



BUILDING AND STANDARDS COMMISSION MINUTES

REGULAR MEETING
Wednesday, December 10, 2014

The Building and Standards Commission convened in a regular meeting on Wednesday, December 10, 2014, at City Hall, Boards and Commission Room, Room 1101, 301 W. 2nd Street, Austin, Texas.

Chair David Brown called the Commission Meeting to order at 6:29 p.m.

Commission Members in Attendance:

David Brown, Chairman; Steven Alloway, Vice Chair; Charles Cloutman; Daniel Gonzalez; Jessica Mangrum; Melissa Orren; Craig Wright.

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Merlinda Coleman – Program Specialist; Robin Harrison - Assistant City Attorney; Carl Smart - Director, Austin Code; Matthew Christianson - Division Manager; Dan Cardenas - Assistant Director; Elaine Garrett - Division Manager; Edgar Hinojosa - Assistant Division Manager; Douglas Jansky - Administrative Hearing Coordinator; Chris Maldonado – Code Inspector; Manuel Villegas - Assistant Division Manager; Mario Ruiz – Code Inspector; Anthony McBryde – Code Inspector; Moses Rodriguez – Code Inspector; Michael Dial – Investigator, Special Operations; Robert Moore – Code Inspector; Matthew Noriega – Commercial/ Multi-family Team; Marcus Elliott – Assistant Division Manager; Dedric Knox – Code Inspector; Marion Wynn – Code Inspector; Robert Alvarado – Assistant Division Manager; Troy Collins – Code Inspector; Robert Ortiz – Code Inspector; Lou Gonzalez; Hilda Martinez – Code Inspector; Luther Perez; Eliza Torrez – Investigator.

1. CITIZEN COMMUNICATION: GENERAL

No one signed up.

2. APPROVAL OF MINUTES

Motion was made by Commissioner Cloutman to approve the minutes of the October 2nd BSC Retreat. Commissioner Gonzalez seconded. The motion passed with a 7 to 0 vote.

3. PUBLIC HEARINGS

A. APPEALS

i. CL #2014-105697; 5710 E. MLK Boulevard; Southwest Key Programs, Inc.

Property was represented by James Delgado and Teofilo Tijerina of Southwest Key Programs, Inc. The property owners appealed the cited violations.

The City of Austin's Code Department found that this structure 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 this property; admit Exhibit 1 and the photographs marked 2A through 2P; and deny the property owner's appeal. Chair Brown admitted Exhibit 1 and photographs 2A through 2P without objection

A motion was made by Commissioner Cloutman to deny the appeal. Vice-chair Alloway seconded. The motion passed with a 5 to 1 vote. Commissioner Gonzalez was the lone dissenting vote. Commissioner Mangrum recused herself.

ii. CL #2014-124173; 1206 Angelina Street; Grace Reaves

The property was represented by Grace Reaves, the owner.

The property is a single-family residential structure that is vacant; owner is appealing emergency board and secure of the property performed by Code.

The City of Austin's Code Department found that this structure 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 an attractive nuisance.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; admit Exhibit 1 and the photographs marked 2A through 2L; and deny the property owner's appeal.

Chair Brown admitted Exhibit 1 and photographs 2A through 2L without objection. Commissioner Gonzalez made a motion to deny the appeal due to lack of evidence presented by the property owner; Commissioner Cloutman seconded. The motion passed with a 7 to 0 vote.

iii. CL #2014-124183; 6324 El Mirando Street; Hunter-Kelsey of Texas

The property was represented by Cody Garza, attorney/representative of the owner.

The property is in a single-family residential neighborhood that is a vacant lot that holds an accessory structure. The owners appealed the emergency board and secure of the accessory structure performed by Code.

The City of Austin's Code Department found that this structure 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 an attractive nuisance.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; admit Exhibit 1 and the photographs marked 2A through 2J; and deny the property owner's appeal.

Chairman Brown admitted Exhibit 1 and photographs 2A through 2J without objection.

After discussion, Commissioner Gonzalez made a motion to grant the appeal and reduced the invoice by striking the administrative fee. Vice-chair Alloway seconded the motion. The motion passed on a 6 to 1 vote. Commissioner Wright was the lone dissenting vote.

iv. CL #2014-081945; 3210 Beverly Road; Claire Tudor

The property was represented by the owner, Claire Tudor. The owner appealed the denial of her application for a Short-Term Rental license.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; admit Exhibit 1 and the photographs marked 2A through 2D; and deny the property owner's appeal.

Chairman Brown admitted Exhibit 1 and photographs 2A through 2D without objection.

After discussion Commissioner Gonzalez made a motion to deny the appeal for 3210 Beverly Road. Vice-chair Alloway seconded the motion. The motion passed with a 7 to 0 vote.

B. NEW CASES

- i. CL# 2014-093193; 13500 Lazyridge Drive, Bldg. A; Tran Hahn & Huong Nguyen**
CL# 2014-093027; 13500 Lazyridge Drive, Bldg. B; Tran Hahn & Huong Nguyen

CL# 2014-093014; 13500 Lazyridge Drive, Bldg. C; Tran Hahn & Huong Nguyen
CL# 2014-093187; 13500 Lazyridge Drive, Bldg. D; Tran Hahn & Huong Nguyen

The property was not represented.

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 this property and admit Exhibits 1 and the photographs marked: 2A-2P Building A; 2A-2G for Building B; 2A-2V for Building C; and 2A-2L for Building D.

Also, for the Commission to issue the following orders: for Building A: require Building A to remain vacant until all violations are corrected and final inspections passed; secure all necessary permits and correct all violations in Building A within (30) days from the date the Order is mailed; require all repairs to meet or exceed the requirements of all applicable codes; require the owner or owner's representative request inspections to verify compliance; assess a penalty of \$630.00 per week if compliance is not achieved within (30) days from the date the Order is mailed; and authorize any peace officer of the state to carry out and enforce the Order, if Building A does not remain vacant until all violations are corrected with final inspections passed.

For Building B: require Building B to remain vacant until all violations are corrected and final inspections passed; secure all necessary permits and correct all violations in Building B within (30) days from the date the Order is mailed; require all repairs meet or exceed the requirements of all applicable codes; require owner or owner's representative request inspections to verify compliance; assess a penalty of \$280.00 per week if compliance is not achieved within (30) days from the date the Order is mailed; and authorize any peace officer of the state to carry out and enforce the Order, if Building B does not remain vacant until all violations are corrected with final inspections passed.

For Building C: require Building C to remain vacant until all violations are corrected and final inspections passed; secure a demolition permit for Building C, demolish Building C, and leave the area in a clean and raked condition within (30) days from the date the Order is mailed to the owner; require all items in Building C to be removed from the building; if the owner fails to remove all items in Building C, the Code Official may remove and dispose of all items because they are debris; if Building C is not demolished within (30) days, the Code Official may proceed with

the demolition and will consider all portions of the structure, including items in the structure and on the property, as debris and disposed of as such; require the owner or owner's representative request inspections to verify compliance; and authorize any peace officer of the state to carry out and enforce the Order, if Building C does not remain vacant until all violations are corrected with final inspections passed.

For Building D: require Building D to remain vacant until all violations are corrected and final inspections passed; secure all necessary permits and correct all violations in Building D within (30) days from the date the Order is mailed; require all repairs meet or exceed the requirements of all applicable codes; require owner or owner's representative request inspections to verify compliance; assess a penalty of \$490.00 per week if compliance is not achieved within (30) days from the date the Order is mailed; and authorize any peace officer of the state to carry out and enforce the Order, if Building D does not remain vacant until all violations are corrected with final inspections passed.

Chairman Brown admitted each of the exhibits for each case.

Commissioner Gonzalez made a motion that the Commission adopt the Findings of Fact and Conclusions of Law as presented by staff. Vice-chair Alloway seconded. The motion passed with a 7 to 0 vote.

ii. CL# 2014-105673; 2602 Oaklawn Avenue; Jerry D. Box

The property was represented by the owner, Jerry Box.

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 and substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; admit Exhibit 1 and the photographs marked 2A through 2H; and that the Commission; issue an order that requires the property owner to: obtain all necessary permits to be secured; correct the cited violations by repairing the structure within (30) days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed the requirements of all applicable codes; require the owner or owner's representative to request inspections to verify compliance; and, be assessed a penalty of \$250 per week after (30) days if all work has not been completed and final inspections passed.

Chairman Brown admitted Exhibits 1 and 2A through 2H without objection.

After discussion, Commissioner Gonzalez made a motion that the Commission adopt

the Findings of Fact and Conclusions of Law as presented by staff; that the Commission amend the recommended order to allow for all repairs be made and completed with final inspections passed within (60) days and all necessary permits applied for within (30) days; and be assessed a penalty of \$250 per week after (60) days if all work has not been completed and final inspections passed. Commission Cloutman seconded. The motion passed with a 7 to 0 vote.

iii. CL# 2014-105655; 1808 Walnut Avenue; Asmahan Raasool

The property was represented by the owner, Asmahan Raasool.

This property is a single-family residential structure that is homesteaded.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; admit Exhibit 1 and the photographs marked 2A through 2I; issue an order requiring the property owner to: obtain and secure all necessary permits; correct the cited violations on the porch by repairing the porch within 10 days from the date the order is mailed to the owner; correct the remaining cited violations by repairing the structure within (30) days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed the requirements of all applicable codes; require the owner or owner's representative to request inspections to verify compliance; and, be assessed a penalty of \$350 per week after (30) days if all work has not been completed and final inspections passed.

Chairman Brown admitted Exhibits 1 and 2A through 2I without objection.

After discussion, Commissioner Cloutman made a motion to put the case in abeyance for (30) days. Commissioner Mangrum seconded the motion. Commissioner Gonzalez made a friendly amendment to put it in abeyance for (60) days. The motion was further amended to be in abeyance until the February meeting. Commission Mangrum seconded the motion as amended. The motion passed with a 7 to 0 vote.

Commissioner Gonzalez made a motion extend the meeting beyond 10 pm. Commissioner Cloutman seconded. The motion passed with a 7 to 0 vote.

iv. CL# 2014-084269; 1512 Wheless Lane (returning case); Deloach Property Interest, Inc.

The property was represented by the owner, Mark Deloach.

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 this property; admit Exhibit 1 and the photographs marked 2A through 2M. Issue an order that would require the owner to: obtain and secure all necessary permits; submit an engineer's report; repair the property within (30) days from the date the order is mailed to the owner; require all repairs or modifications to meet or exceed the requirements of all applicable codes; require units 105 through 112, units 201 through 214, and unit 216 to remain vacant until compliance is achieved; request inspection to verify compliance; and, be assessed a penalty of \$1000 per week after (30) days if all work has not been completed and final inspections passed.

Chairman Brown admitted Exhibits 1 and 2A through 2M without objection.

After discussion, Commissioner Gonzalez made a motion that the Commission adopt the Findings of Fact and Conclusions of Law as presented by staff; that the Commission order within (30) days for the submission of an engineer's report to staff for review; and within (60) days for the property owner to provide staff with a written plan on moving forward, which may also include architectural renderings, drawings, and a plan moving forward to get the property completed; a penalty of \$1000 will be assessed if an engineer's report is not submitted within (30) days; a penalty of \$1000 will be assessed if a written plan is not submitted within (60) days. Units 105 through 112, Units 201 through 214 and Unit 216 were to remain vacant. Commission would request update from staff at February meeting. Commissioner Cloutman seconded. The motion passed with a 7 to 0 vote.

v. CL# 2014-096124; 3101 Govalle Avenue; Prairie Equities, LTD.

The property was not represented by the owners, but did submit a statement to be read into the record. Community members were present and wished to testify.

The City of Austin's Code Department found that this multifamily structure 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 this property; admit Exhibit 1 and the photographs marked 2A through 2X; issue an order that would require the owner to: obtain and secure all necessary permits; correct cited violations by repairing, cleaning, and abating the interior and exterior structure within (30) days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed the requirements of all applicable codes; require the owner to request

inspection to verify compliance; keep the structure vacant, boarded, and secured; and, be assessed a penalty of \$500 per day after (30) days if all work has not been completed and final inspections passed.

Chairman Brown admitted Code's Exhibits 1 and 2A through 2X and the respondent's Exhibit 1 without objection.

After discussion, Commissioner Gonzalez made a motion that the Commission adopt the Findings of Fact and Conclusions of Law as presented by staff; that the Commission require a fenced perimeter around the property to provide security; also require an emergency board and secure; and if the fence perimeter is not put up with (10) days from the date that the order is mailed and if the violations are not abated within (30) days, there will be penalty of \$5000 per week assessed. Commissioner Cloutman made a motion to amend the motion to \$1000 per day (or \$7000 per week). Commissioner Gonzalez accepted the amendment to the motion and seconded.

The motion passed with a 7 to 0 vote. Commissioner Orren recused herself from the remaining cases after the vote.

vi. CL# 2014-109404; 1127 E. 52nd Street; Walter & M. Rae Nadler Olenick

The property was not represented.

The City of Austin Code Department found that this multifamily structure 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 this property; admit Exhibit 1 and the photographs marked 2A through 3N. Issue an order that would require the owner to: obtain and secure all necessary permits; submit an engineer's report; complete emergency repairs, shoring of the fire-damaged area within seven days from the date the order is mailed to the owner; correct the cited violations by repairing the structure within (45) days from the date the order is mailed to the owners; order all repairs or modifications to meet or exceed the requirements of all applicable codes; order the owner or owner's representatives to request inspection to verify compliance; and, be assessed a penalty of \$1000 per day after (45) days if all work has not been completed and final inspections passed.

Chairman Brown admitted Exhibits 1 and 2A through 3N without objection.

Discussion was held regarding the need to vacate and/or demolish. Director Smart suggested they get an inspection warrant in order make an interior inspection in order to make a better assessment of need to vacate.

Commissioner Gonzalez made a motion to put the property in abeyance for (30) days, until the January meeting, to give staff time to obtain an inspection warrant,

make an interior inspection, and return with a recommended order. Commissioner Alloway seconded. The motion passed with a 6-0 vote.

vii. CL#2014-109442; 2314 (aka 2310) Wickersham Lane, Bldg. 1, Unit 109; 2310 Wickersham Greens, LLC

CL# 2014-1094582314 (aka 2310) Wickersham Lane, Bldg. 2, Unit 205; 2310 Wickersham Greens, LLC

CL# 2014-109463; 2314 (aka 2310) Wickersham Lane, Bldg. 3; 2310 Wickersham Greens, LLC

CL# 2014-109466; 2314 (aka 2310) Wickersham Lane, Bldg. 4; 2310 Wickersham Greens, LLC

CL# 2014-109471; 2314 (aka 2310) Wickersham Lane, Bldg. 6; 2310 Wickersham Greens, LLC

CL# 2014-109473; 2314 (aka 2310) Wickersham Lane, Bldg. 7; 2310 Wickersham Greens, LLC

CL# 2014-109475; 2314 (aka 2310) Wickersham Lane, Bldg. 8 2310 Wickersham Greens, LLC

CL# 2014-109477; 2314 (aka 2310) Wickersham Lane, Bldg. 9 2310 Wickersham Greens, LLC

CL# 2014-109478; 2314 (aka 2310) Wickersham Lane, Bldg. 10 2310 Wickersham Greens, LLC

CL# 2014-109480; 2314 (aka 2310) Wickersham Lane, Bldg. 11 2310 Wickersham Greens, LLC

CL# 2014-109482; 2314 (aka 2310) Wickersham Lane, Bldg. 12 2310 Wickersham Greens, LLC

CL# 2014-1094(30); 2314 (aka 2310) Wickersham Lane, Bldg. 14 2310 Wickersham Greens, LLC

**CL# 2014-050374; 2314 (aka 2310) Wickersham Lane, Bldg. 20 (returning)
2310 Wickersham Greens, LLC**

**CL# 2014-0(30)937; 2314 (aka 2310) Wickersham Lane, Bldg. 20, 2310
Wickersham Greens, LLC
(Retaining Wall) (returning)**

The property was represented by Jason Berkowitz, a representative for 2310 Wickersham Green, LLC.

The City of Austin Code Department found that this multifamily structure 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 this property and admit Exhibit 1 and the photographs marked 2A through 3U. Also, for the Commission to issue the following orders:

Building 1, Unit 109: secure all necessary permits and correct all violations in Unit 109 within (30) days from the date the order is mailed to the owner; require all repairs meet or exceed the requirements for all applicable codes require the owner or owner's representatives to request inspection to verify compliance; and, be assessed a penalty of \$500 per week if compliance is not achieved within (30) days from the date the order is mailed.

Building 2, Unit 205: secure all necessary permits and correct all violations in Unit 205 within (30) days from the date the Order is mailed; require all repairs meet or exceed the requirements of all applicable codes; require owner or owner's representative request inspections to verify compliance; and, be assessed a penalty of \$500.00 per week if compliance is not achieved within (30) days from the date the Order is mailed.

Buildings 3 through 14: obtain and secure all necessary permits to correct the cited violations by repairing all roof violations within (30) days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed the requirements for all applicable codes; require the owner or owner's representatives to request inspection to verify compliance; and, be assessed a penalty of \$500 per week if compliance is not achieved within (30) days from the date the order is mailed if all work is not completed and final inspection passed.

For Building 20 and the retaining wall: obtain and secure all necessary permits; submit an engineer's report to staff; correct the cited violations by repairing all the exterior of Building 20 and the retaining wall violations within (30) days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed the requirements for all applicable codes; require the owner or owner's representatives to request inspection to verify compliance; and, be assessed a penalty of \$500 per week per structure after (30) days if all work is not completed and final inspections passed.

Chairman Brown admitted all exhibits for Code and the Respondent's Exhibits 1 through 5.

After discussion, Commissioner Gonzalez made a motion to adopt the findings of fact and conclusions of law as presented by staff and that the Commission adopt the order as presented, with the change of (30) days to (60) days, but with any and all engineering reports required within (30) days, but for all work to be completed within (60) days before going into \$500 per week penalty. Commissioner Alloway seconded.

Commissioner Gonzalez offered an amendment to his own motion that the order also state that within 5 days of receipt of the order that the owner or owner's representative provide staff with proof of financial standing. Commissioner Alloway seconded. The motion passed with a 6 to 0 vote.

4. OLD BUSINESS: BRIEFING, DISCUSSION, AND POSSIBLE ACTION

Items will be moved to January agenda.

5. FUTURE AGENDA ITEMS:

Any items will be moved to January agenda.

6. ADJOURNMENT

A motion made by Commissioner Cloutman to adjourn the public hearing. Motion was seconded by Commissioner Gonzalez. Motion passed with a 6 to 0 vote. Meeting was adjourned at 11:45 p.m.