



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: April 25, 2012

The Building and Standards Commission ("BSC") convened for a regular meeting on April 25, 2012 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Dr. Ethelynn Beebe, Chair; Tim Hill, David Brown, Steven Alloway.

Staff in Attendance:

Christopher Moore, BSC Coordinator; Steve Ramirez, Assistant Manager, Code Compliance; Jonathan Josephson, Code Compliance; Kathleen Buchanan, Assistant City Attorney.

CALL TO ORDER

Chairperson Ethelynn Beebe called the Commission meeting to order at 6:50 p.m.

CITIZEN COMMUNICATION: GENERAL

There was no citizen communication.

PUBLIC HEARING

A. Cases

<u>Case Number</u>	<u>Street Address</u>
1. (Not read in record)	6506 Greensboro Drive

The owners were not present or represented. This property is a single-family structure with a homestead exemption. Investigator Michael Dial presented the deficiencies on the property. The house is occupied, even though there is no gas meter.

Due to the existing conditions, city staff finds the structure is a public nuisance with substandard conditions. City staff asks commission to adopt findings of fact and conclusion of law, to order any necessary permits to be secured and the owner of the residential structure located on the property to have repairs completed and final inspections passed within 30 days of the date order is mailed, that all repairs and modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes, that the owner or owner's representatives shall request inspection to verify compliance, and after 30 days, a penalty of \$140/week be assessed until completion of work and final inspections are passed. In addition, within 10 days from the date of order, owner is ordered to allow Code Compliance staff to complete an interior inspection of said property.

Exhibit 1, Photos 2A-2V was admitted. A motion was made to accept staff's findings of fact and conclusions of law and the amended order. Commission member Brown seconded. The motion passed 4-0.

2. CL2012-032370 5330 Fleming Court

In attendance: Nikelle Meade, attorney with Brown McCarroll, represented Flemtex Properties Corp; Chad Williams, Cushman & Wakefield, represented the owner. This property is a commercial industrial structure housing two different companies: the portion that houses HDI Plastics, Inc. is being addressed. There is an agreed order on the property. City

staff acknowledged and thanked the property representatives for their hard work in achieving consensus. Ms. Meade expressed thanks to city staff.

City staff ask the Commission to adopt the findings of fact and conclusions of law for this property, to order that necessary permits be secured, and that the southern portion of the commercial structure identified on exhibit 2C (most recently occupied by HDI Plastics, Incorporated) shall be vacated and remain unoccupied and secure until a certificate of occupancy for that portion of the structure has been attained. If compliance with the order hasn't been achieved, the order authorizes any peace officer in the state to enforce and carry out the order to enforce vacation of the premises and maintain public health and safety. The southern portion of the structure shall be repaired and final inspections passed within 120 days of the date of the order.

In the event a court of law imposes an order or injunction which prohibits owners from accessing property and making such repairs, compliance time period is automatically tolled until the stay is lifted. All repairs and modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. Owner or owner's representatives shall request inspection to verify compliance with all applicable permit requirements as well as request in writing final inspection of code compliance to confirm full compliance with this agreed order. Every 30 days until compliance has been achieved, owners or owners' representatives shall submit via email to BSC staff a detailed written report of progress made at this site. After 45 days following the end of compliance time period, a penalty of \$200/day shall be assessed until all work is completed, final inspections passed, and certificate of occupancy obtained. Compliance with this order resolves all notice of violation listed in section 4, all notices of hearing in section 6 and all violations listed in section 7.

Exhibit 1, Photos 2A-2Z and Photos 3A-3S, were admitted as evidence. Commission member Brown moved to accept the order as modified by staff related to this property. Motion was seconded and passed 4-0.

3. 2012-032316 510 Baylor Street

This is a commercial structure. The owners were not present or represented. The violation of this property is regarding the retaining wall. There is an agreed order for the property.

Exhibit 1, Photos 2A-2Q, were admitted as evidence. City staff ask the Commission to adopt the findings of fact and conclusions of law for this property and to order that necessary permits or authorizations be secured (including permits and approval to construct on and provide necessary protection for the City of Austin's right-of-way). It is ordered that the retaining wall located on the property shall be stabilized in accordance with the licensed engineer's plan and specifications within 28 days of the date the order is mailed. All repairs, modifications and stabilizations shall also meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. Owner or owner's representatives shall request inspection to verify compliance. After 35 days, a penalty of \$1,000/week shall be assessed until work is completed, engineer's certification of the work has been received by the appropriate city department, and final inspections have passed. Until compliance with this order has been achieved, pedestrian access to the affected areas of the right-of-way, including the sidewalk, shall be closed in accordance with the City of Austin's regulations.

Commission member Brown moved to adopt the findings of fact and conclusions of law and the modified order. The motion was seconded. The motion passed 4-0.

The public hearing concluded.

1. APPROVAL OF MINUTES OF FEBRUARY 22, 2012

Commission member Brown moved to approve the minutes. The motion passed 4-0.

2. OLD BUSINESS

A member of city staff spoke about a possible BSC retreat and a February trip to Fort Worth as ways to update the commission's meeting style. Instead of investigators presenting the photographs for cases, a presentation of violations will be done by the coordinator.

3. ADJOURNMENT

A motion was made to adjourn the meeting, and it was seconded. Chairperson Ethelynn Beebe adjourned the Commission Meeting at 7:30 pm.