



BUILDING AND STANDARDS COMMISSION

REGULAR MEETING MINUTES

Date: October 27, 2021

The Building and Standards Commission (BSC) convened at City Hall and via video conference for a regular hybrid meeting on Wednesday, October 27, 2021. 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 Sade Ogunbode, Wordy Thompson, John Green, Elizabeth Mueller, Timothy Stostad, Edgar Farrera and Edward Selig; and Ex Officio Commissioner Chief Thomas Vocke. Note: Commissioners Green and Stostad attended remotely.

Staff in Attendance:

Melanie Alley, Code Review Analyst/BSC Coordinator; Robert Moore, Austin Code Division Manager; Marlayna Wright, Supervisor; James Candelas, Program Specialist; Farah Presley, Investigator; Micheal Ezikemo, Inspector; Elaine Garrett, Assistant Director; Daniel Armstrong, Division Manager; Michael Dial, Code Supervisor; James Adams, Supervisor; Justin Brummer, Investigator; Willis Adams, Inspector; Khary Dumas, Inspector; Aurelio Martinez, Inspector; Johnny Serna, Inspector; Rick Coronado, Austin Water Assistant Director; Charles Arnold, Austin Water Supervisor; Lauren Khoury, Assistant City Attorney; Patricia Link, Assistant City Attorney; and Adam Ellis, CTM A/V Technician.

CALL TO ORDER

Chair Freiburger called the Commission Meeting to order at 6:37 p.m.

APPROVAL OF MINUTES

A motion was made by Commissioner Mueller for approval of the minutes from the September 22, 2021 regular meeting. The motion was seconded by Vice Chair Avila. The motion carried on a 9-0 vote.

CITIZEN COMMUNICATION

No one appeared for Citizen Communication at this meeting.

PUBLIC HEARINGS

Case(s):

<u>Case Number(s)</u>	<u>Street Address</u>	<u>Owner</u>
1. CL 2021-085126	3004 E. 12th Street	Magnolia Christian Church

The property was represented at the hearing by Lawrence Chang, attorney, and Josh Salinas. Chair Freiburger

admitted Staff Exhibits 1, 2A-2I. Commissioner Green moved to close the public hearing and adopt staff's recommendation for demolition within 45 days, and on the 46th day, if compliance has not been achieved, the code official is authorized to proceed with demolition and, to assess all expenses incurred and file a lien for those expenses with Travis County Deed records. Commissioner Thompson seconded, and the motion carried on a 7-2 vote. Chair Freiburger and Vice Chair Avila voted against the motion.

2. CL 2021-156922 6121 Ponca Street R. Munson Investments, LLC

The property was represented at the hearing by John Buono, broker and agent, and Dan Stout. Chair Freiburger admitted Staff Exhibits 1 and 2A-2H. The Commission heard additional testimony from Austin Water staff, Charles Arnold and Rick Coronado. Commissioner Selig moved to close the public hearing and adopt staff's recommendation for repair within 30 days from the date the order is mailed, and on the 31st day, if compliance has not been achieved, assess a penalty of \$1000 per week, with the additional requirement to clean and sanitize the property every 2 days until final repairs are made. Commissioner Farrera seconded, and the motion carried on a 7-2 vote. Vice-chair Avila and Commissioner Green voted nay.

**3. CL 2021-156945 8900 N. IH 35 Service Road SB, 8900 Austin, LLC
 CL 2021-157042 Exteriors of Buildings 17, 18, 19,
 CL 2021-157020 20 & 21 (aka Orbit Apartments)
 CL 2021-157000
 CL 2021-157024**

Item 3 on the agenda consisted of five cases heard concurrently. These cases were represented at the hearing by Robert Brown, attorney, and Monica Garcia. Chair Freiburger admitted staff exhibits 1, 2, 3A-3Q, 4, 5A-5M, 6, 7A-7Q, 8, 9A-9Q, 10 and 11A-11Q. Chair Freiburger also admitted property owner exhibits A and B. Commissioner Farrera moved to close the public hearing and adopt staff's recommendation for repairs within 45 days from the date the order is mailed, and on the 46th day, if compliance has not been achieved, assess a penalty of \$1000 per week, with the clarification that the commission issue a separate order for each building. The motion was seconded by Commissioner Selig. The motion passed on a vote of 6-3, with Vice-chair Avila and Commissioners Ogunbode and Green voting nay.

Returning Cases:

<u>Case Number(s)</u>	<u>Street Address</u>	<u>Owner</u>
4. CL 2021-068641	1200 E. 6th Street	1200 East 6th Partners, LLC

This case has an existing order issued in May 2021, which addressed the canopy and continued the case to this to address the remaining violations. This case was represented by Jason Jones, attorney and partner. Chair Freiburger admitted Staff Exhibits 3 and 4A-4J. Commission Mueller made a motion to close the public hearing and continue the case until the next regular meeting and, asked the property representative to bring sufficient evidence back at that time (i.e., approved drawing, breakdown of costs, proof of funding, and a construction schedule). The motion carried on an 8-0 vote. Commissioner Green was off dais.

5. CL 2019-051025 707 W. 14th Street East Forty Fourth Street, LLC

This case returned to the Commission tonight at the owner's request for relief regarding penalties accrued as the result a BSC order issued February 24, 2021. The property was represented at the hearing by Chris Riley. Chair Freiburger admitted Staff Exhibits 3 and 4. Vice-chair Avila moved to offer a reduction of the penalty by 75%, seconded by Commissioner Farrera. Commissioner Stostad offered a friendly amendment to the motion of a reduction of the penalty by 50%, which was accepted by Vice-chair Avila and approved by the second. The motion carried on a 7-1 vote. Chair Freiburger voted nay and Commissioner Green was off dais.

DISCUSSION AND POSSIBLE ACTION ITEMS

6. Discussion regarding Building and Standards Commission retreat.

The Commission discussed logistics regarding the upcoming Building and Standards Commission retreat, scheduled for November 17, 2021 from 9:30 a.m. -12:00 p.m. at City Hall. The focus of the retreat will be an orientation of the Code Department and, will also include the Commission's roles and responsibilities; a presentation on City permitting; the Commission's move in 2022 to the new venue; and an executive session regarding Mar Single LLC v. City of Austin, et al (9500 Dessau Road, aka 9500 Apartments).

7. Approval of the 2022 Building and Standards commission regular meeting schedule.

Approval of the 2022 Building and Standards Commission regular schedule will take place during the BSC retreat.

FUTURE AGENDA ITEMS

The next regular meeting is set for December 8, 2021. The following items will be added to the December agenda.

1200 E. 6th Street/ CL 2021-068641 returning from the May 26, 2021 and October 27, 2021 meetings per the Commission's request for additional information.

6009 Seville Drive/ CV 2021-149769 is an appeal of a Notice of Violation regarding structural maintenance.

ADJOURNMENT

The Commission voted to extend the meeting until 10:30 p.m. on Commissioner Mueller's motion.

Chair Freiburger adjourned the meeting at 10:25 p.m.