



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: October 26, 2016

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, September 28, 2016 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; Melissa Orren, John McIntyre; Natalya Sheddan; Wordy Thompson; Andrea Freiburger; and John Green.

Staff in Attendance:

Edgar Hinojosa, Assistant Division Manager(ADM)/Acting BSC Coordinator; Marcus Elliott, Division Manager (DM); Trish Link, Assistant City Attorney; Paul Tomasovic, Assistant Director; Don Birkner, Assistant Director; Merlinda Coleman, Program Specialist; Doug Jansky, Administrative Hearing Coordinator; Matthew Noriega, Assistant Division Manager; Melanie Alley; Program Specialist; Hilda Martinez; Investigator.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:33 p.m.

1. CITIZEN COMMUNICATION: GENERAL

Citizen Rosanne Crook spoke before the Commission requesting that the penalties for her property, 621 Gunter Street, be waived. She stated that the demolition of her property was completed within the allotted timeframe however, a neighbor cut down some trees which resulted in hindering the final inspections by the Austin Code Officer. She also stated that she had police report and receipts for proof. Ms. Crook was advised by Trish Link City of Austin attorney to provide the receipts to Mr. Hinojosa after the meeting for consideration of removal of the penalty.

Citizen Chereen Fisher spoke before the Commission regarding the status of her Short Term Rental (STR) type three (3) operating license(s) at the property she leases located at 119 E. 6th Street. Ms. Fisher stated that this is an unusual circumstance and she is unsure how to proceed going forward now that the ordinance has changed in getting her licenses renewed.

2. APPROVAL OF MINUTES

The Building and Standards Commission minutes for the August 2016 meeting were adopted and approved on a motion made by Commission Member Andrea Frieberger. The motion was seconded by Commission Member Melissa Orren. The vote carried on a 7-0-1 vote. Chair Charles Cloutman abstained.

3. APPROVAL OF BYLAWS

Assistant City Attorney Trish Link presented the proposed changes to the Building and Standards Commission Bylaws. The changes were discussed by the Commission. A motion was made by Commission Member Andrea Freiburger to adopt the bylaws with the recommended revisions and was seconded by Commission Member John McIntyre. The vote carried unanimously on an 8-0-0 vote.

4. PUBLIC HEARINGS

A. Case(s)

Acting Commission Coordinator/Assistant Division Manager Edgar Hinojosa presented the following cases:

Case Number
a. CL 2016-127023

Street Address
2103 Nueces Street

Owner
Texas Friends of Chabad Lubavitch, Inc.

The property located at 2103 is an unoccupied commercial structure located at 2103 Nueces Street that requires repairs. The case was represented by the owners, as well as the real estate broker for the owners, Mr. John Cotton, and the prospective buyer, Mr. Suvhakar Allada.

Staff recommended that the Commission 1) admit Exhibit 1 and Exhibit 2A through 2V; 2) adopt the proposed Findings of Fact and Conclusions of Law; and 3) issue an order for repairs to be completed within 60 days, and if not completed within this timeframe, a penalty of \$1000 would be assessed until compliance is achieved with all inspections are passed.

Chair Cloutman admitted Exhibit 1 and Exhibit 2A through 2V and adopted the proposed Findings of Fact and Conclusions of Law.

The owners and prospective buyer requested time past the 60 day mark to complete the sale scheduled for November 21, 2016 and, approximately 6 months from the date of sale for the prospective buyer to complete the rehab of the property.

Commission Member Melissa Orren made a motion to close the public hearing, seconded by Commission Member John Green. The vote carried on an 8-0-0 vote.

Mr. Cotton and Mr. Allada agreed to appear at the December meeting to provide an update on the sale and a construction schedule. Vice Chair Jessica Mangrum made a motion to put this case in abeyance until the December 14 meeting, seconded by Commission Member Natalya Shedden. The vote carried on an 8-0-0 vote.

B. Appeal(s)

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
a. CL 2016-126865	208 San Jose Street	Laurie W. Rogers

The property located at 208 San Jose Street is currently in probate. The property was represented by the deceased owner's daughter and heir, Laurie W. Rogers. The owner appeared regarding her appeal of Code's Emergency Board and Secure action on this property and waive the costs for same.

Staff recommended that the Commission adopt the proposed Findings of Fact and Conclusions of Law for this property; admit Exhibits 1 and 2A through 2J; and, deny the owner's appeal.

Chair Charles Cloutman admitted Exhibits 1 and 2A through 2J for this property. Commission Member John McIntyre made a motion to close the public hearing. The motion was seconded by Vice Chair Jessica Mangrum and carried unanimously on an 8-0-0 vote.

Vice Chair Jessica Mangrum made a motion to deny the owner's appeal, which was seconded by Commission Member John McIntyre. The motion carried on an 8-0-0 vote and the appeal was denied.

C. Update Cases

a. Case Number	Street Address	<u>Owner</u>
2015-098835	1124 Rutland Drive, Bldg. 1	NAHC Cross Creek Apartments, LLC
2015-088845	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 property, 1124 Rutland, Cross Creek Apartments, was represented by Attorney Mitchell Zoll. Status updates were provided by Attorney Mitchell Zoll and Code Inspector Hilda Martinez. A compliance hearing is set for December 14, 2016 in district court, and the State Department of Housing and Community Affairs has approved a tax credit and grant. There has been no progress to date on structural repairs. The Commission requested an update next month on the funding and an overview of the entire scope including a construction schedule.

<u>b. Case Number</u>	<u>Address</u>	<u>Owner(s)</u>
2016-111720, et al.	3839 Dry Creek Drive, Unit 101	Chau Quach
2016-111722	3839 Dry Creek Drive, Unit 102	Mosharraf Houman
2016-111724	3839 Dry Creek Drive, Unit 103	Denise Hurd
2016-111726	3839 Dry Creek Drive, Unit 104	Jayne Steinmetz
2016-111727	3839 Dry Creek Drive, Unit 105	Alan Bergstrom
2016-111730	3839 Dry Creek Drive, Unit 106	Tara Hawthorne
2016-111732	3839 Dry Creek Drive, Unit 107	William H. Carville
2016-111735	3839 Dry Creek Drive, Unit 108	Susan E. & William H. White
2016-111737	3839 Dry Creek Drive, Unit 109	Amy R. Mullen
2016-111778	3839 Dry Creek Drive, Unit 110	Nita Franks
2016-111741	3839 Dry Creek Drive, Unit 201	Kristi Lynn Harrison Trust
2016-111742	3839 Dry Creek Drive, Unit 202	Nora Roostaie
2016-111749	3839 Dry Creek Drive, Unit 203	Debra Joy Cain
2016-111752	3839 Dry Creek Drive, Unit 204	Gabrielle Rosa
2016-111754	3839 Dry Creek Drive, Unit 205	Krista Lynn Sease
2016-111757	3839 Dry Creek Drive, Unit 206	Alex B. Franz
2016-111786	3839 Dry Creek Drive, Unit 207	Priscilla L. Faris
2016-111758	3839 Dry Creek Drive, Unit 208	Vincent James LaVigna
2016-111759	3839 Dry Creek Drive, Unit 209	Marek & Malgorzata Kacewicz
2016-111762	3839 Dry Creek Drive, Unit 210	Florence S. Hinds

Status updates for 3839 Dry Creek Drive, Building B, a residential condominium structure damaged by fire, were provided by Code Inspector Marlayna Wright; Dry Creek West Homeowners' Association Board Member Krista Sease; Public Adjustor, Scott Frietson.

As per the October 6, 2016 order, the area around Building B has been fenced. Engineering Company Pi Construction should have the conditional assessment completed within the required 30 days and the report to follow thereafter. The permit for demo was secured and demo date is set to begin October 31, 2016. The HOA has updated contracts with contractors for the new scope of work and are all on notice for 60 days to have information provided to HOA in order to have permits by that date, i.e., December 11, 2016. There is a meeting scheduled with the insurance company regarding the new scope and price.

5. DISCUSSION AND BRIEFINGS

A. Proposed changes to the City's Property Maintenance Code for Commission action.

Assistant Director Don Birkner reported to the Commission that Code is continuing to work on this presentation and staff will post this for discussion at the December 2016 meeting.

B. Amanda database updates for the Repeat Offender Program (ROP).

Updates were provided by Assistant Director, Paul Tomasovic; and Business Systems Analyst, Shawn Lincoln.

C. Commission's discussion on goals and objectives for the Annual Internal Report.

The Commission brought up and discussed the 9 goals and objectives that were identified at the Building and Standards Commission retreat. Assistant Director Don Birkner stated that he would coordinate with Developmental Services to come give presentations in the future for both residential and commercial permitting processes and timelines. A working group was created to focus on the Commission's goals consisting of Commission Member John Green and Commission Member Melissa Orren.

D. Administrative Hearing Monthly Report

Administrative Hearing Coordinator Douglas Jansky provided information to the Commission regarding the cases addressed via the Administrative Hearing Program during October 2016.

6. FUTURE AGENDA ITEMS

Commission Member Andrea Freiberger made a motion for the property located at 208 San Jose Street to return as an action item for discussion at the December 14, 2016 meeting. Commission Member John Green seconded the motion.

Also updates on Dry Creek and Rutland will be included on the December agenda, including a construction report.

The IPMC action has already been added by Chair Charles Cloutman.

Andrea Freiberger brought up an item discussed at the retreat regarding the Repeat Offender Program. The working group is to provide 2 or 3 recommendations at the December meeting.

7. ADJOURNMENT

Commission Member John Green made a motion to adjourn the meeting, seconded by Vice Chair Jessica Mangrum. The vote carried 8-0-0. Charles Cloutman adjourned the Commission meeting at 9:17 pm.