



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING**  
Date: December 13, 2017

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, December 13, 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; Commissioners Wordy Thompson, Andrea Freiburger, Melissa Orren, Brian Talley, Michael King and Natalya Sheddin. Commissioners Pablo Avila and John Green were absent.

**Staff in Attendance:**

Melanie Alley, Code Review Analyst/ BSC Coordinator; Patricia Link, Assistant City Attorney; Marcus Elliott, Division Manager Robert Moore, Supervisor; Moses Rodriguez, Acting Supervisor; Farah Presley, Code Inspector; Alicia Tovar, Code Inspector; Robert Ortiz, Code Inspector; Merlinda Coleman, Program Specialist; and Thayer Smith, Division Chief, Austin Fire Department (AFD).

**CALL TO ORDER**

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

**CITIZEN COMMUNICATION:**

**General:**

1. Gerardo Sanchez spoke to the Commission regarding the property located at 6905 Carwill Drive. Mr. Sanchez requested that the Commission place the property on the next BSC agenda so that he might ask for forgiveness of penalties accrued against the property.

**APPROVAL OF MINUTES**

2. The minutes from the October 3, 2017 Special Called meeting, and the minutes from the October 25, 2017 Regular meeting were accepted per a motion brought by Commissioner Freiburger, and seconded by Vice Chair Mangrum. The motion passed unanimously on an 8-0 vote.

**PUBLIC HEARINGS**

**Case(s):**

<u>Case Number</u>	<u>Street Address</u>	<u>Owner(s)</u>
3. 2017-138295	1705 Chestnut Avenue	Heirs of Walter Akins, Gertrude Akins and William Charles Akins

The property located at 1705 Chestnut Avenue is an unoccupied, homesteaded, residential structure with substandard conditions. The property was represented by attorney Joel Bennett and one of the heirs, Janice Lewis.

Staff recommended demolition within 45 days from the date the order is mailed to the owner of record, and after 30 days if compliance is not met, the Code official is authorized to proceed with demolition of the structure, and all expenses incurred with be filed as a lien with the City unless exempted by the Texas Constitution.

Chair Cloutman admitted Staff exhibits 1 and 2A through 2I. Vice Chair Mangrum made a motion to adopt Code's findings of fact, conclusions of law and to the proposed order with one change, i.e., to reduce the compliance timeframe from 45 to 30 days. The motion was seconded by Commissioner Freiburger. The vote carried unanimously on a vote of 8-0.

- | <u>Case Number</u>   | <u>Street Address</u>  | <u>Owner</u>                       |
|--|--|------------------------------------|
| <b>4. 2017-138486</b>  | <b>6916 Cherrydale Drive</b>   | <b>Ali N. Fadhli</b>               |
| <p>The residential property, referenced above, was represented at the hearing by owner Ali N. Fadhli. Staff recommended the following 1) repair or demolition within 45 days from the date the order is mailed to the owner of record, and on the 46<sup>th</sup> day, if compliance was not achieved, a penalty of \$630 would begin to accrue; 2) if on the 90<sup>th</sup> day, compliance was not reached: 1) the penalties assessed would cease to accrue and 2) the Code official is authorized to proceed with demolition of the structure, and all expenses incurred with be filed as a lien with the City unless exempted by the Texas Constitution.</p> <p>Chair Cloutman admitted Staff exhibits 1 and 2A through 2N. The public hearing was left open. Commissioner Shedden made a motion to continue the hearing until February, which was seconded by Commissioner Avila. The motion carried on an 8-0 vote.</p> |  |                                    |
| <b>5. 2017-138342</b>  | <b>7510 Islander Drive</b>   | <b>Shahram Hadivincheh</b>         |
| <p>The residential property located at 7510 Islander Drive was represented by the owner, Shahram Hadivincheh. Staff recommended repairs within 45 days from the date the order was mailed to the owner of record, and after 45 days, a penalty of \$250 would begin to accrue if not in compliance with the order, and would continue to accrue until all repairs are complete.</p> <p>Chair Cloutman admitted Staff exhibits 1 and 2A through 2M. Commissioner Freiburger made a motion to adopt Code's findings of fact, conclusions of law and the proposed order with one modification i.e., to change to compliance timeframe from 45 to 90 days. After the 91<sup>st</sup> day, a penalty of \$70 would begin to accrue, and would continue until the Code Official determined that the repairs required by the Order were complete. The motion, seconded by Commissioner Avila, carried on an 8-0 vote.</p>             |  |                                    |
| <b>6. 2017-129687</b>  | <b>4900 E. Oltorf Street</b>   | <b>East Oltorf TX Partners LLC</b> |
| <p>The commercial property, referenced above, is a multi-family property with a substandard and dangerous retaining wall. The owners were not present at the hearing.</p> <p>Prior to the hearing, a proposed agreed order was entered into with the owners which stipulated that the owners would correct the cited violations by completing all repairs within 89 days from the date the order is mailed, and on the 90<sup>th</sup> day, if not in compliance, the City would be ordered to assess a civil penalty of \$1,000 per week, and would continue to accrue until compliance was met.</p> <p>Chair Cloutman admitted Exhibits 1 and 2A through 2I. Vice Chair Mangrum made a motion to adopt Staff's findings of fact, conclusions of law and the proposed agreed order, which was seconded by Commissioner Talley. The motion carried on a vote of 8-0.</p>   |  |                                    |
| <b>7. 2017-145146</b>  | <b>5305 Indio Drive</b>  | <b>Shawn Lauzon</b>                |
| <p>The unoccupied, commercial 4-plex, located at 5305 Indio Drive, was represented by the property owner, Shawn Lauzon. Staff recommended repairs within 45 days from the date the order is mailed to the owner of record, and on the 46<sup>th</sup> day, a penalty of \$1,000 would begin to accrue if not in compliance with the order, and would continue to accrue until all repairs are complete.</p> <p>Chair Cloutman admitted Staff exhibits 1 and 2A through 2J. Commissioner Shedden made a motion to adopt Code's findings of fact, conclusions of law and the proposed order. The motion was seconded by Commissioner Avila. The vote carried unanimously on a vote of 8-0.</p>   |  |                                    |
| <b>8. 2017-145151</b>  | <b>1601 Royal Crest Drive/ Solaris Apartments<br/>Building B-10, Unit 2175</b> | <b>Canyon Oaks LP</b>              |
| <p>The property located at 1601 Royal Crest Drive was represented at the hearing by owner representative, Slade Wyson. Staff recommended repairs within 45 days from the date the order is mailed to the owner of record, and on the 31<sup>st</sup> day, a penalty of \$1,000 would begin to accrue if not in compliance with the order, and would continue to accrue until all repairs are complete.</p> <p>Chair Cloutman admitted Staff exhibits 1 and 2A through 2P. Commissioner Shedden made a made a motion to adopt Code's findings of fact, conclusions of law and adopt the proposed order with one modification, i.e., to amend the timeframe from 45 days to 90 days, and after 90 days, a penalty of \$1000 would begin to accrue. The motion was seconded by Commissioner Talley. Commissioner Freiburger recused herself and was off dias. The vote carried unanimously on a vote of 7-0.</p>                  |  |                                    |

**Returning Case(s):**

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
9. 2016-027094	6218 Big Horn Circle	Frank John Bauer

The property located at 6218 Big Horn Circle was pulled from the agenda and not heard.

**DISCUSSION AND POSSIBLE ACTION****10. Amendments to the Building and Standards Commission Rules and Regulations**

The Commission reviewed and discussed proposed changes to the BSC Rules and Regulations. A vote was taken to adopt the proposed changes with the modifications discussed during the meeting, as well as to allow the correction of additional typographical errors. The motion brought by Vice Chair Mangrum was seconded and passed on an 8-0 vote.

**11. Staff briefing regarding status of unresolved, non-compliant cases with existing BSC orders.**

Division Manager Marcus Elliott gave a staff briefing and identified 14 unresolved, non-compliant cases with existing BSC orders. He further stated that there will be a full review with the law department of those cases, and that he will provide a report at the next Commission meeting.

**FUTURE AGENDA ITEMS****12. Report regarding status of unresolved, non-compliant cases with existing BSC orders**

**Presenter:** Marcus Elliott

**13. 6905 Carwill Drive**

This item is to be placed on the January 24 2018 agenda at the request of Mr. Gerardo Sanchez, pending resolution by ACD beforehand.

**14. 6916 Cherrydale Drive**

This item is to be posted for action on the February 28, 2018 agenda.

**ADJOURNMENT**

Chair Cloutman adjourned the Commission Meeting at 9:13 p.m.