



## **BUILDING AND STANDARDS COMMISSION MINUTES**

**REGULAR MEETING  
Wednesday, August 28, 2013**

The Building and Standards Commission convened in a regular meeting on Wednesday, August 28, 2013 at City Hall, in the Boards and Commission Room, 301 West 2<sup>nd</sup> Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:40 p.m.

### **Commission Members in Attendance:**

Ethelynn Beebe, Chair; David Brown, Vice-Chair; Tim Hill, Daniel Gonzalez, Steven Alloway, Stacy Kaplowitz and Charles Cloutman

### **Staff in Attendance:**

Carl Smart - Director; Daniel Cardenas - Asst. Director; Keith Leach – Asst. Director; Matthew Christianson - Division Manager; Steve Ramirez - Division Manager; Ron Potts - Division Manager; Elaine Garrett – Asst. Division Manager; Marcus Elliott – Asst. Division Manager; Christopher Moore – BSC Coordinator; Sonja Prevo – Municipal Court Coordinator; Mike Carter - Code Compliance Inspector; Michael Dial - Code Compliance Inspector; Luther Perez – Code Compliance Inspector; Matthew Noriega - Code Compliance Inspector; Merlinda Coleman – Program Specialist; Patricia Link, Assistant City Attorney.

## **1. CITIZEN’S COMMUNICATION: GENERAL**

- a. **Stuart Harry Hersh** – Stated that he appeared before the Commission in June, July and August asking for his recommendation to staff his rental assistant alternative item to be posted on the agenda for briefing, discussion and action. Mr. Hersh asked that the Commission to reject staff’s recommendations and put the rental registration item on the September 25, 2013 BSC agenda. Mr. Hersh asked what is the required affordability impact on tonight’s staff proposal that is required by the city code of any ordinance fee change that would potentially impact affordable housing.
- b. **Rachel Fischer** – Representing the Austin Apartment Association, Ms. Fischer’s organization is opposed Council Member Tovo’s proposed ordinance. Ms. Fischer’s organization does support Council Member Spellman’s proposed ordinance. Ms. Fischer’s concern (regarding CM Tovo’s proposed ordinance) is that all rental properties would be treated equally and duplexes, single family residences and commercial businesses would not be affected. Ms. Fischer spoke about the definition of repeat offender (in particular to CM Spellman’s proposed ordinance) and how the ordinance is drafted.
- c. **Emily Chenevert** – Representing the Austin Board of Realtors, Ms. Chenevert’s organization is opposed the rental registration program concerning the resolution and the objective was and reviewing the ordinance as they pertain to the resolutions. In support of CM Spellmen’s proposed ordinance, Ms. Chenevert states that staff is to develop a comprehensive plan using existing tools including utility cut off, referral of appropriate cases to court, a checklist of dangerous conditions and to ensure reoccurring health and safety violations are promptly abated. Ms. Chenevert indicated that Code being pro-active with their enforcement is a way greater way to achieve compliance than with just rental registration alone.
- d. **Melinda Schiera** – Representing the Austin Neighborhood Council for the North Austin Civic Association, Ms. Schiera’s organization supports both ordinances. Ms. Schiera stated that the staff is doing a great job at researching rental registration and how it can be affective in Austin. She

appreciates the Commission comments on the ordinances as they are currently and expressed that the Commission has more authority to address problems regarding properties and slumlords.

- e. **Ruby Roa** – Representing the tenants who support rental registration of both ordinances. Adding, the only thing needed is, “to continue to work on the displacement of tenants if the ordinances pass.” She thanked the Commission for their work.

## **2. STAFF BRIEFINGS**

Director Smart presented the staff briefing regarding Council Resolution NO. 20130606-049 and Resolution NO. 20130606-050.

## **3. FUTURE AGENDA ITEMS**

Madam Chair Beebe moved item B3 B items to next month agenda. The Commission needs more time to discuss the item.

## **4. APPROVAL OF MINUTES**

- a. The minutes for the regular hearing of June 26, 2013 were approved on Commission Member Hill’s motion. Vice-Chair Brown second; the motion passed on a 7-0-0 vote.

## **5. PUBLIC HEARINGS**

- a. **2409 Manor Road; Planet Productions Ltd.**

**CL # 2013-080889**

2409 Manor Road is a commercial building. Travis Central Appraisal District shows that Planet Productions, Ltd. is the title owner. This case was represented by Phil Moncada (consultant).

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 through 25-12-213 Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; order for the commercial building located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; that the owner or owner’s representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

A motion was made by Commissioner Hill to amend staff’s recommended Order was adopted as follows: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the commercial building located on the property be repaired with final inspections passed within ninety (90) days of the date the Order is mailed to the owner that all repairs or modifications shall meet or exceed the requirements of all applicable codes; order the owner or owner’s representative(s) shall request inspection(s) to verify compliance; and that after ninety (90) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

Commission Member Cloutman second; the motion passed with a 7-0-0 vote.

- b. **1205 East 52<sup>nd</sup> Street; Walter Olenick & M Rae Nadler Olenick**

**CL # 2013-08442**

1205 East 52<sup>nd</sup> Street is a multi-family structure. Travis Central Appraisal District shows that Walter Olenick & M Rae Nadler Olenick are the title owners. This case was represented by Walter Olenick & M Rae Nadler.

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 through 25-12-213 Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; order for the multi-family structure located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner; order all repairs or modifications shall meet or exceed the requirements of all applicable codes; order the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$1000.00 per week shall be assessed until work is completed with final inspections passed.

Staff requested tabling the case from Commissions due to questions on the 20% homestead designation.

A motion to table the case was made by Commission Member Hill. Commission Member Cloutman second; the motion passed with a 7-0-0 vote.

The Commission reconvened to finish hearing case 2013-084452 at 7:55 pm. Staff provided the Commission the information they requested.

A motion was made by Commissioner Hill to amend staff's recommended Order was adopted as follows: the Commission adopt the Findings of Fact (as described in the Findings of Fact, Section A.VII) and Conclusions of Law identified at this property; order any necessary permits be secured; that an order for the multi-family structure located on the property be repaired with final inspections passed within thirty (30) days of the date the Order is mailed to the owner that all repairs or modifications shall meet or exceed the requirements of all applicable codes; order the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$1000.00 per day shall be assessed until work is completed with final inspections passed.

Commission Member Gonzalez second; the motion passed on a 7-0-0 vote

c. **6700 Canal Street; Lydia Flores Cantu**  
**CL # 2013-084528**

6700 Canal Street is a single family structure. Travis Central Appraisal District shows that Lydia Flores Cantu is the title owner. This case was not represented.

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 through 25-12-213 Austin City Code and is therefore a public nuisance and dangerous with substandard conditions.

Staff recommended the Commission adopt the recommended order and that a demolition permit be secured and that the single family structure to be demolished and removed; order the lot be left in a cleaned and raked condition within thirty (30) days of the date this Order is mailed to the owner. Order the owner or owner's representative request inspection(s) to verify compliance. If compliance is not achieved within 30 days, the Code Official may proceed with the demolition. After the 30 days, all portions of the single family structure, including items in the structures and on the property, will be considered debris and disposed of as such. A lien for all expenses incurred by the City of Austin will be filed with the Travis County Deed Records.

A motion to accept staff's recommended order was made by Commission Member Gonzalez. Vice-Chair Brown second; the motion passed on a 7-0-0 vote.

Staff is to verify that the structure that is ordered to be demolished is not straddling the property line of two lots.

- d. **3804 (aka 3800) South Congress; 3800 S. Congress LP**  
**CL # 2011-048835**

**3804 (aka 3800) South Congress is a Commercial Building. Travis Central Appraisal District shows 3800 S. Congress LP is the title owner. This case was represented by Mr. Don Reese (registered agent).**

**A Building and Standards Commission Order regarding this property was issued on December 19, 2011. This property has achieved compliance and the Commission heard testimony from the property owner's representative as to why relief should be granted from the existing penalties. Staff did not have a recommendation concerning the civil penalties.**

**Based on testimony, the Commission modified the Order that was initially issued on December 19, 2011. The Commission voted that the total civil penalties assessed under the previously issued Order shall be \$10,000.00.**

**A motion was made by Commission Member Gonzalez to amend the order to set the civil penalty at \$10,000.00 and that the civil penalties shall be deemed to be fully satisfied as of the date of such payment and no additional civil penalties shall accrue. Commission Member Hill second; the motion was approved on a 6-1-0 vote. Commission Member Cloutman opposed the motion.**

**6. ADJOURNMENT**

**Madam Chair Beebe adjourned the commission hearing at 10:25 p.m. without objection.**