



BUILDING AND STANDARDS COMMISSION MINUTES

REGULAR MEETING
Date: August 23, 2017

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, August 23, 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; Commissioners Wordy Thompson, Andrea Freiberger, Melissa Orren, Brian Talley, Ashley Jackson, Pablo Avila, and John Green. Commissioners Michael King and Natalya Shedden were absent.

Staff in Attendance:

Melanie Alley, BSC Coordinator; Patricia Link, Assistant City Attorney; Marcus Elliott, Division Manager (DM); Edgar Hinojosa, Assistant Division Manager (ADM); Robert Alvarado, ADM; Merlinda Coleman, Program Specialist; Irma Ybarra, Code Officer; Justin Brummer, Code Officer; Hilda Martinez, Code Officer; Marlayna Wright, Code Officer; Jay Johns, Code Officer; and Isis Lopez, PIO Specialist Senior.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:38 p.m.

CITIZEN COMMUNICATION:

General:

1. Will Kemp with Reconstruction Experts addressed the Commission on behalf of 4801 S. Congress/ Bel Air Condominium Association. Mr. Kemp asked that this property be placed on next month's agenda in order to request a modification of the BSC order on the property, i.e., to temporarily suspend the accrual of penalties for a period of 14 months. This request was discussed by the Commission at the end of the meeting and the request was denied.
2. Ben Joyce of Roscoe Properties, the third-party manager of 2310 Wickersham aka Verde Apartments. Fourteen orders were issued on the property on December 12, 2014. Mr. Joyce reported that all cases are now in compliance. He requested that the property be placed back on the September 27, 2017 agenda in order to ask for forgiveness of penalties accrued. The Commission subsequently decided to include this case on the September 25, 2017 agenda.

APPROVAL OF MINUTES

4. The minutes from the July 26, 2017 meeting were accepted per a motion brought by Vice Chair Mangrum, seconded by Commissioner Freiberger. The motion passed on an 8-1 vote. Commissioner Talley abstained as he was not present at the previous meeting.

PUBLIC HEARINGS

Case(s):

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|--------------------|-----------------------|-----------------------|
| 5. 2017-096011 | 722 Gunter Street | 722 Gunter Street LLC |
- 722 Gunter Street was represented by Pamela Madere, Property Manager for the subject property. A neighbor, Max Elliott, also spoke regarding conditions at the property. Staff recommended repair of the structure within 60 days from the date the order is mailed to the owner of record; and if not in compliance on the 61st day, the Code Official would be authorized to proceed with demolition of the structure.

Chair Cloutman admitted Exhibit 1, and Exhibit 2A through 2I. Commissioner Talley made a motion to a Staff's recommended order, which was seconded by Vice Chair Mangrum. Mr. Talley amended his motion to adopt the recommended order with one change, i.e., for the owners to repair or demolish within 60 days. The amended motion was seconded by Vice Chair Mangrum and the motion passed on a 9-0 vote.

6. 2017-041351	2407 Mission Hill Drive (Exterior; Units 103 and 104)	Brian Bernard
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Owner, Brian Bernard and Contractor, David Hill represented the property. Andrew Jones with Austin Tenants Council also spoke regarding the conditions of the property on behalf of two of the tenants. Staff recommended repairs of the exterior within 60 days; and repair of Units 103 and 104 within 30 days, all from the date the Order is mailed to the owner of record, and after 30 days, a penalty of \$1,000 would begin to accrue if compliance is not achieved within 60 days, and would continue to accrue until all repairs are complete and compliance is achieved.

Chair Cloutman admitted Exhibit 1, and Exhibit 2A through 2S. Commissioner Talley moved to accept Austin Code’s recommended order, which was seconded by Commissioner Green. The motion passed unanimously on a 9-0 vote.

7. 2017-052568, et al.	7418 Cameron Road / Meadow Glen Apartments (Exterior; Units 101, 106, 108, 109, 205, 206 and 208)	Rites of Passage Development Corporation
2017-052568	7418 Cameron Road – Exterior	
2017-096369	7418 Cameron Road – Unit 101	
2017-095490	7418 Cameron Road – Unit 106	
2017-096300	7418 Cameron Road – Unit 108	
2017-096303	7418 Cameron Road – Unit 109	
2017-050656	7418 Cameron Road – Unit 205	
2017-096306	7418 Cameron Road – Unit 206	
2017-096307	7418 Cameron Road – Unit 208	

The property was represented by Chris Lance, the property manager and Richard Lands, maintenance manager for the Meadow Glen Apartments. For each of the above referenced cases, Staff recommended repair of the structure within 60 days from the date the order is mailed to the owner of record; and, if not completed after 60 days, the Commission would assess a civil penalty of \$1000 per week that would continue to accrue until all repairs required by this order are complete.

Chair Cloutman admitted Exhibit 1, and photos marked as Exhibits 2 through 6. Commissioner Talley moved to adopt Code’s recommended order with one change, i.e., to extend the compliance period for Case No. 2017-052868 (7418 Cameron Road – Exterior) from 60 to 90 days, which was seconded by Commissioners Avila and Orren. The motion passed on a 9-0 vote.

Returning Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
8. 2015-098024	2101 Lemon Drive, Unit A	Veritas Financial LLC
2015-098035	2101 Lemon Drive, Unit B	Veritas Financial LLC

The property was represented by Patrick M. Mullins. Mr. Mullins appeared before the Commission to request forgiveness of the penalties accrued on the property per BSC orders issued on August 25, 2015 and January 25, 2017, stating that the violations had been cleared. Code Officer Alicia Tovar was present to answer any questions. Staff recommended that the penalties per the prior orders remain in place.

Chair Cloutman admitted Staff’s Exhibits 1 and Exhibit 2A-2I. Commission Member Talley made a motion that pending approval of the receipts by the Austin Code Department, the total fines accrued from both orders could be offset by receipts to be provided to Assistant Division Manager Edgar Hinojosa. The motion was seconded by Commission Member Melissa Orren. The vote carried on a 7-2 vote, with dissenting votes by Commissioner Thompson and Vice Chair Mangrum.

Appeals

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
9. 2013-002400	605 W. Elizabeth Street	Elisa Jazan

The owner did not appear at the hearing and this case was not heard. Chair Cloutman asked that this case be placed on the agenda for the September 27, 2017 meeting.

10. 2014-132885	1005 Catalpa Street	Glenda Thorn
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Commissioner Talley moved to reverse the Department’s decision to deny the short term rental license, seconded by Vice Chair Mangrum. The motion passed unanimously on a vote of 9-0.

11. 2015-080226	1706 Maple Drive	Gwen Berger
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Vice Chair Mangrum moved to reverse the Department’s decision to deny the short term rental license, seconded by Commissioner Talley. The motion passed unanimously on a vote of 9-0.

Update Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
12. 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

David Kennedy, brother of the owner's widow, appeared to provide updates as the property representative. He spoke about the current status of repairs as well as next steps. Further, Mr. Kennedy requested that the Commission add this property to the agenda for the September meeting for possible action, hoping to close this matter.

Code Officer Hilda Martinez provided updates on behalf of the City regarding the current at the property. Officer Martinez reported that repairs on the property are ongoing, and that permits are being finalized.

Victoria Jara, a tenant organizer representing Basta, and Frischmuth, a tenant representing the Cross Creek Association Planning Group, both spoke to the Commission regarding the conditions at the property and the repairs being made.

At the end of the meeting, Mr. Kennedy's request to be placed back on the agenda was discussed and was denied by the Commission.

13. 2016-066235 3500 Greystone Drive/ Juniper Springs Apartments / Palgol, LLC

Rich Trepanier of Gage Multifamily Services appeared on behalf of the owners to provide updates to the Commission on the subject property. Code Officer Marlayna Wright was also present to answer any questions on behalf of the Code Department.

A BSC order was issued on December 14, 2016 and penalties are currently accruing. Code Officer Wright reported that all permits have been obtained and communication with the contractor is ongoing. Mr. Trepanier added that work is in progress and that the anticipated completion date is early January 2018.

DISCUSSION AND POSSIBLE ACTION

14. Proposed venues, topics and dates for a Commission retreat.

The Commission decided hold a Commission retreat on October 3, 2017 from 11:00 am to 3:00 pm at the Austin Code Rutherford Lane Campus, located at 1520 Rutherford Lane pending availability on that date.

FUTURE AGENDA ITEMS

15. Topics for the October 3, 2017 Special Called Meeting/ Commission Retreat

16. 2314 Wickersham Lane/ Verde Apartments to be placed on the agenda for September

ADJOURNMENT

Vice Chair Mangrum moved to adjourn the meeting, seconded by Commissioner Jackson The vote passed 9-0. Chair Cloutman adjourned the Commission Meeting at 9:48 p.m.