



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: May 24, 2017

The Building and Standards Commission (“BSC”) convened for a regular meeting on Wednesday, May 24, 2017 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

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

Staff in Attendance:

Edgar Hinojosa, Acting BSC Coordinator/Assistant Division Manager; Patricia Link, Senior Assistant City Attorney; Marcus Elliott, Division Manager; Michael Reeves, Assistant Division Manager; Robert Moore, Assistant Division Manager; Robert Alvarado, Assistant Division Manager; Marlayna Wright, Code Inspector; Irma Ybarra, Code Inspector; Aurelio Martinez, Code Inspector; Kellie La Hood, APD Detective - Nuisance Abatement; and Melanie Alley, Program Specialist.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:30 p.m.

CITIZEN COMMUNICATION: GENERAL

1. Citizen, David Kennedy appeared regarding a case update for Cross Creek. He stated he would wait until that property came up on the agenda.
2. Citizen David Blakely, appeared before the Commission seeking monetary relief regarding 10600 Brownie Drive, a property he purchased as a bank foreclosure in August 2016. After the purchase, he completed repairs required per a BSC order issued on the property in July 2014. Per Mr. Blakely, the penalties accrued were over \$125,000, and his repair costs were approximately \$47,000.

This property was not posted for action. Commission Member Brian Talley moved to add this case to the agenda for the June meeting and Commission Member Melissa Orren seconded the motion.

APPROVAL OF MINUTES

3. The minutes for April 2017 were accepted per a motion brought by Vice Chair Jessica Mangrum, seconded by Commission Member Melissa Orren. The motion passed on an 8-0 Commission Members John Green, Ashley Holmes and Chairman Charles Cloutman were absent.

PUBLIC HEARINGS

Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
4. 2017-048171	113 E. Milton Street	Ricardo R. Gonzalez

The residential property located at 113 E. Milton Street was represented by the owner. It is vacant home with substandard and dangerous conditions that require repairs. Acting Chair, Jessica Mangrum admitted Exhibit 1 and Exhibit 2A through 2N.

Staff recommended repairs to the exterior of the residence to be completed within 45 days; and if not in compliance after 45 days, the City to assess a civil penalty of \$250 days per week.

Neighbors, Mr. Goodpastor, and Diana and David Phillips testified at the meeting, expressing concerns regarding the condition of the structure and that the property has been vacant for many years.

Mr. Talley moved to adopt the recommended order minus the provision to conduct an interior inspection. The motion was seconded by Commission Member Andrea Freiburger. The motion carried on a 9-0 vote.

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|-----------------------|--------------------------------|---------------------------|
| 5. 2017-053395 | 1909 Bitter Creek Drive | Walter A. Dart III |
- The residential property located at 1909 Bitter Creek Drive was represented by Walter A. Dart, III, who is a brother of the deceased owner and is the current resident. The property is currently in probate. Mr. Dart is working towards obtaining ownership of the property.

Staff recommended complete demolition of the structure within 45 days from the date the order is mailed to the owner of record. If not completed after 45 days, the City is authorized to proceed with the demolition, assess all expenses incurred, and file a lien with the Travis County Deed records for those expenses.

Acting Chair Jessica Mangrum admitted Exhibit 1, Exhibit 2A through 2O and the recommended order.

Mr. Dart hopes to move forward with the probate, demolish the structure, clean up the property and place a new mobile home on the property to live in. Discussion ensued regarding expediting the demolition permit.

APD Detective Kellie LaHood appeared and spoke about the history of nuisance abatement and criminal activity at the property.

Commission Member Brian Talley made a motion to adopt the recommended order, seconded by Commission Member Andrea Freiburger. The motion carried on a 9-0 vote.

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|-----------------------|-----------------------|--------------------|
| 6. 2017-053396 | 2205 Teri Road | J.C. Jaimes |
- The residential property located at 2205 Teri Road was represented by the owner. The condition of the vacant, single family residence is considered substandard and dangerous. Staff recommended complete demolition within 45 days, and if not complete within that timeframe, the City is authorized to complete the demolition and file a lien for any expenses incurred with the City.

BSC Vice-Chair Jessica Mangrum admitted Exhibit 1 and Exhibit 2A through 2I and the recommended order. Commission Member Talley made a motion to adopt the recommended order that was seconded by Commission Member Natalya Shedden. The vote carried 9-0.

Returning Case(s)

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|-----------------------|--------------------------|---|
| 7. 2014-084269 | 1512 Wheless Lane | DeLoach Property Interests, Inc. |
- The commercial fire-damaged, property located at 1512 Wheless Lane is a 2- story apartment complex. The property was represented by owner Mark DeLoach. Neighborhood Housing and Community Development Program Manager, David Potter, also testified regarding the status of potential funding.

Following a December 10, 2014 BSC order, this case returned to the Commission in January 2017 for non-compliance with 2 parts of the 4-part order. The case came back in February 2017 to allow for input from David Potter with Neighborhood Housing. The case was continued until the May 2017 meeting to allow the owner to meet with potential lenders and show proof of progress. At the February meeting, Acting BSC Coordinator Edgar Hinojosa added that the standing order requiring a compliance plan and engineers report were still pending and fines were continuing to accrue.

Staff recommended that the Commission issue a new order to demolish a portion of the property. Chair Cloutman admitted Exhibits 1 and 2A through 2Q. On a 9-0 vote, a motion was made by Commission Member Freiburger, and seconded by Commission Member Talley, along with accepted friendly amendments made by Commission Member Wordy Thompson and Commission Member Melissa Orren, to include the following: a civil penalty of \$236,000 that superseded the penalty from the prior order; an engineer's report; a compliance plan; repairs and/ or demolition of specific units in various portions affected building in accordance with recommendations per the engineer's report; and if not completed within the allotted timeframe, the Code Official is authorized to demolish units located in the mid-section of the affected building and to recover expenses incurred to demolish the structure and/or relocate any occupants, and to file a lien for those expenses.

Update Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
8. 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.

Code Officer Hilda Martinez provided updates on behalf of the City. She stated that there are active permits on the property for all 18 buildings. The plumbing permit has also been reactivated. The judge signed the temporary injunction order on April 26, 2017. Staff is to continue to monitor the property and request an inspection of the property in compliance with the district court order and the Commission's order. Staff has met with the new management. The property continues to be in violation.

Mr. Kennedy, brother of the owner's widow, spoke as a consultant, on behalf of the owner. He stated that they are trying to determine how to proceed in making the repairs and are looking at new management.

8. 2017-041351 2407 Mission Hill Drive Brian Bernard

The commercial property located at 2407 Mission Hill Drive is an occupied 4-plex with substandard and dangerous conditions that requires repair. At the April 26, 2017 hearing, the Commission addressed the exterior of the building and Unit 101 and issued an order. Per the order, the owner, Brian Bernard appeared at this hearing to provide a 30 day update on the repairs.

Mr. Bernard placed a tarp on the roof and had a mold survey conducted. He stated that he had been working on obtaining additional funding to complete the repairs on the property. Documents provided by the owner were marked as Owners Exhibits 1 and 2.

The mold report Mr. Bernard provided did indicate there was mold present, but did not specify the type of mold. Commission Member Talley made a statement that a more complete mold survey that included air testing needed to be performed. The Commission Vice-Chair asked that Mr. Bernard return to the Commission upon completion of the repairs.

Appeals

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

DISCUSSION AND POSSIBLE ACTION

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

Commission Member John Green provided an update regarding the working group's progress on the Commission's Annual Internal Report for July 2016 through June 2017. The Annual Internal Report will be posted for action in July to review the report and vote on.

FUTURE AGENDA ITEMS

Other than items previously mentioned to be brought back to the Commission, there were no additional future agenda items added to the agenda.

ADJOURNMENT

Commission Member Andrea Freiburger made a motion to extend the meeting to 10:10 p.m., seconded by Commission Member Brian Talley. The vote carried 7-2.

Commission Member Wordy Thompson moved to adjourn the meeting, seconded by Commission Member Melissa Orren. The vote passed 9-0. Vice-Chair Jessica Mangrum adjourned the Commission Meeting at 10:10 p.m.