



**BUILDING AND STANDARDS COMMISSION
MINUTES
PANEL 1**

REGULAR MEETING
Date: October 28, 2015

The Building and Standards Commission (“BSC”) convened for a regular meeting on Wednesday, October 28, 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; Matthew Gonzales; Abraham Cohen; Ashley Holmes and Melissa Orren

Staff in Attendance:

Christopher Moore, BSC Coordinator; Paul Tomasovic, Acting Assistant Director; Marcus Elliott, Division Manager; Patricia Link, Assistant City Attorney; Merlinda Coleman, Program Specialist; Edgar Hinojosa, Assistant Division Manager; Doug Jansky, Administrative Hearing Coordinator; Chris Maldonado, Investigator; Troy Collins, Inspector; Linnda Jo Mireider; Robert Alvarado, Assistant Division Manager; Stephen Oswald; Matthew Noriega, Assistant Division Manager.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:43 p.m.

1. CITIZEN COMMUNICATION: GENERAL

Citizen Gene Mays spoke before the Commission regarding his property located at Rosewood, he referenced the large fines accrued due to work was not completed on time due to rainy weather. Chair Cloutman recommended that Mr. Mays contact Austin Code to work with Code and to find a solution to this issue.

Citizen Roy Ates spoke before the Commission stating that the issue was similar to previous speaker referencing a demolition that was delayed due to rainy weather. He stated he will also contact Austin Code to find a solution.

Citizen Diana Campos spoke before the Commission stating that she was representing the owner that has passed away, and the rest of her family that were not present. She stated she was at the Commission in August and was granted an extension for a property located on Hwy 183. She stated her reason for been there again was to request additional time. Commission asked that Ms. Campos to contact Austin Code in writing for extension.

Citizen Julia Fore spoke before the Commission on behalf on the North Lamar contact team, and Georgian Acres contact team, she stated her board voted to for them to come, and talk to this Commission about the Neighborhood Enhancement Team Program (NET). She stated no citizen oversight has been implemented as part of the program. She requested that Code communicates with the neighborhood to obtain better information, lack of communication from Code has not helped to obtain better information on phase one of the program. Acting Assistant Director responded by stating that more community outreach will be conducted when phase two rolls on. Chair Cloutman asked that an item be added on the agenda to go over this topic.

Citizen Stuart Hearsh spoke to Commission referencing the occupancy for long and short term rental properties. He stated he has provided his suggestion to the Coordinator, but has not been invited to the meetings regarding the repeat offender program or other meeting that dealt with the occupancy limits. He stated he is protesting that he was not invited to any of the meetings. Chair Cloutman added that the Repeat Offender working groups has not been able to meet, so because if this no discussing over the Repeat Offender program will happen that night.

2. PUBLIC HEARINGS

Commission Coordinator Christopher Moore presented the following cases:

A. New Cases

| <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|--------------------|-----------------------|---------------------|
| CL 2015-011334 | 2100 Rosewood Ave | Atianna Stain Breen |

The property located at 2100 Rosewood Ave contains a concrete wall that has structural violations. The property was represented by Atianna Stain Breen owner.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2F; 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; All cited violations be repaired within sixty (30) days; If all work is not completed with final inspections passed within sixty (30) days, then a penalty of \$500 per week will be assessed. 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-2F into evidence.

The motion was made by Commission Member John McIntyre to accept the proposed Findings of Fact and Conclusions of Law and the recommended order except to increase the number of days to sixty (60) days and assess penalty of \$500 per week until compliance is achieved; Commission Member Ashley Holmes seconded that motion and it passed on a 8-0 vote.

| <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|--------------------|-----------------------|---------------------|
| CL 2015-122627 | 502 Hardin Court | Joe & Ellen Goodart |

The property located at 502 Hardin Court four plex residential structure. The property was represented by Joe Goodart and Andy Tong owners.

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; All cited violations be repaired within forty-five (45) days; If all work is not completed with final inspections passed within forty-five (45) days, then a penalty of \$1000 per week will be assessed. 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 Vice Chair Jessica Mangrum to accept the proposed Findings of Fact and Conclusions of Law, and the recommended order except to change the number of days to thirty (30) days and assess a penalty of \$1000 per week until compliance is achieved; Commission Member Abraham Cohen seconded that motion and it passed on a 8-0 vote.

| <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|--------------------|-----------------------|----------------------|
| CL 2015-119103 | 1306 San Bernard St. | Stella Davis-Jasmine |

The property located at 1306 San Bernard Street is a vacant single family residential structure built 1932. The property was represented by Ray Ates contractor representing the owner.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2I; 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; All cited violations be repaired within forty-five (45) days; If all work is not completed with final inspections passed within forty-five (45) days, then a penalty of \$250 per week will be assessed. In lieu of repairs issue an order that will allow the Code Official to proceed with the demolition of the structure. 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-2I into evidence.

The motion was made by Vice Chair Jessica Mangrum to accept the proposed Findings of Fact and Conclusions of Law, and the recommended order of (45) days and assess a penalty of \$250 per week until compliance is achieved; in lieu of repairs demolish the structure. Commission Member John McIntyre seconded that motion and it passed on a 8-0 vote.

| Case Number | Street Address | Owner |
|-------------|---------------------------------|----------------------------------|
| 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 property located at 1124 Rutland Drive is a commercial apartment complex with 200 units, 18 buildings and a main office. The property was represented by Mitchell Zoll, Frank Fuentes, Sara Andre, and Royce Muhollan, Also David Potter, Program Manager Neighborhood Housing and Community Development; Steve Richie, Neighborhood Housing and Community Development; Doug Vulture, Commercial Building Inspector provided testimony.

Staff recommended the following to the Commission: The Commission admit exhibits 1A and 1B and exhibit 2 with code photographs 2A through 2DD; 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; Restore and maintain the required temperature at 110 degrees throughout the property within 48 hours from the date the orders is mailed. Assess a penalty of \$500 a day if water is not restore and maintained at the required temperature within 48 hours. All cited violations be repaired within forty-five (45) days; If all work is not completed with final inspections passed within forty-five (45) days, then a penalty of \$1000 per week will be assessed. 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 1A and IB, and 2A-2DD into evidence.

The motion was made by Vice Chair Jessica Mangrum to accept the proposed Findings of Fact and Conclusions of Law, and the recommended order with amendments requiring the owners to provide a monthly report to the Commission in respect to the repairs; A monthly report to the Commission in respect to water temperature readings; Secure all necessary permits; Order owner to restore water temperature to 110 degrees within fourteen (14) days; If water temperature is not restore assess a \$500 a day penalty. It also order to make all repairs within (45) days from January 28, 2016 and assess a penalty of \$1000 per week per building until compliance is achieved. Commission Member John McIntyre seconded that motion and it passed on a 8-0 vote.

3. DISCUSSION

Commission had a discussion Commission Members getting together and creating working groups for Repeat Offender discussion. Commissioner Melissa Orren stated she and Wordy Thompson will take the lead to form a group.

5. ADJOURNMENT

A motion to extend meeting time past 10:00 pm was made by commission Vice Chairperson Jessica Mangrum, and second by Commission Member Matthew Gonzales. The vote carried on a 8-0 vote.

Chairperson Charles Cloutman adjourned the Commission Meeting at 11:05 pm on Vice Chairperson Jessica Mangrum motion.