



## **BUILDING AND STANDARDS COMMISSION**

## **REGULAR MEETING MINUTES**

Date: December 9, 2020

The Building and Standards Commission (BSC) convened remotely via video conference for a regular meeting on Wednesday, December 9, 2020. The meeting was available for viewing live at <http://www.austintexas.gov/page/watch-atxn-live>.

### **Commission Members in Attendance:**

Chair Andrea Freiburger; Vice Chair Pablo Avila; Commissioners: John Green, Timothy Stostad, James Briceno, Sade Ogunbode, Elizabeth Mueller and Wordy Thompson. Commissioners Edgar Farrera, Natalya Sheddan and Ex Officio Commissioner Chief Thomas Vocke was absent.

### **Staff in Attendance:**

Melanie Alley, Code Review Analyst/BSC Coordinator; Robert Moore, Division Manager; Marlayna Wright, Supervisor; James Candelas, Program Specialist; Farah Presley, Inspector; John Hale, Investigator; Moses Rodriguez, Supervisor; Reynaldo Cruz, Inspector; Patricia Link, Assistant City Attorney

## **CALL TO ORDER**

Chair Freiburger called the Commission Meeting to order at 6:45 p.m.

## **CITIZEN COMMUNICATION**

Gabby Garcia, BASTA, and tenants Steven Frishmuth and Petra Antonio appeared before the Commission to speak about conditions at 1520 Rutherford Lane/ aka Cross Creek Apartments.

Alejandra Muniz appeared before the Commission to speak about conditions at Solaris Apartments, located at 1516 Burton Drive.

## **APPROVAL OF MINUTES**

Commissioner Green moved to approve the minutes from the October 28, 2020 regular meeting, seconded by Commissioner Ogunbode. The October meeting minutes were approved on an 8-0 vote.

## **PUBLIC HEARINGS**

### **Appeal(s):**

<u>Case Number(s)</u>	<u>Street Address</u>	<u>Owner/Appellant</u>
1. CL 2020-171600	2301 Polaris Avenue, Bldg. A, Units 1-6	Minh T. Nguyen

An appeal of the notice of violation regarding this repeat offender program (ROP) property was heard by the Commission. The property was represented at the hearing by the appellant Minh T. Nguyen. Chair Freiburger admitted Staff Exhibits 1 and 2A-2J, as well as the Appellant Docs. Commissioner Mueller made a motion to deny the appeal, which was seconded by Commissioner Stostad. The appeal was denied on an 8-0 vote. Commissioners Farrera and Sheddan were absent.

**2. CL 2020-174589                      2424 Philomena Street, Unit 335 (aka The                      FC Mueller Housing LP  
Jordan at Mueller Apartments**

The appellant, Mandy Lewis, represented the property at the hearing. Chair Freiburger admitted Staff Exhibits 1 and 2A-2L, as well as the Appellant Documents. Vice Chair Avila made a motion to grant the appeal, seconded by Mr. Green. After further discussion, Vice Chair Avila withdrew his motion and Commissioner Green accepted the withdrawal. Vice Chair Avila made a new motion to deny the appeal, also seconded by Commissioner Stostad. The motion carried on a 7-1-0 vote. Chair Freiburger opposed the motion. Commissioners Farrera and Sheddan were absent.

**Continued Case(s) Pending Commission Action:**

**3. CL 2020-017823                      2411 Longview Street                      Hosebark, LLLP**

This case was continued from the October 28, 2020 meeting. The property was represented at the hearing by Greta Goldsby, attorney for the owner; Jacob Frumpkin, Principal/Owner; and John Duke, Project Manager. Vice Chair Avila admitted Exhibits 5 and 6A-6F and the Property Owner Exhibits.

Commissioner Stostad moved to close the public hearing. Commissioner Ogunbode moved to adopt the findings of fact and conclusions of law and modify Staff's recommended order for repair by changing the timeframe for compliance from 45 to 90 days, seconded by Commissioner Stostad. The recommended penalty was incorrectly stated in the motion as \$1,000 per week on the 91<sup>st</sup> day if not in compliance as opposed to \$2,000 per week. Following discussion, Commissioner Ogunbode amended her motion to accept Staff's recommendation however Commissioner Stostad withdrew his second.

Commissioner Ogunbode made an alternative motion for demolition within 90 days from the date the order is mailed, and the City would proceed with demolition on the 91<sup>st</sup> day if not in compliance, to include the standard demolition language, seconded by Commissioner Stostad. The alternative motion failed on a 5-1 vote. Commissioner Briceno voted against the motion, Commissioner Green was off dais and Chair Freiburger recused herself. Commissioners Farrera and Sheddan were absent.

The case was tabled, and at the request of Vice Chair Avila and Commissioner Stostad, the case will return to the Commission at the January 2021 meeting.

Commissioner Ogunbode made a motion to extend the meeting until 10:30 p.m. The vote failed on a 5-2 vote. Commissioner Green was off dais. Commissioners Farrera and Sheddan were absent. Commissioner Stostad made an alternate motion to extend the meeting to 10:15 p.m. The motion carried on a 6-1 vote. Commissioner Thompson voted nay. Commissioner Green was off dais. Commissioners Farrera and Sheddan were absent.

**Returning Case(s):**

**4. CL 2015-016417, et al.                      4801 S. Congress Avenue, Buildings A-H,                      Bel Air Condominium  
J-L, N and P-T (aka Bel Air Condominiums                      Community, Inc. and  
Individual Unit Owners \***

**\*Note: A copy of the individual unit numbers, owners and case numbers is attached to the minutes.**

This property was represented at the hearing by Faye Beck, Association Manager; Emmalee Crow and Jonathan Stokes, Association Board Members; and Kevin McDonald, Unit P-5 Owner. There were no exhibits to admit.

A motion was made by Commissioner Mueller to continue the meeting for another 15 minutes from 10:15 to 10:30 p.m., seconded by Commissioner Stostad. The motion carried 7-0. Commissioner Green was off dais. Commissioners Farrera and Sheddan were absent.

Commissioner Thompson made a motion to remove all fines levied against the Homeowners Association, accrued per the May 27, 2015 BSC order, which was seconded by Commissioner Ogunbode. The motion carried 7-0. Commissioner Green was off dais. Commissioners Farrera and Sheddan were absent.

**Case(s):**

**4. CL 2019-035856                      12100 Mustang Chase**

Chair Freiburger moved this item to the January agenda.

**FUTURE AGENDA ITEMS**

**2411 Longview Street:** This case, CL 2020-0178232, will return in January at the request of Vice Chair Avila and Commissioner Stostad.

**12100 Mustang Chase.** This case, CL 2019-035856, was not heard due to lack of time and will be brought back for hearing at the January meeting.

Chair Freiburger did not place Creek's Edge on the January agenda.

**ADJOURNMENT**

Chair Freiburger adjourned the meeting at 10:32 p.m.