



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: April 26, 2017

The Building and Standards Commission (“BSC”) convened for a regular meeting on Wednesday, April 26, 2017 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Charles Cloutman, Chair; Jessica Mangrum, Vice-Chair; Pablo Avila, Wordy Thompson, Natalya Shedden; Michael King, Andrea Freiburger, John Green and Brian Talley

Staff in Attendance:

Edgar Hinojosa, Acting BSC Coordinator/Assistant Division Manager; Patricia Link, Senior Assistant City Attorney; Marcus Elliot, Division Manager, Matthew Noriega, Assistant Division Manager, Marlayna Wright, Code Inspector; John Hale, Code Inspector and Merlinda Coleman, Program Specialist.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:32 p.m.

APPROVAL OF MINUTES

1. The minutes for March 2017 were accepted per a motion brought by Vice Chair Jessica Mangrum, seconded by Commission Member Andrea Frieberger. The motion passed on a 7-0 vote. Commission Members Ashley Holmes and Melissa Orren were absent. Commission members King and Avila recused themselves as they were not present at the March meeting.

CITIZEN COMMUNICATION: GENERAL

2. Citizen, Patrick Mullins appeared before the Commission regarding his property located at 2101 Lemon Drive. Mr. Mullins previously came before the Commission on January 25, 2017 at which time an order was issued requiring that repairs be completed within 120 days. Because of permitting issues, the project has been delayed. Mr. Mullins appeared to request an extension for time to comply with the order. Chair Cloutman stated that she should stay in touch with the Code Officer Tovar, and once the repairs are complete, he should ask to be put back on the agenda, and his request would be considered at that point.

PUBLIC HEARINGS

Case(s):

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|-----------------------|--------------------------------|----------------------|
| 3. 2017-041351 | 2407 Mission Hill Drive | Brian Bernard |

The commercial property located at 2407 Mission Hill Drive was represented. It is an occupied 4-plex with substandard and dangerous conditions that requires repair. The Commission only addressed the exterior of the building and Unit 101 at this hearing.

Staff recommended repairs to the inside Unit 101, the balcony railings outside of Unit 102 and the entire roof within 30 days; and if not in compliance after 45 days, to assess a civil penalty of \$1000 per week until compliance is met and verified.

Chair Charles Cloutman admitted Staff Exhibits 1, 2A-2Z, and 3A-3G. Owner, Brian Bernard addressed the Commission regarding the required repairs. He produced documentation supporting his plan for repairs, which were marked into evidence as Defense Exhibits 4, 5 & 6.

Andrew Jones, a Housing Specialist with the Austin Tenant Council also spoke to the Commission as an advocate for the tenants in Units 101 and 103.

Commission Member Natalya Shedden made a motion that 1) Within 7 days from the date the order is mailed, the owner is to perform temporary repairs by: a) placing tarp on roof; b) removes rotted sheetrock; c) conducts mold testing and d) owner would obtain required permit(s); 2) Within 14 days, owner provide an update to contact the Austin Tenant Council regarding the repairs and the plan; and 3) Within 45 days, the Owner is to repair the entire building (all units) as requested by the Code Department. Wordy Thompson seconded the motion. 4) If items 1-4 have not been completed within 45, assess a civil penalty of \$1000 per week that will continue to accrue until compliance has been met and verified by a Code Official.

A friendly amendment to add: 5) a 30 day update to be provided by the Owner, and at the next meeting action might be taken on this case, was made by Commission Member Pablo Avila and accepted. Commission Member Brian Talley proposed a second friendly amendment to add 6) After 45 days, once repairs are complete, and as a condition of obtaining a certificate of occupancy, to require a letter be submitted by a certified mold remediation specialist stating that the property is habitable, that was also accepted.

The motion carried unanimously on a 9-0 vote.

Returning Case(s)

There were no returning cases brought before the Building and Standards Commission at this meeting.

Update Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
4. 2015-098837, et al.	1124 Rutland Dr., Bldgs. 1-18 & Main Office	NAHC Cross Creek Apartments, LLC
2015-098835	1124 Rutland Dr., Bldg. 1	NAHC Cross Creek Apartments, LLC
2015-088845	1124 Rutland Dr., Bldg. 2	NAHC Cross Creek Apartments, LLC
2015-098847	1124 Rutland Dr., Bldg. 3	NAHC Cross Creek Apartments, LLC
2015-098850	1124 Rutland Dr., Bldg. 4	NAHC Cross Creek Apartments, LLC
2015-098853	1124 Rutland Dr., Bldg. 5	NAHC Cross Creek Apartments, LLC
2015-098854	1124 Rutland Dr., Bldg. 6	NAHC Cross Creek Apartments, LLC
2015-098857	1124 Rutland Dr., Bldg. 7	NAHC Cross Creek Apartments, LLC
2015-098861	1124 Rutland Dr., Bldg. 8	NAHC Cross Creek Apartments, LLC
2015-098864	1124 Rutland Dr., Bldg. 9	NAHC Cross Creek Apartments, LLC
2015-098869	1124 Rutland Dr., Bldg. 10	NAHC Cross Creek Apartments, LLC
2015-098870	1124 Rutland Dr., Bldg. 11	NAHC Cross Creek Apartments, LLC
2015-098871	1124 Rutland Dr., Bldg. 12	NAHC Cross Creek Apartments, LLC
2015-098874	1124 Rutland Dr., Bldg. 13	NAHC Cross Creek Apartments, LLC
2015-098877	1124 Rutland Dr., Bldg. 14	NAHC Cross Creek Apartments, LLC
2015-098880	1124 Rutland Dr., Bldg. 15	NAHC Cross Creek Apartments, LLC
2015-098881	1124 Rutland Dr., Bldg. 16	NAHC Cross Creek Apartments, LLC
2015-098885	1124 Rutland Dr., Bldg. 17	NAHC Cross Creek Apartments, LLC
2015-098886	1124 Rutland Dr., Bldg. 18	NAHC Cross Creek Apartments, LLC
2015-098837	1124 Rutland Dr., Main Office	NAHC Cross Creek Apartments, LLC

The property, Cross Creek Apartments, located at 1124 Rutland Drive, Buildings 1-18 and Main Office, is an occupied commercial apartment complex. The property was not represented at the meeting.

Assistant Division Manager (“ADM”) Matthew Noriega provided updates on behalf of the City. He stated that the complex is 75 per cent occupied, and the hot water issue is ongoing. Additionally, spot checks have been made on the interior of apartments per complaints received, and that no action will be taken on these apartments at this time.

ADM Noriega and Assistant City Attorney Patricia Link advised the Commission that a hearing was held earlier in the day in the related Travis County District Court case and that the Court would be issuing an order that requires the owners to make repairs to the property. Additionally, per Attorney Link, the lawyer for the tenant association and some tenants asked the Court to appoint a receiver for the property; however, the Court did not appoint a receiver at the hearing.

Asked about the status of the heirship since Mr. Mulholland’s death, Attorney Link stated that we know very little. Also noted ownership obtained tax credits for the property; and the current ownership has not obtained funding.

Chair Charles Cloutman stated that he would like to have the property posted for action at the May meeting and would like to hold an executive session prior to the meeting.

5. 2015-005099 5506 Avenue H

Ronald Keith Valentine

Mr. Jeremy Jagodzinski, a citizen, provided an update regarding the property adjoining his own, located at 5506 Avenue H. In March 2017, Mr. Jagodzinski addressed the Commission under Citizens Communication and was asked to return at Chair Cloutman's request to provide an update/rebuttal to the owner's previous testimony. Code Officer John Hale provided an update as well.

Per Officer Hale, Mr. Valentine complied with BSC Order issued in January 2015. Mr. Valentine's permits have recently expired and will have to re-apply for new permits. A Notice of Violation for work without permit was mailed on April 17. Chair Charles Cloutman stated that if Mr. Valentine has not complied by the June meeting, this case may be placed back on the BSC agenda and be posted for action.

Appeals

There were no appeals before the Building and Standards Commission at this meeting.

DISCUSSION AND POSSIBLE ACTION

6. Commission's Working Group update on Annual Internal Report.

Assistant Division Manager/Acting BSC Coordinator Edgar Hinojosa spoke briefly to the Commission, stating that since the last meeting he had provided the Working Group members, Commission Members John Green and Melissa Orren with copies of the previous Annual Internal Report and copies of the goals this Commission came up with at the Annual Retreat in October.

Commission Member John Green reported that the Working Group has not met since the last meeting. Their focus is on where they want to take the Commission in the next year or so, and to determine if there are outstanding concerns that they can address at a high level. He recently read the report, and is looking to see if the specific objectives set last year have been met, and if not, what the Commission can do to meet them this year.

Chair Cloutman noted that the BSC Commission is not an oversight commission, but rather, are charged with taking care of enforcement of the property maintenance code.

FUTURE AGENDA ITEMS

7. Staff update on the Bel Air Condos located at 4801 S. Congress Avenue at the May 24 meeting.

ADJOURNMENT

On Commission Vice-Chair Jessica Mangrum's moved to adjourn the meeting, seconded by Commission Member Brian Talley. The vote passed 9-0. Chairperson Charles Cloutman adjourned the Commission Meeting at 8:25 pm.