



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING**  
Wednesday, June 25, 2014

The Building and Standards Commission convened in a regular meeting on Wednesday, June 25, 2014, at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:31 p.m.

Commission Members in Attendance:

Ethelynn Beebe, Chair; David Brown, Vice-Chair; Charles Cloutman, Tim Hill, Steven Alloway.

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Merlinda Coleman - Program Specialist; Patricia Link - Assistant City Attorney; Carl Smart - Director, Austin Code Department; Daniel Cardenas - Asst. Director, Austin Code Department; Matthew Christianson - Division Manager; Terri Roberts - Division Manager; Edgar Hinojosa - Asst. Division Manager; Robert Alvarado - Asst. Division Manager; Chris Maldonado - Code Compliance Inspector, Michael Dial - Code Compliance Inspector; Daniel Gonzalez - Inspector, East Austin; Maria Kirk - Inspector; Michael Reeves - East District Code Officer; Elaine Garrett - Division Manager; Jerry Reynolds - Asst. Division Manager, South District; Alicia Tovar - Inspector; Edmond Su - Inspector; Michael Carter - Inspector; Ross Dickens - Inspector; Edgar Hinojosa - Assistant Division Manager, Legal; Dennis Vaughn - Inspector; Melanie Alley - Legal Division.

**1. CITIZEN COMMUNICATION: GENERAL**

- A. Stuart Harry Hersh, an Austin renter, reminded Commission there has been no public hearing on the October 3, 2013, resolution from City Council initiating code amendments to change size of Building & Standards Commission and for expedited permits. Regarding discussion of receivership, the Community Development Commission at their last public hearing, presented adoption of a five-year consolidated plan dealing with use of federal monies for the Neighborhood Housing & Community Development Department. There is no inclusion for receivership dollars for repairs, nor did presentation on local funds indicate any receivership dollars. Mr. Hersh suggests with nothing in budget for receivership, demolition of vacant substandard houses should be considered, rather than the option of receivership.

**2. APPROVAL OF MINUTES**

Motion was made by Commissioner Hill to approve the minutes of the May 28, 2014, BSC meeting. Vice Chair Brown seconded. Motion was approved unanimously.

### 3. PUBLIC HEARINGS

#### A. RETURNING CASES

- i. 11841 Eubank Drive; Joan Vom Eigen  
CL #2014-050221

Sandra Smets, of Texas Statewide Realty, represented to the Commission that the owner of the house, who lives in Maine, has orally agreed to sell the house to Ray Bazan. Ms. Smets has sent a contract to Ms. Vom Eigen for her signature; prospective buyer wants to close at end of July and has FHA loan already approved for repairs.

11841 Eubank Drive is a single-family residential structure, vacant and unoccupied for more than ten years and not homesteaded. In May, an Order was given for City of Austin Code Department to maintain property and keep secured.

Property came before Commission in March 2007; the Commission issued an order for repair. Compliance was to be achieved within 90 days or penalties would accrue at \$250 per week. Property did not come into compliance until 2011; penalties were over \$50,000. Collection is being pursued actively.

Inspector Chris Maldonado gave an update on the property. Inspector spoke to Ms. Vom Eigen on June 3, 2014, and explained the situation to her that the property has interior and exterior violations. Due to health problems she has not been willing to return calls or answer letters. After discussions involving the owner and Chris Moore, she decided to sell the property.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for the property and order the following: Any necessary permits to be secured; order repair within 30 days from the date the order is mailed to the owner; order all repairs or modifications to meet or exceed the requirements of all applicable codes; order the owner or owners to request inspection to verify compliance; and after 30 days a penalty of \$500 a week shall be assessed until work is completed with final inspections passed; and admit Exhibit 1 and photographs marked 2A through 3Q. Madam Chair Beebe discussed ramifications of potential sale of property with Mr. Bazan and Ms. Smets and suggested discussion of receivership be moved to later in the meeting.

Art Riojas, next-door neighbor, spoke in support of the potential sale.

Mary Rudig, Watch Coach for Gracy Woods Neighborhood Association, supports the proposed sale. In 1997 with down payment assistance from a Travis County program, she and her husband purchased a drug house and rehabbed it. She is in favor of someone else coming in and rehabbing this house.

Roger McCown, representing Brentwood Oaks Church, is delighted to see resolution.

Francois Luca, president of Gracy Woods Neighborhood Association, is delighted to hear property will be sold. This is second Gracy Woods abandoned house to come before Commission in last six months. She urges City to work to resolve problem of abandoned houses.

With citizen comment closed, Commissioner Hill made motion to accept staff's findings of fact, conclusions of law, and amend the recommended order from 30 days to 45 days. Seconded by Commissioner Cloutman and approved unanimously.

- ii. 300 E. Wonsley Drive; Ricardo Ordonez  
CL # 2014-025368

The property was represented by Ricardo Ordonez, owner. Staff was represented by Inspector Edmond Su of the North District and Elaine Garrett, North District Supervisor.

300 E. Wonsley Drive is a single-family residential structure that has been permitted to be converted to a duplex. A certificate of occupancy has not been approved. This property was first brought before the Commission in March 2014. The Commission issued order to allow property owner to facilitate property within 60 days or bring property back. Ownership has not changed; violations still exist. Despite order to remain vacant, owner has leased part of structure out to tenants. Code has issued two citations.

The City of Austin Code 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 Conclusion of Law for the property and order the following: Any necessary permits to be secured; order repaired within 30 days from the date the order is mailed to the owner; order all repairs or modifications to meet or exceed the requirements of all applicable codes; order the structure to remain vacant and to relocate any residents until all repairs have been completed; order owner or owners to request inspection to verify compliance; and after 30 days a penalty of \$1000 a week shall be assessed until work is completed with final inspections passed; and admit Exhibit 3 and photographs marked 4A through 5O.

Madam Chair Beebe admitted exhibit and photographs. Commission members questioned the staff on options for the property.

Mr. Ordonez put property up for sale in March but rejected lowball offer. Next offeror wanted owner to make repairs before sale. Owner was unaware he needed more permits. He described the repairs he has made. He says there's no problem where the tenant is located, in the front part of the property, which would be one part of duplex, and wants to keep the tenant there. Vice Chair Brown asked questions of staff and Mr. Ordonez. Licensed electrician and plumber needed to check electrical and water systems; additional water and electric meters will be required, as well as firewall between living units before changing to duplex.

Commissioner Cloutman made motion to accept staff's recommendation; seconded by Commissioner Hill and approved unanimously.

- iii. 809 East 9th Street; Mary H. Lopez  
CL # 2014-035550

An agreed order has been reached. The owners were aware of the hearing and chose not to attend. Code did engage owners regarding terms and conditions of the agreed order. Staff was represented by Inspector Michael Carter and Assistant Division Manager Robert Alvarado.

Staff recommended the following to the Commission: the Commission adopt the agreed order, the Findings of Fact and Conclusions of Law for the property and order the following: Any necessary permits be secured and order repaired within 60 days from the date the order is mailed to the owner. All repairs or modifications should meet or exceed the requirements of all applicable codes. The property shall remain vacant until compliance is achieved; the owner or owner's representative shall request inspection to verify compliance after 60 days. All necessary permits shall be attained. After 90 days a penalty of \$250 per week shall be assessed until all work is completed and final inspections passed.

Discussion ensued. Commissioners asked questions of staff. Lessee is planning to bring residence into compliance and up to code before anything else is done regarding the property.

Commissioner Hill made a new motion that permits be secured in 90 days from the date the order is mailed; then after 150 days all repairs should be made and inspected, or at that point the penalty of \$250 per week shall be assessed until all work is completed and final inspections passed. Vice Chair Brown seconded. Motion approved unanimously.

## B. APPEAL CASES

- I. 1193-1/2 San Bernard Street; Askeaton Realty, LLC  
CL # 2014-060842

1193-1/2 San Bernard Street is a single-family residential structure that was found unsecure. It was immediately boarded and secured by the City of Austin Code Department at the request of Austin Police Department. The appeal is about whose continued responsibility it is to keep the building secured and bear the cost for that. Staff was represented by Inspector Ross Dickens and Assistant Division Manager Robert Alvarado.

Inspector Dickens described the situation in which vagrants have entered the property beneath the house. The access to that area was secured. The owner was sent an invoice for the cost and appealed the charge. Staff recommends that the Commission deny the appeal; that it is the responsibility of the property owner to keep the property secured.

Commissioner Cloutman made a motion to deny the appeal; Commissioner Hill seconded. Motion was approved unanimously.

- ii. 10600 Brownie Drive; Laymond Thompson, Jr.  
CL # 2014-060796

10600 Brownie Drive is a single-family property that is homesteaded; and currently being leased. Property is represented by Laymond Thompson, Jr.; staff represented by North District Code Inspector Edmond Su and Elaine Garrett, North District Supervisor.

The City of Austin Code 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: that the Commissioner deny the appeal and that the property owner present an action plan to demonstrate what he plans to do to bring property into compliance at the next available hearing.

Madam Chair Beebe asked Mr. Thompson to clarify the basis of his appeal. He stated part of the delay in repairs was due to lack of cooperation from tenants, whom he has now evicted. Madam Chair Beebe asked several times if owner believes violations exist before getting an affirmative answer.

Commissioner Cloutman made the motion to deny appeal and ask staff to bring case back at the next Commission meeting. Seconded by Commissioner Hill. Discussion followed; Commissioner Hill explained to owner what is expected in a proposed action plan. Motion approved unanimously.

#### C. NEW CASES:

- I. 6215 N. Lamar Boulevard; Terrell Timmermann  
CL # 2014-060693

Property is not represented, but owners are aware of hearing. Code did engage owners in terms and conditions of the agreed order. Staff was represented by Inspector Edgar Hinojosa and Dennis Vaughn.

Staff recommended the following to the Commission: the Commission adopt the agreed order, the Findings of Fact and Conclusions of Law for the property and order the following: All necessary permits be secured, all storage units adjacent to the primary structure are to be repaired within 60 days from the date the order is mailed to the owner. All repairs or modifications should meet or exceed the requirements of all applicable codes. The owner or owner's representative shall request inspection to verify compliance. After 60 days a penalty of \$500 per week shall be assessed until all work is completed and final inspections passed. In lieu of repairs, demolition of the structures (as indicated above) and removal of all associated materials, in accordance with applicable codes requirements, be completed within 60 days of the date the order is mailed, shall be deemed achieving compliance with this order. All storage units shall remain vacant until repairs or demolition is completed. If compliance is not achieved within 60 days, the code official may proceed with demolition. After the 60 days all storage units adjacent to the primary structure, including all items in those 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. Also request Commission to admit exhibit with photographs 2A through 2V.

Madam Chair accepted Exhibit 1. Commissioner Hill made motion to accept staff's findings of fact and conclusions of law and recommended order. Vice Chair Brown seconded. Motion passed unanimously.

- ii. 3500 Pennsylvania Avenue; Mattie Fletcher  
CL # 2014-036038

3500 Pennsylvania Avenue was not represented despite efforts to contact the property owner. The structure has been neglected and has deteriorated over time. Staff was represented by Inspector Michael Carter.

The City of Austin Code 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 for the property and order the following: a demolition permit be secured; all portions of the single-family residential structure located on the property be demolished and removed and the lot left in a cleaned and raked condition 30 days from the date the order is mailed to the owner; the owner or owner's representative shall request inspection to verify compliance. If compliance is not achieved within 30 days, the Code official may proceed with the demolition; and 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 and recorded with Travis County Deed Records; request admission of Exhibit 1 and photographs 2A through 2L.

Commissioner Cloutman made a motion to accept the findings of fact and conclusions of law and approve the recommended order, with the amendment that once the structure has been demolished, that the property be maintained at least twice a year. Vice Chair Brown seconded. Motion was approved unanimously.

- iii. 5405 S. Pleasant Valley Road; Pleasant Valley Plaza, LLC  
CL # 2014-062065

Property is not represented, but owners are aware of hearing. Code did engage owners regarding terms and conditions of the proposed agreed order. Staff was represented by Inspector Dennis Vaughn.

Staff recommended the following to the Commission: the Commission adopt the proposed agreed order, Findings of Fact and Conclusions of Law for the property, and order the following: All necessary permits be secured and be repaired within 60 days from the date the order is mailed to the owner. All repairs or modifications should meet or exceed the

requirements of all applicable codes. The owner or owner's representative shall request inspection to verify compliance. After 90 days a penalty of \$1000 per week shall be assessed until all work is completed and final inspections passed. Also request Commission to admit Exhibit 1 and photographs 2A through 3V.

Madam Chair Beebe accepted Exhibit 1 and the photos. Commissioner Cloutman made motion to accept staff's findings of fact and conclusions of law and recommended order. Vice Chair Brown seconded. Motion passed unanimously.

- iv. 7305 Onion Creek Drive; William & Connie Nolan  
CL # 2014-061772

Property is not represented, but owners are aware of hearing. Code did engage owners regarding terms and conditions of the proposed agreed order. The property is occupied. Staff was represented by Inspectors Maria Kirk and Alicia Tovar.

Staff recommended the following to the Commission: the Commission adopt the proposed agreed order, the Findings of Fact and Conclusions of Law for the property and order the following: All necessary permits be secured and be repaired within 45 days from the date the order is mailed to the owner. All repairs or modifications should meet or exceed the requirements of all applicable codes. The owner or owner's designee shall request inspection to verify compliance. After 45 days a penalty of \$140 per week shall be assessed until all work is completed and final inspections passed. Also request Commission to admit Exhibit 1 and photographs 2A through 2K.

Madam Chair Beebe accepted Exhibit 1 and the photos. Vice Chair Brown made motion to accept staff's findings of fact and conclusions of law and recommended order. Commissioner Hill seconded. Motion passed unanimously.

## 5. BRIEFING, DISCUSSION, AND POSSIBLE ACTION

- A. Building and Standards Commission's Annual Internal Review. Assistant Division Manager Edgar Hinojosa, for Legal Division, presented the internal review findings, of which Commission members have copies. Commissioner Hill suggested it might be appropriate for discussion of metrics in number 3 of the review be left until the Commission's retreat. Further conversation followed regarding City's expectations of goals for the Commission. Commissioner Cloutman expressed concern about the low number of multifamily cases the Commission sees. Discussion followed. Commissioner Alloway brought up distinction between being reactive and proactive regarding multifamily properties.
- B. Survey: Transition Task Force. Melanie Alley, from the Legal Division, was available to answer questions. Madam Chair Beebe gave a summary of the survey to the other Commissioners and expressed her concerns about section 3. Staff members addressed her concerns regarding potential change to two-panel system, and discussion among Commission members followed. Madam Chair Beebe strongly urged other members to give their feedback to the survey, particularly based on observations members shared. Commissioner Cloutman inquired as to whether a report is available to provide data correlating size of commissions and ability to make a quorum at meetings.

5. FUTURE AGENDA ITEMS

July, August, and September's BSC meetings will be held at One Texas Center.

Madam Chair Beebe requested that the topic of receivership be put on the retreat agenda since discussion was not appropriate on this agenda.

ADJOURNMENT

With motion made by Commissioner Hill; seconded by Vice Chair Brown and no dissent, the Commission meeting was adjourned by the Chair at 9:42 p.m.