



**BUILDING AND STANDARDS COMMISSION
MINUTES
PANEL 1**

REGULAR MEETING
Date: September 23, 2015

The Building and Standards Commission (“BSC”) convened for a regular meeting on Wednesday, September 23, 2015 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Charles Cloutman, Chair; Jessica Mangrum, Vice Chair; Wordy Thompson; John McIntyre; Kurt Cadena-Mitchell; Abraham Cohen; Stan Martin; Ashley Holmes and Melissa Orren

Staff in Attendance:

Christopher Moore, BSC Coordinator; Paul Tomasovic, Assistant Director; Marcus Elliott, Division Manager; Dan Cardenas, Assistant Director; Robin Harris, Assistant City Attorney; Carl Smart, Director; Merlinda Coleman, Program Specialist; Edgar Hinojosa, Assistant Division Manager; Doug Jansky, Administrative Hearing Coordinator; Chris Maldonado, Investigator; John Hale, Acting Assistant Division Manager; Alicia Tovar, Investigator; Michael Reeves, Investigator; Richard Lamancusa, Investigator; Brian Eberwine, Investigator; Anthony McBryde, Investigator; Elaine Garrett, Division Manager; Troy Collins, Investigator; Nicole Leal, Investigator; Todd Wilcox, Division Manager; Robert Alvarado, Assistant Division Manager; Hilda Martinez, Investigator; Officer Josh Hovishi, APD Region 4 District Representative; Matthew Noriega, Assistant Division Manager; Moses Rodriguez, Investigator; Detective Monroe, APD Nuisance Abatement Unit.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:32 p.m.

1. CITIZEN COMMUNICATION: GENERAL

None

2. PUBLIC HEARINGS

Commission Coordinator Christopher Moore presented the following cases:

A. New Cases

Case Number
CL 2015-109840

Street Address
2906 E. 13th Street

Owner
Melvin Fowler

Ms. Peebles – (Niece of the deceased owner)

The property located at 2906 E. 13th Street is a single-family residential structure that is not homesteaded. The property was represented by Ms. Peebles the niece of the deceased owner.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2L; adopt the proposed Findings of Fact and Conclusions of Law for this property; issue an order that requires the property owner or property owner’s representative to secure all necessary permits; demolish all portions of the residential structure located on the property that shall be demolished and removed completely, the lot left in a cleaned and raked condition within forty-five (45) days from the date the order is mailed to the owner; require the owner or owner’s representative to request inspection to verify compliance; if compliance is not achieved within forty-five (45) days, the Code Official may proceed with demolition and will consider all portions of the residential structure, including items and around the structure, as debris and dispose as such, and a penalty of \$250 per week will be assessed until compliance is achieved. It is ordered if the City incurs expenses consistent with this order to 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, unless exempted by the Texas Constitution.

Chair Cloutman admitted Exhibit 1 and 2A-2L into evidence.

The motion was made by Commission Member Abraham Cohen to accept the proposed Findings of Fact and Conclusions of Law and the recommended agreed order except an increase in penalty to \$1000 per week will be assessed after forty-five (45) days until compliance is achieved; Commission Member Abraham Cohen seconded that motion and it passed on a 7-2 vote.

B. Returning Case(s)

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
a. 2015-004629	1715 Barn Swallow Drive	Joseph Hajjar

The property located at 1715 Barn Swallow Drive is a single-family residential structure that is not homesteaded. The case was represented by owner Joseph Hajjar. This is a returning case that previously came before the Commission in April 2016. Chair Charles Cloutman admitted Exhibits 1 and 2A through 2K on this property. The owner requested that the Commission waive the current penalties and stop the accrual of fines as per the existing order. The owner provided documents including proof of funding, bids, a signed contract with a contractor starting today, an activated building permit, an invoice from the contractor, and credentials from the architect and contractor.

A motion was made by Vice Chair Jessica Mangrum to put the case in abeyance until next month's hearing. Commission Member John McIntyre proposed a friendly amendment to continue the case until the October hearing, which was accepted by Vice Chair Mangrum. The motion was seconded by Commission Member Abraham Cohen. The motion carried on a 9-0 vote.

b. 2015-004646 and 004647	2103 Rosewood Ave., Bldgs. 1 and 2	Gene Mays
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The two properties are located at 2103 Rosewood Avenue, Buildings 1 and 2 are multi-family commercial structures. The case was represented by owner Gene Mays. This is a returning case that previously came before the Commission in January 2015. Chair Charles Cloutman admitted Exhibits 1 and 2A through 2N on this property. The owner requested that the Commission waive the current penalties of \$15,285.71 and stop the accrual of fines as per the existing order. The owner provided documents that confirmed that the repairs were completed on June 24, 2015 but their building permit was not final until August 14, 2015.

The motion was made by Commission Member Melissa Orren to accept the proposed Findings of Fact and Conclusions of Law and the recommended agreed order and to close the public hearing and take no further action; Vice Chair Jessica Mangrum seconded that motion and it passed on a 9-0 vote.

c. 2014-105655	1808 Walnut Avenue	Asmahan Rasool
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The property located at 1808 Walnut Avenue is a single-family residential structure that is homesteaded. The case was represented by owner Asmahan Rasool. This is a returning case that previously came before the Commission in December 2014. Chair Charles Cloutman admitted Exhibits 1 and 2A through 2J on this property.

A motion was made by Commission Member Melissa Orren to accept the proposed Findings of Fact and Conclusions of Law and the recommended agreed order, close the Hearing and take no further action; Vice Chair Jessica Mangrum seconded that motion and it passed on a 6-1-2 vote.

C. Appeals

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
a. 2015-109682	6605 E. Riverside Drive	New Jerusalem Baptist Church

The property located at 6605 E. Riverside Drive was represented by the New Jerusalem Baptist Church and three of its family members Clem Snead, Ms. Pleasant and Mr. Pleasant. The appellant appealed the violations they were cited for.

Chair Charles Cloutman admitted Staff's Exhibits 1A and 2A-2O into evidence.

Commission Member Stan Martin made a motion to waive the invoice for the cost of the fence that was exhumed on the church property by a fencing contractor at Austin Code's request and to grant the appeal and absorb the cost (\$1600.08) for the fence. The motion was seconded by Commission Member Melissa Orren. The vote carried on a 9-0 vote and the appeal was granted.

3. APPROVAL OF MINUTES

The minutes for June 17, 2015 and July 22, 2015 were approved.

4. Recommendations

Include a summary of the returning cases within the Code Officer's presentation.

5. ADJOURNMENT

Chairperson Charles Cloutman adjourned the Commission Meeting at 8:53 pm on Commission Member Melissa Orren's motion. Commission Member Jessica Mangrum's and Commission Member Abraham Cohen's seconded without any objection on a 9-0-0 vote.