

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, MAY 23, 2016, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Attending citizens and their business.
5. Consideration of approving May 16, 2016 Council Minutes. Pg. 491-494
6. **Public Hearing:** The City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of the City (hereinafter "the Standard Code"), for the purpose of determining whether or not the structures located on hereinafter described real property located within the corporate limits of the City fail to meet the standards set forth in the Standard Code and is/are therefore "unsafe" as that term is defined in the Standard Code:

The Showboat Theater Building, located on the South 50 feet of Lots 1 & 2, and all of Lot 3, and the building known as the Dollar General building, located on Lots 4 and 5, all in Block 47 of the Freeport Townsite of the City of Freeport, Brazoria County, Texas, according to the map or plat recorded in the office of the County Clerk of said county.
Pg. 495-513
7. Consideration of approving order finding the Showboat Theater building, 217 West Street, to be "unsafe" as that term is defined in the standard code. Pg. 514-524
8. Consideration of approving order finding the Dollar General building, 213 West 2nd Street building to be "unsafe", as that term is defined in the standard code. Pg. 525-532
9. Consideration of the approval of any action to be taken, as a result of closed Executive Session.

Executive Session:

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Questions concerning demolition for the Showboat Theater and Dollar General building.
- Proposed Interlocal Agreement with Port Freeport and the City of Freeport.

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, May 20th, 2016 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday May 16, 2016 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia
Councilman Johnathan Sublet
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Jennifer Hawkins, EDC Director
Dan Pennington, Police Chief
Brian Davis, Fire Chief
Bob Welch, Finance Director

Visitors:	Ruth Renobato	Reuben Renobato
	Troy Brimage	Margaret McMahan
	Manning Rollerson	Jerry Meeks
	Edward Garcia	Mary Garcia
	Nicole Mireles	Sam Reyna
	Jim Barnett	Sandra Barnett
	Annette Sanford	Manuel Bustos
	Bill Morris	Larry Fansher
	Tom Allen	Roy Yates
	Jose Mireles	Rebecca Mireles
	Marin Mireles	Gloria Mireles

Call to order.

Mayor Norma Moreno Garcia called the meeting to order at 6:00 p.m.

Invocation.

Councilman Sublet offered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Manning Rollerson expressed concern of Brian Davis Fire Chief leaving. He felt that the City had mismanagement for decades. Nothing was ever constructed into the East End. He stated that the Police Department had entered his house without probable cause. He thanked Mr. Pynes for an outstanding job.

Margaret McMahan of 1330 W. 8th Street thanked Sandra Loeza and Johnathan Sublet for their service to the city. It was very apparent that they truly loved the City. On behalf of the Concern Citizens they congratulate the new regimen. The Concern Citizens group of Freeport will continue to serve as liaison to support, assist and aid in the communication of our citizens voice of direction to the city elected officials and city administration.

Jim Barnett of 1630 W. 4th Street spokesman for the Freeport League stated that the League received a letter from the administration of the City regarding the League participating in Riverfest 2016. The League answered the letter that requested certain documentation. The Freeport League has not received any respond and respectfully requests a timely answer and preferably in writing.

Reuben Renobato 1507 West 2nd Street , thanked the outgoing councilmen and congratulated the new elected officials.

Consideration of approving May 2, 2016 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the May 2, Council Minutes.

Consideration of approving Ordinance No. 2016-2117 canvassing the returns and declaring the results of the May 7, 2016 General Annual Elections.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Ordinance No. 2016-2117 canvassing the returns and declaring the results of the May 7, 2016 General Annual Elections.

Consideration of approving Ordinance No. 2016-2118 canvassing the returns and declaring the results of the 2016 Charter Review Elections.

On a motion by Councilwoman Loeza, seconded by Councilman Sublet, with all present voting "Aye", Council unanimously approved Ordinance No. 2016-2118 canvassing the returns and declaring the results of the 2016 Charter Review Elections.

Administer Oath of Office to duly elected Larry L. McDonald for Councilman Ward A and Nicole Mireles for Councilwoman Ward C.

Mayor Norma Moreno Garcia administered the Oath of Office to duly elected Larry L. McDonald for Ward A and Nicole Mireles for Ward C.

Recognize Sandra Loeza and Johnathan Sublet for services to the City of Freeport.

Mayor Norma Moreno Garcia presented a plaque to Sandra Loeza and Johnathan Sublet for services to the City of Freeport.

The selection of the Mayor Pro Tem.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Councilman Fred Bolton as the Mayor Pro Tem.

Consideration of approving a 380 Agreement for RB Construction-LLC, 114 Paintbrush, Lake Jackson 77566 for a housing development on Block 3, Lot 12, Windsor Terrace, known as 503 West 9th Street.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved a 380 Agreement for RB Construction-LLC, 114 Paintbrush, Lake Jackson 77566 for a housing development on Block 3, Lot 12, Windsor Terrace, known as 503 West 9th Street.

Consideration of approving a 380 Agreement for RB Construction-LLC, 114 Paintbrush, Lake Jackson 77566 for a housing development on Block 3, Lot 13, Windsor Terrace, known as 423 West 9th Street.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a 380 Agreement for RB Construction-LLC, 114 Paintbrush, Lake Jackson 77566 for a housing development on Block 3, Lot 13, Windsor Terrace, known as 423 West 9th Street.

Consideration of approving a 380 Agreement for Allsides Investments, LLC-122 West Way, Suite 408, Lake Jackson Texas for a housing development on Block 758, Lots 19, 20, 21, Velasco Townsite, known as 1513 North Ave. N.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a 380 Agreement for a housing development on Block 758, Lots 19, 20, 21, Velasco Townsite, known as 1513 North Ave. N.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 6:17 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas

NOTICE OF PUBLIC HEARING

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, FIRMS
AND THEIR AGENTS AND ATTORNEYS:

A Public Hearing will be held in the Police Department Municipal Courtroom of the City of Freeport, Texas, ("the City") located therein at 430 North Brazosport Boulevard, Freeport, Texas, beginning at 6:00 o'clock, p.m., on the 23rd day of May, 2016, by the City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of the City (hereinafter "the Standard Code"), for the purpose of determining whether or not the structures located on hereinafter described real property located within the corporate limits of the City fail to meet the standards set forth in the Standard Code and is/are therefore "unsafe" as that term is defined in the Standard Code:

The Showboat Theater Building, located on the South 50 feet of Lots 1 & 2, and all of Lot 3, and the building known as the Dollar General Building, located on Lots 4 and 5, all in Block 4 of the Townsite of the City of Freeport, Brazoria County, Texas, according to the map or plat recorded in the Office of the County Clerk of said county

BY ORDER OF THE CITY COUNCIL this 2nd day of May, 2016.

Delia Munoz, City Secretary,
City of Freeport, Texas

THE CITY OF

200 West Second St • Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Johnathan Sublet
Councilmember
Ward A

Fred Bolton
Councilmember
Mayor Pro Tem
Ward B

Sandra Lopez
Councilmember
Ward C

Sandra Barbrae
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Alspe
Assistant City Manager

CERTIFIED MAIL RETURN RECEIPT # 7016 0340 0000 6413 6726

OWNER: Tobey Davenport, Wayne Davenport, and Michael Fuller
201 East Park, Freeport, Texas 77541

STREET ADDRESS: 217 West Second St. (Show Boat Theater)

LEGAL DESCRIPTION: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason(s):

☒ **constitute(s) a fire/health/safety hazard**

☒ **unsanitary/unfit for human habitation**

☐ **adequate egress not provided**

☒ **inadequate maintenance/abandonment**

☒ **other Building Collapse**

ATTACHED HERETO and forming a part of this notice is a WRITTEN REPORT detailing the conditions upon which this opinion is based.

YOU ARE HEREBY NOTIFIED that the City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the Standard Code, will conduct a PUBLIC HEARING at 6:00 o'clock, p.m., on Monday, May 23, 2016, Police Department Municipal Courtroom of said City, located therein at 430 North Brazosport Boulevard, in the City of Freeport, in Brazoria County, Texas, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT SUCH STRUCTURE(S) MEET(S) THE STANDARDS SET FORTH IN SAID STANDARD CODE AND IS/ARE THEREFORE "UNSAFE" AS DEFINED THEREIN. YOU WILL BE REQUIRED TO SUBMIT AT SUCH HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE ORDINANCE AND THE TIME IT WILL TAKE TO REASONABLY PERFORM THE WORK.

YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 4thth day of May, 2016

Charles DA

Building Official of the
City of Freeport, Texas



www.freeport.tx.us



THE CITY OF

200 West Second St • Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Johathan Subiel
Councilmember
Ward A

Fred Salton
Councilmember
Mayor Pro Tem
Ward B

Sandra Lopez
Councilmember
Ward C

Sandra Sabree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Alape
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

ADDRESS: 217 West Second St. (Show Boat Theater)

THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.

A list of definitions is provided to assist you with the terminology used in the report.

BUILDING OFFICIAL: The Building Official appointed pursuant to the Standard Cod adopted by Section 150.025 of the Code of Ordinance.

BUILDING: A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

STRUCTURE: That which is built or constructed.

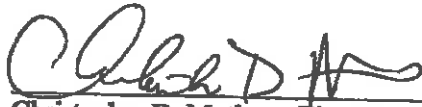
UNSAFE BUILDING: Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

- X 1. Open structure: open/broken windows or doors.
- X 2. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling joist, sills and studs.
- X 3. Roof failure: roof leaking, sagging, missing all or part of roof.
- X 4. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- X 5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
- X 8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
- X 9. Building must be vacated within 30 days of receiving this notice.



Christopher D. Motley - Fire Marshal / Building Official

5/4/16
Date

Signature of Code Enforcement Officer

Date

Repair or Demolish _____

Demolish Only _____

X

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does not allow by description of a movie theater. The zoning plan description shows a drive in Movie Theater only in C-2 zoning.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

THE CITY OF

200 West Second St • Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Jonathan Sublet
Councilmember
Ward A

Fred Bolton
Councilmember
Mayor Pro Tem
Ward B

Sandra Loeza
Councilmember
Ward C

Sandra Barbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arispe
Assistant City Manager

CERTIFIED MAIL RETURN RECEIPT # 7016 0340 0000 6413 6719

OWNER: Michael Fuller, Wayne Davenport, and Tobey Davenport
1711 West 9th, Freeport, Texas 77541

STREET ADDRESS: 217 West Second St. (Show Boat Theater)

LEGAL DESCRIPTION: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason(s):

☐ constitute(s) a fire/health/safety hazard

☒ unsanitary/unfit for human habitation

☐ adequate egress not provided

☒ inadequate maintenance/abandonment


☒ other Building collapse

ATTACHED HERETO and forming a part of this notice is a WRITTEN REPORT detailing the conditions upon which this opinion is based.

YOU ARE HEREBY NOTIFIED that the City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the Standard Code, will conduct a PUBLIC HEARING at 6:00 o'clock, p.m., on Monday, May 23, 2016, Police Department Municipal Courtroom of said City, located therein at 430 North Brazosport Boulevard, in the City of Freeport, in Brazoria County, Texas, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT SUCH STRUCTURE(S) MEET(S) THE STANDARDS SET FORTH IN SAID STANDARD CODE AND IS/ARE THEREFORE "UNSAFE" AS DEFINED THEREIN. YOU WILL BE REQUIRED TO SUBMIT AT SUCH HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE ORDINANCE AND THE TIME IT WILL TAKE TO REASONABLY PERFORM THE WORK.

YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 4th day of May, 2016


Building Official of the
City of Freeport, Texas



www.freeport.tx.us



THE CITY OF

200 West Second St • Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Jonathan Sublet
Councilmember
Ward A

Fred Bolton
Councilmember
Mayor Pro Tem
Ward B

Sandra Loeza
Councilmember
Ward C

Sandra Barbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Aripe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

ADDRESS: 217 West Second St. (Show Boat Theater)

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STRUCTURE: That which is built or constructed.

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6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
- X 8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
- X 9. Building must be vacated within 30 days of receiving this notice.



Christopher D. Motley – Fire Marshal /Building Official

5/4/16

Date

Signature of Code Enforcement Officer

Date

Repair or Demolish _____

Demolish Only _____ X _____

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does not allow by description of a movie theater. The zoning plan description shows a drive in Movie Theater only in C-2 zoning.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

THE CITY OF

200 West Second St - Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Johnathan Sublet
Councilmember
Ward A

Fred Sollen
Councilmember
Mayor Pro Tem
Ward B

Sandra Lopez
Councilmember
Ward C

Sandra Garbes
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arlope
Assistant City Manager

CERTIFIED MAIL RETURN RECEIPT # 7016 0340 0000 6413 6719

**OWNER: Wayne Davenport, Tobey Davenport, and Michael Fuller
1723 West 11th, Freeport, Texas 77541**

STREET ADDRESS: 217 West Second St. (Show Boat Theater)

LEGAL DESCRIPTION: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason(s):

☒ **constitute(s) a fire/health/safety hazard**

☒ **unsanitary/unfit for human habitation**

☐ **adequate egress not provided**

☒ **inadequate maintenance/abandonment**

☒ **other Building collapse**

ATTACHED HERETO and forming a part of this notice is a WRITTEN REPORT detailing the conditions upon which this opinion is based.

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YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 4th day of May, 2016


Building Official of the
City of Freeport, Texas



www.freeport.tx.us



THE CITY OF

200 West Second St - Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Jonathan Sublet
Councilmember
Ward A

Fred Cotton
Councilmember
Mayor Pro Tem
Ward B

Sandra Lopez
Councilmember
Ward C

Sandra Barbee
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arispe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

ADDRESS: 217 West Second St. (Show Boat Theater)

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STRUCTURE: That which is built or constructed.

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6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
- X 8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
- X 9. Building must be vacated within 30 days of receiving this notice.



Christopher D. Motley – Fire Marshal /Building Official

5/7/16
Date

Signature of Code Enforcement Officer

Date

Repair or Demolish _____

Demolish Only _____

X

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does not allow by description of a movie theater. The zoning plan description shows a drive in Movie Theater only in C-2 zoning.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

Norma Moreno Garcia
Mayor

Johnathan Sublet
Councilmember
Ward A

Red Ballon
Councilmember
Mayor Pro Tem
Ward B

Sandra Loeza
Councilmember
Ward C

Sandra Harbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Adape
Assistant City Manager

CERTIFIED MAIL RETURN RECEIPT # 7016 0340 0000 6413 6740

OWNER: Tobey Davenport, Michael Fuller, and Wayne Davenport.
201 East Park, Freeport, Texas 77541

STREET ADDRESS: 213 West Second St. (Dollar General Store)

LEGAL DESCRIPTION: Block 47; Lot 4 & 5 City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason(s):

☒ **X** constitute(s) a fire/health/safety hazard

☐ unsanitary/unfit for human habitation

☐ adequate egress not provided

☐ inadequate maintenance/abandonment

☒ **X** other Roof collapse

ATTACHED HERETO and forming a part of this notice is a WRITTEN REPORT detailing the conditions upon which this opinion is based.

YOU ARE HEREBY NOTIFIED that the City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the Standard Code, will conduct a PUBLIC HEARING at 6:00 o'clock, p.m., on Monday, May 23, 2016, Police Department Municipal Courtroom of said City, located therein at 430 North Brazosport Boulevard, in the City of Freeport, in Brazoria County, Texas, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT SUCH STRUCTURE(S) MEET(S) THE STANDARDS SET FORTH IN SAID STANDARD CODE AND IS/ARE THEREFORE "UNSAFE" AS DEFINED THEREIN. YOU WILL BE REQUIRED TO SUBMIT AT SUCH HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE ORDINANCE AND THE TIME IT WILL TAKE TO REASONABLY PERFORM THE WORK.

YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 4thth day of May, 2016


Building Official of the
City of Freeport, Texas



THE CITY OF

200 West Second St • Freeport, TX 77541

FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Johnathon Sublet
Councilmember
Ward A

Fred Bolton
Councilmember
Mayor Pro Tem
Ward B

Sandra Loeza
Councilmember
Ward C

Sandra Harbes
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arispe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 4 & 5, City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

ADDRESS: 213 West Second St. (Dollar General Store)

THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.

A list of definitions is provided to assist you with the terminology used in the report.

BUILDING OFFICIAL: The Building Official appointed pursuant to the Standard Cod adopted by Section 150.025 of the Code of Ordinance.

BUILDING: A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

STRUCTURE: That which is built or constructed.

UNSAFE BUILDING: Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

1. Open structure: open/broken windows or doors.
- X 2. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling joist, sills and studs.
- X 3. Roof failure: roof leaking, sagging, missing all or part of roof.
- X 4. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
9. Building must be vacated within 30 days of receiving this notice.



Christopher D. Motley -- Fire Marshal / Building Official

5/4/16
Date

Signature of Code Enforcement Officer

Date

Repair or Demolish X

Demolish Only _____

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does allow Dollar General Store.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

THE CITY OF

200 West Second St • Freeport, TX 77541

FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

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Fred Ballon
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Ward B

Sandra Lopez
Councilmember
Ward C

Sandra Barbee
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arias
Assistant City Manager

CERTIFIED MAIL RETURN RECEIPT # 7016 0340 0000 6413 6757

OWNER: Wayne Davenport, Tobey Davenport, Michael Fuller
1723 West 11th, Freeport, Texas 77541.

STREET ADDRESS: 213 West Second St. (Dollar General Store)

LEGAL DESCRIPTION: Block 47; Lot 4 & 5 City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason(s):

☒ constitute(s) a fire/health/safety hazard

☐ unsanitary/unfit for human habitation

☐ adequate egress not provided

☐ inadequate maintenance/abandonment

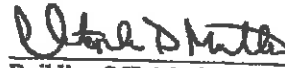
☒ other Roof collapse

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YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 4th day of May, 2016


Building Official of the
City of Freeport, Texas



THE CITY OF

200 West Second St • Freeport, TX 77541



FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
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Fred Bolton
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Ward B

Sandra Lopez
Councilmember
Ward C

Sandra Barbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arspe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 4 & 5, City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

ADDRESS: 213 West Second St. (Dollar General Store)

THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.

A list of definitions is provided to assist you with the terminology used in the report.

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BUILDING: A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

STRUCTURE: That which is built or constructed.

UNSAFE BUILDING: Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

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5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



www.freeport.tx.us



6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
9. Building must be vacated within 30 days of receiving this notice.



Christopher D. Motley – Fire Marshal /Building Official

5/4/16
Date

Signature of Code Enforcement Officer

Date

Repair or Demolish X

Demolish Only

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does allow Dollar General Store.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

THE CITY OF

200 West Second St • Freeport, TX 77541

FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
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Johnathon Sublet
Councilmember
Ward A

Fred Bolton
Councilmember
Mayor Pro Tem
Ward B

Landia Loeza
Councilmember
Ward C

Sandra Barbee
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gordon Arise
Assistant City Manager

CERTIFIED MAIL RETURN RECEIPT # 7016 0340 0000 6413 6788

OWNER: Michael Fuller, Wayne Davenport, and Tobey Davenport
1711 West 9th, Freeport, Texas 77541

STREET ADDRESS: 213 West Second St. (Dollar General Store)

LEGAL DESCRIPTION: Block 47; Lot 4 & 5 City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason(s):

☒ constitute(s) a fire/health/safety hazard

☐ unsanitary/unfit for human habitation

☐ adequate egress not provided

☐ inadequate maintenance/abandonment


☒ other Roof collapse

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YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 4thth day of May, 2016


Building Official of the
City of Freeport, Texas



www.freeport.tx.us



THE CITY OF

200 West Second St • Freeport, TX 77541

FREEPORT

979.233.3526 • Fax 979.233.8867

Norma Moreno Garcia
Mayor

Johnathan Sublet
Councilmember
Word A

Red Bolton
Councilmember
Mayor Pro Tem
Word B

Sandra Loeza
Councilmember
Word C

Sandra Barbrae
Councilmember
Word D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Aripe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 4 & 5, City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

ADDRESS: 213 West Second St. (Dollar General Store)

THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.

A list of definitions is provided to assist you with the terminology used in the report.

BUILDING OFFICIAL: The Building Official appointed pursuant to the Standard Cod adopted by Section 150.025 of the Code of Ordinance.

BUILDING: A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

STRUCTURE: That which is built or constructed.

UNSAFE BUILDING: Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

1. Open structure: open/broken windows or doors.
- X 2. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling joist, sills and studs.
- X 3. Roof failure: roof leaking, sagging, missing all or part of roof.
- X 4. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
9. Building must be vacated within 30 days of receiving this notice.

Christopher D. Motley
Christopher D. Motley -- Fire Marshal /Building Official

5/4/16
Date

Signature of Code Enforcement Officer

Date

Repair or Demolish X

Demolish Only

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does allow Dollar General Store.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

DECISION OF THE BOARD OF ADJUSTMENTS AND APPEALS

On May 23, 2016, at 6:00 o'clock, p.m., in the Police Department Municipal Courtroom of the of the City of Freeport, Texas ("the City"), located therein at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas, a quorum thereof being present, the City Council thereof, sitting as the Board of Adjustments and Appeals pursuant to the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, at the request of the Building Official of the City, conducted a public hearing to determine whether or not the building, structure or portion thereof located on the South 50 feet of both Lots 1 and 2 and all of Lot 3, Block 47 of the Freeport Townsite, according to the map or plat thereof recorded in Volume 2, page 95 of the Plat Records of Brazoria County, Texas, known locally as 217 West Second St., Freeport, TX 77541 ("the premises"), meets the standards set forth in the said Standard Code and is/are therefore "unsafe" as defined therein. Notice of such hearing was given to Toby Davenport, Wayne Davenport and Michael Fuller, the owner(s) of the premises, individually, by certified mail, return receipt requested, first class mail which was not returned and by publication in The Facts, a newspaper of general circulation within the City.

After hearing evidence from the Building Official and all others present who desired to speak, the City Council determined, by motion duly made and seconded and which received the affirmative vote of at least a majority of the members thereof present and voting, that the building, structure or portion thereof located on the premises fails to meet such standards and is/are unsafe.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary



Norma Moreno Garcia
Mayor

Johnathan Sublet
Councilmember
Ward A

Fred Bolton
Councilmember
Mayor Pro Tem
Ward B

Sandra Loeza
Councilmember
Ward C

Sandra Barbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arispe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 3-S/50' Lots 1 & 2, and all of Lot 3 City of Freeport, a subdivision in Brazoria County, Texas, known as the Show Boat Theater.

ADDRESS: 217 West Second St. (Show Boat Theater)

THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.

A list of definitions is provided to assist you with the terminology used in the report.

BUILDING OFFICIAL: The Building Official appointed pursuant to the Standard Cod adopted by Section 150.025 of the Code of Ordinance.

BUILDING: A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

STRUCTURE: That which is built or constructed.

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AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

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- X 4. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- X 5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
- X 8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
- X 9. Building must be vacated within 30 days of receiving this notice.

Christopher D. Motley
Christopher D. Motley – Fire Marshal /Building Official

5/4/16
Date

Signature of Code Enforcement Officer

Date

Repair or Demolish _____

Demolish Only _____

X

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does not allow by description of a movie theater. The zoning plan description shows a drive in Movie Theater only in C-2 zoning.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

The Building Official Report:

Summary:

On March 20, 2016, at approximate 4:30 P.M., the City of Freeport responded to the above address for a building collapse of more than 80 percent of the roof that affected the structural integrity of the walls remaining standing. Portion of the masonry wall from the theater fell on to the roof of the building east of the Show Boat Theater (217 West Second St., Freeport, Texas) creating a structural collapse of a portion of the Dollar General roof (209 West Second Street, Freeport, Texas 77541). The weather on the day of the incident was a very strong windy breeze and clear skies.

As the Building Official, I posted on the front of the building that you need to vacate and demolish the above said building. It has suffered a catastrophic structural collapse that is beyond repair. This is an unsafe building and shall not be occupied due to potential further building collapse. This potential collapse is that the brick walls are not supported by the roof assembly to maintain the integrity of the exterior brick wall. The area was blocked off from the public with yellow barricade tape and then later with a fence around the perimeter of the building of 209 West Second St across the street to the public sidewalk traveling to the Intersection of Hickory Street, then from Oak street to the alleyway of the between West Second St and West Broad. The fence stretched down the alleyway eastward to the rear of the building of 209 West Second Street.

Review of Building Code Violations:

March 12, 2014 Care of Premise (exterior walls)
Care of Premise (Protective Treatment)

Letter was sent by Code Enforcement Officer Careman Calvillo. CO Calvillo wrote an additional compliant in her letter to Mr. Davenport. Inserted from the letter from case number V003483-031214, "The old movie theater building is in need of repair. Roof is damaged and the roof has caved in and inside full of debris. Exterior walls have cracks throughout building. Please contact Building Official, Kola Olayiwola to discuss these repairs and required permits.

Disposition: Citation issued, dismissed after work was performed by Hernandez Construction.

In the inspection of the structure, a visual examination of the exposed, readily accessible portions of the structure was documented with photographs. These items were examined for visible defects, excessive wear, and general condition. Many structural components are inaccessible because they are buried within the building. Also the building structural members were not safe to walk upon to examine up close.

Therefore, much of the inspection was performed by looking for visible symptoms of movement, damage and deterioration. Where there are no symptoms, conditions requiring further review or repair may go undetected and identification is not possible without destructive testing or the removal of the existing collapsed building material. We make no representations as to the internal conditions or stability of soils, concrete footings and foundations, except as exhibited by their performance. We cannot predict when or if foundations or roofs might collapse further in the future. I have inserted several pictures from the Google Earth to show time frame of deterioration. Then I have provided recent photographs taken by the City on the day of the structural collapse from a ladder truck.



IMAGERY DATE (UTC-0800) 2015/02/20 11:45:20E+000 W 000 0.00 320 ft

Google earth

Imagery Date 5/15/2014



Imagery Date 3/27/2015



Imagery Date 11/21/2015







DECISION OF THE BOARD OF ADJUSTMENTS AND APPEALS

On May 23, 2016, at 6:00 o'clock, p.m., in the Police Department Municipal Courtroom of the of the City of Freeport, Texas ("the City"), located therein at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas, a quorum thereof being present, the City Council thereof, sitting as the Board of Adjustments and Appeals pursuant to the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, at the request of the Building Official of the City, conducted a public hearing to determine whether or not the building, structure or portion thereof located on the Lots 4 and 5, Block 47 of the Freeport Townsite, according to the map or plat thereof recorded in Volume 2, page 95 of the Plat Records of Brazoria County, Texas, known locally as 213 West Second St., Freeport, TX 77541 ("the premises"), meets the standards set forth in the said Standard Code and is/are therefore "unsafe" as defined therein. Notice of such hearing was given to Toby Davenport, Wayne Davenport and Michael Fuller, the owner(s) of the premises, individually, by certified mail, return receipt requested, first class mail which was not returned and by publication in The Facts, a newspaper of general circulation within the City.

After hearing evidence from the Building Official and all others present who desired to speak, the City Council determined, by motion duly made and seconded and which received the affirmative vote of at least a majority of the members thereof present and voting, that the building, structure or portion thereof located on the premises fails to meet such standards and is/are unsafe.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary



Norma Moreno Garcia
Mayor

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Councilmember
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Sandra Sarbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arispe
Assistant City Manager

REPORT OF INSPECTION

DATE OF REPORT: March 23, 2016

LEGAL: Block 47; Lot 4 & 5, City of Freeport, a subdivision in Brazoria County, Texas, known as the Dollar General Store.

ADDRESS: 213 West Second St. (Dollar General Store)

THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.

A list of definitions is provided to assist you with the terminology used in the report.

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5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



6. Absence of fixtures: sinks, lavatories, water closets.
7. Absence of plumbing: venting, water and waste lines missing or in need of repair.
8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair.
9. Building must be vacated within 30 days of receiving this notice.

Christopher D. Motley – Fire Marshal /Building Official

Date

Signature of Code Enforcement Officer

Date

Repair or Demolish X

Demolish Only

Non-Conforming

Zoning: C-1: In reviewing the zoning for this property, the C-1 zoning does allow Dollar General Store.

Front Setback N/A

Side Setback N/A

Rear Setback N/A

The Building Official Report:

Summary:

On March 20, 2016, at approximate 4:30 P.M., the City of Freeport responded to the above address for a building collapse of more than 80 percent of the roof that affected the structural integrity of the walls remaining standing. Portion of the masonry wall from the theater fell on to the roof of the building east of the Show Boat Theater (217 West Second St., Freeport, Texas) creating a structural collapse of a portion of the Dollar General roof (209 West Second Street, Freeport, Texas 77541). The weather on the day of the incident was a very strong windy breeze and clear skies.

As the Building Official, I posted on the front of the building that you need to vacate and demolish the above said building. It has suffered a catastrophic structural collapse that is beyond repair. This is an unsafe building and shall not be occupied due to potential further building collapse. This potential collapse is that the brick walls are not supported by the roof assembly to maintain the integrity of the exterior brick wall. The area was blocked off from the public with yellow barricade tape and then later with a fence around the perimeter of the building of 209 West Second St across the street to the public sidewalk traveling to the Intersection of Hickory Street, then from Oak street to the alleyway of the between West Second St and West Broad. The fence stretched down the alleyway eastward to the rear of the building of 209 West Second Street.

Review of Building Code Violations:

March 12, 2014 Care of Premise (exterior walls)

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Disposition: Citation issued, dismissed after work was performed by Hernandez Construction.

In the inspection of the structure, a visual examination of the exposed, readily accessible portions of the structure was documented with photographs. These items were examined for visible defects, excessive wear, and general condition. Many structural components are inaccessible because they are buried within the building. Also the building structural members were not safe to walk upon to examine up close.

Therefore, much of the inspection was performed by looking for visible symptoms of movement, damage and deterioration. Where there are no symptoms, conditions requiring further review or repair may go undetected and identification is not possible without destructive testing or the removal of the existing collapsed building material. We make no representations as to the internal conditions or stability of soils, concrete footings and foundations, except as exhibited by their performance. We cannot predict when or if foundations or roofs might collapse further in the future. I have inserted several pictures from recent photographs taken by the City on the day of the structural collapse from a ladder truck and from within the store.





