



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING**  
**Date: July 26, 2017**

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, July 26, 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; Wordy Thompson, Natalya Shedden; Michael King; Andrea Freiburger and John Green. Commission Members Melissa Orren, Brian Talley and Ashley Jackson were absent.

**Staff in Attendance:**

Melanie Alley, BSC Coordinator; Patricia Link, Assistant City Attorney; Marcus Elliott, Division Manager (DM); Edgar Hinojosa, Assistant Division Manager (ADM) ; Matthew Noriega, Assistant Division Manager; Hilda Martinez, Code Inspector and Merlinda Coleman, Program Specialist.

**CALL TO ORDER**

Chair Charles Cloutman called the Commission Meeting to order at 6:33 p.m.

**CITIZEN COMMUNICATION:**

**General:**

1. Citizen Patrick Mullens appeared before the Commission to represent the property located at 2101 Lemon Drive, Units A and B. Mr. Mullins requested that the case be put back on the agenda in August for forgiveness of any accrued fines as it was beyond their control.

**EXECUTIVE SESSION**

2. The meeting was adjourned for an Executive Session to discuss legal issues related to the Austin Code Department decisions that are appealed to the Commission (Private Consultation with legal counsel Section 551-071 of the Government Code).

**APPROVAL OF MINUTES**

3. Commissioner Sheddan moved to approve the minutes from the June 28, 2017 meeting, seconded by Vice-Chair Mangrum. The motion passed on a 6-0 vote. Commissioner Freiburger abstained as she was not present at the previous meeting.

**PUBLIC HEARINGS**

**Case(s):**

There were no new cases posted for action on the July 26, 2017 agenda.

**Returning Case(s)**

There were no returning cases posted for action on the July 26, 2017 agenda.

**Appeals**

- | <u>Case Number</u>  | <u>Street Address</u> | <u>Owner</u>                                   |
|---|-----------------------|--|
| 4. 2015-000311  | 1606 Ski Slope Drive  | Mark Hastings, Scott Hastings and Annette Nuse |
| Commissioner Freiburger moved to reverse the Department's decision to deny the short-term rental license, seconded by Commissioner Sheddan. The motion passed unanimously on a vote of 7-0. |                       |  |

- | <u>Case Number</u>  | <u>Street Address</u> | <u>Owner</u> |
|---|-----------------------|--------------|
| 5. 2012-105164  | 1611 Drake Avenue     | Tommy Luna   |
| Commissioner Freiburger moved to reverse the Department's decision to deny the short-term rental license, seconded by Commissioner Sheddan. The motion passed unanimously on a vote of 7-0. |                       |              |

**6. 2012-100786      2409 Paramount Drive**

**Ann Giles**

Commissioner Freiburger moved to reverse the Department's decision to deny the short-term rental license, seconded by Commissioner Sheddman. The motion passed unanimously on a vote of 7-0.

**7. 2014-016198      2101 Winsted Lane, Building B**

**Jennifer Deegan**

Commissioner Freiburger moved to reverse the Department's decision to deny the short-term rental license, seconded by Chair Cloutman. The motion passed unanimously on a vote of 7-0

**8. 2014-093586      5004 Broken Bow Pass**

**Kathy Hogan**

Commissioner Freiburger moved to reverse the Department's decision to deny the short-term rental license, seconded by Vice Chair Mangrum. The motion passed unanimously on a vote of 7-0

**9. 2013-002400      605 W. Elizabeth Street**

**Elisa Jazan**

The owner did not appear at the hearing and this case was not heard. Chair Cloutman asked that this case be continued until which time that the owner or a legal representative can appear.

**10. 2012-102178      1506 Oxford Avenue**

**Eric S. Peabody**

Commissioner Freiburger moved to reverse the Department's decision to deny the short-term rental license, seconded by Commissioner Green. The motion passed unanimously on a vote of 7-0

**Update Cases**

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>12. 2014-094793, et al.</b>	<b>4801 S. Congress Avenue</b>	<b>Bel Air condominium Homeowners Association; and Unit Owners of Buildings A-H, J-L N and P-T</b>
2015-019417	Unit A-1	Robert B and Kathie D Rowe
2015-019420	Unit A-2	Adam and Daniela Johnston
2015-019423	Unit A-3	Colin Keene
2015-019425	Unit A-4	Robert Rowley
2015-019426	Unit A-5	Johanna Clack
2015-019428	Unit A-6	Jeffrey C. Adams
2015-019430	Unit A-7	Marlo A. Holdren
2015-019433	Unit B-1	William Paul Gomez
2015-020107	Unit B-2	Robert Anthony Pilgrim, Jr.
2015-019436	Unit B-3	Eric Taylor
2015-019437	Unit B-4	Chris Jackson
2015-019440	Unit B-5	Ryan M. Stephen
2015-019441	Unit B-6	Grant Alexander Wilbeck
2015-019442	Unit C-1	Corey and Casey S. Johnson
2015-019445	Unit C-2	Jerry D. Thompson
2015-019447	Unit C-3	Jonathan W. and Bryan D. Stokes
2015-019448	Unit C-4	Eric Taylor
2015-019450	Unit C-5	Richard Holdren
2015-018340	Unit D-1	Norman L. Rice
2015-018775	Unit D-2	Andrea M. Goocher
2015-018795	Unit D-3	Cristina Hendrick
2015-019012	Unit D-4	Anneliese Vogel
2015-019041	Unit D-5	Richard, Russell and Verna Walters
2015-019100	Unit D-6	Jay Meany
2015-019128	Unit E-1	Eric Mayling
2015-019155	Unit E-2	Jeremy Joyner
2015-019176	Unit E-3	Laura N. Hand
2015-019199	Unit E-4	Steven A. Lindley and Jonathan Hayden
2015-019244	Unit E-5	Tiffany Taylor

2015-019302	Unit F-1	Scott Brown
2015-019378	Unit F-2	Scott Forrest Hallam
2015-019402	Unit F-3	Charles Robert Hunsucker and Mickey Ruth Hunsucker
2015-019421	Unit F-4	Kelli Roberts
2015-019422	Unit F-5	Joe W. Fly, III
2015-019494	Unit G-1	Bruce M. Topper
2015-019496	Unit G-2	Sean Guess
2015-019499	Unit G-3	Caryn Eileen Woolley
2015-019501	Unit G-4	John Desautels
2015-019506	Unit G-5	Hsinlei L. and Ethan Leon
2015-019509	Unit H-1	Emmalee C. Crow
2015-019526	Unit H-2	Petrowski Family Trust
2015-019532	Unit H-3	Anastasia C. Hopcus
2015-019551	Unit H-4	Wai Kwok Tang
2015-019556	Unit H-5	Chris Saad
2015-019560	Unit J-1	Lizabeth Bramley
2015-019566	Unit J-2	Candelaria Carmen Garay
2015-019570	Unit J-3	Cesar A. & Haydee Arce Alvarado
2015-019576	Unit J-4	Michael G. Arnold
2015-019585	Unit K-1	Krystal R. and Bonifacio R. Lucero
2015-019589	Unit K-2	Lawrence R. and Donna R. Gembler
2015-019600	Unit K-3	Tran Brothers Restaurants LLC
2015-018584	Unit L-1	Michael Triola
2015-018877	Unit L-2	Edward E. Soltis
2015-018934	Unit L-3	Ariel Vargas
2015-018989	Unit L-4	Steve and Laura Bearden
2015-019596	Unit L-5	The 1989 J.D. and Kathleen T. Hufstedler Education Trust for the Children of Mary H. Adams
2015-019612	Unit N-1	Roman Tuero
2015-019618	Unit N-2	Paul E. Pellman & Michelle T. Dobeny
2015-019624	Unit N-3	William Lawrence Hodge and Christy Ann Hodge
2015-019628	Unit N-4	John Thomas Marney
2015-019636	Unit P-1	Hosheng C., Thomas H., Allison W. and Casey J. Lee
2015-019640	Unit P-2	Matthew W. Mitchell and Nina K. Madore-Mitchell
2015-019648	Unit P-3	Mark Douglas and Jo Ann Cook Clemens
2015-109651	Unit P-4	Michael J. Ripka
2015-019655	Unit P-5	Kevin McDonald
2015-019301	Unit Q-1	Alexander James Moffat and Melissa Sinclair Stevens
2015-019340	Unit Q-2	Trinity J. O'Neal
2015-019414	Unit Q-3	Hippie Hollow Homes LP
2015-019663	Unit Q-4	Craig Family Trust
2015-019420	Unit Q-5	Jeffery Scott Lockhart c/o Austin Drainage and Foundation
2015-019670	Unit Q-6	
2015-019675	Unit R-1	David Nguyen & Diem Thuy Nguyen
2015-019677	Unit R-2	Richard G. and Jill T. Findlay
2015-019682	Unit R-3	Billy B. and Mary J. Kirkland
2015-019685	Unit R-4	Norman L. Rice and Katerina R. Dittimore
2015-019691	Unit R-5	Stephen A. Berezovytych

2015-019693	Unit S-1	Wellborn Trust
2015-019738	Unit S-2	Mary Beth Eastwood
2015-019740	Unit S-3	Laurence Clinton Connelly Exempt Trust c/o Encore Trust NA
2015-019747	Unit T-1	Svetlana Frolova
2015-019749	Unit T-2	Mehryar K. Kavoussi
2015-019752	Unit T-3	Gregory E. Perry
2015-019754	Unit T-4	Errol and Chris L. Seigel

ADM Matthew Noriega provided an update on behalf of the City regarding the status of the permits and work performed. Per information provided to him by the homeowner association's attorney, ADM Noriega reported that the construction defect lawsuit was settled; and subsequently, the majority of the owners wanted to pursue a path towards repair in lieu of sale, and a feasibility study was performed.

Ali Kronebusch, spoke as a representative of Reconstruction Experts, Inc, the general contractor hired by the Bel Air Condominium homeowners' association. She provided the Commission with a timeline and spoke regarding the process they began in September 2016 to assess the problems and plan for repairs. She further stated that in her perspective Bel Air is on track and is confident that they will be able to address the life safety issues.

Vice Chair Mangrum recused herself from this case.

<b>13. 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 was represented by David Kennedy, brother of the owner's widow, who spoke as a consultant on behalf of the owner. He spoke about the current status of repairs and also provided the above-referenced engineer's report from Titan Engineering, which was admitted into evidence by Chair Cloutman

Code Officer Hilda Martinez provided updates on behalf of the City regarding the current at the property. Officer Martinez reported that numerous on-site inspections have been conducted; there are both active and expired permits; and progress does continue. A new engineer, Mr. Steve Oliver, has been hired and an engineer's report was received by Austin Code earlier in the day.

Stephen Frischmuth, a Cross Creek tenant and representative of the Cross Creek Association Planning Group spoke to the Commission regarding the status of repairs and also expressed the need for the City to stand behind affordable housing in Austin.

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

**13. Building and Standard Commission Annual Internal Review Report (7/1/2016 to 6/30/2017) – Review and approve.**

The Annual Internal Review report was not yet completed at the time of the meeting. The Commission decided that the final report would be submitted with the Chair's approval.

#### **FUTURE AGENDA ITEMS**

**14. 2101 Lemon Drive, Units A and B,** to be placed on the August agenda for possible action at the request of property representative, Patrick Mullins.

#### **ADJOURNMENT**

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