



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING  
Wednesday, June 27, 2012**

**The Building and Standards Commission convened in a regular meeting on Wednesday, June 27, 2012 at City Hall, in the Boards and Commission Room, 301 West 2<sup>nd</sup> Street, Austin, Texas.**

**Vice-Chair, David Brown called the Commission Meeting to order at 6:35 p.m.**

**Commission Members in Attendance:**

**David Brown, Vice Chair; Tim Hill, Steven Alloway, Charles Cloutman and Daniel Gonzalez.**

**Code Compliance Staff in Attendance:**

**Chris Moore, Commission Coordinator/Scribe; Sonja Prevo, Commission Coordinator; Steve Ramirez, Assistant Division Manager; Ron Potts, Assistant Division Manager; Troy Collins, Investigator; Anthony Majors, Investigator; Robert Alvarado, Supervisor; Matthew Noriega, Investigator; Daniel Cardenas, Assistant Director; Carl Smart, Director, Melissa Martinez, Public Information; Kathleen, Buchanan, Assistant City Attorney.**

**City Staff in Attendance:**

**Joe Limon, Fire Battalion Chief with Austin Fire Department; Jay Baker, Planning and Development Review; Brian Poplin, Planning and Development Review.**

**1. CITIZEN COMMUNICATION: GENERAL**

- a. **Ruby Roa – Thank you Commissioners and on behalf of the residents at Wood Ridge Apartments I want to thank the Code Compliance folks all the partners that were a part of the... of helping the families that were displaced I think staff and all those folks Caritas all those partners did a great job on such short notice so thank ya'll very much for what you have done There are a couple of concerns that I have the major concern I have is the lack of work that is being done at Wood Ridge which we have seen no activity as of today I have just drove by there today on my way home I mean on my way over here and second concern that I have is the residents on the 2<sup>nd</sup> floor of building 2 have not been able to get not any of their furniture they have been able to get some of their personal belonging but their furniture is still on the 2<sup>nd</sup> floor in their apartments and I know that you can not do anything about the residents themselves but there is a concern just to let you know the residents that are still there are concern should they pay their July rent or should they start moving out so I just wanted to bring that to the Commission and also if they do remain so remain at Wood Ridge would they do remain at Wood Ridge would they have to sign another lease and pay another deposit so those are all I have to say at this moment.**
- b. **Stuart Hersh – Chair Brown and members of the Commission my name is Stuart Harry Hersh and like most in Austin I rent I testified before the City Council two weeks ago in support of the Image Austin Plan and I mentioned that I imagine an Austin when we return to a Code Enforcement performance standard when we use to lead the nation because 90% of our cases were resolved in 90 days part of that strategy include some times having to vacate buildings and find replacement housing for renters on an emergency basis we did this successfully along**

Shoal Creek after Memorial Day 1981 after methane gas caused vacating several hundred renters in the Waters Bend Apartments on East Anderson Lane in 1992 we did it by planning for failed elevators or possible flooding or ice storms in the run up to Y2K and we did it for the folks at the Convention center after Katrina just a few years later and by the way the tenants lawyer in the Waters Bend case was young attorney by the name of Kirk Watson why can't we as a city be ready to respond rapidly and compassionately like we did 30 20 10 years ago this is stuff we know this is stuff where people in the community have experience and I am here tonight to say that I and many other people are willing to help and I'm sure others are as well but we need to be invited into the planning process we have a lot of experience and a lot of success as a community with people not having to be in cars with telling people honestly whether they can or can't stay in the apartments that they are in or whether for the long term they are probably going to be out in order for those things to be fixed I beg this commission or whoever I need to that you tap the experience that is still here we provide it for free and it's a tragedy when we don't do all of the things that we use to do well because you just won't talk with us so thank you for your service and thank you for your time use to have to come here every month for a long time and I am glad I don't any more but we are willing to help because these tenants are extremely vulnerable and they need our assistance.

- c. Dennis Roche – I am Dennis Roche I am a resident at Wood Ridge and some of the issues that we have all talked about insurance renters insurance is helpful in a lot of instances but in this one it is not as with a lot of most major carriers it wasn't with mine because it doesn't cover maintenance and neglect it only covers the will of God thing so insurance really doesn't help here another issue that I would like to address is if you notice something that is unsafe in your apartment complex and you have talked to management and nothing is done what do you do where do you go do you forget about it I can give endless examples but the problem is where do you go I don't feel that the property management companies are being held liable enough and responsible enough oh the owner won't give us the money well quit representing the owner if he won't let you rent apartment of standard that's of code then you shouldn't represent him I mean that is like normally selling to someone that you know is going to default on the loan there should be some moral responsibility to the management company broker and I have not seen that the lack of information or no information leads us all to jump to our own conclusions and we all know where that ends up at and we need accountability we need a way to get things addressed that are considered urgent and endless amount of apartments do not have keyless deadbolt in this apartment complex and that is one of the minimum requirement for a apartment to be rented the minimum one of the and the minimum is not even there Code Compliance comes through gang busters after the stairwell they say we are going to be out there we are going to be out there after the quick fix is done we don't see then and we get this notice on Tuesday that they are coming on Wednesday not much of a notice and then they come and they do their thing and here we are at this point we still have not heard from Code Compliance it is my feelings and others feelings that the City and management has just left us out there to rot
- d. Douglas R. Robb - Good evening gentleman my name Douglas Robb I am resident at Wood Ridge and I just want to echo some of the things that Mr. Roche was saying here we are 23 days later and what have we accomplished basically nothing that I can see we are not seeing any activity Mr. Roche has pointed out to me that the construction company that had delivered the port-a-potty to the property for the construction workers to use restroom facility has been taken out I can not see having walked around the property on multiple occasions any of the work that was done outside of the initial work that the Commission ordered to make the balconies safe for example right next to the office in plain view of the property management is a four by four post that I can kick out with my foot that's holding up one on the balcony edges of the stairwell of the building that its adjacent to I live right front of the management office the building 6 that I am in we have pointed out massive violations to the Code Compliance people we have tried to be as proactive as we can be and responsible as we can be it is obvious

the condition of this apartment complex the article in the Statesman should point that out here we are 30 years later what have we learned evidently nothing the problem is one of accountability, accountability, accountability we keep coming back to that issue and moment ago you are talking about well we can't do anything about it what does this body exist for if there isn't any teeth in enforcement then what are we accomplishing here what kind of safety are we doing why are the citizens of Austin tax payers paying for the negligence of this property management and this ownership they are laughing at you guys right now they are laughing in the face of the City of Austin what can they do to us what will they do to us you know the other day they had the mobile command center one of the most impressive pieces of equipment I've seen that the city owns Code compliance people's trucks up and down a valley hill the street that borders the back side of the apartment complex a massive presence next day it was a ghost town we are here 23 days later Commissioner Cloutman pointed out they should only have 30 days and you gave them 75 that haven't done anything in 3 weeks not a lick of work what is being done you have dangerous stairwells there's broken glass there garbage all over this apartment complex what is being done where is the accountability those are the issues that need to be addressed

## **2. APPROVAL OF MINUTES**

The minutes from the regular hearing of May 23, 2012 was approved on Commission Member Hill's motion, Commission Member Cloutman second on a 5-0-0 vote.

The minutes from the special called hearing of June 4, 2012 was approved on Commission Member Hill's motion, Commission Member Cloutman second on a 5-0-0 vote.

## **3. OLD BUSINESS**

- a. Update on 7606 Silvercrest Circle was given by Investigator Anthony Majors, Jay Baker and Brian Poplin both with Planning and Development Review.
- b. Report submittal and presentation on 1900 Burton Drive, Building 1-15 was presented by Byron Plant, with Asset Plus Companies, the managing agent for the owner and Judson Caps with Camp Construction.
- c. Update on the Building and Standards Commission retreat agenda was given by Steve Ramirez

## **4. PUBLIC HEARINGS**

Commission Coordinator Sonja Prevo presented the following cases:

- |                |                        |               |
|----------------|------------------------|---------------|
| a. 2012-046960 | 5101 Purple Sage Drive | Rick O'Reilly |
|----------------|------------------------|---------------|

5101 Purple Sage Drive is a Residential Duplex. Travis Central Appraisal District records shows that Rick O'Reilly is the title owner. This case was represented by Rick O'Reilly, and Phillip Danks, attorney representing the property owner. The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions. The staff recommended that the Commission adopt the findings of fact and conclusions of law and recommended an order to include that any necessary permits be secured. That you order the owner or owner's representative to complete the abatement work necessary to make safe the chimneys and detaching areas of exterior walls and submit an engineer's certification certifying the Residential Duplex is no longer dangerous within 15 days of the date this order is mailed to the owner. That all abatement or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. That the owner or owner's representative shall request inspection(s) to verify compliance.

**This section of the order staff wishes to amend its recommendation to state:**

**That you order the owner(s) of the Residential Duplex located on the property to allow for an interior inspection within 3 days of the date this order is mailed to the owner for the purpose of determining of additional dangerous conditions exist at the interior.**

**A motion to accept staff's amended recommended Order was made by Commission Member Hill, Commission Member Gonzalez second motion on a 4-1-0 vote.**

**b. 2012-056120                      1504 South Congress Avenue (a.k.a. 1506      Jenna Radtke  
South Congress Avenue)**

**1504 South Congress Avenue (a.k.a. 1506 South Congress Avenue) is a Commercial Retail Structure. Travis Central Appraisal District records shows that Jenna Radtke is the title owner. The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions. The staff recommended that the Commission adopt the findings of fact and conclusions of law and recommend that any necessary permits be secured. That you order the Accessory Buildings identified as "A" and "B" in Figure 1 (attached), located on the property be corrected and repaired of all noted violations and pass required inspections within 30 days of the date this order is mailed to the owner; and the owner or owner's representative shall request inspection(s) to verify compliance; and that after the 30 days, a penalty of \$1,000.00 per week shall be assessed until work is completed with final inspections passed.**

**In lieu of repair, demolition of Accessory Building identified as "A" and "B" in Figure 1 (attached) shall also be deemed as an alternative remedy to achieve compliance with this Order. The demolition shall be completed within 30 days of the date this order is mailed to the owner and shall occur under authorization of a demolition permit. All portions of the Accessory Buildings identified as "A" and "B" in Figure 1 (attached), shall be removed, including removal of associated materials and debris from the property. The owner or owner's representative shall request inspection(s) to verify compliance. After 30 days, a penalty of \$1,000.00 per week shall be assessed until work is completed with final inspections passed.**

**A motion to accept staff's recommended order was made by Commission Member Hill, with the amendment to change the 30 days to 60 days, Commission Member Cloutman second motion on a 5-0-0 vote. A friendly amendment from Commission Member Gonzalez to determine if would keep the part of the order that refers to in lieu of repair...as part of the order. This was accepted by the maker of the motion and Commission Member Cloutman, who second the motion to remove this section from the order.**

**c. 1994-001514                      1108 Chicon Street                      Mount Olive Baptist Church**

**This case was presented by Steve Ramirez. 1108 Chicon Street is Residential Single Family Structure. Travis Central Appraisal District records shows that Mount Olive Baptist Church is the title owner. The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions. The staff recommended that the Commission adopt the findings of fact and conclusions of law and the following recommended agreed order was read into the record:**

- I. It is Ordered that civil penalties accruing per the existing Repair Order for this property shall cease accruing as of June 27, 2012.**

**It is Ordered that the civil penalty that accrued per the existing Repair Order shall be subject to the conditions of Section C. II**

- II. It is Ordered that the existing Repair Order for this property is hereby modified and a new Order issued as follows:**

**It is Ordered that the Findings of Fact and Conclusion of Law for this property are adopted,**

**It is Ordered that a demolition permit shall be secured and demolition of the structure shall commence within 45 days of the date this Order is mailed to the owner.**

**It is Ordered that the structure located at 1108 Chicon Street and all portions thereof, including the structure foundation and porches, shall be demolished, and all associated materials and debris removed within 90 days the date the Order is mailed to the owner. The owner or owner's representative shall request inspection(s) to verify compliance. If compliance is not achieved within the 90 days, a civil penalty of \$500.00 per week shall be assessed until work is completed and final inspections passed. Per the Austin City Code, the City shall accept as full payment of the civil penalty, an amount equal to the assessed penalty minus the cost of full compliance with this Order.**

**In addition to assessment of civil penalty, after the 90 days, if full compliance with the terms of this Order has not been achieved by the owner of this property, the Code Official may proceed with any work necessary to complete the demolition of the structure and the removal of all associated debris necessary to secure full compliance with this order. If the Code Official conducts or contracts for demolition of the structure(s), all portions of the structure(s), including the foundation and process and any items in the structure and on the property will be considered debris and disposed of as such. A lien for all expenses incurred by or on behalf of the City of Austin to achieve full compliance with this order will be filed with the Travis County Deed Records.**

**As to the civil penalty that accrued in the existing Repair Order, reference in Section C.1, the following is Ordered:**

**It is Ordered that the code official shall except as full payment of the civil penalty accrued per the existing Repair Order, proof of costs for any/all repairs and stabilization work performed under permit #2002011248. The following conditions must be met in order to achieve satisfaction with this civil penalty:**

- Full compliance with the required demolition as described in this section must be completed, including finalization of the demolition permit, and;**
- Submittal of documentation as proof of costs for any/all repairs and stabilization work performed under permit #2002011248 to the City of Austin Code Compliance Department.**

**A motion to accept staff's recommended agreed Order with the modification of adding that "such civil penalties may not exceed \$25,000.00" to section C.1 was made by Commission Member Gonzalez, Commission Member Hill second motion on a 5-0-0 vote.**

## **5. Future Agenda Items**

**a. The Commission voted to place 1900 Burton Drive on next month's agenda for action on the motion made by Commission Member Cloutman, Commission Member Hill second motion on a 4-1-0 vote.**

**Vice-Chair David Brown adjourned the commission hearing at 9:42 p.m. without objection.**