



## MINUTES

**BRYAN BUILDING AND STANDARDS COMMISSION  
REGULAR MEETING  
MONDAY, OCTOBER 22, 2012 – 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

On the 22<sup>th</sup> day of October, 2012, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

**BSC Members Present:**

Jerry Ponzio  
Daryl Massey  
Rick Ravey  
Joe Montgomery

**Staff Members and Others:**

Greg Cox, Chief Building Official  
Martin Zimmermann, Planning Administrator  
Jonathan Koury, Assistant City Attorney  
Fred Taylor, Deputy Fire Marshall  
Dawn Kaatz, Code Enforcement Officer  
Jerry Fagan, Community Improvement Specialist  
Carmen Mulvaney, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

**1. CALL TO ORDER.**

Chairman Ponzio Called the meeting to order at 6:05pm.

**2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

No affidavits were filed.

**3. APPROVAL OF MINUTES FROM THE REGULAR MEETING ON SEPTEMBER 24, 2012.**

**Commissioner Massey moved to approve minutes. Commissioner Montgomery seconded the motion.**

Chairman Ponzio asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**4. OPENING STATEMENT FROM THE CHAIR.**

Chairman Ponzio read the opening statement

**5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.**

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

**6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).**

- a. **Case # 1829 606 W 17<sup>th</sup> Street**  
**Owner: Gatlin, Mary**  
City of Bryan Townsite, Lot 1-2 & pts of 3 & 8 – 10 & pt of Alley

Mr. Zimmermann advised the Commission that this was brought before them in April of this year, and the Commission ordered to repair the structure in accordance with a time schedule, and to appear before the board at every other scheduled meeting. Mr. Greg Cox, Chief Building Official believes that this property is not currently in compliance with the time schedule for repairs that the Commission ordered for this structure on April 23, 2012. Repairs to this structure of historic significance will likely be a long term project as funds are raised for repairs and restoration. However, this unoccupied building still has broken and/or unsecured opening through which an unauthorized person, including a child, could enter. The City recommends that the Commission, issue a new order to the owner, lienholder, or mortgagee to comply with a new time line, as described in the staff report (on file in the Development Services Department).

Chairman Ponzio opened the public hearing.

Ms. Eva Reed-Warden of the Arkitex Studio, Inc., representing the property owner, stated that the foundation work for the structure took much longer to get going than originally anticipated due to significant differences in pricing and contractor availability. The work was completed on October 8, 2012, or about 5 months after it was envisioned to be completed by the Commission's order. Ms. Read-Warden went on to say that they are currently are working on fundraising for the structure.

Responding to a question from Chairman Ponzio, Ms. Eva Reed-Warden stated that she feels comfortable with the timeline proposed by staff, and securing the property including installing a fence around the property.

Ms. Mary Gatlin of 5426 Dunsmere, Houston, Texas, thanked the Commission for working with her.

Chairman Ponzio closed the public hearing.

**Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to secure the**

**structure within 7 days, and repair the structure in 365 days in accordance with the timeline recommended by staff, and to appear before the Commission at every other regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled. Commissioner Montgomery seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

- b. Case # 1854 – 804 Henderson Street**  
**Owner: Barrows Bryan H III**  
SFA #10, Block 1, Lot 8

Mr. Zimmermann advised the Commission that staff had received an e-mail from Mr. Bryan H Barrows III (on file in the Development Services Department) asking that consideration be postponed until the Commission's January 2013 regular meeting.

**Chairman Ponzio moved to reschedule this case for consideration until the Commission's regular meeting in January 2013. Commissioner Montgomery seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

- d. Case # 1874 – 400 N. Bryan Avenue**  
**Owner: Court's Saddlery Inc**  
City of Bryan, Block 122, Lot 1 & 2

Mr. Zimmerman advised the Commission that they did not need to take any action with regard to this property as the building has been demolished.

- e. Case # 1877 – 1811 Marshall Avenue**  
**Owner: Macario P Rivera**  
Darwin Subd of Scanlan Subd, Block 8, Lot 2

Mr. Zimmermann advised the Commission that staff had received a letter (on file in the Development Services Department) from the property owner's attorney, Herlinda Rodrigues, requesting 60 days to demolish the structures on this property as the property owner is out of state for a month. Responding to a question from Chairman Ponzio, Mr. Cox stated that Mr. Macario has done what he said he was going to do on the other properties he owns in the past.

**Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove the building within 60 days or the City will demolish. Chairman Ponzio seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote**

- f. Case # 1878 – 4104 Old Hearne Road # 21**  
**Owner: Arnoldo M & Roxanna M Contreras**  
Woodville North Mobile Home Park, Moses Baine League, A-3 (8.72 acres)

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 4, 5, 6, 7, and 8. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to, vacate the structure within 10 days, and to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Joe Fazzino of 3109 Overcrest, Bryan Texas, advised that he agrees that it needs to be demolished.

Chairman Ponzio closed the public hearing.

**Chairman Ponzio moved to accept staff's recommendation that this building is unsafe and that the Commission issues an order to the owner, lienholder or mortgagee to vacate the structure in 10 days and demolish/remove the building within 30 days or the City will demolish. Commissioner Massey seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

- g. Cedar Tree Acres Mobile Home Park - 507 Palasota Drive**  
Zeno Phillips, Block 17, Lot 25.1, TR-88 (2.81 acres)
  - 1. Case # 1879 – 507 Palasota Drive #7**  
**Owner: Jason C Millsap**
  - 2. Case # 1880 – 507 Palasota Drive #16**  
**Owner: Jason C Millsap**
  - 3. Case #1882 – 507 Palasota Drive #36**  
**Owner: Lenard Millsap**
- h. Case # 1881 – 2303 Bomber Drive #17**  
**Owner: Jason Millsap**

Park Place Mobile Home Park, Lakeview North Addition, Block 3, Lot 11 (1.26 acres)

Mr. Martin Zimmermann advised the Commission that staff has received a letter (on file in the Development Services Department) from Mr. Lenard Millsap, requesting to reschedule consideration of agenda items 6.g.1-3 and 6.h. until after January 1, 2013 because of his chemotherapy treatment.

**Commissioner Massey moved to accept staff's recommendation for agenda item 6h. that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to vacate and secure the structure in 10 days, and have the owner return to the Commission's January 2013 regular meeting with plans to repair or demolish the structure. Commissioner Massey seconded the motion.**

Chairman Ponzio asked if there was any discussion.

There was none.

**The motion passed unanimously.**

**Chairman Ponzio moved to reschedule agenda items 6.g.1-3 for consideration until the Commission's regular meeting in January 2013. Commissioner Montgomery seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed with a unanimous vote.**

- c. **Case # 1872 – 4413 N. Texas Avenue #26**  
**Owner: Francisco Garcia**  
Village Park North Mobile Home Park (5.172 acres out of Moses Baine Survey, A-3)

**Commissioner Massey moved to accept the City's recommendations for agenda item 6c. Commissioner Ravey seconded the motion**

Chairman Ponzio asked if there was any discussion.

There was none.

**The motion passed unanimously.**

**7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).**

- A. **The next regular meeting is scheduled for 6p.m. on Monday, November 26, 2012, in Council Chambers, Bryan Municipal Office Building, 300 S. Texas Avenue.**

Mr. Zimmermann reminded of the upcoming regular meeting, which will be the last regular meeting of 2012 in accordance with the Commission's adopted meeting calendar.

**8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).**

No future agenda items were requested.

**9. ADJOURN.**

Without objection Chairman Ponzio adjourned the meeting at 6:43pm

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the **26<sup>th</sup>** day of **November, 2012**.

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Jerry Ponzio, Chairperson  
Building and Standards Commission  
City of Bryan, Texas

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Greg Cox, Chief Building Official and  
Secretary to the Building and Standards  
Commission