



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING**  
**Date: June 28, 2017**

The Building and Standards Commission ("BSC") convened for a regular meeting on Wednesday, June 28, 2017 at City Hall, Boards and Commission Room, Room 1101, 301 West 2<sup>nd</sup> Street, Austin, Texas.

**Commission Members in Attendance:**

Charles Cloutman, Chair; Jessica Mangrum, Vice-Chair; Pablo Avila, Wordy Thompson, Natalya Shedden; Ashley Jackson; Michael King and Brian Talley. Commission Members John Green, Melissa Orren and Andrea Freiberger were absent.

**Staff in Attendance:**

Melanie Alley, Program Specialist/Acting BSC Coordinator; Patricia Link, Assistant City Attorney; Marcus Elliott, Division Manager; Michael Reeves, Assistant Division Manager; Robert Alvarado, Assistant Division Manager; Irma Ybarra, Code Inspector; Alicia Tovar, Code Inspector; Dedric Knox, Code Inspector; Jasson Davenport, Code Inspector ; Eric Burnsed, Austin Police Department; and Merlinda Coleman, Program Specialist.

**CALL TO ORDER**

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

**CITIZEN COMMUNICATION:**

**General:**

1. Citizens Patrick Laffy and Dixon McMann appeared before the Commission regarding their property located at 1127 W. 6<sup>th</sup> Street, the location of Phoenix Motor Works. A BSC order was issued on this property in July 2016. Mr. Laffy stated that he has been working with engineers to find an appropriate solution to the structural problem, and requested that this case be placed back on the agenda for next month to discuss their plans for resolution and to request relief from penalties that are continuing to accrue.
2. Citizen Glen Coleman addressed the Commission regarding 1205 and 1127 E. 52<sup>nd</sup> Street property, stating that he is appearing as the representative of a potential buyer for that property. He requested that the Commission call a Special Called Meeting in July and post this property for action. He stated that he would like to bring to the Commission a compliance plan for the property, and to review efforts made in consideration of assessment of the fees.

**EXECUTIVE SESSION**

The meeting was recessed for an Executive Session to discuss legal issues related to the Commission's authority under state law and the City Code, which was a private consultation with legal counsel-Section 551.071 of the Government Code.

**APPROVAL OF MINUTES**

3. Vice-Chair Mangrum made a motion to approve the minutes from the Commission's May 24, 2017, meeting. The motion was seconded by Commissioner Shedden. The motion passed on a 7-0-1 vote. Chair Cloutman abstained from the vote because he did not attend the previous meeting.

**PUBLIC HEARINGS**

**Case(s):**

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
4. 2017-041351	2407 Mission Hill Drive	Brian Bernard

The case was postponed at the request of staff.

- | <u>Case Number</u>   | <u>Street Address</u>        | <u>Owner</u>              |
|--|------------------------------|---------------------------|
| <b>5. 2017-053393</b>  | <b>1004 Juanita Street</b>   | <b>Lisa E. Alston</b>     |
| <p>The residential property located at 1004 Juanita Street was represented by owner Lisa E. Alston and her husband Will Sharp. Staff recommended repair of the structure within 45 days from the date the order is mailed to the owner of record. If not completed after 45 days, staff recommended the Commission assess a civil penalty of \$140 per week that will continue to accrue until all repairs required by this order are complete.</p> <p>Chair Cloutman admitted Exhibit 1, and Exhibit 2A through 2M. Resources to assist the homeowner with repairs were discussed. Commissioner Shedden made a motion to adopt the recommended order with one change, which was to extend the compliance period from 45 days to 60 days, which was seconded by Commissioner Talley. The motion passed 8-0.</p>  |                              |                           |
| <b>6. 2016-067485</b>  | <b>7500 Wynne Lane</b>       | <b>Orville N. Cochran</b> |
| <p>The residential property located at 7500 Wynne Lane was represented by Janice Roberts and daughter Champane Frias. The condition of the vacant, single family mobile home is considered substandard and dangerous. Staff recommended complete demolition within 45 days, and if not completed within that timeframe, the City is authorized to complete the demolition and file a lien for any expenses incurred with the City.</p> <p>Austin Police Department Eric Burnsed testified regarding the ongoing criminal activity operating out of this property, as well as to the prior and current condition of the property.</p> <p>The property representative expressed a desire to repair the mobile home in lieu of demolition. Discussion ensued regarding ownership of the property, funding and plans to make repairs.</p> <p>Chair Cloutman admitted Exhibit 1 and Exhibit 2A through 2R. Because issues relating to ownership and clear title to the property need to be resolved, Commissioner Shedden made a motion to continue the case for 90 days, and have it return to the BSC at the September meeting, which was seconded by Commissioner Avila. The motion passed on a 7-1 vote. Commissioner Talley voted against.</p> |                              |                           |
| <b>7. 2017-067494</b>  | <b>7308 Bethune Avenue</b>   | <b>Christopher Herron</b> |
| <p>The residential property located at 7308 Bethune Avenue is an occupied single family residence with a violation regarding the structure's chimney. The chimney is considered substandard and dangerous.</p> <p>Staff recommended that the owner repair or demolish the cited violation within 45 days, or if not in compliance within that timeframe, the Commission assess a civil penalty of \$250 per week until compliance is met.</p> <p>The owner stated that he was in the process of obtaining a demo permit and planned to demolish the chimney.</p> <p>Chair Cloutman admitted Exhibits 2A through 2M. Commissioner King made a motion to accept staff's recommended order, which was seconded by Commissioner Jackson. The motion passed on a vote of 8-0.</p>   |                              |                           |
| <b>8. 2017-069559</b>  | <b>1307 Hillside Avenue</b>  | <b>Kay E. Love</b>        |
| <p>The property located at 1307 Hillside Avenue is an occupied, residential structure with substandard and dangerous conditions that requires repair. Prior to the hearing, a proposed agreed order was entered into with the homeowner. The owner was present for the hearing.</p> <p>The proposed agreed order stipulated that owner would correct the cited violations by completing all repairs to the structure within 89 days from the date the order is mailed, and after 89 days, if not in compliance, the City would be ordered to assess a civil penalty of \$280 per week, and would continue to accrue until compliance was met.</p> <p>Chair Cloutman admitted Exhibits 1 and 2A through 2G. Commissioner Talley made a motion to adopt the proposed agreed order, which was seconded by Vice-Chair Mangrum. The motion passed on an 8-0 vote.</p>   |                              |                           |
| <b>9. 2017-069557</b>  | <b>1605 Webberville Road</b> | <b>David Mendoza</b>      |
| <p>The residential property located at 1605 Webberville Road is an occupied single family structure with substandard and dangerous conditions that requires repair. The property was not represented; however, the owner was out-of-town and was aware of the hearing. Staff recommended repair within 45 days, and a civil penalty of \$250 per week that would accrue after 45 days until compliance was reached.</p>  |                              |                           |

Chair Cloutman admitted Exhibits 2A through 2K. Commissioner Talley made a motion to adopt the recommended order, which was seconded by Commission Member Pablo Avila. A friendly amendment was made by Chair Cloutman made an amendment to require the owner to repair within 60 days or demolish within 100 days and penalties would begin to accrue after 60 days if repairs were not made, and would continue until repairs or demolition were complete. The amendment was accepted by Commissioners Talley and Avila. The motion as amended passed on an 8-0 vote.

#### 10. 2017-069568

#### 3141 Webberville Road

#### Joyce A. Owens Darby, et al.

The property located at 1141 Webberville Road was represented by Helen Nixon Miller, one of the 31 heirs of Willis and Nettie Owens. The residential structure is unoccupied, with substandard and dangerous conditions that require repair. Staff's recommended order was for repair of exterior violations within 45 days from the date the order was mailed, and a penalty of \$250 dollars to begin to accrue after the 45 days passed, and would continue until the cited violations were corrected.

The representative of the property stated that she wanted the house to be demolished in lieu of repair, and that she wanted the demolition to be carried out by the family and not the City.

Chair Cloutman admitted Exhibits 1 and 2A through 2O. Because of the many heirs requiring proper notification and the determination that the estate had not yet gone through probate, Vice-Chair Mangrum made a motion to continue this matter until the September hearing, which seconded by Commissioner Shedden. The motion passed on a vote of 8-0.

#### Returning Case(s)

There were no returning cases posted for action on the June 28, 2017 agenda.

#### Appeals

#### 11. 2017-067499

#### 3403 Thomas Kincheon

#### Rosemary Goltz

The property owner appealed the Austin Code Department's Notice of Violation regarding a retaining wall on her property. Staff recommended that the Commission deny the appeal.

Vice-Chair Mangrum made a motion to deny the appeal, which was seconded by Commissioner Jackson. The motion passed on a vote of 7-1. Commissioner Avila voted against the motion.

#### Update Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>12. 2015-098837, et al.</b>	<b>1124 Rutland Dr., Bldgs. 1-18 &amp; Main Office</b>	<b>NAHC Cross Creek Apartments, LLC</b>
2015-098835	1124 Rutland Dr., Bldg. 1	NAHC Cross Creek Apartments, LLC
2015-088845	1124 Rutland Dr., Bldg. 2	NAHC Cross Creek Apartments, LLC
2015-098847	1124 Rutland Dr., Bldg. 3	NAHC Cross Creek Apartments, LLC
2015-098850	1124 Rutland Dr., Bldg. 4	NAHC Cross Creek Apartments, LLC
2015-098853	1124 Rutland Dr., Bldg. 5	NAHC Cross Creek Apartments, LLC
2015-098854	1124 Rutland Dr., Bldg. 6	NAHC Cross Creek Apartments, LLC
2015-098857	1124 Rutland Dr., Bldg. 7	NAHC Cross Creek Apartments, LLC
2015-098861	1124 Rutland Dr., Bldg. 8	NAHC Cross Creek Apartments, LLC
2015-098864	1124 Rutland Dr., Bldg. 9	NAHC Cross Creek Apartments, LLC
2015-098869	1124 Rutland Dr., Bldg. 10	NAHC Cross Creek Apartments, LLC
2015-098870	1124 Rutland Dr., Bldg. 11	NAHC Cross Creek Apartments, LLC
2015-098871	1124 Rutland Dr., Bldg. 12	NAHC Cross Creek Apartments, LLC
2015-098874	1124 Rutland Dr., Bldg. 13	NAHC Cross Creek Apartments, LLC
2015-098877	1124 Rutland Dr., Bldg. 14	NAHC Cross Creek Apartments, LLC
2015-098880	1124 Rutland Dr., Bldg. 15	NAHC Cross Creek Apartments, LLC
2015-098881	1124 Rutland Dr., Bldg. 16	NAHC Cross Creek Apartments, LLC
2015-098885	1124 Rutland Dr., Bldg. 17	NAHC Cross Creek Apartments, LLC
2015-098886	1124 Rutland Dr., Bldg. 18	NAHC Cross Creek Apartments, LLC
2015-098837	1124 Rutland Dr., 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. The property was represented by David Kennedy, brother of the owner's widow, who spoke as a consultant on behalf of the owner.

The current penalty accrued to date on the property per the existing BSC orders is \$1,809, 071.43.

Mr. David Kennedy made a presentation regarding the current status of repairs and related costs, plans for bringing the property into compliance, as well as a timeline for completion of the same.

Code Officer Hilda Martinez provided updates on behalf of the City. Officer Martinez reported that progress is being made, no new complaints of hot water issues have been reported, the property continues to be in violation, and all permits are still open. Officer Martinez added that follow-up inspections have shown significant improvement and the Code Department has received complete cooperation from Mr. Kennedy and his team.

No action was taken.

#### **DISCUSSION AND POSSIBLE ACTION**

##### **13. Commission's Working Group update on Annual Internal Report.**

Commission Member John Green was to provide an update on the working group's progress on the Commission's Annual Internal Report for July 2016 - June 2017, however, he was not present at the meeting. Two additional Commissioners were added to the working group: Vice Chair Mangrum and Commissioner Jackson to assist in completion of the report. The Annual Internal Report will be posted for action in July to review the report and vote on.

#### **FUTURE AGENDA ITEMS**

The BSC requested an update on Bel Air Condominiums located at 4801 South Congress Avenue for its July, 2017, meeting.

#### **ADJOURNMENT**

Commissioner Shedden moved to adjourn the meeting, which was seconded by Commissioner Jackson. The motion passed on a vote of 8-0. Chair Cloutman adjourned the Commission Meeting at 9:59 p.m.