



**BUILDING AND STANDARDS COMMISSION
MINUTES**

**REGULAR MEETING
Wednesday, April 25, 2012**

The Building and Standards Commission convened in a regular meeting on Wednesday, April 25, 2012 at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Chair, Ethelynn Beebe called the Commission Meeting to order at 6:50 p.m.

Commission Members in Attendance:

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

Staff in Attendance:

Chris Moore, Commission Coordinator; Viola Ruiz, Scribe; Steve Ramirez, Assistant Division Manager; Ron Potts, Assistant Division Manager; Investigator Edmond Su; Keith Leach, Manager; Jonathan Josephson, Supervisor; Investigator, Michael Dial; Terry Hurd, Supervisor; Kathleen, Buchanan, Assistant City Attorney.

1. CITIZEN COMMUNICATION: GENERAL

a. None

2. APPROVAL OF MINUTES

The minutes from the regular hearing of February 22, 2012 was approved on Commission Member Brown's motion, Commission Member Hill second on a 4-0-0 vote.

3. PUBLIC HEARINGS

Commission Coordinator Chris Moore presented the following cases:

a. 2012-032421	6506 Greensboro Drive	Charles and Charlita Garrette
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6506 Greensboro Drive is a Residential Single Family Structure. Travis Central Appraisal District shows that Charles and Charlita Garrette are the title owner(s). This case was not represented. The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code and is therefore a public nuisance with substandard conditions. The staff recommended that the Commission adopt the findings of fact and conclusions of law and recommended order that any necessary permits be secured. That the Residential Single Family Structure located on the property be repaired with final inspections passed within 30 days of the date the Order is mailed to the owner. That all repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. That the owner or owner's representative shall request inspection(s) to verify compliance; and that after 30 days, a penalty of \$10.00 per week per violation shall be assessed until work is completed with final inspections passed.

The City made a motion to amend staff's recommended order to read: The Staff recommended that the Commission adopt the findings of fact and conclusion of law and recommend that any necessary permits be secured. That the residential structure located on the property have repairs completed with final inspections passed within 30 days of the date the Order is mailed to the owner. That all repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. That the owner or owner's representative shall request inspection(s) to verify compliance; and that after 30 days, a penalty of \$140.00 per week to be assessed until work is completed with final inspections passed.

In addition, within 10 days from the date of this order being mailed to the owner, that you order the owner to allow Code Compliance staff to complete an interior inspection of the said property.

A motion to accept staff's amended Order was made by Commission Member Hill, Commission Member Brown second motion on a 4-0-0 vote.

b. 2012-032370

5330 Fleming Court

Flemtex Properties c/o
CT Corporation

5330 Fleming Court is a Commercial Industrial Structure. Travis Central Appraisal District shows that Flemtex Properties c/o CT Corporation is the title owner. The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions. The staff recommended that the Commission adopt the findings of fact and conclusions of law and recommend that any necessary permits be secured. That the portion of the Commercial Industrial Structure located on the property that occupies HDI Plastics, Incorporated remain unoccupied and secured other than the purpose of repair until final inspections are passed. If compliance with this Order has not been achieved, this Order hereby authorizes any Peace Officer of the state, including a Sheriff or Constable or designee of the Austin Chief of Police to enforce and carry out this Order.

That you order that the portion of the Commercial Industrial Structure located on the property that occupies HDI Plastics, Incorporated shall be repaired with final inspections passed within 30 days of the date this Order is mailed to the owner(s). All repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. The owner or owner's representative shall request inspection(s) to verify compliance. After the 30 days, a penalty of \$1,000.00 per week shall be assessed until work is completed with final inspections passed.

The City made a motion to modify staff's recommended order to read: the Staff recommended that the Commission adopt the findings of fact and conclusion of law and recommend that any necessary permits be secured. That you order the southern portion of the commercial structure (as identified on the attached exhibit 2c) most recently occupied by HDI Plastics, Incorporated, shall be vacated and shall remain unoccupied and secured until a Certificate of Occupancy for the southern portion of the commercial structure has been obtained. Only such persons present for authorized work within the course and scope of the permits(s) shall be allowed access to the site described herein prior to the issuance of a Certificate of Occupancy for the site. If compliance with this order has not been achieved, this order hereby authorizes any Peace Officer of the state, including a Sheriff or Constable or designee of the Austin Chief of Police to enforce and carry out this Order to enforce vacation of the premises and/or to maintain public health and safety.

That the southern portion of the commercial structure described above shall be repaired with final inspections passed within 120 days (the "Compliance Time Period") of the date this Order is mailed to the owner(s). In the event a court of law enters or imposes an order, injunction, or stay or one automatically goes into effect which prohibits Owner from accessing the Property and making such repairs, the Compliance Time Period is automatically tolled until such time as said order, injunction, or stay is lifted. All repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. Owner or Owner's representative shall request inspection(s) to verify compliance with all applicable permit requirements as well as request in writing a final inspection by Code Compliance Department to confirm full compliance with this agreed order. Every 30 days until such time as compliance with the terms of this order has been achieved, Owner or Owner's representative shall submit via email to BSC staff a detailed written report of progress made at the site to resolve all compliance issues, a construction and inspection timeline for remaining work on the project, and an estimate of time necessary for completion of all work culminating in issuance of a certificate of occupancy for the project. After 45 days following the end of the Compliance Time Period, a penalty of \$200.00 per day shall be assessed until all work is completed with final inspections passed and a certificate of occupancy for the southern portion of the commercial structure is obtained.

That compliance with this Order resolves all Notices of Violation listed in Section IV, above, all Notices of Hearing listed in Section VI, above, and all Violations listed in Section VII, above.

A motion to accept staff's modified Order was made by Commission Member Brown, Commission Member Hill second motion on a 4-0-0 vote.

c. 2012-032316

510 Baylor Street

William D. Wittliff

510 Baylor Street is a regarding a retaining wall at a Commercial Structure. Travis Central Appraisal District shows that William D. Wittliff is the title owner. The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code and is therefore a public nuisance and dangerous with substandard conditions. The staff recommended that the Commission adopt the findings of fact and conclusions of law and the recommended order that any necessary permits be secured. That the retaining wall located on the property be repaired with final inspections passed within 30 days of the date the Order is mailed to the owner. That all repairs or modifications shall meet or exceed the requirements of the International Property Maintenance Code and all applicable codes. That the owner or owner's representative shall request inspection(s) to verify compliance; and that after 30 days, a penalty of \$1,000.00 per week shall be assessed until work is completed with final inspections passed.

The City made a motion to modify staff's recommended order to read: The Staff recommends that the Commission adopt the findings of fact and conclusion of law. That any necessary permits or authorizations be secured, including permit(s) and approval to construct on and provide necessary protection for the City of Austin's right-of-way. That the retaining wall located on the property shall be stabilized in accordance with a licensed engineer's plan and specifications within 28 days of the date the order is mailed to the owner(s). All repairs, modifications, and stabilization shall also meet or exceed the requirements of the International Property Maintenance code and all applicable codes. The owner or owner's representative shall request inspections(s) to verify compliance. After 35, days, a penalty of \$1,000.00 per 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. That until compliance with this Order has been

achieved, pedestrian access to the affected areas of right-of-way, including the sidewalk, shall be closed in accordance with City of Austin regulations.

A motion to accept staff's modified recommended Order was made by Commission Member Brown, Commission Member Alloway second motion on a 4-0-0 vote.

4. OLD BUSINESS

- a. Steve Ramirez continued discussion on possible dates and topics for a Building and Standards Commission retreat.

5. NEW BUSINESS

- a. Steve Ramirez presented a summary of Fort Worth's Building and Standards Commission Hearing

Chair Ethelynn Beebe adjourned the commission hearing at 7:30 p.m. without objection.