



**BUILDING AND STANDARDS COMMISSION
MINUTES
PANEL 1**

REGULAR MEETING
Date: January 25, 2017

The Building and Standards Commission (“BSC”) convened for a regular meeting on Wednesday, January 25, 2017 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 Green, John McIntyre; Natalya Shedden Wordy Thompson; Andrea Freiberger, and Brian Talley.

Staff in Attendance:

Edgar Hinojosa, Assistant Division Manager; Marcus Elliott, Division Manager; Dan Cardenas, Assistant Director; Merlinda Coleman, Program Specialist; Doug Jansky, Administrative Hearing Coordinator; Melanie Alley, Program Specialist; James Paxton, Code Inspector; Marlayna Wright; Code Inspector; Matthew Noriega, Assistant Division Manager; Robert Alvarado, Assistant Division Manager; Moses Rodriguez; Code Inspector; Alicia Tovar, Investigator; Michael Reeves, Assistant Division Manager; Patricia Link; Assistant City Attorney.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:31 p.m.

1. APPROVAL OF MINUTES

The minutes for September 2015, January 2016, October 2016 and December 2016 were approved.

2. CITIZEN COMMUNICATION: GENERAL

There were no citizen communication items presented.

2. PUBLIC HEARINGS

A. New Case(s)

Acting Commission Coordinator/ ADM Edgar Hinojosa presented the following cases:

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|---|-----------------------------|--------------------------------------|
| 1. 2017-000722 | 1810 Clifford Avenue | Thelma Watson McNeese, et al. |
| The property located at 1810 Clifford Avenue is an occupied, single-family residential structure that is sub-standard and requires repairs. The case was represented by one of the heirs, Michael Watson. | | |

Staff recommended completion of repairs within 60 days, and if not in compliance within that time, a civil penalty of \$350 per week would begin to accrue until compliance is reached.

Chair Charles Cloutman admitted Exhibits 1 and 2A through F. Commission Member Natalya Shedden made a motion to adopt staff’s proposed findings of fact and conclusions of law for this property and recommended order as proposed, which was seconded by Commission Member Brian Talley. Chair Cloutman made a friendly amendment that Austin Code specifically list the repairs. There was no objection by Commission Members Shedden or Talley. The motion carried unanimously on a 9-0-0 vote.

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|--|---------------------------|-----------------------------------|
| 2. 2017-000735 | 2603 Hillview Road | Majid & Rufina Hemmasi |
| The property located at 2603 Hillview Road is an unoccupied, residential structure with substandard, and dangerous conditions that requires repairs. The case was represented by owner, Majid Hemmasi. | | |

Staff recommended completion of repairs or demolition within 89 days with a penalty of \$1000 per week to accrue after that time if not in compliance was not reached; and, order the City to proceed with demolition after 90th day if compliance is not achieved and file a lien for expenses incurred regarding same.

Mr. Hammasi requested 120 to 150 days to make repairs.

Chair Charles Cloutman admitted Staff's Exhibit 1 and 2A through 2J. Commission Member Andrea Frieberger made a motion to accept staff's proposed findings of fact and conclusions of law with modifications to: 1) extend the timeframe to 120 days; 2) if compliance is not verified by 119th day, assess a civil penalty of \$1000 per week; and 3) after the 150th day, if compliance was not reached, the City would proceed with demolition. The motion was seconded by Commission Member Wordy Thompson.

A substitute motion was made by Commission Member Brian Talley to adopt Code's recommended order, seconded by Commission Member Natalya Shedden. The motion failed on a vote of 5-4-0. Opposing votes were made by Commission Members Green, McIntyre, Thompson and Freiberger.

Commission Member Andrea Freiberger modified her motion as follows: after the 119th day, penalties of \$1000 per week would begin to accrue until compliance was achieved; and, after the 150th day, authorize the Code official to proceed with demolition. Commission Member Wordy Thompson seconded the amendments. The motion carried on a 7-2-0 vote. Dissenting votes were made by Vice Chair Jessica Mangrum and Commission Member Brian Talley.

B. Returning Case(s)

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
1. 2015-098024	2101 Lemon Drive, Unit A	Antal O. & Ingrid A. Juhasz
2015-098035	2101 Lemon Drive, Unit B	Antal O. & Ingrid A. Juhasz

The property located at 2101 Lemon Drive, Units A and B, is an unoccupied, fire-damaged, commercial duplex. Both cases were represented by prospective buyer Russell Spillars and project manager, Patrick M. Mullins. These are returning cases in which BSC orders were issued on August 26, 2015 for demolition. Code recommended that the existing orders from 2015 remain in place.

Chair Charles Cloutman admitted Exhibits 1 and 2A through 2V for this property. The prospective buyers asked that the case be brought before the Commission, requesting that for each of the two case, the fines accrued per the existing order be capped at \$75,000; the penalties stop accruing; and that the fines accrued be offset with receipts for completed repairs.

Commission Member Andrea Freiberger made a motion, seconded by Commission Member John McIntyre, to amend the standing order to: stop accrual of the current penalties as of date of the hearing; provide compliance within 120 days; offset fines with receipts conditional upon the sale of the property within 14 days; and, if on the 119th day, compliance is not met, fines would begin to accrue again on the 120th day consistent with the prior order. The vote carried 6-3-0 in favor of the motion. Dissenting votes were made by Commission Members John Green, Charles Cloutman and Jessica Mangrum.

2. 2016-111720, et al.	3839 Dry Creek Drive, Building B	Dry Creek West HOA, et al.
CL 2016-111720	3839 Dry Creek Drive, Unit 101	Chau Quach
CL 2016-111722	3839 Dry Creek Drive, Unit 102	Mosharraf Houman
CL 2016-111724	3839 Dry Creek Drive, Unit 103	Denise Hurd
CL 2016-111726	3839 Dry Creek Drive, Unit 104	Jayne Steinmetz
CL 2016-111727	3839 Dry Creek Drive, Unit 105	Alan Bergstrom
CL 2016-111730	3839 Dry Creek Drive, Unit 106	Tara Hawthorne
CL 2016-111732	3839 Dry Creek Drive, Unit 107	William H. Carville
CL 2016-111735	3839 Dry Creek Drive, Unit 108	Susan E. & William H. White
CL 2016-111737	3839 Dry Creek Drive, Unit 109	Amy R. Mullen
CL 2016-111778	3839 Dry Creek Drive, Unit 110	Nita Franks
CL 2016-111741	3839 Dry Creek Drive, Unit 201	Kristi Lynn Harrison Trust
CL 2016-111742	3839 Dry Creek Drive, Unit 202	Nora Roostaie
CL 2016-111749	3839 Dry Creek Drive, Unit 203	Debra Joy Cain
CL 2016-111752	3839 Dry Creek Drive, Unit 204	Gabrielle Rosa

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
CL 2016-111754	3839 Dry Creek Drive, Unit 205	Krista Lynn Sease
CL 2016-111757	3839 Dry Creek Drive, Unit 206	Alex B. Franz
CL 2016-111786	3839 Dry Creek Drive, Unit 207	Priscilla L. Faris
CL 2016-111758	3839 Dry Creek Drive, Unit 208	Vincent James LaVigna
CL 2016-111759	3839 Dry Creek Drive, Unit 209	Marek & Malgorzata Kacewicz
CL 2016-111762	3839 Dry Creek Drive, Unit 210	Florence S. Hinds

The commercial fire-damaged property located at 3839 Dry Creek Drive is a returning case. The case was represented by attorney for the HOA, Gregory Cagle; HOA Board Member Krista Sease; A-1 Services General Contractor Ron Little; and attorney for Building B owners Jim Reed.

Code Officer Marlayna Wright provided a status update to the Commission that included: 1) a new management company, Real Manage, has been hired as of January; 2) construction company A-1 Services has been terminated as of January 20, 2017; 3) three construction companies have submitted bids for completion of the project for Building B; 4) plans are in review for the re-construction of Building B; 5) the HOA is trying to gain ownership of the permits for Building B; and 6) the remaining portions of Building B have been demolished.

Mr. Cagle, Ms. Sease, Mr. Reed and Mr. Ron Little all spoke regarding issues and concerns relating to completion of the project.

Chair Charles Cloutman admitted Staff's Exhibit 1 and 2A through 2E. Because the owners are in compliance with the order issued by the Building and Standards Commission in September 2016, no action was taken by the Commission.

3. 2014-084269 1512 Wheless Lane DeLoach Property Interests, Inc.

The commercial fire-damaged, property located at 1512 Wheless Lane is a 2- story apartment complex. The property was represented by owner, Mark DeLoach. A four-part order was issued by the Commission in this case on December 10, 2014, of which 2 parts of the order remain in violation.

Staff's recommended order included: a civil penalty to supersede penalties per the prior order; an engineer's report; a written compliance plan; specific units to remain vacant and secure; permits to be obtained; demolition of specific units within 89 days from date order is mailed; inspection to verify compliance; and, after 89th day, Code Official to demolish specific units; and authorize City to recover related expenses incurred and file lien for same.

Commission Chair Charles Cloutman admitted Exhibits 1 and 2A through 2Q for this property.

Commission Member Andrea Freiberger moved to continue the case until next month, and request that Mr. David Potter from the City of Austin Neighborhood Development Program come to the meeting. The motion was seconded by Commission Member John McIntyre. The vote carried on a 9-0-0 vote.

4. 2014-123489 4510 Tejas Trail Caroline and Luther Edwards

The property located at 4510 Tejas Trail is an unoccupied substandard single family residence. The case was represented by owner Luther Edwards and his nephew Tony Edwards. A previous order was entered in January 2015 for repairs to be completed within 30 days. The repairs were completed without permits and fines have accrued. Mr. Edwards requested that this case be brought back before the Commission this month; and, requests that the amount of the civil penalties be forgiven. Code's recommended that the existing order remain in place.

Chairman Charles Cloutman admitted Exhibit 1 and Exhibit 2A-2L.

No order was entered in this case. Commission Member Natalya Shedden made a motion to forgive all fines, seconded by Commission Member John McIntyre. The motion carried unanimously on a 9-0-0 vote.

C. Update Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
1. 2015-098837, et al.	1124 Rutland Dr., Bldgs. 1-18 & Main Office	NAHC Cross Creek Apartments, LLC
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, Cross Creek Apartments, located at 1124 Rutland Drive, Buildings 1-18 and Main Office, is an occupied commercial apartment complex.

Assistant Division Manager Matthew Noriega provided a status update. The litigation in district court is continuing. The City will be seeking a temporary injunction against the property regarding habitability issues including defective roofs, walls, windows, stairways, balcony and walkways. The hearing is currently scheduled for March 29, 2017.

Additionally, the owners have not yet secured permanent financing from a private lender although it has been approved by the State. The tenants have now hot water and the water lines were completed.

D. Appeals

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
1. 2014-016368	1403 Garden Street	Julie Alexander Gilbert

The property located at 1403 Garden Street was represented by the owner, Julie Alexander Gilbert. The appellant appealed Code's denial for renewal of her Type 2 Short Term Rental (STR) license for failure to meet the required deadline for re-application. Staff recommended that the Commission deny the appeal.

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

Commission Member Brian Talley made a motion to grant the owner's appeal, which was seconded by Commission Member Natalya Shedden. The motion carried on a 7-0-0 vote and the appeal was granted.

2. 2013-089508 706 W. Monroe Street Susan Anderson

The property located at 706 W. Monroe Street was represented by the owner, Julie Alexander Gilbert. The appellant appealed Code's denial for renewal of her Type 2 Short Term Rental (STR) license for failure to meet the required deadline for renewal. Staff recommended that the Commission deny the appeal.

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

Commission Member Andrea Freiberger made a motion to grant the appeal, which was seconded by Commission Members John Green and John McIntyre. The vote carried unanimously on a 9-0-0 vote and the appeal was granted.

3. DISCUSSION AND POSSIBLE ACTION

- A. There were no items for Discussion and Possible Action on this month's agenda.

4. FUTURE AGENDA ITEMS

- A. **Proposed Changes to the International Property Maintenance Code (IPMC).**
Per Chair Cloutman, this is to be placed on next month's agenda.

5. ADJOURNMENT

Chairperson Charles Cloutman adjourned the Commission Meeting at 10:51 pm on Vice Chair Jessica Mangrum's motion. Commission Member Andrea Freiburger seconded without any objection on a 9-0-0 vote.