



## **BUILDING AND STANDARDS COMMISSION MINUTES**

**REGULAR MEETING  
Wednesday, December 11, 2013**

The Building and Standards Commission convened in a regular meeting on Wednesday, December 11, 2013 at One Texas Center, 3<sup>rd</sup> Floor Conference Room, 505 Barton Springs Road, Austin, Texas.

Madam Chair, Ethelynn Beebe, called the Commission Meeting to order at 6:35 p.m.

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

Ethelynn Beebe, Chair; Tim Hill, Steven Alloway, Daniel Gonzalez and Charles Cloutman

### **Staff in Attendance:**

Carl Smart - Director; Daniel Cardenas - Asst. Director; Keith Leach – Asst. Director; Steve Ramirez Terri Roberts - Division Manager; Terri Roberts - Division Manager; Division Manager; Ron Potts - Division Manager; Jonathan Josephson – Asst. Division Manager; Elaine Garrett – Asst. Division Manager; Christopher Moore – Asst. Division Manager; John Christophe - Code Compliance Investigator; Manuel Villegas – Code Compliance Investigator; Robert Moore - Code Compliance Inspector; Chris Maldonado - Code Compliance Inspector; Hilda Martinez – Code Compliance Inspector; Merlinda Coleman – Program Specialist; Patricia Link, Assistant City Attorney; Candice Cooper – Public Information Director; Alanna Reed – Community Outreach Coordinator; Jacqueline Ballone – Public Relations Coordinator; and Ralph Castillo – Engineer for the City of Austin Fire Department.

## **1. PUBLIC HEARINGS: New Cases**

### **a. 11615 Pearwood Place; Donald & Nicole Mulkey**

**CL # 2013-124306**

11615 Pearwood Place is a single family structure. Travis Central Appraisal District shows that Donald & Nicole Mulkey are the title owners. This case was represented by Vanessa Mulkey and Chris Proth; Mary Ruddig (neighbor); Jeff Reynolds (neighbor).

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 with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order the owner(s) or owner(s) designee to complete all repairs described in, including restoration of hot water and the installation of smoke detectors, within 30 days of the date the Order is mailed to the owner(s). Order all repairs shall meet or exceed the requirements of all applicable codes. Order the owner(s) or owner(s) designee shall request inspection(s) to verify compliance.

Order a penalty of \$500.00 per week shall be assessed after 30 days if repairs are not completed, including passing all necessary inspections.

Order if repairs described above are not completed within 30 days, the occupants of the single-family structure shall vacate, relocate, and secure the structure within 72 hours of the 31st day after the Order is mailed. The structure shall remain vacant and secured until compliance is achieved. If the single-family structure and premises is not vacated, this Order hereby authorizes any Peace Officer of the state, including a Sheriff or Constable or designee of the Austin Chief of Police to

enforce and carry out this Order.

A motion was made by Commissioner Hill to amend staff's recommended Order was adopted as follows: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order the owner(s) or owner(s) designee to complete all repairs described in, including restoration of hot water and the installation of smoke detectors, within 30 days of the date the Order is mailed to the owner(s). Order all repairs shall meet or exceed the requirements of all applicable codes. Order the owner(s) or owner(s) designee shall request inspection(s) to verify compliance.

Order a penalty of \$1000.00 per week shall be assessed after 30 days if repairs are not completed, including passing all necessary inspections.

Order if repairs described above are not completed within 30 days, the occupants of the single-family structure shall vacate, relocate, and secure the structure within 72 hours of the 31st day after the Order is mailed. The structure shall remain vacant and secured until compliance is achieved. If the single-family structure and premises is not vacated, this Order hereby authorizes any Peace Officer of the state, including a Sheriff or Constable or designee of the Austin Chief of Police to enforce and carry out this Order.

Commissioner Gonzalez second; the motion passed with a 5-0-0 vote.

**b. 304 W. Grady Drive; Jose Gomez**

**CL # 2013-120988**

304 W. Grady Drive is a single-family structure. Travis Central Appraisal District shows that Jose Gomez is the title owner. This case was represented by Jose Gomez and Phil Moncada (registered agent). An Agreed Order was prepared and agreed upon by both parties.

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 with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order for the single-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; that the owner or owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$280.00 per week shall be assessed until work is completed with final inspections passed.

A motion to accept staff's recommended order was made by Commissioner Gonzalez; Commissioner Cloutman second; the motion passed on a 5-0-0 vote.

**c. 4911 Finley Drive; Glee Crocker**

**CL # 2013-104734**

4911 Finley Drive is a single-family structure. Travis Central Appraisal District shows that Glee Crocker is the title owner. This case was represented by Glee Crocker and Carla Carbone (Vice President of the Allandale Neighborhood Association).

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 with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order for the single-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; that the owner or

owner's representative(s) shall request inspection(s) to verify compliance; and that after thirty (30) days, a penalty of \$500.00 per week shall be assessed until work is completed with final inspections passed.

A motion was made by Commissioner Gonzalez to amend staff's recommended Order and to place this case in abeyance until January's meeting and instruct staff to do an interior inspection.

Commissioner Hill second; the motion passed on a 5-0-0 vote.

**d. 3406 Burleson Road; Emma S. Kelly  
CL # 2013-115523**

3406 Burleson Road is single-family structure. Travis Central Appraisal District shows that Emma S. Kelly 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 with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order that the single-family residential structure located on the property be demolished and the lot left in a cleaned and raked condition within 30 days of the date this Order is mailed to the owner. That all portions of the single-family residential structure be removed and that 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 residential structure, including items in the structure 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 Travis County Deed Records.

A motion to accept staff's recommended order was made by Commissioner Gonzalez; Commissioner Hill second; the motion passed on a 5-0-0 vote.

**e. 11207 Terrace Bluff; Jean Masco  
CL # 2013-105691**

11207 Terrace Bluff is single-family structure. Travis Central Appraisal District shows that Jean Masco is the title owner. This case was not represented. An Agreed Order was prepared and agreed upon by both parties.

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 with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified at this property; order any necessary permits be secured; order repaired within thirty (30) days of the date the Order is mailed to the owner; order the property shall be vacated and remain vacated until compliance is achieved and that all repairs or modifications shall meet or exceed the requirements of applicable codes; that the owner or owner's representative(s) shall request inspection(s) to verify compliance. After thirty (30) days, a penalty of \$500.00 per week shall be assessed until work is completed with final inspections passed.

A motion to accept staff's recommended agreed order was made by Commissioner Gonzalez; Commissioner Cloutman second; the motion passed on a 5-0-0 vote.

**2. OLD BUSINESS: (Briefing, discussion, and possible action)**

**a. 1701 Toomey Road (also known as Casa de Luz)**

**i. Update given to the status of the Order issued by the Commission**

- ii. Cross-examination questions posed to staff by the property representative, Stuart Hersh and additional discussion about the property from Stuart Hersh.

### **3. NEW BUSINESS**

- a. Council Resolution No. 20131003-100.
  - i. Presentation from Director Carl Smart regarding Council Resolution No. 20131003-100 concerning expanding the size of the Commission and creating panel system.
  - ii. Discussion from Stuart Hersh regarding Council Resolution No. 20131003-100 concerning expanding the size of the Commission and creating panel system.
- b. Election of officers for 2014 Building and Standards Commission.
  - i. A motion to reelect the current two officers as officers as the 2014 Building and Standards Commission was made by Commissioner Hill; Commissioner Gonzalez second; the motion passed on a 5-0-0 vote.
- c. Adoption the 2014 Building and Standards Commission meeting schedule
  - i. A motion to adopt the 2014 meeting schedule for the Building and Standards Commission was made by Commissioner Gonzalez; Commissioner Hill second.

### **4. FUTURE AGENDA ITEMS**

- a. 1701 Toomey Road (also known as Casa de Luz)
- b. Recommendation from the Commission regarding Council Resolution No. 20131003-100
- c. Discussion of By-laws: specifically regarding special called meetings

### **ADJOURNMENT**

Madam Chair Beebe adjourned the commission hearing at 10:36 p.m. without objection.