended closing the case.

Chairperson Andrews opened the floor to anyone who wished to speak on the case.

No speakers came forward on this case and the floor was closed to the public to begin deliberation. Chairperson Andrews opened the floor to City Staff or Commissioners for questioning.

Commissioner Dodd made a motion to adopt Staff’s recommended Order to close the case. Seconded by Commissioner Meaders, a vote was called for. The motion passed unanimously.
6. BSCP 1912-0004 – 804 S. Irving Heights Dr. – Thanuvelil Properties LLC (Continued)

Inspector Anglin provided oral testimony and photo evidence of the repairs completed at the property. The Commission Orders from January 26, 2021 was to repair or demolish within sixty (60) days. Since that time, progress was made to the interior and exterior of the property. Repairs were completed based on Staff’s recommendations. Due to compliance, Staff recommended closing the case.

The floor was opened to anyone else who wished to speak on the case. No one came forward to speak and the floor was closed to the public to begin deliberation. Chairperson Andrews opened the floor to City Staff or Commissioners for questioning.

Commissioner Meaders made a motion to adopt the Staff recommended to close the case. Seconded by Commissioner Fisher III, a vote was called for. The motion passed unanimously.

7. BSCP 2004-0003 – 672 Francine Dr. – Birdwell, David M. (Continued)

Inspector Anglin provided oral testimony and photo evidence regarding the status of the property. He reviewed the Commission Orders from July 23, 2020 to repair or demolish the structure within sixty (60) days. Because the property was occupied by vagrants, Orders were amended for the property to be secured. The City secured the property. Vagrants continued to vandalize the property. No improvements were made by the owner. The inside the property remains substandard. Staff recommended that the previous Orders be amended, and the property be repaired or demolished within sixty (60) days.

The floor was opened to anyone else who wished to speak on the case. No one came forward to speak and the floor was closed to the public to begin deliberation. Chairperson Andrews opened the floor to City Staff or Commissioners for questioning.

Ms. Spagnardi asked Inspector Anglin to testify for the following: notice of the public hearing sent by certified mail; return receipt requested to all owners, mortgagees and lienholders identified in his search giving at least ten (10) days advance notice of the hearing, notice of the public hearing posted on the front door of the structure at least ten (10) days in advance notice of the hearing; notice of the public hearing posted in a newspaper or general circulation in the City of Irving at least ten (10) days in advance of the hearing, all Orders previously issued by the Commission were filed in the deed records of Dallas County, documents are included in the Commissioner’s packets of materials which evidence the persons notified through the City’s due diligence search for the property and the notification that was provided to them; the property is dilapidated, substandard, unfit for human habitation, a hazard to the public health, safety and welfare, constitutes an urban nuisance; the property cannot be repaired without substantial reconstruction and that demolition of the structures is appropriate.

Inspector Anglin confirmed all to be correct.

Ms. Spagnardi informed that Commission that she was in contact with the Attorney Latrice Andrews who represented the individual who filed the probate. The Orders were probated so that estate was placed in Alice Johnson’s name. She was advised that the property is for sale and set to close on October 28, 2021. Also, she asked that the purchaser be aware the Commission’s proceedings. Since all Orders have been filed in the deed records, notices are binding due to sufficient notice to proceed with the demolition.
Commissioner Meaders asked Ms. Spugnardi for explanation of what would happen if the property closed with a new owner. Ms. Spugnardi stated that a new order can be made, however, they would need to comply with the sixty (60) day Order. If sufficient progress is made, then an update would be provided to the Commission.

Mr. Dodd asked what the new owner would find when completing a title search for the property. She confirmed they would see all previous Orders and notices of proceedings by the Commission.

Commissioner Dodd made a motion to adopt Staff's recommended Order that the property be repaired or demolished within sixty (60 days). Seconded by Commissioner Fisher, a vote was called for. The motion passed unanimously.

Adjournment:

Commissioner Dodd made a motion to adjourn the meeting. Seconded by Commissioner Meaders, the motion passed unanimously.

The meeting was adjourned by Chairperson Andrews, at 4:26 p.m.

APPROVED:

[Signatures]

Robert Andrews, Chairperson
Building and Standards Commission

Teresa Adrian, Director
Code Enforcement Department