



**BUILDING AND STANDARDS COMMISSION  
MINUTES  
PANEL 1**

**REGULAR MEETING**  
Date: June 22, 2016

The Building and Standards Commission convened for a regular meeting on Wednesday, June 22, 2016 at City Hall, Boards and Commission Room, Room 1101, 301 West 2<sup>nd</sup> Street, Austin, Texas.

**Commission Members in Attendance:**

Jessica Mangrum, Vice Chair; Melissa Orren; Brian Talley; John McIntyre; Andrea Freiburger; Wordy Thompson and John Green

**Staff in Attendance:**

Edgar Hinojosa, Assistant Division Manager (Acting Building & Standards Commission Coordinator); Marcus Elliott, Division Manager; Patricia Link, Assistant City Attorney; Merlinda Coleman, Program Specialist; Doug Jansky, Administrative Hearing Coordinator; Manuel Villegas, Division Manager; Anthony McBryde, Investigator; Robert Alvarado, Assistant Division Manager; Matthew Noriega, Assistant Division Manager; Moses Rodriguez; Investigator; Christina Mendez; Executive Assistant; Hector Aguilera, Program Specialist; Brittany McMillan, Financial Consultant; Marlayna Wright, Investigator; Franklin Fejarang, Division Manager Financial Services; Melanie Alley, Program Specialist; Robert Ortiz, Investigator and Mario Ruiz, Investigator.

**CALL TO ORDER**

Vice-Chair Jessica Mangrum called the Commission Meeting to order at 6:37 p.m.

**1. CITIZEN COMMUNICATION: GENERAL**

Stewart Hersch spoke before the Commission to request public hearings in July regarding two items, i.e., 1) upcoming changes to the 2015 International Property Maintenance Code (IPMC) and suggestions made by stakeholders prior to making recommendations to Council; and 2) ordinance to be taken up by Planning Commission to assist tenants displaced due to development activity. Mr. Hersch stated that he hopes upcoming discussion will include tenants potentially displaced by substandard building conditions, including but not limited to, flood damage and that stakeholders would have a chance to weigh in on how this ordinance might integrate into the Commission's IPMC recommendations.

Assistant City Attorney Patricia Link stated that the proposed ordinance was under the Planning Commission's jurisdiction as it is in the Land Development Code changes. She also stated that the Commission would need to consider these items as the full Commission and not just as this panel.

2.

**3. PUBLIC HEARINGS**

Acting Commission Coordinator Edgar Hinojosa presented the following cases:

**A. New Cases**

**a. CL # 2016-066261**

**3205 McCall Lane**

**Shennon Castillo**

3205 McCall Lane is an unoccupied mobile home with two accessory structures. The property was represented by the owner Shennon Castillo.

The City of Austin Code Compliance found that this property is in violation of the International Property Maintenance Code, adopted by reference in sections 25-12-211 et seq. of the Austin City Code and is a public and attractive nuisance with substandard and dangerous conditions.

**Staff recommended the following to the Commission:** The Commission admit Exhibit 1 and Exhibit 2A through 2L for this property; the Commission adopt the proposed Findings of Fact and Conclusions of Law for this property, and order the

following: 1) Require the property owner or property owner's representative to complete the following within forty-five days from the date the order is mailed to the owner of record; a) secure all necessary permits; b) demolish all portions of the mobile home and accessory structures located on the property and remove debris leaving the lot cleaned and raked; and c) require the property owner or owner's representative to request inspection to verify compliance. 2) If compliance is not achieved within forty-five (45) days from the date the order is mailed to the owner of record, order: a) a penalty of \$250 per week shall begin to accrue and be assessed until compliance is achieved and final inspections passed; b) authorize the Code Official to proceed with the demolition and to consider all portions of the residential structure, including items and around the structure as debris and dispose of as such, and c) the property owner shall be on notice that the Code Official is authorized to assess all expenses accrued against the property unless exempted by the Texas Constitution and a lien for all expenses incurred will be filed by the City in the Travis County deed records.

A motion was made by Commission Member John McIntyre to adopt the Findings of Fact and Conclusions of Law for this property, and the recommended order. Exhibit 1 and Exhibit 2A through 2L were admitted into evidence. Commission Member Melissa Orren seconded on a 7-0-0 vote.

**b. CL 2016-066261**

**2330 S. Lamar Boulevard**

**Lora Gilbreth**

2330 S. Lamar Boulevard is a, unoccupied, commercial structure that is abandoned and dilapidated and, in Code's belief, is ready for demolition. The code official found that this structure is a public and an attractive nuisance with substandard and dangerous conditions. The property was represented by Ellis Winn Stanley.

**Staff recommended the following to the Commission:** The Commission admit Exhibit 1 and Exhibit 2A through 2J for this property; the Commission adopt the proposed Findings of Fact and Conclusions of Law for this property, and order the following: 1) Require the owner or owner's representative to complete the following within 45 days from the date the Order is mailed to the owner of record: a) secure all necessary permits; b) demolish all portions of the commercial structure located on the property and removed the debris leaving the lot clean and raked; c) require the owners or owner's representative(s) to request inspection(s) to verify compliance; and 3) if compliance is not achieved within 45 days from the date the Order is mailed to the owner of record, order: a) a penalty of \$500 per week shall begin to accrue and be assessed until compliance is achieved with final inspections passed; b) authorize the Code Official to proceed with the demolition; and to consider all portions of the residential structure, including items in and around the structure as debris and dispose of as such; and c) The property owner shall be on notice the Code Official is authorize to assess all expenses incurred against the property unless exempted by the Texas Constitution as a lien for those expenses incurred by the City of Austin will be filed and recorded with the Travis County Deed Records.

Exhibit 1 and Exhibit 2A through 2J and Property Owner's Exhibit 1 were admitted into evidence. A motion was made by Commission Member Andrea Freiberger to adopt the Findings of Fact and Conclusions of Law for this property, and the recommended order. Commission Member McIntyre second on a 7-0-0 vote.

**c. CL 2016-066270**

**1611 Webberville Road**

**David Mendoza**

1611 Webberville Road is a residential structure requiring repair and was brought before the Commission with a proposed agreed recommended Order. The property was not represented; however, the owner of the property was aware of the hearing and chose not to attend.

**Both parties agreed and recommended the following to the Commission:** The Commission admit Exhibit 1 and Exhibit 2A through 2Q for this property; the Commission adopt the proposed Findings of Fact and Conclusions of Law for this property, and order the following: 1) Require the owner or owner's representative to complete the following within 89 days from the date the Order is mailed to the owner of record: a) secure all necessary permits; b) correct the cited violations by completing all repairs to the structure within 89 days from the date the Order is mailed to the owner; c) repair or make all modifications to meet or exceed the requirements of all applicable codes; d) request inspection(s) from Austin Code to verify compliance.

Exhibit 1 and Exhibit 2A through 2Q for this property were admitted into evidence. A motion was made by Commission Member John McIntyre to adopt the Findings of Fact and Conclusions of Law for this property, and the proposed agreed order. Commission Member Andrea Freiberger second on a 7-0-0 vote.

**d. CL 2016-042686 &**

**1601 Royal Crest Drive, Unit 2143**

**Canyon Oaks, LP**

The property located at 1601 Royal Crest Drive a/k/a 1516 Burton Drive, is a commercial structure. Both units are currently unoccupied.

The code official found that this structure is a public and an attractive nuisance with substandard and dangerous conditions, with both units requiring repairs.

**Staff recommended the following to the Commission:** The Commission admit Exhibit 1 and Exhibit 2A through 2G for Unit 2143 and Exhibit 1 and Exhibits 2H through 2N for Unit 2144; the Commission adopt the proposed Findings of Fact and Conclusions of Law for the property, and order the following for both units: 1) Require the owner or owner's representative to complete the following within 45 days from the date the Order is mailed to the owner of record: a) secure all necessary permits; b) correct the cited violations by completing all repairs to the structure within 45 days from the date the Order is mailed to the owner; c) repair or make all modifications to meet or exceed the requirements of all applicable codes; d) request inspection(s) from Austin Code to verify compliance; and 2) If compliance is not achieved within 45 days from the date the Order is mailed to the owner of record, order: a penalty of \$1000 per week shall begin to accrue and be assessed until compliance is achieved with final inspections passed.

Exhibit 1 and Exhibit 2A through 2G for Unit 2143, and Exhibit 1 and Exhibit 2H through 2N for Unit 2144, were admitted into evidence.

A motion was made by Commission Member Wordy Thompson to adopt the Findings of Fact and Conclusions of Law for this property regarding Units 2143 and 2144, and amend the recommended orders for both units to a penalty of \$2000 per week. Commission Member Melissa Orren seconded on a 5-1-0 vote. The motion did not carry.

A second motion was made by Commission Member John Green to adopt the recommended orders as set out by Code for both units. Commission Member John McIntyre second on a 6-0-0 vote. Commission Member Andrea Freiburger recused herself from this matter.

**e. CL 2016-068424 &  
CL 2016-068428**

**1601 Royal Crest Drive, Building B5  
1601 Royal Crest Drive, Building B6**

**Canyon Oaks, LP  
Canyon Oaks, LP**

The property located at 1601 Royal Crest Drive a/k/a 1516 Burton Drive, is a commercial structure. Building B5 is currently occupied, and Building B6 is unoccupied.

The code official found that these structures are a public and an attractive nuisance with substandard and dangerous conditions, both requiring repair.

**Staff recommended the following to the Commission:** The Commission admit Exhibit 1 and Exhibit 2A through 2K and recommended order for Building B5; and admit Exhibit 1 and Exhibits 2L through 2T and recommended order for Building B6; the Commission adopt the proposed Findings of Fact and Conclusions of Law for, and order the following for Buildings B5 and B6: 1) Require the owner or owner's representative to complete the following within 45 days from the date the Order is mailed to the owner of record: a) secure all necessary permits; b) correct the cited violations by completing all repairs to the structure within 45 days from the date the Order is mailed to the owner; c) repair or make all modifications to meet or exceed the requirements of all applicable codes; d) request inspection(s) from Austin Code to verify compliance; and 2) If compliance is not achieved within 45 days from the date the Order is mailed to the owner of record, order: a penalty of \$1000 per week shall begin to accrue and be assessed until compliance is achieved with final inspections passed.

Exhibit 1 and Exhibits 2A through 2K for Building B5, and Exhibit 1 and Exhibit 2L through 2T for Building B6, were admitted into evidence.

A motion was made by Commission Member John Green to adopt the proposed Findings of Fact and Conclusions of Law for this property regarding Buildings B5 and B6, and modify the recommended orders for both Building B5 and B6 to a penalty of \$2000 per week. Commission Member Wordy Thompson second on a 6-0-0 vote.

## **B. Returning Cases**

**a. CL 2012-032421**

**6506 Greensboro Drive**

**Charles Garrette, Jr.**

6506 Greensboro Drive is single family residential structure that is currently occupied and is homesteaded. The Code Official found that this property is a public and an attractive nuisance with substandard and dangerous conditions.

**Staff recommended the following to the Commission:** The Commission admit Exhibit 1 and Exhibit 2A through 2T for this property; adopt the proposed Findings of Fact and Conclusions of Law for this property; and replace the existing order with the following: 1) Assess a civil penalty of \$28,380 accrued per the Commission's prior order and seeks accrual of new penalties based on the prior order; 2) Require the property owner of record or owner's representatives to complete the following within 60 days from the date the order is mailed to the owner of record; a) secure all necessary permits; b) demolish all portions of the residential structure located on this property and remove the debris leaving the lot cleaned and raked; and c) request inspections from Austin Code to verify compliance; d) if compliance is achieved within sixty (60) days, the cost of the demolition to the structure can be reduced from the accrued amount of \$28,380; 3) If compliance is not verified within 60 days from the date the Order is mailed to the owner of record: a) assess a penalty of \$140 per week that accrues until compliance is verified; b) after 60 days, authorize the Code Official to proceed with demolition of the structure and to consider all portions of the structure, including items in and around the structure, as debris and to dispose of as such; c) the property owner shall be on notice 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; and 4) The property owner shall be on notice that if the City incurs expenses consistent with this order to repair, vacate, secure, remove or demolish the building and/or relocate any occupants, the City may assess its expenses against the property and file a lien for all expenses incurred by the City in the Deed Records with the Travis County Clerk's Office.

Exhibit 1 and Exhibit 2 presented by the homeowner Mr. Garrette were admitted into evidence.

A motion was made by Commission Member Melissa Orren to close the public hearing and reset the case for July so that Mr. Garrette could show proof that he has the financial means to do the remodel. Commission Member Brian Talley seconded on a 7-0-0 vote.

**b. CL 2006-025050**

**1119 Ebert Avenue**

**Guy Campbell**

The property owner requested that this case be put on the agenda this month. There are no exhibits for this case. On August 26, 2015 the Commission issued an order to reduce penalties of \$114,071.43 from a previous order to \$0.00. A new order was issued instructing the owner to have the structure demolished within 15 days.

The Owner did not comply with the Order. The Austin Code Department proceeded to demolish the structure. On May 25, 2016 the demolition permit was final. The total cost for the demolition is \$32,835.93. Ms. Joyce Campbell who is present was made aware of the cost of the demolition via several phone calls.

The Owner is requesting the itemized cost of the demolition as well as an offset of the cost of the demolition.

Acting BSC Coordinator Edgar Hinojosa stated that Ms. Campbell was never sent an invoice for the demolition because the Code Department has not received the invoice from the contractor with the total of the demolition. Mr. Hinojosa read the itemized numbers into the record: \$725 - pest control re: raccoons in the property; \$225 - ACD admin fee (pest control invoice); \$2396.05 - consultant fee (lead paint inspections); \$5277.88 - consultant fee (monitoring and oversight during asbestos abatement and demolition); \$24,987 - abatement and demolition costs; \$225 - ACD admin fee (demolition invoice); The correct total cost is \$33,853.93.

Vice-Chair Jessica Mangrum stated that the Commission cannot grant any relief by reducing the cost of the demolition based on the Commission's authority. Demolition fees were not waived. No action was taken.

**C. Appeal(s)**

**CL 2014-029194**

**63 Lynn Street**

**Jason Martin**

63 Lynn Street was pulled from the agenda and was not heard.

**D. Update Cases**

**2015-098835**

**1124 Rutland Drive, Bldg. 1**

**NAHC Cross Creek Apartments, LLC**

2015-098845	1124 Rutland Drive, Bldg. 2	NAHC Cross Creek Apartments, LLC
2015-098847	1124 Rutland Drive, Bldg. 3	NAHC Cross Creek Apartments, LLC
2015-098850	1124 Rutland Drive, Bldg. 4	NAHC Cross Creek Apartments, LLC
2015-098853	1124 Rutland Drive, Bldg. 5	NAHC Cross Creek Apartments, LLC
2015-098854	1124 Rutland Drive, Bldg. 6	NAHC Cross Creek Apartments, LLC
2015-098857	1124 Rutland Drive, Bldg. 7	NAHC Cross Creek Apartments, LLC
2015-098861	1124 Rutland Drive, Bldg. 8	NAHC Cross Creek Apartments, LLC
2015-098864	1124 Rutland Drive, Bldg. 9	NAHC Cross Creek Apartments, LLC
2015-098869	1124 Rutland Drive, Bldg. 10	NAHC Cross Creek Apartments, LLC
2015-098870	1124 Rutland Drive, Bldg. 11	NAHC Cross Creek Apartments, LLC
2015-098871	1124 Rutland Drive, Bldg. 12	NAHC Cross Creek Apartments, LLC
2015-098874	1124 Rutland Drive, Bldg. 13	NAHC Cross Creek Apartments, LLC
2015-098877	1124 Rutland Drive, Bldg. 14	NAHC Cross Creek Apartments, LLC
2015-098880	1124 Rutland Drive, Bldg. 15	NAHC Cross Creek Apartments, LLC
2015-098881	1124 Rutland Drive, Bldg. 16	NAHC Cross Creek Apartments, LLC
2015-098885	1124 Rutland Drive, Bldg. 17	NAHC Cross Creek Apartments, LLC
2015-098886	1124 Rutland Drive, Bldg. 18	NAHC Cross Creek Apartments, LLC
2015-098837	1124 Rutland Drive, Main Office	NAHC Cross Creek Apartments, LLC

The updates were provided by Assistant Division Manager Matthew Noriega. A district court hearing on the hot water issues is scheduled for June 30, 2016 before Judge Triana. A more detailed update will follow the hearing.

The properties were represented by Attorney Zoll. Following up on bullet points from last month, trenching on the 2<sup>nd</sup> loop is complete, materials are delivered and are beginning to lay pipe. Target for the major rehabilitation and major repair is still going forward and owners are looking at mid-July to begin the full end-to-end rehabilitation and repair. In anticipation of that, owners have identified the buildings, in part based on Code's identification of issues, and have started preparing those buildings and emptying those units to the extent those units will be the first to be repaired. They are emptying Building 2, either relocating, not renewing leases or terminating leases to the extent we can accommodate them. Last month there was concern about month to month leases. Zoll stated they will have some legacy month to month leases but no new month to month leases.

#### **Other witnesses:**

Jorge Manchaca, Apt 171, Building 16, stated had his lease terminated one week ago after being promised he would be given a month-to-month lease once renovations began. He complained to management of falling ceilings, cracks in floors, little or no hot water, green water, shaky railings, insects, plumbing and air conditioning issues. He states that the management do not want to move him, relocate him or make repairs. These problems are happening in all of the buildings.

It is suggested that he follow-up with the Austin Tenants Council. Vice-Chair Mangrum states that they are not posted for action. Because of these problems, the City has taken this property to district court and it is also before the Commission. It is also why the Commission is getting monthly updates.

Witness Monica Guzman, a community activist and member of the Restore Rundberg Revitalization Team, Co-Chair and representative of the North Lamar Combined Neighborhood Planning Area and member of the Housing Affordability Work Group with Restore Rundberg, spoke to the Commission in support of the tenants. She was also one of the volunteers who recently walked the property to get more information in support of the case going to district court.

Witness Ruby Roja, a housing advocate, spoke to the Commission regarding retaliation and the Fair Housing Laws. She stated that after the Code Department's inspection on June 6th, the Housing Authority went back out there and found 6 out of 19 units out of compliance and other units requiring repairs. According to HUD, these families cannot be displaced without being provided a place to live. She also talked about landscaping and mosquitos from standing water.

Mr. Zoll stated that he and Ms. Roja walked the property together so that they could address any issues. Some of the leases were not renewed because the major repairs are starting in July, and are in part why some of these leases were not renewed and is part of the process moving these tenants around. There were not any available units at their other apartment complex right now but are using vacancies to move people around within the property. While some folks are on already on month to month, those leases expiring at the end of June are not being renewed. They can't keep the complex at 100 per cent capacity and be able to do the repairs. Funding is also on track.

Vice-Chair Mangrum stated that the Commission is not posted for action on this item and has no authority to do anything about the federal housing issues that were raised.

### **3. DISCUSSION AND BRIEFINGS**

#### **A. Financial Forecast presentation**

Financial Division Manager Franklin Fejarang and Financial Consultant Brittany McMillan presented the Austin Code financial forecast for fiscal year 2017. No action was taken.

#### **B. Annual Internal Report**

The Annual Internal Report is submitted to the City Clerk by the Commission annually. The report was drafted and put on the agenda at Commission Chair Cloutman's request for the Commission's review. Copies were provided to the Commission members and was read by Assistant Division Manager (Acting BSC Coordinator) Edgar Hinojosa.

Discussion followed regarding Item Number 3 which indicates a twice monthly meeting. The second panel only has 4 Commissioners and cannot meet as they do not have a quorum. Acting BSC Coordinator Edgar Hinojosa states that it is not warranted at this time to have two meetings.

No vote was taken.

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

- A.** Vice-Chair Jessica Mangrum requested the IPMC Property Maintenance Code be placed on July's agenda as a discussion item. Marcus Elliott states that he will get back for an update to the Commission regarding the specific timeline for implementation of the Code. Discussion followed regarding the fact that without a full panel seated, no vote can be taken.
- B.** Vice-Chair Jessica Mangrum requested the Repeat Offender Program (ROP) be placed on July's agenda for discussion and potential action.

### **5. ADJOURNMENT**

Vice-Chair Jessica Mangrum adjourned the Commission Meeting at 9:56 pm on Commission Member Andrea Frieberger's motion. Commission Member John Green seconded without any objection on a 7-0-0 vote.