



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: January 26, 2011

The Building and Standards Commission ("BSC") convened for a regular meeting on January 26, 2011 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

David Brown, Chair; Stacy Kaplowitz, Dr. Ethelynn Beebe, David Gonzalez.

Staff in Attendance:

Viola Ruiz, BSC Coordinator; Steve Ramirez, Assistant Manager, Code Compliance; Jonathan Josephson, Code Compliance; Marcus Elliott, Code Enforcement, South District; Sonja Prevo, Coordinator; Christopher Moore, Legal Department; Daniel Cardenas, Assistant Director, Code Compliance.

CALL TO ORDER

Chairperson David Brown called the Commission Meeting to order at 6:35 p.m.

CITIZEN COMMUNICATION: GENERAL

There was no citizen communication.

PUBLIC HEARING

A. Cases

<u>Case Number</u>	<u>Street Address</u>
1. CL2011002264	2311 Teri Road, Unit B

The property is a residential duplex. Unit B is vacant, Unit A is occupied. The property is managed by Avanta Management Group.

Al Thompson, the maintenance director for Avanta Management, was present. Investigator Marcus Elliott presented the violations and exhibits. The property is found to be dangerous, with substandard conditions. City staff ask the Commission to adopt the findings of fact and conclusions of law for this property and to deny the appeal of the emergency closure action at this property.

Mr. Thompson spoke about posting an abandonment notice on the building as soon as management was aware of the situation, November 6. On November 18, the structure was vacant. The management is appealing the administration fee of \$225. The resident of Unit A alerted the management company to the situation with Unit B, after the city's visit.

The city notified the owner listed with Travis County Appraisal District after the structure was boarded and secured. No local contact was listed on TCAD. The complaint was received because this property is next door to a day care.

Exhibits 1A-2D were admitted as evidence. Dr. Beebe moved to accept staff's recommended order to deny the appeal. There was no second. There was discussion of a possible other motion to not assess the property owner for the administrative fee.

After further discussion, Dr. Beebe moved again to accept staff's recommended order to deny the appeal. The motion was seconded and passed, 3-1. The item will be placed on a later agenda.

2. CL2011002953	3204 East 14-1/2 Street
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This property is a fire-damaged, vacant residential structure. It is a homestead.

Jim Byrom, attorney with Ewbank and Byrom, and C.B. Banks, the property owner, were in attendance. Investigator Troy Collins presented the violations and photo exhibits.

The property is found to be dangerous, with substandard conditions. Staff recommends that the Commission orders permits be secured, premises to be vacated immediately, the residential structure be demolished and all associated debris removed within 30 days of the date of order, all portions of residential structure to be removed, and owner or owner's representative to request inspections to verify compliance.

Exhibits 1, Photos 2A-2I were admitted as evidence. The state of the structure was first brought to the attention of the city in 2009. Mr. Banks lived at the address since 1997; the fire occurred in May 2009. Mr. Byrom and Mr. Banks talked about insurance money being sent to a mortgage company, and the mortgage company then withholding funds from Mr. Banks. Mr. Byrom and Mr. Banks asked for more time. Chairperson Brown stated that if time is given, the property must be secured.

Respondents Exhibit 1-2 were admitted. Dr. Beebe made a motion to accept the conclusions of law and finding of fact, to order any necessary permits be secured, keep the paragraph about it being vacated immediately and remain secured until compliance is achieved, and for this case to come back in two months with the owner supplying an engineer's inspection of the property and a statement that it can be repaired, along with a contractor's estimate on the cost of repairs and a statement from homeowner on how repairs will be funded and a progress report on funds from the insurance company, or an alternate plan for funding from the homeowner. The motion was seconded.

There was discussion that 14 days would be allowed for the owner to secure the property, and a progress update on the mortgage servicer to be provided to the commission within 30 days. Commission member Gonzalez suggested an amendment to the motion, to delete the portion about permits being secured. The amendment to the motion was seconded. The motion, as amended, passed 4-0.

3. CL2011002576 4606 Wally Avenue

This property is a vacant residential structure; it is not a homestead. Edith Fonteneau, Rose Jenkins, and Marion Bell, the property's owners, were in attendance along with the building contractor, Archie Dove.

Investigator Troy Collins presented the violations and photo exhibits. The property was occupied at the time of inspection, but is now boarded and secured. City staff finds that this property is dangerous and asks the commission to adopt the findings of fact and conclusions of law for the property, to order premises vacated within 5 days of order and authorizing peace officers within the state to enforce the order if it is not complied with, order residential structure to be repaired within 30 days of order date, and that owner or owner's representatives request inspection to verify compliance with a \$250/week penalty after 30 days assessed, until final inspection is passed.

Exhibit 1, Photos 2A-2L were admitted as evidence. Detective Julie Long, APD Nuisance Abatement, spoke of the recent history of the property. Mr. Dove said that repairs addressing the city's list of violations would be possible within 45 days. The owners are requesting 45 days for repairs instead of the city's recommendation of 30.

Commission member Gonzalez moved that the findings of fact and conclusions of law be adopted, but the order as presented be amended to change 30 days to 60 days for repairs. The motion was seconded. Respondents' exhibit 1 was admitted. The motion passed 4-0.

4. CL2010003405 1139 Mansell Avenue

This is a residential structure, currently vacant; it is a homestead. The case first appeared before the Commission in October 2010. David Wren and his father Lenny Wren, the property owner, were in attendance.

Investigator Troy Collins presented the violations and photo exhibits. City staff finds the property is a public nuisance and dangerous with substandard conditions, asking the commission to adopt the findings of fact and conclusions of law for the property. The commission is asked to order necessary permits to be secured, that the residential structure be repaired within 30 days, and all repairs meet code requirements, including an engineer's report for the foundation work. The owner

or owner's representatives are to request inspections to verify compliance with a \$250/week penalty after 30 days assessed until final inspection is passed.

Exhibit 3, Photos 4A-4D were admitted as evidence. Detective Larry Begert, APD Nuisance Abatement Unit, spoke of criminal activity at the property. David Wren spoke of the owner's progress since the case last came before the commission.

Commission member Kaplowitz moved to accept the findings of fact and the recommended order as it stands. The motion was seconded. There was discussion on repetition in the current order, given the past order for this case. The motion passed 4-0.

The public hearing concluded.

1. APPROVAL OF MINUTES FOR DECEMBER 8, 2010 MEETING

A motion was made to approve the minutes, and it was seconded. Commission member Kaplowitz remarked on the correct spelling of her name, Stacy. The motion, with an amendment to correct spelling of the commissioner's name, passed 4-0.

The commissioners thanked Viola Ruiz for her service.

2. ADJOURNMENT

Dr. Beebe moved to adjourn the meeting, and it was seconded. The vote passed 4-0. Chairperson David Brown adjourned the Commission Meeting at 8:37 pm.