



## BUILDING AND STANDARDS COMMISSION MINUTES

REGULAR MEETING  
Wednesday, July 23, 2014

The Building and Standards Commission convened in a regular meeting on Wednesday, July 23, 2014, at One Texas Center, Third Floor Conference Room, 505 Barton Springs Road, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:36 p.m.

### Commission Members in Attendance:

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

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Merlinda Coleman - Program Specialist; Patricia Link - Assistant City Attorney; Carl Smart - Director, Austin Code Department; Deena Estrada - Boards & Commissions Coordinator, City Clerk's Office; Chris Maldonado - Code Inspector; Edmond Su - Code Inspector; Ron Russell - Code Inspector; Matthew Noriega - Assistant Division Manager, Code Department; Elaine Garrett - North District Supervisor; Michael Carter - Code Inspector; Matthew Christianson - Division Manager, Legal Division.

## 1. CITIZEN COMMUNICATION: GENERAL

Audio begins during discussion of Deena Estrada with the Commission members regarding various administrative matters and information relating to the transition.

## 2. APPROVAL OF MINUTES

Motion was made by Commissioner Cloutman to approve the minutes of the June 24, 2014, BSC meeting. Commissioner Hill seconded. Motion was approved.

## 3. PUBLIC HEARINGS

### A. NEW CASES

- i. 7800 East Riverside Drive; SSR Hospitality Inc.  
CL #2014-060951

Staff was represented by Code Inspector Ron Russell.

7800 East Riverside Drive is a neglected commercial structure that is currently vacant and boarded and had been secured, but Austin Fire Department has reported that interior violations were present.

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 dangerous and 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: Demolition permits be secured; all portions of the commercial structure located on the property to be demolished, removed, and the lot left in a cleaned and raked condition within 60 days of the date this order is mailed to the owner; order the property surrounding the structure to remain fenced and secured until the demolition is complete; order the owner or owner's representative to request inspection to verify compliance. If compliance is not achieved within 60 days, the code official may proceed with the demolition and will consider all portions of the commercial structure, including items in the structure and on the property as debris and dispose of such; a lien for all expenses incurred by the City of Austin will be filed and recorded with the Travis County Deed Records. Request that Exhibit 1 and photographs marked 2A through 3G be admitted.

Thayer Smith, Battalion Chief and Safety Officer from Austin Fire Department, presented testimony about fire hazards. He noted floor collapse had become more severe between Nov. 2013 and February 2014; building continues to sink and collapse. No Sheetrock is present; it's three-stories of wood frame, so there is no fire-stopping in the building, and the sprinkler system is out of service.

Madam Chair admitted the exhibit and photographs and closed the public hearing. Discussion followed regarding how ownership problems might affect lien for demolition costs and whether items could be recycled as part of demolition. Commissioner Cloutman made a motion to accept staff's recommended order, findings of fact and conclusions of law with the amendment made by Commissioner Hill that, to the extent possible that demolished materials be recycled. Vice Chair Brown seconded. The motion was approved.

- ii. 10600 Brownie Drive; Laymond Thompson, Jr.  
CL # 2014-073065

The property was represented by Laymond Thompson, Jr. Staff was represented by Code Inspectors Edmond Su and Christopher Maldonado.

10600 Brownie Drive is a single-family residential structure that is homesteaded. The property owner appealed the violations at the June Commissioner hearing; the appeal was denied.

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 dangerous and 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: All necessary permits for the structure containing units A and B to be obtained, with repairs and final inspections completed within 60 days from the date the order is mailed to the owner; order the structure

containing units A and B to install smoke detectors, operable egress windows, and cap the gas lines within 48 hours of today, July 23, 2014, or penalties of \$30 per day begin to accrue; order the owner or owner's representative to request inspection to verify compliance; if all work is not completed in unit A and B and final inspection is passed after 60 days, a penalty of \$700 a week shall be assessed until work is completed with final inspections passed.

Order the structure containing unit C vacated and remain vacant from the date the order is mailed to the owner, with penalties beginning to accrue 30 days after the date the order is mailed to the owner; order all necessary permits, repairs, and final inspections to be completed within 60 days from the date the order is mailed to the owner. If repairs are not completed within 60 days, order the structure containing unit C demolished; order unit C to remain vacant until all repairs are completed; order the owner or owner's representative to request inspection to verify compliance; repair or demolition and removal of the structure containing unit C and all associated materials in accordance with all applicable codes requirements to be completed within 60 days of the date this order is mailed shall be deemed achieving compliance with this order. If compliance is not achieved within the 60 days, the code official may proceed with the demolition of the structure containing unit C and will consider all portions of that structure, including items in the structure and debris, and dispose of such. Order any peace officer of the State, including the Sheriff or constable or designee of the Austin Chief of Police to enforce and carry out this order, and a lien for all expenses incurred by the City of Austin will be filed and recorded with the Travis County Deeds Records. Request admission exhibit marked 2A to 2U.

Madam Chair Beebe admitted exhibits 2A through 2U and asked owner whether he agrees with the recommended order. Mr. Thompson asked permission to comment; Madam Chair Beebe asked again whether he agreed with the recommended order and, if not, why not. Mr. Thompson stated he doesn't understand the order. Mr. Moore pointed out that as a homestead property, the penalty amount is \$10 per violation per day; seven violations are still open; a week would be \$700.

Discussion followed about what Mr. Thompson thought were smoke detectors throughout the residence and regarding the condition of the ceiling in unit C. He says he will do his due diligence now, because he didn't know what he was getting into last month. He spoke more about things he has done, but he was confused about gas lines requiring capping and other specifics. Madam Chair Beebe suggested Mr. Su would meet with Mr. Thompson to go over list of violations and items needed. Mr. Thompson stated he would get it done as soon as possible.

Madam Chair Beebe closed the public hearing. Commissioner Cloutman made a motion to accept staff's recommendation to adopt the findings of fact and conclusions of law and, with the amendment of \$1050 (reflected on Commission readers) to \$700 per week, accept the recommended order. Commissioner Hill seconded. Motion was approved. Vice Chair Brown reiterated to Mr. Thompson the three items that required compliance within 48 hours.

- iii. 1148 Mason Avenue; Linda Edmonson, et al.  
CL # 2014-073285

Staff was represented by Michael Carter, Code Inspector, and Elaine Garrett, North District

Supervisor.

1148 Mason Avenue is a neglected single-family residential structure that has been neglected and has deteriorated over time; it was once secured and boarded, but transients have broken into the building. A title search was done in an effort to locate the owners of the property. TCAD indicates one name as actual owner. Title search, however, showed a number of other people, including Lawrence Brown, Jr., as heir to the property.

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 dangerous and substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for the property and issue an order which contains the following: Demolition permits be secured; all portions of the single-family residential structure located on the property to be demolished, removed, and the lot left in a cleaned and raked condition within 30 days of the date this order is mailed to the owner; order the owner or owner's representative to request inspection to verify compliance. If compliance is not achieved within 30 days, the code official may proceed with the demolition and will consider all portions of the single-family residential structure, including items in the structure and on the property, as debris and dispose of such. Mr. Moore requested an amendment that the Commission order any peace officer of the state, including Sheriff or constable or designee of the Austin Chief of Police to enforce and carry out this order; order that a lien for all expenses incurred by the City of Austin will be filed and recorded with the Travis County Deed Records. Request that Exhibit 1 and photographs marked 2A through 2R be admitted.

Madam Chair Beebe admitted the exhibit and photographs.

Lawrence Brown, Jr. presented testimony that he has received letters from Mr. Moore stating he is an interested party. He states he has no relation whatsoever to the property but that he knows who owns the property; that on January 14, 2011, Lee Dale Edmonson and wife Brenda, the grantors, deeded the property to Linda Edmonson. Mr. Brown talked to Ms. Edmonson recently, and she said she would come to the Commission meeting. Mr. Brown said his 100-year-old aunt in California was disturbed to have been contacted in this matter; he requests that she receive no further correspondence.

Madam Chair Beebe declared the public hearing closed. Discussion followed. Commissioner Cloutman made a motion that the Commission accepts the staff's recommended order and findings of fact and conclusions of law, with the amendment made by Mr. Moore about having peace officers empowered to enforce the order. Vice Chair Brown seconded the motion. The motion was approved.

#### 4. BRIEFING, DISCUSSION, AND POSSIBLE ACTION

- A. Austin Code Department's Emergency Tenant Response and Relocation Plan (ETRRP): Candice Cooper, Public Information Marketing Manager with Austin Code Department, and Alanna Reed, working with Candice on the Public Relations Team, presented the plan to the

Commission. Need for a plan was made evident by situation at Wood Ridge Apartments when walkways collapsed in 2012. After presenting plan to BSC and getting feedback from Commission, they will go to Community Development Commission, then to City Council. Plan is to establish a structure, process, and protocols for city's response to emergencies involving tenant displacement when owner of property is unable or unwilling to provide shelter and resources to affected tenants. A 11/1/2012 resolution directed City Manager to seek input from stakeholders and partners regarding desirable components of integrated emergency tenant displacement response plan in addressing needs of tenants displaced from rental housing for health and safety reasons. Input was gathered from public meetings with stakeholders in 2013 and took over a year to compile for plan. Draft ETRRP was broken into four key teams needed to manage plan; also community advisory council was created. Plan proposes information flow in event of an event, in addition to plan for assessment of tenant needs. In event owner can provide shelter and resources, plan contemplates monitoring of situation for tenants. Plan resides in Code Department, and Director takes leadership when activation is required. Commissioners asked questions which were answered by the staff. Feedback could be an agenda item for August meeting.

- B. Commission's Annual Retreat Dates and Agenda: Mr. Moore suggested early November for retreat, as Commission doesn't usually have November meeting. Austin Energy building is available in November; fewer spaces are available in September and October. Consensus was for late September, early October. Mr. Moore suggested four hours, at a minimum should work. After discussion, consensus was to have retreat on October 2 at 11:00 a.m., planning to end by 4:00 p.m. Planning for retreat agenda will be put on August meeting agenda.
- C. Commission's Annual Internal Review: Item Number 3, goals and objectives, was read and discussed. Commissioner Cloutman made a motion that Commission accept document as it stands; Vice Chair Brown seconded. The motion was approved.
- D. Survey: Transition Task Force: Madam Chair Beebe urged members to complete their surveys; Section 3 is primary section needing comment regarding potential restructuring. Discussion followed.

## 5. FUTURE AGENDA ITEMS

- A. Commissioner Cloutman requested ETRRP be placed on August agenda.

## ADJOURNMENT

With motion made by Commissioner Cloutman; seconded by Commissioner Hill, and no dissent, the Commission meeting was adjourned by the Chair at 9:46 p.m.