



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: February 22, 2017

The Building and Standards Commission ("BSC") convened for a regular meeting on Wednesday, February 22, 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; Wordy Thompson; John McIntyre; Andrea Freiburger; Brian Talley; and John Green.

Staff in Attendance:

Edgar Hinojosa, Acting BSC Coordinator/Assistant Division Manager; Marcus Elliott, Division Manager; Dan Cardenas, Assistant Director; Patricia Link, Senior Assistant City Attorney; Merlinda Coleman, Program Specialist; Doug Jansky, Administrative Hearing Coordinator; Melanie Alley, Program Specialist; Matthew Noriega, Assistant Division Manager; Robert Moore, Assistant Division Manager; Moses Rodriguez, Code Inspector; Hilda Martinez, Code Inspector; Antonia Singletary, Legal Code Inspector; ; David Potter, Program Manager, Neighborhood Housing; and Susan Barr, Residential Inspector Supervisor, Developmental Services Department; and Cora D. Wright, Interim Director, Austin Code Department.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:40 p.m.

1. APPROVAL OF MINUTES

The minutes for October 2015, October 2016 (Special-Called Meeting) and January 2017 were accepted per a motion brought by Commission Co-Chair Jessica Mangrum, seconded by Commission Member Melissa Orren. The motion passed on a 6-0 vote. Commission Members Talley and Green were not present for the vote.

2. CITIZEN COMMUNICATION: GENERAL

Following Staff's presentation regarding proposed local amendments to the International Property Maintenance Code (IPMC), a/k/a the City's Property Maintenance Code, Juliana Gonzales and Nekesha Phoenix, Fair Housing Program Director for the Austin Tenants Council spoke regarding proposed local amendments regarding Section 404.4.1 regarding definition of a child. Ms. Phoenix stated that she is very excited and very supportive of Austin Code's recommended change to count 18 and over for occupancy. Per Assistant City Attorney Link, only other place in the codes that talks about age related to occupancy is in the zoning code where it talks about related versus unrelated.

3. PUBLIC HEARINGS

A. New Case(s)

There were no new cases brought before the Building and Standards Commission at this meeting.

B. Returning Case(s)

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
1. 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, and by Neighborhood Housing and Community Development Program Manager, David Potter.

The case returned to the Commission in January 2017 as the result of a December 10, 2014 BSC order, of which 2 parts of the 4-part order remain in violation. At that meeting, the Commission requested that the case come back in February 2017 to allow for David Potter of Neighborhood Housing to provide input and for possible action.

Staff recommended that a new order be issued to include: partial demolition of the structure, a civil penalty of \$210,000 to supersede the penalties still accruing per the standing order; an engineer's report; a written compliance plan; and that specific units to remain vacant and secure.

In Inspector Martinez overview, she stated that there have been no repairs made and no permits obtained since the fire in 2014; and of the 32 units, all but 7 remain vacant.

David Potter, Community Development Program Manager, stated that in his role for the City, he funds projects for affordable housing. While he has met with Mr. DeLoach on numerous occasions, he stated that they have not yet received an application from Mr. DeLoach for funding. Further, he added that without a clear title, Mr. DeLoach cannot qualify for Smart Housing or funding from Neighborhood Housing.

Mr. DeLoach reported that he has been meeting with potential lenders and believes he can determine a lender or lenders within 89 days.

Commission Chair Charles Cloutman admitted Exhibits 1 and 2A through 2Q for this property. Commission Member John Green made a motion to accept Staff's recommendations with one change, i.e., to extend the demolition from 89 days to 99 days, seconded by Commission Member Wordy Thompson. The motion failed on a 5-2 vote. Commission Member Orren was off dias at the time of the vote.

A second motion was made by Commission Member Andrea Freiburger to continue the case for 90 days; for Mr. DeLoach to return to the Commission in 60 days (April meeting) with proof of progress; and to keep the public hearing open. Edgar Hinojosa added that per the standing order, a compliance plan and an engineer's report are still pending and weekly fines are continuing to accrue.

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 Hilda Martinez and Assistant City Attorney Patrisha Link provided updates. The litigation in district court is continuing. The temporary injunction hearing is set for March 29, 2017. Group inspections are scheduled for the upcoming weeks that include interior inspections.

2. 2016-111720, et al.	3839 Dry Creek Drive, Building B	Dry Creek West HOA, et al.
<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
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
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

3839 Dry Creek Drive, Building B, is a commercial fire-damaged property. An Order previously issued by the Commission has been complied with. Assistant Division Manager Robert Moore; Dry Creek West HOA Board Member/ Building B Homeowner, Jayne Steinmetz; Independent Insurance Adjuster Scott Friedson; and Gage Construction General Contractor, Brian Hackworth were present to provide updates to the Commission as per their request. Updates included: 1) the remainder of Building B has been demolished; 2) permits were purchased by the new contractor; 3) additional insurance monies have been received; 4) the new contractor has trailers on the premises; and, 4) the timeline for completion of construction is 8 to 9 months; and 5) homeowners have not gotten any relief from mortgage payments.

D. Appeals

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
1. 2013-059578	1315 West Anderson Lane	ChesLynn Browning

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, and Homeowner's letter from physician And an x-ray were marked as Property Owner's Exhibits 1 and 2.

Commission Member Wordy Thompson made a motion to grant the owner's appeal, which was seconded by Commission Member Jessica Mangrum. The motion carried on a unanimous vote (8-0-0) to grant the appeal for the owner to renew her license.

4. DISCUSSION AND POSSIBLE ACTION

A. Proposed Local Amendments to the International Property Maintenance Code (a/k/a the City's Property Maintenance Code).

Investigator Moses Rodriguez, Austin Code Department, made the above-referenced presentation to the Commission, along with Assistant Director Paul Tomasovic also available to answer questions. Susan Barr, Residential Inspections Supervisor

from the COA Developmental Services Department was also present to assist Investigator Rodriguez in answer questions relating to permits and building inspections.

Senior Assistant City Attorney, Patricia Link provided information to the Commission regarding when Council could set the public hearing and action could be taken by City Council, the earliest possible date being March 23, 2017. BSC Chair, Charles Cloutman deferred the Commission's vote regarding recommendation of the proposed amendments until the March 22, 2017 meeting.

B. Rewrite of the City's Land Development Code (a/k/a CodeNEXT) and Land Development Code Advisory Group's Boards and Commissions CodeNEXT Forum.

Commission Members Andrea Freiburger and Natasha Shedden have volunteered to represent the BSC at the CodeNEXT meetings. Commission Member Melissa Orren made a motion nominate Commission Members Freiburger and Shedden to represent BSC at the next CodeNEXT and Land Development Advisory Group meeting and report back to the Commission at the March 22, 2017 meeting.

C. Administrative Hearing Monthly Report.

Austin Code Analyst/ Administrative Hearing Coordinator, Doug Jansky, presented his monthly report regarding Austin Code's Administrative Hearing Program from November 2016 through January 2017 to the Commission.

5. FUTURE AGENDA ITEMS

A. Proposed Local Amendments to the International Property Maintenance Code (a/k/a the City's Property Maintenance Code) for action by the Commission.

B. 2014-084269; 1512 Wheless Lane to come back as a returning case for possible action at the April 2017 BSC meeting.
The homeowner is to provide a plan and engineer's report at the April BSC meeting.

C. 2015-098837, et al.; 1124 Rutland Dr., Cross Creek Apartments.
Ongoing updates are to be provided by Staff and Counsel for Cross Creek Apartments at the March 2017 BSC meeting.

D. 2016-111720, et al.; 3839 Dry Creek Drive, Building B, to return for ongoing updates.

E. Rewrite of the City's Land Development Code (a/k/a CodeNEXT) and Land Development Code Advisory Group's Boards and Commissions CodeNEXT Forum.
BSC Commissioners Andrea Freiburger and Natasha Shedden are to attend the next CodeNEXT meeting and provide updates to the Commission at the March 2017 BSC meeting

F. Administrative Hearing Monthly Report.

6. ADJOURNMENT

On Commission Member John Green's motion, seconded by Vice Chair Jessica Mangrum and Commission Member Brian Talley, Chairperson Charles Cloutman adjourned the Commission Meeting at 8:58 pm, which carried on an 8-0-0 vote.