



BUILDING AND STANDARDS COMMISSION MINUTES

REGULAR MEETING
Date: December 12, 2019

The Building and Standards Commission (BSC) convened for a regular meeting on Thursday, December 12, 2019 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Andrea Freiburger, Vice Chair; Commissioners: Natalya Sheddan, Wordy Thompson, Timothy Stostad, James Briceno, Pablo Avila and Ex Officio Tom Vocke, Fire Marshall. The Commission's Chair Jessica Mangrum and Commissioners Sade Ogunbode, Edgar Farrera and John Green were absent.

Staff in Attendance:

Melanie Alley, Code Review Analyst/BSC Coordinator; Robert Moore, Division Manager; Marlayna Wright, Investigator; Farah Presley, Inspector; James Candelas, Program Specialist; José Roig, Assistant Director; Moses Rodriguez, Code Supervisor; Lisa DeRoche, Administrative Manager; Irma Ybarra, Inspector; Robert Ortiz, Inspector; David Downing, Inspector; Aurelio Martinez, Inspector; John Rodriguez, Inspector; Juan Villareal, Inspector; and Brandon Carr, Assistant City Attorney.

CALL TO ORDER

Vice Chair Andrea Freiburger called the Commission Meeting to order at 6:34 p.m.

APPROVAL OF MINUTES

Commissioner Briceno moved to approve the minutes from the September 30, 2019 regular meeting, and the November 6, 2019 special called meeting seconded by Commissioner Sheddan. The motion carried on a 6-0 vote. Chair Jessica Mangrum and Commissioners Sade Ogunbode, Edgar Farrera and John Green were absent.

CITIZEN COMMUNICATION:

No one appeared for Citizen Communication at this meeting.

PUBLIC HEARINGS

New Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner(s)</u>
1.	1516 Burton Drive (aka 1601 Royal Crest Drive aka Solaris Apartments) Building B-2 (Retaining Wall) Building C-7 (Exterior) Building E-6 (Exterior) Building E-7 (Exterior)	Canyon Oaks LP
CL 2019-223860		
CL 2019-203171		
CL 2019-223782		
CL 2019-223864		

Note: CL 2019-203178/ Building E-1 (Exterior) was also posted for action however, the case came into compliance prior to the meeting, was pulled from the agenda and was not heard.

This Repeat Offender Program (ROP) property was represented at the hearing by Lisa Bednarz and attorney Cassandra Shanbaum. Vice Chair Freiburger admitted Staff Exhibits 1, 3, 7 and 9, and 17, and 2A-2I, 4A-4J, 8A-8H, 10A-10J and

Exhibit 11. Property Owner's Exhibit 1(engineer's report and invoice for Building B-2 retaining wall) and Exhibit 2 (affidavit from the property manager regarding to show funding) were also admitted.

Commissioner Sheddan made a motion to close the public hearing and to modify each of the (4) recommended orders by amending the timeframe from 45 to 120 days for repairs, with penalties of \$1000 per week to accrue on the 121st day, seconded by Commissioner Avila. The motion failed on a 4-2 vote. Commissioners Briceno and Avila opposed the motion.

Commissioner Thompson made an alternation motion to modify the recommended timeframe to 90 days, with penalties to begin accruing on the 91st day, which was seconded by Commissioner Briceno. The motion carried on a 6-0 vote. Chair Mangrum and Commissioners Ogunbode, Farrera and Green were absent.

**2. CL 2019-196651 1118 Azie Morton Road (formerly Boulder Ventures, LLC
Robert E. Lee Road)**

The property was not represented at the hearing. Vice Chair Freiburger admitted Staff Exhibits 1 and 2A -2G. Commissioner Avila moved to close the public hearing and adopt Staff's recommended order for repair within 45 days from the date the order is mailed, with penalties of \$250 to begin to accrue on the 46th day if not in compliance. The motion was seconded by Commissioner Stostad. The motion carried unanimously on a 6-0 vote. Chair Mangrum and Commissioners Ogunbode, Farrera and Green were absent.

3. CL 2019-160593 2949 E. 12th Street 2018 Commercial Fund LLP

This case was not heard due to a recusal by Vice Chair Freiburger which resulted in a lack of quorum. The case will be continued until the January 22, 2020 meeting if the property has not come into compliance.

4. CL 2019-160581 1110 Summers (aka 2949 E. 12th Street) 2018 Commercial Fund LLP

This case was not heard due to a recusal by Vice Chair Freiburger which resulted in a lack of quorum. The case will be continued until the January 22, 2020 meeting if the property has not come into compliance.

Continued Case(s)

**5. CL 2019-088180 8573 Red Willow Drive Robert V. Armstrong & Joy Panian
Armstrong**

This case was continued from the August hearing. No one appeared to represent the property at the hearing however, the owners' daughter Katherine Armstrong Nelson provided a letter with attached express permit application, which was distributed to the Commissioners and was marked as Owner's Exhibit 1. Vice Chair Freiburger admitted staff's Exhibits 5 and 6A-6D. Commissioner Sheddan made a motion to amend staff's recommended timeframe from 45 to 60 days, with penalties of \$250 to accrue on the 61st day, seconded by Commissioner Stostad. The motion carried on a 6-0 vote. Chair Mangrum and Commissioners Ogunbode, Farrera and Green were absent.

6. CL 2019-088182 2303 Bendridge Trail Maria De La Luz Rocha

This case was continued from the September 30, 2019. Attorney Mark McLean appeared to represent the owners in this case. Vice Chair Freiburger admitted staff's Exhibits 5 and 6A-6F. During the hearing, Commissioner Stostad recused himself and. Commissioner Stostad recused himself and due to lack of quorum this case was not heard. The case will be continued until the January 22, 2020 meeting.

7. CL 2019-166776 1204 E. St. Johns Avenue Nathaniel Aniekwu

The owner Nathaniel Aniekwu and his son Patrick Aniekwu appeared at the hearing to represent the property. Vice Chair Freiburger admitted Staff Exhibits 5 and 6A-6Q into evidence. Commissioner Sheddan moved to close the public hearing and adopt Staff's recommended order to repair the structure within 45 days from the date the order is mailed, and with penalties to accrue on the 46th day if not in compliance, seconded by Commissioner Stostad. Commissioner Stostad made a friendly amendment to change the timeframe from 45 to 60 days, seconded by Commissioner Briceno. The motion carried on a 6-0 vote. Chair Mangrum and Commissioners Ogunbode, Farrera and Green were absent.

Returning Case(s)

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| 8. | CL 2019-001510
CL 2019-001497
CL 2019-001503 | 8404 Garcreek Circle
Exterior
Unit A
Unit B | Phillip Rasy and Jennifer Rasy |
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The owner in this case was represented at the hearing by contractor John Valenti regarding penalty relief. Commissioner Avila moved to table any action and continue the case to January. The motion failed on a 4-2 vote. Vice Chair Freiburger and Commission Sheddan voted in opposition of the motion.

Commissioner Sheddan made an alternative motion to modify each of the recommended orders to reduce the penalties in each case by 50 percent if paid within 30 days from the date the order is mailed, and if not paid, the fines would revert to the original penalty amount, seconded by Commissioner Avila. The motion carried on a 6-0 vote. Chair Mangrum and Commissioners Ogunbode, Farrera and Green were absent.

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| 9. | CL 2016-066235 | 3500 Greystone Drive, Building 5
(aka Juniper Springs Apartments) | Palgol, LLC |
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This case was not heard due to a recusal by Vice Chair Freiburger which resulted in a lack of quorum. This case will be continued to the January meeting.

Appeal(s)

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| 10. | OL 2019-132347 | 614 Terrell Hill Drive, Unit D | Dominic Toselli |
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The appellant in this matter was represented by Jonathan Pils. Commissioner Sheddan moved to grant the appeal, seconded by Commissioner Avila. The motion failed on a 3-3 vote. Vice Chair Freiburger and Commissioners Briceno and Stostad voted nay. No further action was taken and the appeal to reverse Staff's decision to deny the owner's application for a Type-3 short term rental license was denied.

FUTURE AGENDA ITEMS

- 11. **2949 E. 12th Street / CL 2019-160593** is to be placed on the January agenda as a continued case.
- 12. **1110 Summers aka 2949 E. 12th Street / CL 2019-160581** is to be placed on the January agenda as a continued case.
- 13. **2303 Bendridge Trail / CL 2019-088182** is to be placed on the January agenda as a continued case.
- 14. **3500 Greystone Drive - Building 5/ CL 2017-041351** is to be placed on the January agenda as a continued case regarding penalty relief.

ANNOUNCEMENTS

The Building and Standards Commission's 2020 meeting dates that were voted on at the November 6, 2019 meeting were confirmed by the City Clerk's office.

Assistant Director Jose' Roig announced to the Commission that Code Director Cora Wright will be retiring as of December 31, 2019.

ADJOURNMENT

Vice Chair Andrea Freiburger adjourned the meeting at 9:24 p.m.