



***BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MINUTES
WEDNESDAY, January 24, 2024***

The BUILDING AND STANDARDS COMMISSION convened in a REGULAR meeting on 24 January 2024, at the CITY OF AUSTIN PERMITTING AND DEVELOPMENT CENTER (PDC), 6310 WILHELMINA DELCO DRIVE, ROOM 1405, in Austin, Texas.

CHAIR SADÉ OGUNBODE called the BUILDING AND STANDARDS COMMISSION (BSC) Meeting to order at 6:40 p.m.

Commissioners in Attendance: Chair Sadé Ogunbode, Commissioners: Blaine Campbell, Michael Francis, Luis Osta Lugo, Logan Schugart, Timothy Stostad and Ex Officio Commissioner Chief Stephen Truesdell.

Commissioners in Attendance Remotely: Commissioner Edward Selig.

PUBLIC COMMUNICATION: GENERAL

Rajikumar Janakarajan and Bharath Janakarajan appeared during Public Communication to request a re-hearing for penalty relief regarding their property located at 8412 Garcreek Circle, Case Numbers CL 2021-050163, CL 2021-050393 and CL 2021-050180.

APPROVAL OF MINUTES

1. Approve the amended minutes of the BUILDING AND STANDARDS COMMISSION REGULAR MEETING on September 27, 2023, the minutes of the BUILDING AND STANDARDS COMMISSION REGULAR MEETING on October 24, 2023 and, the minutes of the BUILDING AND STANDARDS COMMISSION SPECIAL CALLED MEETING on December 1, 2023.

The amended minutes from the meeting of September 27, 2023 were approved on COMMISSIONER FRANCIS' motion, COMMISSIONER STOSTAD's second on a 7-0 vote.

The minutes from the meetings of October 24, 2023 and December 1, 2023 were approved on COMMISSIONER OSTA LUGO's motion, COMMISSIONER SCHUGART's second on a 7-0 vote.

PUBLIC HEARINGS

2. Conduct a public hearing and consider an appeal regarding case number **OL 2018-151137**; Property address: **5800 Wellington Drive**, aka Mueller Place Apartments.

This appeal was pulled from the agenda by Staff and was not heard by the Commission.

3. Conduct a public hearing and consider an appeal regarding case number **CV 2023-126552**; Property address: **6911 Moonmont Drive**.

COMMISSIONER STOSTAD moved to close the public hearing, **COMMISSIONER FRANCIS' second**. **COMMISSIONER FRANCIS** moved to adopt City staff's recommendation to affirm the notice of violation thereby denying the appeal, **COMMISSIONER STOSTAD'S second**. The motion passed on a 7-0 vote. **COMMISSIONER BENIGNO** was absent.

4. Conduct a public hearing and consider an appeal regarding case number **CV 2023-125026**; Property address: **8103 Forbsdale Drive**.

COMMISSIONER FRANCIS moved to close the public hearing, **COMMISSIONER OSTA LUGO'S second**. **COMMISSIONER OSTA LUGO** moved to grant the appeal, **COMMISSIONER SHUGART'S second**. The motion failed on a 5-2 vote. **CHAIR OGUNBODE**, **COMMISSIONER CAMPBELL**, **COMMISSIONER FRANCIS**, **COMMISSIONER OSTA LUGO** and **COMMISSIONER SCHUGART** voted aye. **CHAIR STOSTAD** and **COMMISSIONER SELIG** voted nay. **COMMISSIONER BENIGNO** was absent.

COMMISSIONER SELIG moved to postpone this item to the **MARCH 2024** meeting, **COMMISSIONER CAMPBELL'S second**. The motion failed on a 5-2 vote. **COMMISSIONER CAMPBELL**, **COMMISSIONER FRANCIS**, **COMMISSIONER SCHUGART**, **COMMISSIONER SELIG** and **COMMISSIONER STOSTAD** voted aye. **CHAIR OGUNBODE** and **COMMISSIONER OSTA LUGO** voted nay. **COMMISSIONER BENIGNO** was absent.

COMMISSIONER OSTA LUGO moved to postpone this item to the **MARCH 2024** meeting, **COMMISSIONER STOSTAD'S second**. The motion passed on a 7-0 vote. **COMMISSIONER BENIGNO** was absent.

5. Conduct a public hearing and consider case number **CL 2023-140660**; Property address: **1719 Timberwood Drive**.

COMMISSIONER CAMPBELL moved to close the public hearing, **COMMISSIONER OSTA LUGO'S second with no objections**. **COMMISSIONER SCHUGART** moved to adopt City staff's recommended order for repair within 45 days, with a penalty of \$250 per week if compliance is not achieved, **COMMISSIONER OSTA LUGO'S second**. The motion passed on a 7-0-0 vote. **COMMISSIONER BENIGNO** was absent.

6. Conduct a public hearing and consider case numbers **CL 2023-128143**; Property address: **2121 Burton Drive, Bldg. 4, Unit 114**, aka 1919 Burton Drive, aka Emerson Apartments.

This case was pulled from the agenda by Staff and was not heard by the Commission.

7. Conduct a public hearing regarding penalty relief and consider case number **CL 2020-018039**; Property address: **6214 Riverside Drive**.

COMMISSIONER SCHUGART moved to close the public hearing, **COMMISSIONER OSTA LUGO's** second. **COMMISSIONER SELIG** moved to reduce the civil penalty by 90 percent to \$13,034.37, if paid within 30 days from the date the order is mailed, and if not paid within 30 days, the penalty would revert to the original amount owed, i.e., \$130,343.72, **COMMISSIONER CAMPBELL'S** second. **The motion passed on a 6-1 vote.** **COMMISSIONER STOSTAD** voted nay and **COMMISSIONER BENIGNO** was absent.

8. Conduct a public hearing and consider case numbers **CL 2020-018491**; Property address: **11211 Walnut Ridge Drive**.

COMMISSIONER CAMPBELL moved to close the public hearing, **COMMISSIONER FRANCIS'** second, with no objections.

COMMISSIONER SELIG moved to extend the meeting by 10 minutes to 10:10 p.m., **COMMISSIONER CAMPBELL** second, which carried 7-0 without objection. **COMMISSIONER BENIGNO** was absent.

COMMISSIONER OSTA LUGO moved to adopt the findings of fact and conclusions of law and reduce the civil penalty by 100 percent to \$0, **COMMISSIONER CAMPBELL'S** second. **COMMISSIONER FRANCIS** made a friendly amendment to reduce the civil penalty by 90 percent, which was rejected by **COMMISSIONER OSTA LUGO**. **The motion failed on a 3-4 vote.** **COMMISSIONER CAMPBELL, COMMISSIONER OSTA LUGO** and **COMMISSIONER STOSTAD** voted aye. **CHAIR OGUNBODE, COMMISSIONER FRANCIS, COMMISSIONER SCHUGART** and **COMMISSIONER SELIG** voted nay. **COMMISSIONER BENIGNO** was absent.

COMMISSIONER CAMPBELL moved to adopt the findings of fact and conclusions of law and order that the civil penalty be reduced by 95 percent to \$5,942.63, if paid within 30 days from the date the order is mailed, and if not paid within 30 days, the penalty would revert to the original amount owed, i.e., \$118, 852.67. **COMMISSIONER OSTA LUGO** proposed a friendly amendment to reduce the civil penalty by 98 percent, accepted by the **COMMISSIONER OSTA LUGO**. **COMMISSIONER STOSTAD** seconded the motion as amended. **The motion failed on a 3-4 vote.** **COMMISSIONER CAMPBELL, COMMISSIONER OSTA LUGO** and **COMMISSIONER STOSTAD** voted aye. **CHAIR OGUNBODE, COMMISSIONER FRANCIS, COMMISSIONER SCHUGART** and **COMMISSIONER SELIG** voted nay. **COMMISSIONER BENIGNO** was absent.

COMMISSIONER STOSTAD moved to adopt staff's findings of fact and conclusions of law and to adopt staff's recommendation with one modification, i.e., to reduce the civil penalty by 90 percent to \$11,885.27, **COMMISSIONER CAMPBELL'S second. The motion passed on a 6-1 vote. COMMISSIONER OSTA LUGO voted nay. COMMISSIONER BENIGNO** was absent.

COMMISSIONER CAMPBELL moved to extend the meeting by 5 minutes to 10:15 p.m., **COMMISSIONER OSTA LUGO second, which carried 7-0 without objection. COMMISSIONER BENIGNO** was absent.

FUTURE AGENDA ITEMS

The property owners' request during Public Communication for a hearing regarding penalty relief for 8412 Garcreek Circle, Exterior, Unit A and Unit D is granted without objection and will be re-heard at the February 28, 2024 meeting.

Item number 4, 8103 Forbsdale Drive, is continued until the March 27, 2024 regular meeting.

An appeal regarding 2927 Kassarine Pass, originally scheduled for the January 24, 2024 meeting, was moved at the request of the appellant to the February 28, 2024 regular meeting.

An election for Vice Chair will be held at the February 28, 2024 regular meeting.

CHAIR OGUNBODE adjourned the meeting at 10:11 p.m. without objection.

The minutes were approved at the February 28, 2024 meeting on COMMISSIONER OSTA-LUGO'S motion, COMMISSIONER CAMPBELL'S second on a 7-0 vote. (off dais: Commissioner Selig)