

# Unsafe to Occupy Removing a Criminal Nuisance and Health Hazard From a Neighborhood



## **A Problem Oriented Policing Success**

**Plano Police Department  
Neighborhood Police Unit**

**Officer Brad Ewell  
Sergeant Frank McElligott**



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*city of plano*  **police department**  
**OFFICE OF POLICE CHIEF**

Gregory W. Rushin  
Chief of Police

P.O. BOX 860358  
Plano, Texas 75086-0358  
972-941-2114

June 28, 2007

Rob Guerette  
Herman Goldstein Award Coordinator

Subject: Plano Police Department  
POP Initiative: Unsafe to Occupy

Dear Committee:

Please accept this nomination for the Herman Goldstein Problem Oriented Policing Award, based on POP "Unsafe to Occupy" initiated by the Plano Police Department's Neighborhood Police Officer Unit. Officer Brad Ewell from this Unit started working on the project due to increased contact with convicted criminals and drug users centered around 1204 Quill Dr. in Plano, TX. These subjects caused citizens to have an increase in fear of crime due to the numerous arrests, disturbances, and increased property crimes observed by neighbors of this residence. Citizens complained directly to Officer Ewell about the subjects they felt were suspicious in their neighborhood, as well as the general deterioration of the property. Some of the residents in the neighborhood had dealt with issues from this house for over a decade. The "Unsafe to Occupy" project took approximately four years to complete and resulted in the problem residence being condemned.

Officer Ewell used the SARA Problem Solving Model during this process and had to analyze this problem twice when his first response did not achieve the desired result. Officer Ewell devised a coordinated plan that included the City of Plano's Property Standards Department, Neighborhood Services Department, as well as the residents of the house to resolve this problem. Through their combined efforts the house was condemned and the offenders have moved out of our city. Citizens now feel safer and police calls for service to the location have been minimized.

During this initiative, the public's safety as well as their support of the Plano Police Department, has increased. The methods used by Officer Ewell proved Police officers can make a positive difference when working with the community.

Sincerely,



Ed Drain  
Assistant Chief



**"Professionalism - Integrity - Progress"**



# Unsafe to Occupy Removing a Criminal Nuisance and Health Hazard From a Neighborhood

## Plano Police Department, Texas, 2006

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**Scanning:** Officer Ewell noticed an increase in contact with convicted criminals coming and going from a residence located at 1204 Quill Drive. Neighbors were also contacting Officer Ewell about what they felt was suspicious activity possibly related to narcotics use at the same address. Officer Ewell contacted the homeowner who told him her brother, who was currently on parole, had started using narcotics again. Furthermore, prison associates had begun frequenting the house.

**Analysis:** Officer Ewell learned the home was owned jointly by the female resident and her parolee brother. The female resident was somewhat cooperative with the police, but felt that she really could not control activities at the house because she was only the half owner. Officer Ewell also contacted some of the neighbors around the residence who told him they had complained about the physical deterioration of the residence to other city departments. The harm from this problem was widespread throughout the neighborhood. The residents had an increased fear of crime because they attributed property crime in the to activity at the house, and the suspicious people they saw coming and going from the house. Property values around the house also dropped.

**Response:** Officer Ewell determined it would take a joint response for the Police Department, the Texas Department of Criminal Justice (TDCJ) Parole Division, and the Property Standards Department, as well as cooperation from the homeowner, to end this problem. With the assistance of these other departments, Officer Ewell was able to:

1. Get Mr. Heiden's parole revoked.
2. Assist Mrs. Schultz in evicting Ms. Allen.
3. Develop a closer working relationship with Mrs. Schultz so that she did not hesitate to call him with information about people staying at the house. With this closer working relationship, Officer Ewell was allowed access to the home when new people were there. This allowed him to identify them and take any possible enforcement action.
4. Get property standards to aggressively pursue substandard issues with the home that eventually led to the house being condemned.

**Assessment:** The overall result of the project was successful. Criminal activity at the house has completely stopped. There was displacement of offenders who frequented the location; however, this displacement has not caused a noticeable increase in criminal activity in other areas.

## **Introduction**

This project began in December of 2002, and was completed in May 2007. It successfully removed a neighborhood nuisance from an otherwise quiet, well-established neighborhood. The project was started when Officer Ewell noticed an increase in contact with convicted criminals, many of whom admitted to being current drug users, around 1204 Quill Dr. in Plano, TX. The house is located in an older neighborhood where many of the residents are the original buyers, dating back to when the homes were built in the 1960's. Others had owned their home for ten or more years. This included the owners of 1204 Quill Drive, who had inherited the house after their mother died. Officer Ewell also noticed a physical deterioration of the interior and exterior of the home, and felt it was a health hazard. When Officer Ewell had been inside the house he observed evidence of rat infestation, rotten food sitting out on counters, inoperable toilets and sinks, as well as dog feces and urine that the residents would not clean up inside the house. This same house had been in a horrible state of disrepair in 2001. The City of Plano funded \$30,000 to rehabilitate the house at that time.

## **Scanning**

At the beginning of this project, Officer Ewell was contacted by residents of the neighborhood around 1204 Quill Drive who stated they believed there was narcotics use at the house. Residents also told Officer Ewell they had complained about the physical deterioration of the property to other city departments, but had not seen any improvement. This project was a priority for Officer Ewell because it brought a large number of criminal offenders into the neighborhood. This large influx of offenders caused other residents of the neighborhood to have an increased fear of crime. This increased fear in crime was associated with the large number of arrests the other residents observed, as well as loud disturbances that occurred in the front yard of the

residence. During this project there was also an increase in property crimes, specifically 4  
vehicle burglaries and vehicle thefts. These were eventually linked to one of the  
residents of this house and some of his associates. After receiving the complaints from  
the neighborhood, Officer Ewell contacted Mrs. Schultz, the female homeowner of 1204  
Quill Drive, to try to determine what had caused the increase in visits from convicted  
criminals to her house. Officer Ewell had contacted Mrs. Schultz on previous occasions  
dealing with criminal activities her son was involved in, and during the rehabilitation  
project the City had completed on her house. Mrs. Schultz told Officer Ewell that her  
brother, Mr. Heiden, who was on parole, and his girlfriend, who also lived at the house,  
were using narcotics, specifically methamphetamine. Mrs. Schultz also told Officer  
Ewell many of the new people coming and going from the house were people her  
brother had met while he was in prison, and they were actively using drugs at the house.  
Furthermore, Mrs. Schultz stated she felt helpless in controlling the activity in the house  
because she was only a half owner of the house.

## **Analysis**

Officer Ewell began his analysis by asking himself if the complaints he received, plus his  
own observations, related to 1204 Quill Drive met the definition of a problem. First, he  
noted there had been more than two incidents or problems that had occurred at 1204  
Quill Drive. These incidents included numerous arrests and calls for service at the  
house. Second, these incidents were all similar in nature. All of these incidents involved  
known convicted criminals coming to the location. These individuals felt they could stay  
at the location to avoid law enforcement, and use narcotics freely inside the house.  
Third, these incidents were capable of causing harm. There was an increased fear of  
crime in the neighborhood. The majority of the neighborhood had at one time or another  
observed people being arrested at the house, physical and verbal disturbances outside  
the house, and several had been victims of property crimes they felt were related to the  
residents and visitors at 1204 Quill Drive. One of the most concrete harms identified  
was a substantial drop in property values. In 2002, the house across the street from

1204 Quill had an assessed value of \$107,900. In 2003, the owner sold the house for approximately \$59,000. The owner stated when people would come to look at the house they would see the condition of 1204 Quill Drive, as well as some of the disturbances, arrests, etc. that would occur while they were there and decide not to make an offer to buy the house. Finally, there was an expectation for the police to correct the problem. This was demonstrated by the calls for service at the location, as well as complaints to individual officers. Officer Ewell decided that to reduce the number of wanted criminals coming to 1204 Quill Drive, reduce the drug use at the location, and reduce crimes associated with the house, it would be most effective to make the location a less desirable location for offenders to visit. During his analysis, Officer Ewell found most offenders came to this house because of the anonymity they felt they had while they were there. Because of the lack of cooperation with the police, offenders did not feel there was any threat of officers ever being able to identify them once they were safely inside the house. These offenders were allowed to come and go from the property as they pleased, often without ever asking permission from either of the homeowners.

There were also no rules or standards of behavior at the house. Visitors and residents at the house regularly stole items from each other. Visitors also openly used narcotics, and the two non-drug users living at the house would not call the police to complain. Officer Ewell felt there were three steps that needed to be used to make this a less desirable location for criminal offenders. The first step would be to build a better working relationship with the non-criminal residents of the house. In doing this, Officer Ewell hoped to get them to call him when criminal activity was occurring, as well as allow him into the house without any hesitation. This would take away the anonymity and feeling of safety offenders had when visiting the location. The second step would be to remove the people the criminal offenders were there to visit. Officer Ewell identified these people as Mr. Heiden and his girlfriend. Officer Ewell realized that while he worked on removing them from the house he needed to treat them respectfully so he would still be able to work with them when they returned to the house. To do this, Officer Ewell kept in contact with all the residents of the house even if it was just to stop by for nothing other

than a social visit, or to help them get government assistance. The final step would be to work with the City's Property Standards Department to remedy the safety, health, and physical deterioration issues.

## **Response**

Officer Ewell began his response by making more contacts with Mrs. Schultz about non-criminal matters. While doing this he also tried to assist her with things such as ensuring there was food at the house and trying to facilitate communications between Mrs. Schultz and other city departments. This had almost immediate results. Mrs. Schultz, who at the time did not have a phone, would not hesitate to answer questions about other people who were staying at the house. This included a male and female couple that had moved into the house after Mr. Heiden told them they could. Through the information Officer Ewell received from Mrs. Schultz, he was able to identify the male as a registered sex offender that had moved to the location without making the required law enforcement notifications. Officer Ewell obtained a warrant for the subject and removed a potentially dangerous subject from the neighborhood. During this same time, Officer Ewell began working on removing Mr. Heiden from the house. He did this by contacting Heiden's parole officer about possible parole violations. In December, a parole violation warrant was issued for Heiden and Officer Ewell arrested him. While Heiden was in jail from 12/13/03 – 04/01/04, Officer Ewell was able to convince Ms. Allen to move out of the house. While both Heiden and his girlfriend were gone there were no arrests made at the house, and no calls for service other than Officer Ewell checking in on Mrs. Schultz. Once Mr. Heiden was released from prison, he moved back into 1204 Quill Drive with his girlfriend. After they moved back into the house the criminal activity reemerged, but because Officer Ewell had kept lines of communication open with Mrs. Schultz during Heiden's prison sentence, she did not hesitate to allow him access to her home. During the year Heiden was out of prison from 04/01/04 – 04/26/05, there were steady increases in arrests of wanted offenders at the location. Over that one-year period, officers made ten arrests at the house for traffic warrants, forgery, narcotics, and

assault. During this same period, from 12/03 to 04/05, Officer Ewell began working with the property standards department about possible code violations at the home. The property standards department began closely monitoring the house, issuing citations for all violations. Furthermore, Property Standards regularly contracted to have the back yard cleaned out and the grass mowed. Each of these clean-ups resulted in a lien being placed on the house for the cost of the work done. On 03/05, Officer Ewell contacted Heiden's parole officer to again express his concerns with Heiden's narcotics use. Heiden's parole officer advised she needed to get another urine test that showed positive for drug use before she would be able to violate Heiden's parole again. She also stated the urine tests are normally done during one of the scheduled visits where Heiden would report to the parole office. The problem was that since Heiden's parole visits were scheduled ahead of time he was able to stop his methamphetamine use for a few days and pass the test. Officer Ewell was able to get her to agree to a meeting at 1204 Quill Drive that Heiden believed was a routine home visit. During this visit, Officer Ewell assisted the parole officer in getting a urine sample. After the visit, and the taking of the urine sample, Officer Ewell explained to Heiden that his parole was going to be violated. During this discussion, Heiden agreed he would quitclaim deed his interest in the house at 1204 Quill Drive, and give power of attorney to his sister so she could try to force out the other criminals that were staying in the house. Officer Ewell assisted Heiden in finding a notary to witness his transfer of the house and power of attorney to Mrs. Schultz. On 04/01/05, a warrant for parole violation was issued for Heiden's arrest. On 04/26/05, Heiden was located hiding in the attic of the house and arrested after an anonymous tip. While Heiden was back in prison, Officer Ewell continued to focus on getting Ms. Allen out of the house because she was still using narcotics and still bringing an unwanted element into the neighborhood. While doing this, he continued to build a relationship with Mrs. Schultz who was now much more willing to give him information. On 5/11/05, Officer Ewell observed two subjects he had not seen at the house before. He contacted Mrs. Schultz by phone and got one of the subjects identified and confirmed as wanted. While Mrs. Schultz was letting officers in the house, Officer Ewell observed



Ms. Allen assisting an unknown subject in hiding in the closet. Once Officer Ewell 8 entered the house and contacted the unknown subject, he learned this subject had warrants out for her arrest. Officer Ewell arrested her and was able to get her to provide a written statement about Ms. Allen concealing her so she could avoid arrest. With this written statement, Officer Ewell was able to get an arrest warrant for Ms. Allen. On 5/12/05, Officer Ewell returned to the house and arrested Ms. Allen. During this arrest, Officer Ewell had an hour-long talk with her. He advised he believed she could get off narcotics, but she was going to have to get out of the house first. After Ms. Allen's arrest, Officer Ewell walked Mrs. Schultz through the eviction process to remove Ms. Allen from the house. Ms. Allen was evicted from the house on 6/01/05, while she was still in jail. Once she was released from jail, Ms. Allen met Officer Ewell and Mrs. Schultz at the house so she could remove her belongings. During this time, Mrs. Schultz gave Ms. Allen a criminal trespass warning forbidding her return to the house. This should have ended the problems at the location, but they continued which caused Officer Ewell to step back and do a second analysis of the problem.

## **Second Analysis**

Officer Ewell believed that with the removal of Mr. Heiden and his girlfriend, the unwanted activities at the house should have been reduced considerably. The offenders that had been coming to the house on a regular basis would no longer come to the house since the people they visited were no longer there. However, after the removal of Heiden and his girlfriend there was still a steady flow of criminals in and out of the house. This included four known narcotics users, one that had been arrested out of the house on 04/05/05, and three known prostitutes. All of these subjects were allowed to stay at the house whenever they wanted, and allowed to do as they pleased while there. Officer Ewell made frequent contacts, and interviews, with these subjects, arresting them when he could. From interviewing these subjects, Officer Ewell learned the actual root cause of the problem was Mrs. Schultz. She would allow anyone to stay in the house regardless of his or her activities. Mrs. Schultz knew there was criminal activity going on

in her home, but refused to take any steps to stop the activity unless she felt it affected her in some way. Officer Ewell also found that the criminals at the house had felt they had even more anonymity than before because Mrs. Schultz made no attempts on her own to learn anything about the subjects. During several of his contacts, Mrs. Schultz admitted to Officer Ewell that she did not know who was staying at her house, and many times did not know how long these people had been there. Officer Ewell's options were limited in dealing with Mrs. Schultz. She was committing no criminal violations, and he wanted to keep a good working relationship with her. Officer Ewell explored the option of a nuisance abatement on the house, but found the necessary requirements for filing a case were not present. Officer Ewell decided he would continue to work with Mrs. Schultz and try to encourage her to take the necessary steps to correct the problems at the house. While this was going on, it looked like the problem might be brought quickly to an end. Mrs. Schultz contacted Officer Ewell and told him she was going to sell her house because she was behind on taxes. Mrs. Schultz did quitclaim the house to another person, but continued to live there. This created even more problems. The person she quitclaimed the house to was a narcotics user. Furthermore, he allowed his girlfriend and another acquaintance to move into the house. Both subjects were heavy drug users as well. Within a couple of weeks of the house being quitclaimed, the activity around the house went to levels similar to when Heiden and his girlfriend were living there. When this happened, Officer Ewell decided to try again to work with property standards to get the house either condemned or foreclosed.

## **Second Response**

Officer Ewell again contacted the Property Standards Department about the substandard issues he had seen while he was inside the house. These issues included toilets that did not work, wiring hanging out of the ceiling, a window air conditioner unit that had its power cord spliced into a two-wire lamp cord, dog feces and urine throughout the house, and evidence of rat and bee infestation. The Property Standards Department contacted the Neighborhood Services Department, who had completed the rehabilitation on the

house in 2001. In January 2007, Officer Ewell met with Property Standards, 10  
Neighborhood Services, and the City Attorney's Office to discuss the issues at 1204  
Quill Drive. During the meeting it was determined the best way to rid the neighborhood  
of this nuisance was to begin another substandard property investigation. Additionally, it  
was decided to call the lien due because of the numerous violations such as selling the  
house to a third party, failure to pay property taxes, and allowing the home to become  
substandard. After this decision was reached, Officer Ewell and members of the  
Property Standards Department did an initial inspection of the house on 1/10/07. The  
Property Standards Department came up with a list of 21 separate violations that  
needed to be corrected. Afterwards, a letter was sent to the homeowner demanding the  
repairs be made in 30 days. At the end of the 30-day period, a second inspection was  
completed. None of the necessary repairs had been made. Because of this, the  
Property Standards Department presented a case against the house to the Building  
Standards Commission. The Building Standards Commission found the property was  
still substandard, and condemned the house. This forced all occupants to vacate the  
house. After this, the house was boarded up and no one was allowed to be inside of the  
house during the hours of 7am to 7pm. Anyone in the house between those hours had  
to be making repairs. Over the next thirty days, the owner did some cleanup inside the  
house, but no repairs were made. On 4/27/07, after an earlier initial inspection by  
property standards, property assessors were called to the house and another  
administrative search warrant was served on the house. The assessors inspected the  
home to determine what the cost would be to bring the home out of its substandard  
condition. The assessors estimated the total rehabilitation cost of the house would be  
approximately \$70,000. The house itself was only valued at \$76,141 and \$25,000  
represented the value of the land. Because of the high cost to repair the house, it was  
brought before the Building Standards Commission on 5/15/07, and demolition of the  
property was requested. During the meeting, a subject spoke to the board offering to  
purchase the house, repay all of the outstanding liens as part of the purchase price, then  
rehab and sell the house. The board agreed this would be the best possible solution to

this problem, but tabled the issue until the board meeting on 6/19/07 to allow time for the purchase to be completed. On 6/19/07, the Building Standards Commission held another meeting with 1204 Quill Drive on the agenda. Before the meeting, a resident of the neighborhood went door to door handing out notices in an attempt to get more community support at the meeting (the flier is attached on page 26). In response to the notice, twenty residents from the neighborhood showed up to speak about their experiences living around 1204 Quill Drive. Some of these residents had lived near the house for over 20 years (see Building Standards Commission meeting minutes on pages 28-52). The person attempting to purchase the house was also there, and told the commission he would need more time to process the sale. This is because he found two additional owners of the house after a title search, Mr. Heiden and his brother. After hearing the testimony of the neighbors, and the potential buyer, the commission tabled the item until the next meeting. This seemed to please most of the residents attending the meeting. They were in favor of giving the potential buyer more time so the lot would not sit empty.

## **Assessment**

Since the house was condemned on 03/27/2007, most problems have been eliminated. There has been one traffic warrant arrest made at the location. The subject arrested was a friend of the owner, and was helping move items out of the house. Over the two-month period, since the house was condemned, there have been 13 calls for service at the location; however, all of these have been officers either assisting Property Standards with follow up inspections, or checking the residence when someone failed to secure it after doing work. Officer Ewell also assessed the success of this project by interviewing neighbors that lived around 1204 Quill Drive. They are all very happy the City has taken definitive action to remove this neighborhood nuisance, and they are already able to see results with the decrease in traffic around the house. There have been no noticeable ramifications of the displacement of these offenders into the City. While Officer Ewell is sure these offenders are still in the area, they no longer have a place where they all

gather. One of the biggest successes of this project has been the rehabilitation of some 12 of the subjects who once lived at the house. Mr. Heiden went through drug rehabilitation while he was back in the Texas Department of Corrections for his parole violation. Ms. Allen moved away from the house after she was arrested by Officer Ewell, and voluntarily entered drug rehabilitation. Both Mr. Heiden and Ms. Allen now live in a neighboring city, they have been drug free for over two years, and keep in contact with Officer Ewell on a regular basis. When Officer Ewell began writing this submission, he contacted Mr. Heiden and Ms. Allen to get their input on the experiences they had while this was an ongoing project. Mr. Heiden wrote a two-page summary that is attached.

## Agency and Officer Information

Officer Ewell initiated this project, but many other officers assisted him throughout the four years it took to bring this project to completion. When Officer Ewell began this project he was assigned to the Neighborhood Police Officer Unit. He had received training in problem oriented policing prior to entering the Unit that was presented by the Police Executive Research Forum. Officer Ewell reviewed several of the previous publications from the Center for Problem Oriented Policing to identify different approaches to this project. No special incentives were given to officers for worked on this project. Minimal agency resources were expended while working on this project and none of the resources went outside the normal agency budget.

### Project Contact Information

Officer Brad Ewell #1407  
 Problem Oriented Policing  
 Neighborhood Police Officer Unit  
 909 14<sup>th</sup> St. Plano, TX. 75074  
 Voice Mail: 972-941-7401 ext. 6168  
 Cell: 972-816-8244  
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Sergeant Frank McElligott #1147  
 Supervisor of the Neighborhood Police Officer Unit  
 909 14<sup>th</sup> St. Plano, TX. 75074  
 Voice Mail: 972-941-2527  
 Cell: 972-816-8330  
 E-Mail: [frankm@plano.gov](mailto:frankm@plano.gov)

### Plano Police Department Website

[www.planopolice.org](http://www.planopolice.org)

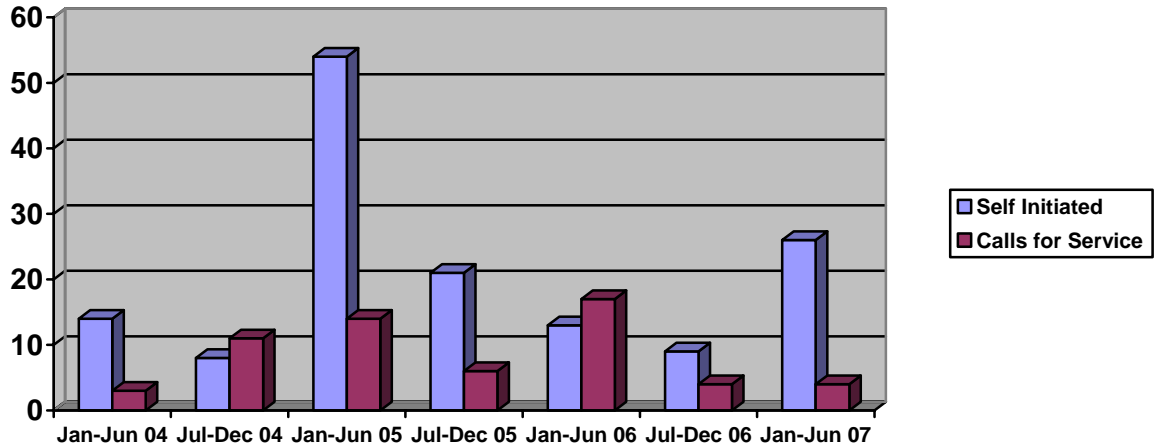
### City of Plano Website

[www.ci.plano.tx.us](http://www.ci.plano.tx.us)

### Attachments:

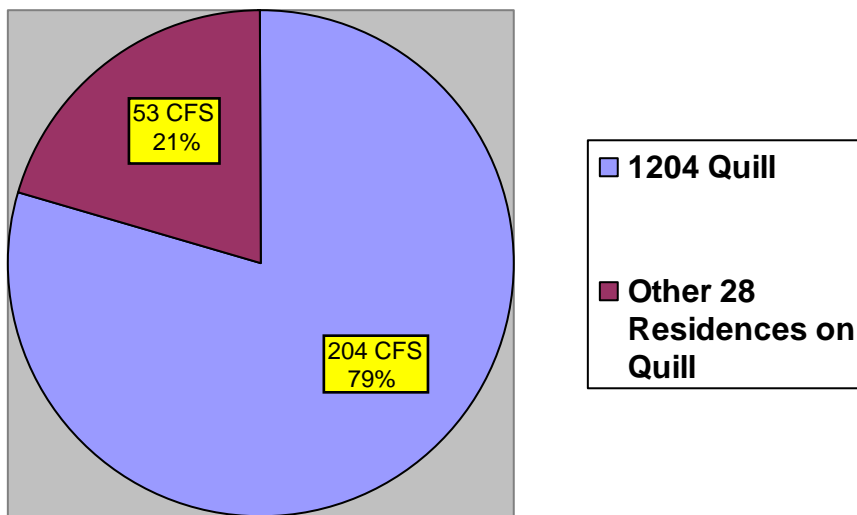
Pages 14 & 15 - Charts and Graphs related to 1204 Quill  
 Pages 16 - 23 -- Photographs from 1204 Quill  
 Pages 24 & 25 -- Letter from Mr. Heiden  
 Page 26 -- Notice of the Building Standards Meeting  
 Page 27 -- Open letter to the Building Standards Commission from neighborhood  
 Pages 28 - 52 -- Building Standards Committee Agenda and Minutes Including the Commission's order for the house. (Portions related to Quill are highlighted in Yellow)

## 1204 Quill Drive Calls for Service

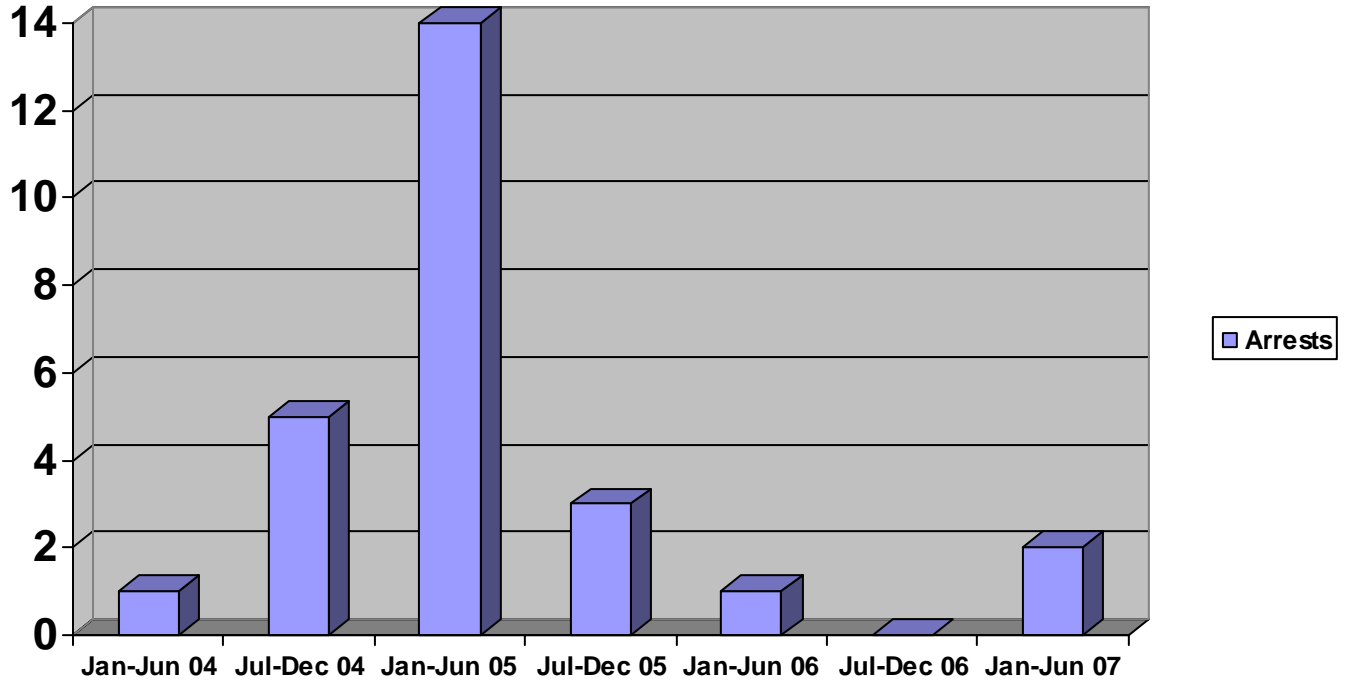


25 of the 30 calls for service in Jan-Jun 07 were assisting property standards while they were doing inspections of the property.

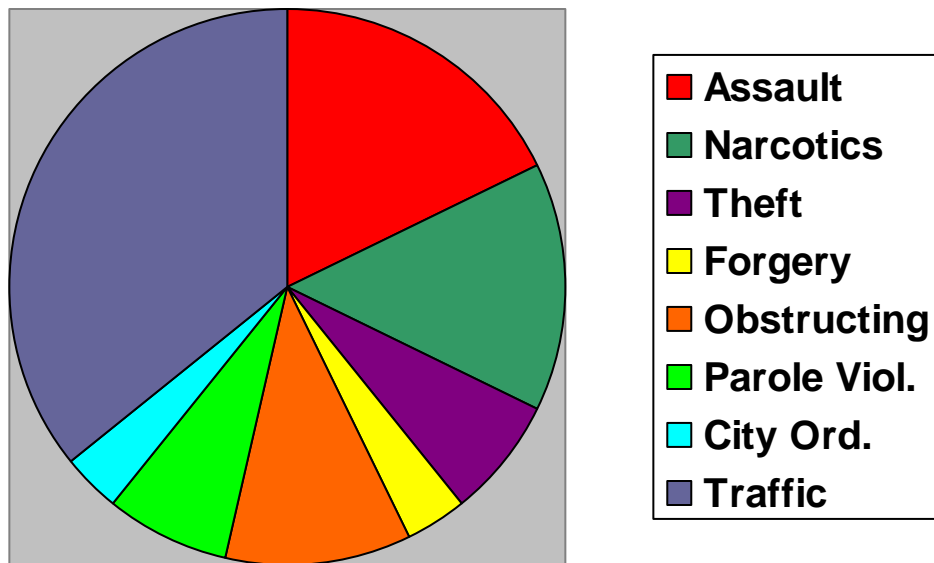
## Calls for Service 2004 – 2007 From Quill Dr.



### 1204 Quill Drive Arrests

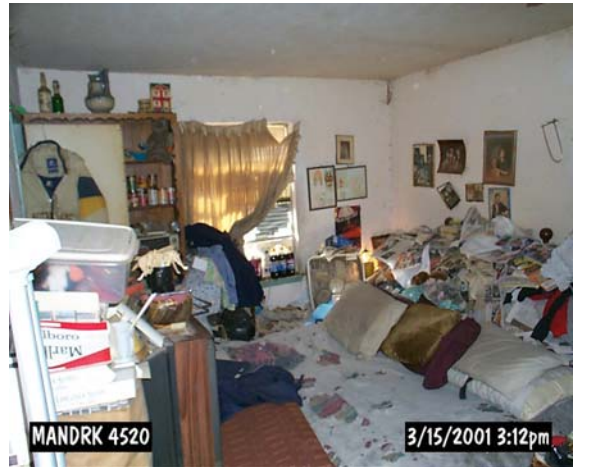


### Arrest types from 1204 Quill Dr.





# 1204 Quill Dr. 03/15/01



# 1204 Quill Dr. 03/15/01



# 1204 Quill Dr. 01/10/07





# 1204 Quill Dr 02/15/07





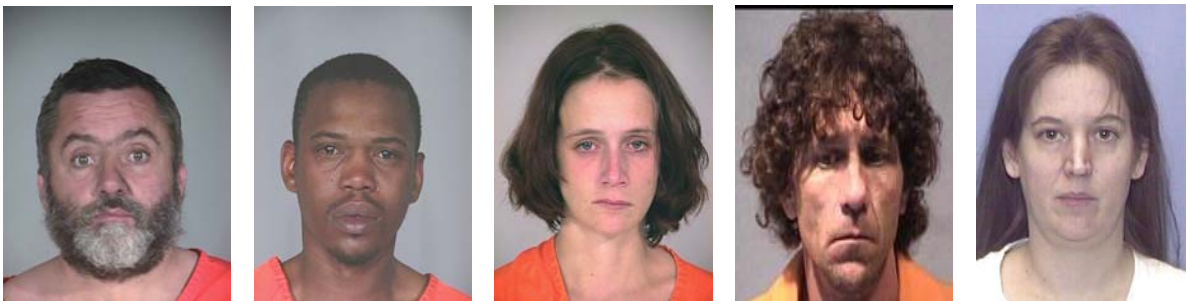
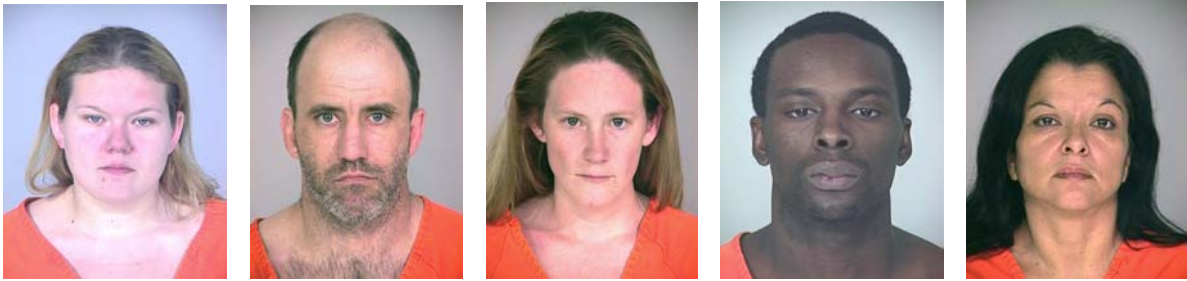
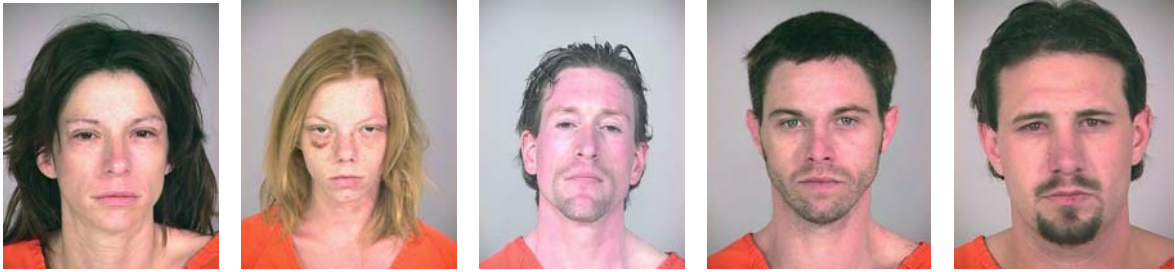
1204 Quill Dr. 04/02/07



# 1204 Quill Dr. 04/27/07



# Faces of 1204 Quill from 2003-2007





June 2007

This letter is to express our appreciation for the actions of the Plano Police Department, primarily, officers Brad Ewell and Paul Bowman.

We were residents of the house located at 1204 Quill Drive, Plano, Tx 75075. Without going into the lengthy and sordid history of that address, we will focus on the time period of 2003-2006.

At that time, the house was a den of minor criminal activity. Drug use and selling, and minor thefts. Over that three years, Plano Police made numerous arrests of criminals, over 30 arrests to date.

Quill was a place for people to meet at. Some drug transactions took place, but mostly it was a place for people to hang out at.

The Plano Police instituted a plan of heavy police presence. Most of the arrests were of people who had prior warrants, not of any crimes committed on the property.

The Plano Police did quite a bit to help the residents of that house to become productive and responsible citizens. I cannot tell how many times that officers Ewell and Bowman would come to the house to check on us to make sure we were doing okay. There was a genuine concern for our well-being, and that is what helped us to break the cycle of addiction.

(2)

I want to especially comment on the way that the Plano Police would interact with us. At all times they were very respectful. That attitude was also helpful to our decision to clean up.

The Plano Police would park down the street and run tags of vehicles that came over. For the most part, only people with active warrants were pulled over and arrested. The heavy police presence also had another effect, perhaps one they did not consider. I used to be a thief. Since my release from prison in 2001, I have not engaged in the activities of shoplifting and burglary I once used to do. If I did not have a heavy police "threat" around, it is possible that, in the grip of my methamphetamine addiction, I would have fallen into old habits.

The police activity severely reduced traffic to the house. It would have gotten out of control if they had not been around.

The neighborhood Liason program, especially as performed by officers Brad Ewell and Paul Bowman, is an effective tool to institute the Plano Police into the community and to help reduce crime. The actions by the Plano Police has helped us to succeed and do well. We have been clean and sober for over two years now. We are doing well, and will continue to do so.

If you have any questions, feel free to call me and I will talk in more detail on these issues.

Sincerely,

# IMPORTANT INFORMATION

## ABOUT the PROPERTY at 1204 QUILL DRIVE

As you may or may not know, there was a Building Standards Commission hearing on May 15, 2007, regarding the fate of the above-mentioned property. Because of the extremely poor condition of the property, the Building Standards Commission held the hearing to determine if it needed to be demolished. Code enforcement had hoped that there would be some people from the neighborhood there to give support for that action. Not one person from this neighborhood was present. Read the minutes of the meeting for yourself: <http://pdf.plano.gov/agendas/bscminutes/bscm051507.pdf> (go to page 3 of the document for all the details).

There is now a person who wishes to purchase this property from its current owner to fix it up and resell it. We do not want this. We want this property demolished, the land sold, and a new home built in its place. A new home will give rise to an increase in your property value; an attempt at refurbishment of the existing property will cause a decrease in your property value.

There was a technicality in the hearing which caused a postponement for final decision of the property's fate. ***This is our LAST opportunity*** to have a say in what happens to the property at 1204 Quill Drive. This property has been a haven to drug-dealing and stolen property, acting as a half-way house, and attracting the kind of traffic no neighborhood can tolerate. We need to band together and insist that the city condemn the property and take it to the ground.

If you wish to have your voice heard about this property, please join your other neighbors on **June 19, 2007 at 4:00 pm in the Building Inspections Training Room, 1520 Ave K (the building is east of Ave K, 100 yards north of 15<sup>th</sup> St.)**

**If we do nothing, we will have no say in what type of home we will have in our neighborhood which affects all of our property values, as well as the safety and well-being of our neighborhood.**



***Please make every effort to be there.***

## OPEN LETTER TO BUILDING STANDARDS COMMISSION-PLANO, TEXAS

We, the undersigned homeowners, do not live on Quill Drive. We own homes on Ridgefield Drive and Oakhill Drive. However, because of the close proximity of our homes to the house at

1204 Quill Drive, Plano, Texas 75075, whose fate is in the hands of this committee, we want to go on public record noting:

- We have all owned our homes for at least 15 years.
- 1204 Quill Drive has worried us for over 20 years.
- We have had much concern about children living close to 1204 Quill Drive.
- 1204 Quill Drive has consistently been the source of drugs, violence, and police intervention.
- This property has been substandard to the entire neighborhood since any of us can remember.
- Several previous attempts to restore the property have failed.
- We have known people who would not purchase homes in our neighborhood because of 1204 Quill Drive.

Due to health considerations of attempting to renovate a structure known to have had hazardous chemicals present and the dubious benefit of such remodeling, we believe it best that 1204 Quill Drive, Plano, Texas 75075 be demolished. The existing structure at this troubled address needs to be removed.

We believe it will be most beneficial to the neighborhood as a whole to encourage a new start at 1204 Quill Drive. A new home there certainly will help sustain our property values. Foiled reconstruction or a bare foundation will not.

If demolition is mandated though, we have these questions. What time frame will be imposed and upon whom to ensure we are not stuck with an overgrown lot collecting trash and pest infestations?

Sincerely,

<u>NAME</u>	<u>ADDRESS</u>	<u>YEARS @ ADDRESS</u>
Selonna Z. Stahle		26
Herb & Elizabeth		35
Dennis & Jamie		2
Mary Kaminsky		37
Edward A. Kan		37
Mauro Overada		2
Barbara Lawson		40

**NOTICE OF MEETING**

NOTICE IS HEREBY GIVEN THAT THE BUILDING STANDARDS COMMISSION WILL MEET IN WORK SESSION IN THE BUILDING INSPECTIONS CONFERENCE ROOM, 1520 AVENUE K, AT 4:00 P.M. FOR AGENDA REVIEW, AND IMMEDIATELY FOLLOWING, WILL CONVENE INTO A REGULAR SESSION IN THE BUILDING INSPECTIONS TRAINING ROOM LOCATED AT 1520 K AVENUE, PLANO, TEXAS ON TUESDAY, MARCH 20, 2007, AND WILL HOLD PUBLIC HEARINGS AS FOLLOWS:

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AGENDA ITEMS:

1. Public Comments, In accordance with the Open Meeting Act, the Building Standards Commission will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration. Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Chairman. Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda. Speakers will be notified when speaking time has expired
2. Approval of Minutes: February 20, 2007
3. Jackson Roofing – Request for reinstatement of canceled contractor registration. Requested by Michelle Jackson.
4. Discussion regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property;  
  
1204 Quill Drive, Plano, Texas – Owner James E. Jack
5. Items for future agenda.

***Note: The Building Standard Commission may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.***

<p>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Ave. L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Building Inspections Training Room is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Building Inspection Department at 972-941-7140</p>
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**Building Standards Commission  
March 20, 2007**

Present:

Jeff Bulla  
Jim Degnan  
James Carpenter  
Reed Snyder  
Ann Nurre, Alternate, Present, not seated

Absent:

Tina Ross  
Brian Eisenrich, Alternate  
Richard Prusha, Alternate

Staff:

Selso Mata, Building Official  
Warren Spencer, Assistant City Attorney III  
Scott Neumeyer, Property Standards Manager  
Kathryn May, Property Standards Specialist  
Brad Ewell, Plano Police Officer  
Terri Moore, Neighborhood Services  
Diana Gallegos, Sr. Administrative Assistant

The Building Standards Commission was called to order at 4:12 P.M. in the Building Inspections Training Room, 1520 Ave K Plano, Texas. A quorum was present and notice of the meeting had been posted at the time and in the manner required by law.

1. Public Comments: **There were no public comments.**
2. Approval of Minutes: February 20, 2007

**Commission member Reed Snyder made the motion to approve the minutes as written for February 20, 2007. Commission member Jim Degnan seconded the motion. The Commission voted 4/0 in favor of the motion to approve the minutes.**

3. Jackson Roofing. Request for reinstatement of canceled contractor registration. Requested by Michelle Jackson.

**Selso Mata, testified that Jackson Roofing had four expired permits, they have since been renewed and passed, staff has no objection to reinstatement of Jackson Roofing.**

**Michelle Jackson, Co, testified these permits expired due to the fact that they had turned in the wavier of final inspection for a roof, but since they did not receive a pre inspection, the waivers were not kept. Jackson Roofing believed at the time the wavier took care of the pre-inspection as well as the post inspection. She asked for direction from staff, she is unclear about the pre inspection and if it is necessary. Selso Mata, Building Official, testified that Jackson Roofing indeed needed to call for the pre inspection to make sure they are using class C roof, and to make sure if the house is a zero lot line home, they are using a class B roof, this is the only reason for the pre inspection, the job can be started during this pre inspection, as long as there is a package of shingles with labels for the inspector to read. The wavier is fine to use for the final inspection. Mr. Mata went on to explain to Ms Jackson**

**about the procedures on calling inspections. Ms. Jackson testified that she was clear on the procedures now.**

**Commission member Reed Snyder stated that it is clear that the oversight was not intentional, and suggested reinstatement. Commission member James Carpenter agreed with Mr. Snyder.**

**After hearing testimony Commission member James Carpenter made the motion to reinstate Jackson Roofing with no probation period. Commission member, Jim Degnan, seconded the motion. The Commission voted 4/0 in favor of reinstatement of Jackson Roofing.**

**4. Discussion and possible action regarding the following property's non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.**

**1204 Quill Drive, Plano, Texas Owner – James E. Jack**

**Kathryn May, Property Standards Specialist, testified on the condition of the property located at 1204 Quill Drive. Ms. May gave a presentation showing the property during inspections, showing all code violations.**

**Officer Brad Ewell, Plano Police Officer testified that this property is being used as a halfway house, since July of 2003, there have been 170 calls for service to this address, of those 47 were calls from citizens, and 123 were police investigated and arrests were made, 11 of those were felony arrests.**

**Terri Monroe, City of Plano, Neighborhood Services, testified that an application for Rehab was received from this property in February 2002, the rehab project cost the City of Plano \$47,682.00, No attempts have been made to repay this money and a lien has been placed on this property, due to lack of keeping property maintained and delinquent taxes. The Neighborhood Services Department will start foreclosure proceedings on March 30, 2007**

**After hearing testimony from staff, and discussion with staff, Chairman Jeff Bulla made the following motion;**

**The Building Standards Commission finds that it is in the best interest of the public, health safety and welfare that the owner and all other occupants be ordered to vacate from the property and secure the property commencing on Tuesday, march 27, 2007, and be given no more then thirty (30) days (April 19, 2007) to abate interior and exterior violations and the owner only be allowed on the property to do repairs between the hours of 7:00 AM and 7:00 PM. The city of Plano will be allowed to take necessary steps to secure the structure by installing plywood over windows and doors and recover all incurred expenses by filing a lien against the property. It is further ordered that if the owner does not abate all interior and exterior violations as required by this order on or before April 19, 2007, pursuant to Chapter 54, Section 54.037 of the local Government code and Section 6-2 of Chapter 6 of the City of Plano Code of Ordinances, it has the authority to impose civil penalties for non-compliance with health and safety ordinances. The Commission further finds that**

pursuant to Chapter 54, Section 54.036 (4) of the Local Government Code, it has the authority to order or direct the Chief of Police of the municipality to enforce and carry out the lawful orders of the Commission panel, and the Commission so orders. Commission member James Carpenter seconded the motion. The Commission voted 4/0 in favor of this motion.

5. Items for future agenda.

A Special Meeting has been requested, and next month a new substandard property will be presented by Property Standards.

The Public Hearing adjourned at 5:28 P.M.

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Jeff Bulla, Chairman



## NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT THE BUILDING STANDARDS COMMISSION WILL MEET IN WORK SESSION IN THE BUILDING INSPECTIONS CONFERENCE ROOM, 1520 AVENUE K, AT 4:00 P.M. FOR AGENDA REVIEW, AND IMMEDIATELY FOLLOWING, WILL CONVENE INTO A REGULAR SESSION IN THE BUILDING INSPECTIONS TRAINING ROOM LOCATED AT 1520 K AVENUE, PLANO, TEXAS ON TUESDAY, MAY 15, 2007, AND WILL HOLD PUBLIC HEARINGS AS FOLLOWS:

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### AGENDA ITEMS:

1. Public Comments, In accordance with the Open Meeting Act, the Building Standards Commission will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration. Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Chairman. Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda. Speakers will be notified when speaking time has expired
2. Approval of Minutes: April 17, 2007
3. Canyon Creek Roofing. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by Fred Bolanz.
4. Dispatch Plumbing. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by Sky McDougal.
5. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property;  
  
1204 Quill Drive, Plano, Texas 75074 – Owner James E. Jack
6. Items for future agenda.

***Note: The Building Standard Commission may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.***

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Ave. L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Building Inspections Training Room is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Building Inspection Department at 972-941-7140

**Building Standards Commission**  
**May 15, 2007**

Present:

Jeff Bulla  
Tina Ross  
Richard Prusha, Alternate  
Ann Nurre, Alternate  
Jim Kesterson, Alternate  
Reed Snyder, Present, (Not seated)

Absent:

Jim Degnan  
James Carpenter  
Brian Eisenrich, Alternate

Staff:

Keith Schmidt, Assistant Building Official  
Warren Spencer, Assistant City Attorney III  
Cynthia O'Banner, Property Standards Director  
Scott Neumeyer, Property Standards Manager  
Kathryn May, Property Standards Specialist  
Dennis Scryba, Neighborhood Services  
Terri Moore, Neighborhood Services  
Brad Ewell, Plano Police Department  
Diana Gallegos, Sr. Administrative Assistant

The Building Standards Commission was called to order at 4:09 P.M. in the Building Inspections Training Room, 1520 Ave K Plano, Texas. A quorum was present and notice of the meeting had been posted at the time and in the manner required by law.

1. Public Comments: **There were no public comments.**
2. Approval of Minutes: April 17, 2007

**Commission member Tina Ross made the motion to approve the minutes as written for April 17, 2007. Commission member Rich Prusha seconded the motion. The Commission voted 5/0 in favor of the motion to approve the minutes.**

3. Canyon Creek Roofing. Request for reinstatement of canceled contractor registration. Requested by Fred Bolanz..

**Keith Schmidt, Assistant Building Official, testified that over the last three year period, Canyon Creek Roofing pulled forty nine roofing permits, of those, three expired, they renewed the permits in March of 2007, and sent letters to the homeowners requesting an inspection be made, there was no response from the homeowners, and the permits were then closed. Staff has no objection to reinstatement of Canyon Creek Roofing.**

**Fred Bolanz, of Canyon Creek Roofing testified that, the permits expired due to a clerical error. These were not complaints of work; these were permits that were not finalized. He testified that there was no notification system that they were notified of or they would have taken care of these four years ago. They are trying to do the right thing by pulling the permits, but they have lost a lot of money because they have not been able to pull permits since being put**

on hold. It is very hard to get the homeowner to stay home for the inspection. Canyon Creek is penalized for the homeowner not being at home. From now on he will have the waiver of inspection signed by the homeowner so he can do the inspection himself. Mr. Bolanz also testified that he did not know about the waivers until recently. Chairman Bulla asked Mr. Bolanz if he was aware of the warning certified letters from the City that was mailed to him. Mr. Bolanz testified that after notification they probably took steps setting appointments up with customers, and that once he signed for the certified letter he most likely delegated to someone to take care of it. Commission member Rich Prusha asked Mr. Bolanz if there was something in process to make sure this does not happen again. Mr. Bolanz that his wife is now in charge of running the office. At this time Chairman Bulla closed the floor to public comment.

After discussion and hearing testimony Commission member Tina Ross made the motion to reinstate Canyon Creek Roofing with one (1) year probation period. Commission member, Rich Prusha, seconded the motion. The Commission voted 5/0 in favor of reinstatement of Canyon Creek Roofing with one year probation.

4. Dispatch Plumbing. Request for reinstatement of canceled contractor registration. Requested by Sky McDougal.

Keith Schmidt, Assistant Building Official, testified that in 2006 Dispatch Plumbing pulled fifteen (15) water heater permits, three (3) of these did not receive the required inspection. They have since been renewed and one received final inspections, the other two were closed out because the homeowner did not want the inspection. Staff recommends reinstatement.

Sky McDougal, Dispatch plumbing, testified that, during the time these permits expired she was going thru a divorce and her husband was in charge of the permit courier that was hired at that time, and she was not allowed to speak to the courier or her husband. When the permit courier and her husband left the company, she hired another permit courier which did not work out and now she is pulling the permits herself. She is now the only person in charge of the permits. Commission member Rich Prusha asked Ms. McDougal if she could explain why the letters from the City of Plano came back unclaimed. Ms. McDougal testified that she did not understand why they came back unclaimed, the Office manager usually gets the mail, however she is in a rural area and that day, someone must not have heard the Mail delivery.

After discussion amongst the Commission, Member Tina Ross made the motion to reinstate Dispatch Plumbing with no probation. Commission Member Rich Prusha seconded the motion. The Commission voted 5/0 in favor of reinstatement of Dispatch Plumbing with no probation period.

5. Discussion and possible action regarding the following property's non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.

1204 Quill Drive, Plano, Texas Owner – James E. Jack

Kathryn May, Property Standards Specialist, testified on the condition of the property located at 1204 Quill Drive and updated them on the activity of this case since this property was before this Commission on March 20, 2007. Staff recommendation is due to the unsafe, unsanitary and substandard conditions existing at the property posing immediate danger to the owner, occupants and other in regard to life, health, welfare and safety, staff recommends that the property be demolished based on it being unsafe, unsanitary for human occupancy and an attractive nuisance; as well as the estimated cost of rehabilitation of the structure exceeds the 2006 appraised improvement value, according to Collin County appraisal District. Two of the City of Plano Rehab Estimators, Dennis Scryba and Bobby Bolin, provided the Property Standards Department with a report to repair the structure, which totaled \$70,679.42 and according to the Collin County CAD, the value of the structure is only \$68,041.

On April 30, 2007 Ms. May received a phone call from John Lopez, of Buena Vista Houses, He stated that he had signed a contract to purchase the property. Mr. Lopez did provide a copy of the contract and expected to close on the property by May 11, 2007 and they were in the process of a title search of the property, Ms May contacted Mr. Lopez on May 2<sup>nd</sup> to inform him the cost of rehabilitation as well as what Property Standards would be recommending to the Building Standards Commission at this meeting. When she spoke to Mr. Lopez before this meeting today, he had not closed on the property as yet, he wanted to wait and see what the Commission decided about the property.

Chairman Bulla asked Ms. May if the cost of rehabilitation vs. the value would be what triggers the recommendation for demolition. Ms May stated that along with the history of the property and that it is still unsafe and unsanitary

Scott Neumeyer, Property Standards Manager, testified that the Property Standards Legal Representative advised them that if cost of rehabilitation exceeds forty percent (40%) of value of the property, past case law has dictated that, demolition is acceptable.

Dennis Scryba, Neighborhood Services Rehab Estimator, testified that he and Bobby Bolin at the request of the Property Standards Department met them at the property to write up a cost estimate for what it would cost to bring the house up to code compliance and habitation. This house has previously been rehabilitated in 2002 by the City of Plano, by repairing the foundation, addressing the lead based paint, and bringing the house into compliance as well as replaced and repaired the sewer line coming from the house to the street. This rehab project cost the City of Plano \$47,862.00. The estimate for the current rehab project that is proposed is

just to bring the home into compliance and make it livable, a lot of stuff has to be removed and sanitized and disinfected before any repairs can be made. Mr. Scryba continued to testify how the inspection was conducted and the estimate totaled \$70,679.42. Chairman Bulla asked if there was a lien on the property for the original rehab project. Ms. Terri Monroe, Neighborhood Services testified that yes, there is a current lien on the property of \$23,824.45, the City of Plano did not lien the entire amount of of the rehab, because they do not typically charge for lead paint portion. The original lien on the property was \$25,340.00 Mr. Bulla asked if the difference between the \$47,000 and the 25,000 was lead paint related, and Ms. Monroe and Mr. Scryba testified it was.

Commission Member, Rich Prusha what the circumstance were that the City did all the repairs for them. Mr. Scryba testified that at that time the former owner Kathryn Schultz applied for assistance, Ms. Monroe confirmed this stating that Ms. Schultz owned the home with her brother and her brother contacted HUD asking for assistance for their mother, and HUD contacted the City of Plano. The percent of income they have determines if the loan is repayable or not, sometimes the loan is totally forgiven, and sometimes it is 100% repayable. This loan was to be 100% forgiven. This loan is a ten year lien, and it is forgiven at a rate of 1/120 per month. Based on the number of months that have passed since they were out of compliance the outstanding balance is now \$23,880.00. As long as the home stays in compliance, the loan is forgiven. Ms. May also stated that the Property standards Department has liens totally \$4000.00 in liens on this property as well due to contract work orders being done on the property.

Mr. Prusha asked how the property sold if there were liens on the property. Ms. May testified that there was a quit claim deed to Mr. James Jack from Kathryn Shultz, March 2006.

Officer Brad Ewell, Plano Police Department, reminded the commission how many calls the Police Department have answered on this property, and testified that it is an unofficial half way house, and at this time, it is vacant.

Mr. John Lopez, Buena Vista Houses, testified that he is in the process of buying this property. He believes this property is structural sound, but it needs to be gutted and start over again. He sees this as a business opportunity, trying to bring value to this home and the neighborhood. He signed a contract for this home on April 27, 2007 and filed with Republic Tile Company on April 28, 2007 to begin the title search, and has found this property to have a very cloudy title; the State of Texas has liens as well. He presented the Commission with a copy of the title search that is in process. Mr. Lopez is ready to give \$60,000 for this property, If these liens exceed that \$60,000, he would be unable to close on this property, he believes that the lien that the state has is against Mr. Jack and not the property so the \$60,000 would forgive all the liens and any remaining money would go to Mr. Jack and feels he can rehab it for another \$60,000. He has had three contractors come out and give him estimates on repairing this property. Mr. Lopez gave a list of the repairs he would do, and feels it would be good for the City of Plano if he purchased this property, the liens would be paid

off and the property would be brought into compliance. Mr. Lopez and his appraiser feel they can get between \$150,000 and \$170,000 for this property after completion of this project.

Mr. James Jack, Owner of the property, testified that the property was not in very good condition when he bought the property, and that he had intentions to rehab the property himself, but realized he could not do that now. He agrees with all of Mr. Lopez's testimony, and intends to follow thru with the sell of this property.

Chairman Bulla closed the floor to public comment at this time.

After discussion amongst the Commission, Commission member Tina Ross made the motion to table this item until the next scheduled Building Standards Commission meeting. Commission Member Rich Prusha seconded the motion. The Commission voted 5/0 in favor of tabling this item until the next meeting.

6. Items for future agenda.

There will be a release of Final Order at 1609 Park Blvd to be on the agenda for the June 19, 2007 meeting.

The Public Hearing adjourned at 5:36 P.M.

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Jeff Bulla, Chairman

## NOTICE OF MEETING

**NOTICE IS HEREBY GIVEN THAT THE BUILDING STANDARDS COMMISSION WILL CONVENE INTO A REGULAR SESSION IN THE BUILDING INSPECTIONS TRAINING ROOM LOCATED AT 1520 K AVENUE, PLANO, TEXAS ON TUESDAY, JUNE 19, 2007, AT 4:00 P.M., AND WILL HOLD PUBLIC HEARINGS AS FOLLOWS:**

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### AGENDA ITEMS:

1. Public Comments, In accordance with the Open Meeting Act, the Building Standards Commission will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration. Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Chairman. Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda. Speakers will be notified when speaking time has expired
2. Approval of Minutes: May 15, 2007
3. Royal Roofing. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by Tammy Amyx.
4. T-Bar Fence. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by Scott Ballard.
5. AABC Plumbing & Air Conditioning. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by James Delarosa.
6. Advent Air Conditioning. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by Matt Wikel.
7. Advanced Foundation and Repair. – Discussion and possible action on request for reinstatement of canceled contractor registration. Requested by Fred Marshall
8. Discussion of property owner's compliance with Building Standards Commission Final Orders of November 21, 2006 and vote on whether to clear the Final Orders from County Land Records for the property at 1609 E. Park Blvd.
9. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.

1011 G. Ave, Plano, Texas, 75074 – Owner, Billy J. Stimpson

10. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property. This item was tabled at the Building Standards Meeting on May 15, 2007;

1204 Quill Drive, Plano, Texas 75074 – Owner James E. Jack

11. Items for future agenda.



**Building Standards Commission**  
**June 19, 2007**

Present:

Tina Ross  
Jim Degnan  
James Carpenter  
Richard Prusha, Alternate  
Ann Nurre, Alternate  
Jim Kesterson, Alternate, Present, (Not seated)  
Reed Snyder, Present, (Not seated)

Absent:

Jeff Bulla  
Brian Eisenrich, Alternate

Staff:

Selso Mata, Building Official  
Warren Spencer, Assistant City Attorney III  
Cynthia O'Banner, Property Standards Director  
Scott Neumeyer, Property Standards Manager  
Kathryn May, Property Standards Specialist  
Dennis Scryba, Neighborhood Services  
Brad Ewell, Plano Police Department  
Diana Gallegos, Sr. Administrative Assistant

The Building Standards Commission was called to order at 4:00 P.M. in the Building Inspections Training Room, 1520 Ave K Plano, Texas. A quorum was present and notice of the meeting had been posted at the time and in the manner required by law.

1. Public Comments: **There were no public comments.**
2. Approval of Minutes: May 15, 2007

**Commission member, Jim Carpenter discovered an omitted word in the minutes, Commission member Rich Prusha made the motion to approve the minutes as corrected for May 15, 2007. Commission member Jim Carpenter seconded the motion. The Commission voted 5/0 in favor of the motion to approve the minutes as corrected.**

3. Royal Roofing. Request for reinstatement of canceled contractor registration. Requested by Tammy Amyx..

**Selso Mata Building Official, testified that Royal Roofing pulled nine permits in 2006 and of those four expired, they have since renewed these permits and closed out these permits, staff has no objection to reinstatement of Royal Roofing.**

**Tammy Amyx, Owner of Royal Roofing, testified that, in the past when the letters were received she would give them to the sales reps to follow up on, and they never did, they have revamped their system and now she takes care of all permits and scheduling all jobs and those sales reps are no longer with the company.**

After discussion and hearing testimony Commission member Rich Prusha made the motion to reinstate Royal Roofing without a probation period. Commission member, Jim Degnan, seconded the motion. The Commission voted 5/0 in favor of reinstatement of Royal Roofing with no probation.

4. T-Bar Fence. Request for reinstatement of canceled contractor registration. Requested by Scott Ballard.

Selso Mata, Building Official, testified that in 2007 T-bar Fence has pulled 37 permits pulled three of these have expired, the permits were from 2005, but expired in 2007. T-Bar has been before this commission twice before, once in 1996 when they received a two-year probation period and again in 2000. Staff recommends reinstatement of T-Bar Fence.

Scott Ballard, representative of T-Bar Fence testified that he concurred with Mr. Mata, they have been doing business in Plano for many years and have pulled lots of permits. To the best of his knowledge, he determined the problem lies between the homeowner and the builder that they do the subcontract work for, the homeowner does not leave the permit on the fence. They have spoken to the builder about this problem and are trying to come up with a solution between the homeowner, the builder and themselves.

Commission member Jim Carpenter noticed that T-Bar Fence had been before the commission twice before, once with probation and once without, he was wondering why these took so long to take care of. Mr. Ballard also wondered that himself and could not find out why he could not continue pull permits while there were three expired permits, but as soon as they found out these three existed, they reapplied and had the inspections called. Mr. Carpenter asked about the certified letters, Mr. Ballard testified the person that signed for the letters works in Arlington, and he himself works out of another office in Greenville, Texas so it was most likely a lack of communication within his company. Since then they have improved means communication between the offices with updated technology. Commission member Jim Degnan asked Mr. Ballard for more details on improvements they have made. Mr. Ballard explained that they have hired a dispatcher out of the Greenville office to assist the crews.

After discussion amongst the Commission, Member Jim Carpenter made the motion to reinstate T-Bar Fence with one year probation. Commission Member Jim Degnan seconded the motion. The Commission voted 5/0 in favor of reinstatement of T-Bar Fence with one year probation period.

5. AABC Plumbing & Air Conditioning Request for reinstatement of canceled contractor registration. Requested by James Delarosa.

Selso Mata, Building Official, testified that AABC had nineteen permits in 2005 and fourteen have expired permits, they have been before this commission before in 2002. Staff has no objection to reinstatement of AABC.

James Delarosa, of AABC Appliance and Air Conditioning, testified that between 2004-2005 they had pulled nineteen permits and some of them never

got inspected, they do 20-30 installs per week and these must have fallen thru the cracks. When they started pulling permits again for big jobs several months ago, City of Plano brought this to his attention that these needed corrected. Commission Chair Tina Ross asked Mr. Delarosa if he had any from 2006 that were outstanding, Mr. Delarosa stated they did not. Ms. Ross asked Mr. Delarosa if he knew why the certified letters were not acted upon, Mr. Delarosa stated that he received a list from Tamra of the jobs that needed to be completed before he could be reinstated, Mr. Delarosa stated he then contacted all the homeowners he could to schedule times for inspections, about half of them he had to send certified letters.

Mr. Delarosa stated that he will be taking care of the certified letters from the City of Plano now so that he will be on top of this from now on. Commission member Rich Prusha asked if he had not pulled any permits since 05 until recently, and has he not been working in Plano. Mr. Delarosa stated that yes, he has been working in Plano since 05. Mr. Prusha asked how many permits they pulled since 05. Mr. Delarosa was under the impression that a job needed to be above a certain dollar amount before he had to pull a permit. Chair, Tina Ross, asked Mr. Mata if there was a threshold for permits that have to be pulled. Mr. Mata stated there is not a dollar threshold for permitting. Mr. Delarosa stated that they have been doing lots of work in Plano, he was told the work had to be above \$3000 to have a permit pulled. Mr. Mata asked if staff told him he only needed a permit if the work was over \$3000.00. Mr. Delarosa said the dollar amount might not be correct, but someone here told him there was a dollar amount. Commission member Richard Prusha, asked how many jobs they have done in Plano since 05. Mr. Delarosa clarified that by jobs, he meant service calls, repairs, and maintenance, not actual installations that require permits

After discussion and hearing testimony Commission member Tina Ross made the motion to reinstate AABC with a two year probation period, contingent on a meeting between the owner representative of AABC Appliance and the Building Official, at the discretion of the Building Official. Commission member, Jim Carpenter, seconded the motion. The Commission voted 5/0 in favor of reinstatement of AABC Plumbing and Air Conditioning.

6. Advent Air Conditioning.. Request for reinstatement of canceled contractor registration. Requested by Matt Wikel.

Selso Mata, Building Official, testified that in 2006 Advent Air Conditioning had eleven permits and of those four expired, they were notified and have since taken care of these permits and staff has no objection to reinstatement of Advent Air Conditioning

Matt Wikel, testified that when he became aware of the problem, he investigated and found out that the certified letters were received by Luwana and she would give them to the consultants so they could get in touch with the home owners. Instead they filed them with the folders where he found them and nothing was ever done on the. They have changed procedure and now all letters will go straight to management. He has also put in a SPIF program where they have a person filing all folders when the jobs are completed, she has a checklist, and after everything is completed including the green tag from

the inspection. Once it is completed Mr. Wikel goes over it, and signs off on it and then it can be filed. Once it is filed, and she receives ten dollars for each folder that be filed, so now she is very aware of jobs being completed.

After discussion and hearing testimony Commission member Rich Prusha made the motion to reinstate Advent Air Conditioning without a probation period. Commission member, Jim Degnan, seconded the motion. The Commission voted 5/0 in favor of reinstatement of Advent Air Conditioning with no probation.

7. Advanced Foundation and Repair. Request for reinstatement of canceled contractor registration. Requested by Fred Marshall.

Selso Mata, Building Official, testified that Advanced Foundation and Repair had three expired permits in 2006 of the one hundred and ninety permits pulled. They have appeared before this commission in 2000 and reinstated with no probation at that time. Staff has no objection to reinstatement of Advanced Foundation and Repair.

Larissa Pope, of Advance Foundation and Repair, testified that they were in receipt of the letters and what they are doing to get this issue resolved is the person working in that department is no longer there and she has been working closely with the new person who is there to make sure procedures are followed as far as opening and closing permits with the City of Plano. At this time Ms. Pope handed out a packet to show what the procedures for Advanced Foundation and Repair. She went thru the procedures with the Commission, explaining step by step the permit process. They are now checking the permit online to make sure it has been approved.

After discussion and hearing testimony Commission member Jim Carpenter made the motion to reinstate Advanced Foundation and Repair without a probation period. Commission member, Ann Nurre, seconded the motion. The Commission voted 5/0 in favor of reinstatement of Advanced Foundation and Repair with no probation.

8. Discussion of property owner's compliance with Building Standards Commission Final Orders of November 21, 2006 and vote on whether to clear the Final Orders from county Land Records for he property at 1609 E. Park Blvd, Plano, Texas

Kathryn May, Property Standards Specialist, testified that the property located at 1609 E. Park Blvd was reinspected on May 7, 2007, and all of the violations on the property were repaired. The Property Standards Department is requesting the Building Standards Commission release the Final Order from county land records. Ms. May showed before and after pictures of the property and stated the property would now be an asset to the neighborhood.

After hearing testimony from the Property Standards Department, Commission member Jim Degnan made the motion to release the property at 1609 E. Park Blvd from Final Orders issued on November 21, 2006. Commission member Jim Carpenter seconded the motion. The Commission voted 5/0 in favor of the motion.

9. Discussion and possible action regarding the following property's non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.

1011 G Ave, Plano, Texas Owner – Billy J. Stimpson

**Kathryn May, Property Standards Specialist, requested that this item be removed from the agenda due to the fact that June 15, 2007 the daughter of the homeowner has brought the house into compliance as far as occupancy, the utilities are turned on and the house is secure and they are working with Habitat to correct the remaining violations at this time.**

10. Discussion and possible action regarding the following property's non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property. This item was tabled at the Building Standards Meeting on May 15, 2007

1204 Quill Drive, Plano, Texas Owner – James E. Jack

**Kathryn May Property Standards Specialist testified on events since the last meeting,**

**Tina Ross, Chair, stated that in the commission's packet was a copy of a letter from Republic Title, stating that the original title was in Kathryn Shultes, and her three brothers, then Kathryn and one brother quit claimed it to James Jack, makes James Jack and the remaining brothers owners. She wanted to know if anyone has made any attempt to contact the brothers and let them know of this meeting. Ms. May testified they were unaware of the bothers other then Shaun Heyden.**

**Mr. John Lopez, Buena Vista Houses, LLC, testified that he has not purchased the property due to a \$59,000 State Lien on the property in addition to the liens from the County and the City. This lien from the state of Texas is a Sales Tax Lien from one of Mr. Jacks Company's. He is waiting on a ruling from the State of Texas to see if they will forgive on any amount of the Lien. Any money left over from the sale of the property after paying the County and City, would go to the State, All Mr. Lopez is wanting is a release for the property, not a cure of the Judgment, so Mr. Jack or anyone else would not receive any money from the sale of this property. He understands the concerns of the neighbors, with the condition of the property. As soon as the state rules on releasing the property, he will be ready to close, but it will be next week before he will know. If the State will not compromise on the property, he will not be able to purchase this property, the liens will total close to \$100,000, no one will get anything for this property then. He feels that once he closes on this house it will take**

about two months to rehab this house and he feels it will be an asset to the community if he purchased this property.

Ms. Ross asked Mr. Lopez if he had made contact with the brothers mentioned on the title search from Republic Title. Mr. Lopez said he had made contact with the brothers and they agreed that if they were given \$500 they would sign the house over to Mr. Lopez.

Phil Blakely, 1408 Quill Dr., Neighbor. Testified that he is a long time Planoite, this home has been a bligh on the property for a long time, he would like to see it brought up to code, but he questions if this can be done without pricing the home out of the neighborhood. Mr. ask Mr. Lopez questions about specific things in was planning to do to the home.

Ms. Ross, Chair, expressed her fear in looking at the money owed in liens, is the cost to bring this home to minimum standards, exceeds the value of the home. However Mr. Lopez is willing to undertake this project and he represents the best opportunity for bringing this property into compliance.

Danny Way, 1200 Quill Dr., Neighbor, testified that he has lived in this neighborhood for thirty four years and gave a history of what he has seen thru the years. He feels the best solution is for the house to be renovated and sold, but not turned into rental or section eight properties.

Elizabeth Gundelfinger, 709 Rigeftield Dr., Neighbor, presented an open letter to the Building Standards Commission from neighbors living on Ridgefield Drive. The letter stated the neighbors have concerns about the home at 1204 Quill including crime, safety, and sale of home in their neighborhood. The letter also stated they believe it to be best if the property was demolished and make a fresh start.

Scott Neumeyer, Property Standards Department, testified that instances when the City has liens against properties, at a certain point when we realize we are maintaining the property on a continuous basis, Property Standards goes to the legal department and request a judgment against the property owner, taking them to district court, if the owner does not satisfy the judgment, ultimately the City could take over that property.

Commission member, Rich Prusha, ask staff if the house were torn down, what the time frame would be for taking over the lot by judgment.

Legal counsel, Warren Spencer, testified that this would involve a lawsuit, some entity would have to file suite, something similar to a foreclosure. This process could take anywhere from twelve to eighteen months.

Selonna Stark, 800 Ridgefield Dr., Neighbor, stated her concerns on the rebuilding of the home, and how safe it would be after if is rebuilt, and how much money can this house really be worth. Ms. May, told Ms. Stark that permits would have to be pulled and the building codes would be enforced. Mr. Lopez testified that he plans to address the odors, and will work closely with the City to get these problems resolved.

Linda Neal, 706 Ridgefield Dr., Property Owner, testified that she would like to see Mr. Lopez rebuild the home, that would be in the best interest. She is not in favor of an empty lot in the neighborhood.

Mark Mars, 1404 Quill Dr., Neighbor, He has lived in his home three and a half years and upon discovering the condition of this property, he has kept his children close to home. This is affecting the entire neighborhood. This has been going on a long time. He feels in a sense the City of Plano bears responsibility for allowing this to go on for such a long time. He recommends this Commission to take away the liens so that a decent house can be built. If that cannot happen, Mr. Lopez should present to this commission and the Building Inspections Department, a detail plan of what is to be done and how it will be done.

Lyle Yarnell, 1608 Aldridge Dr., Neighbor, testified that his parents reside at 1206 Quill Dr. When this meeting started he was all for demolition of the property, but now he believes that Mr. Lopez is the best shot this property has for the neighborhood. After hearing what was said at this meeting his mind has been changed.

At this point, Chair, Tina Ross Closed the floor to public comment.

Ms. Ross explained to the Commission and Home owners that city council gives the Building Standards commission direction over what they can and cannot do as a commission. There are both State Statute and City Ordinances that require adequate notice to all property owners, and now it has come to this commission's attention that there are more owners the previously thought. Per the State statute and City ordinance, the City required to notify ALL homeowners of the meetings. This would include the brothers that were recently discovered. If Mr. Lopez would, meet with Ms. May and send notices to the brothers and comply with the ordinance and statute, so that this commission may take action.

Warren Spencer testified that the notice provision is for the brothers to be heard and allow them to make arrangements for curing the problems at the house. This is essentially due process on a property taking. The people who own the property have a right to be heard by this commission. Steps need to be taken to notify these owners, and it can be expedited. If Mr. Lopez purchases this property it will no longer be an issue.

Scott Neumeyer, Property Standards testified that one of the brothers, Shaun Heiden has been notified of all meeting and all substandard conditions during the entire process. This only leaves one brother to notify.

Brad Ewell, Plano Police Department, stated that he would help to locate and contact the brothers about what is going on.

After hearing testimony and discussion amongst the Commission Tina Ross made the motion to table this item until the Building Standards Commission meeting on July 17, 2007. Commission member Jim Degnan seconded the motion. The Commission voted 5/0 in favor of tabling this item until July 17, 2007

11. Items for future agenda.

1204 Quill will be on the agenda for the July Meeting

The Public Hearing adjourned at 6:15 P.M.

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Tina Ross, Acting Chair



**BUILDING STANDARDS COMMISSION  
OF THE  
CITY OF PLANO**

IN RE:

James E. Jack

1204 Quill Drive  
PLANO, TEXAS

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DOCKET NO. 03-04-07

**FINAL ORDER OF BUILDING STANDARDS COMMISSION**

Before the Building Standards Commission of the City of Plano (the "Commission"), the above-styled Complaint was called for hearing on the 20<sup>th</sup> day of March, 2007. The Chairperson of the Commission having announced that there were at least four (4) members of the Commission present at the time of the hearing, the Commission having considered all evidence submitted to it in accordance with the law and the commission having made such inquiry as deemed desirable and necessary to it and after the case having been publicly deliberated as required by law, the following order was unanimously made and entered:

**I.  
FINDINGS OF FACTS**

The Commission finds that:

- (1) Notice of the proceedings in this matter has been given, mailed, published and posted in accordance with law;
- (2) There exists at 1204 Quill Drive, Plano, Collin County, Texas a dwelling (the "Property") with substandard conditions posing danger to the life, health, welfare or safety of persons in violation of the city of Plano Code of Ordinances ("CO"), to wit:
  - a. Lack of any smoke detectors/alarms throughout property;
  - b. Egress from back room with fireplace is blocked;
  - c. Animals feces/ urine and garbage causing odors throughout the property;
  - d. Electrical outlets and switches throughout the property are missing covers;
  - e. Downstairs toilet is not working, upstairs toilet is running continuously;

- f. Several rooms have exposed light fixtures/electrical wires;
- g. Shower enclosure and walls outside the shower are not finished with a non-absorbent material;
- h. Plumbing clean out cap is missing;
- i. Holes in sheetrock and missing sheetrock throughout property;
- j. Upstairs water heater has no pressure relief valve;
- k. Electric water heater in garage is broken or not hooked up;
- l. Southeast bedroom has rat droppings in closet and hole in exterior wall showing light from the outside;
- m. Missing and broken windows throughout the property;
- n. Exterior siding is missing from rear accessory building;
- o. Exposed wood is not painted;

(3) Title to the property is in the name of James E. Jack, Owner.

## **II.** **CONCLUSIONS OF LAW**

The Commission concludes that:

- (1) Notice was duly and properly given in accordance with law, thereby conferring Commission jurisdiction over these proceedings, and;
- (2) The Property is substandard pursuant to Chapter 6 of the Code of Ordinances of the City of Plano, Texas, due to the conditions identified in Paragraph 2 of Section I above, and;
- (3) Pursuant to Chapter 54 of the Texas Local Govt. Code the Commission has the authority to order the repairs to the property, and;
- (4) Pursuant to Chapter 54 of the Texas Local Govt. Code the Commission has the authority to order immediate removal of persons found on property, and;
- (5) The Commission further finds that pursuant to Chapter 54 of the Texas Local Government Code and Section 6-2 of the City of Plano Code of Ordinances, it has the authority to impose civil penalties for non-compliance with health and safety ordinances, and;
- (6) The Commission further finds that pursuant to Chapter 54 of the Texas Local Government Code, the Commission has the authority to order or direct the Chief of Police of Plano to enforce and carry out the lawful orders of the Commission.

## **III.** **ORDER OF BUILDING STANDARDS COMMISSION**

IT IS THEREFORE ORDERED that the Complaint filed by the Building Official for the City of Plano be in all things sustained.

IT IS FURTHER ORDERED that due to the unsafe and unsanitary conditions existing at the Property which pose an immediate danger to the life, health, welfare or safety of persons, the Owner and all other occupants shall vacate from the Property no later than, Tuesday, March 27, 2007 at 7:00 PM.

IT IS FURTHER ORDERED that if the Owner and all other occupants do not vacate by Tuesday March 27, 2007 at 7:00 PM the Chief of Police of Plano is ordered and directed to take such steps as necessary and allowed by law to enforce this Order.

IT IS FURTHER ORDERED that the City of Plano will be allowed to take necessary steps to secure the structure by installing plywood over windows and doors once the premises is vacated.

IT IS FURTHER ORDERED that the Owner of the property must cure all substandard interior and exterior violations identified in section I above within thirty (30) days of the order, which is on or about April 19, 2007 and the owner only be allowed on the property to do repairs between the hours of 7:00 AM and 7:00 PM. The Owner shall comply with the following requirements:

- a. Smoke detectors/alarms must be provided at all of the following locations: (IPMC 704.2)
  - o On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms
  - o In each room used for sleeping purposes
- b. A continuous safe unobstructed path of travel must be present to all exits. All miscellaneous storage must be removed from egress pathways. (IPMC 702.1)
- c. Any or all items causing unsanitary odors (animal feces/urine/garbage) must be removed from the structure. (IPMC 305.1)
- d. All electrical outlets and switches must have covers (IPMC 604.3)
- e. All toilets must operate and perform their intended function. (IPMC 504.1), and all plumbing lines must be kept free of any leaks, defects or obstructions at all times (IPMC 504.1 and 506.2)
- f. Lighting fixtures and fans must be properly secured and supported and all wiring contained within the device cover. (IPMC 604.3 and 605.1), and all electrical wiring shall be properly installed. Permit must be obtained for additional wiring throughout house. (IPMC 605.1)
- g. Bathroom shower must be finished with a non absorbent material. (IRC 307.2)
- h. Missing plumbing clean-out cap must be installed. (IPMC 504.1, 506.1 and 506.2)
- i. Holes and missing sheetrock must be repaired/replaced in walls and ceiling. (IPMC 305.3)

- j. Water heating facilities shall be capable of providing a temperature of not less than 110 degrees Fahrenheit at every required sink, lavatory, bathtub, shower and laundry facility. (IPMC 505.4)
- k. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- l. All structures and exterior property shall be kept free from rodent harborage and infestation. Remove rodent (rat) droppings. (IPMC 302.5)
- m. All broken windows must be repaired. (IPMC 304.13)
- n. All rotten siding and trim must be removed. Missing and damaged siding/trim must be replaced
- o. All exterior trim and siding have a sound coat of paint or other approved protective coating. (IPMC 304.2)

IT IS FURTHER ORDERED that the City of Plano is authorized to recover all incurred expenses by filing a lien against the property.

IT IS FURTHER ORDERED that a copy of this order shall be mailed by certified mail, return receipt requested, to all persons as specified on the Deed of Trust. In addition a copy of this order shall be published on (1) time in a newspaper of the general circulation within the City within ten (10) days of the date of mailing as herein provided, and a copy of this Order shall be filed with the City Secretary.

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**SO ORDERED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Jeff Bulla, CHAIRMAN

**ATTEST**

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Diana Gallegos, Sr. Administrative Assistant

**APPROVED AS TO FORM:**

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Warren J. Spencer, ASSISTANT CITY ATTORNEY III