



## **BUILDING AND STANDARDS COMMISSION MINUTES**

REGULAR MEETING  
Date: September 27, 2017

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, September 27, 2017 at City Hall, Boards and Commission Room, Room 1101, 301 West 2<sup>nd</sup> Street, Austin, Texas.

### **Commission Members in Attendance:**

Charles Cloutman, Chair; Jessica Mangrum, Vice-Chair; Commissioners Wordy Thompson, Andrea Freiberger, Melissa Orren, Pablo Avila, Michael King and Natalya Shedden; Commissioners Brian Talley, Ashley Jackson and John Green 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 Moore, ADM; Jim Richerson, Code Inspector; Justin Brummer, Code Inspector; Hilda Martinez, Code Inspector; Marlayna Wright Code Inspector; Khary Dumas Code Inspector; Merlinda Coleman, Legal Program Specialist; Jose Rois, Building Official; and Rob Vines, Austin Fire Department (AFD); and David Potter, Neighborhood Housing and Community Development.

### **CALL TO ORDER**

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

### **CITIZEN COMMUNICATION:**

#### **General:**

1. Attorney Sean Bukowski addressed the Commission regarding the Solaris/ Canyon Oaks Apartments, located at 1601 Royal Crest Drive. Mr. Bukowski asked that this property be placed on next month's agenda, stating that the property is now in compliance, and would like to come before the Commission to ask for forgiveness of penalties accrued.

### **APPROVAL OF MINUTES**

2. The minutes from the August 23, 2017 meeting were accepted per a motion brought by Vice Chair Mangrum, seconded by Commissioner Orren. The motion passed on a 7-0 vote. Commissioner Shedden was absent.

### **PUBLIC HEARINGS**

#### **Case(s):**

- | <u>Case Number</u> | <u>Street Address</u>        | <u>Owner</u>                                 |
|--------------------|------------------------------|--|
| 3. 2017-111459     | 5803 Sweeney Circle – Unit D | Community Partnership for the Homeless, Inc. |

The property was represented by Christa Nolan, Executive Director for Green Doors. David Potter from Neighborhood Housing and Community Development also spoke on behalf of Ms. Nolan regarding the subject property. Staff recommended repairs within 45 days from the date the order was mailed; an engineer's report for Unit D to confirm the safety and integrity of the structure; and if non-compliant after 45 days, a civil penalty of \$1000 per week would begin to accrue and continue until all repairs required by the order were complete.

Chair Cloutman recused himself from this matter. Vice Chair Mangrum admitted Exhibit 1, and Exhibits 2A through 2J. Commissioner Orren made a motion to adopt Staff's recommended order with one amendment, i.e., to change time for repair from 56 days to 180 days with an update to the Commission after 90 days. The motion was seconded by Commissioner Avila, and the motion passed on a 7-0 vote.

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>4. 2017-111531, et al.</b>	<b>1845 Burton Drive, Lafayette Landing Apartments, Buildings 3, 5, 9, 10, 11, 12 &amp; 13</b>	<b>HVC Lafayette, Inc.</b>
2017-111531	1845 Burton Drive, Building 3	HVC Lafayette, Inc.
2017-111545	1845 Burton Drive, Building 5	HVC Lafayette, Inc.
2017-111570	1845 Burton Drive, Building 9	HVC Lafayette, Inc.
2017-111577	1845 Burton Drive, Building 10	HVC Lafayette, Inc.
2017-111580	1845 Burton Drive, Building 11	HVC Lafayette, Inc.
2017-111584	1845 Burton Drive, Building 12	HVC Lafayette, Inc.
2017-111592	1845 Burton Drive, Building 13	HVC Lafayette, Inc.

Property Manager, Marcelo “Andy” Ysaguirre, represented the subject property. Staff recommended: 1) repairs in each subject case within 45 days from the date the order was mailed; an engineer’s report for Buildings 3, 12 and 13; and 3) in each of the referenced cases, after the 45th day, penalty of \$1000 per week would begin to accrue and would continue until the required repairs were complete.

Vice Chair Mangrum admitted Exhibit 1 and Exhibits 2 through 9. Commissioner Cloutman made a motion for each case to accept staff’s findings of fact and conclusions of law and adopt the proposed orders. Commissioner Thompson seconded the motion, which carried unanimously on an 8-0 vote.

**5. 2017-111451                      3138 Manor Road                      Kennan Properties, LLC**

Property owner, Mary McMann represented the above-referenced multi-family property. Staff recommended repairs within 30 days from the date the Order is mailed to the owner of record, and after 30 days if not in compliance, a penalty of \$1,000 per week would begin to accrue and, would continue until all repairs required by the order were complete.

Chair Cloutman admitted Exhibit 1, and Exhibits 2A-2L. Commissioner Thompson made a motion to adopt the proposed findings of fact, conclusions of law and adopt staff’s recommended order, which was seconded by Commissioner King. An amendment to the motion was brought by Commissioner Shedden proposed a friendly amendment the order to change the penalty from \$1000 to \$2000 per week. Commissioner Thompson accepted the motion as amended as did the second. The vote carried on a 6-2 vote, with the dissenting votes made by Commissioners Avila and Freiburger.

**6. 2017-111475                      2215 E. Anderson Lane                      Ghassan A. Karim, LLC**

The subject property was represented by Donald Chargois, property agent for the owner. Attorney Natalie Scott also spoke on behalf of the LLC.

Staff recommended: 1) that the owner/ owner’s representative complete repairs related to the following within 30 days from the date the order is mailed: a) fire protection system, including a 24-hour fire watch within 1 day; b) plumbing system; c) electrical system and d) handrail and guardrails. 2) If the 24-hour fire watch is not restored within 1 day, the owner/owner’s representative to relocate occupants, vacate and secure structure until repairs are complete and a new certificate of occupancy is issued. 3) If the fire watch is not reinstated and the occupants are not located within 10 days, the code official is authorized to relocate all occupants; secure the structure and assess any related expenses incurred by the City; and, file a lien in the deeds records for expenses incurred. 4) If the fire watch is reinstated and maintained but the repairs are not completed within 30 days from the date the Order is mailed, within 45 days from the date the order is mailed, all occupants are to be relocated at the property owner’s expense; the owner shall not accept any new occupants: the structure is to be vacated and secured; and, after all occupants are relocated, then the structure must remain vacated until all repairs are completed and a new certificate of occupancy has been issued. 5) If all of the repairs are not completed and tenants have not been relocated within 45 days from the date the Order is mailed, authorize the Code Official to relocate all occupants; secure the structure; assess any related expenses against the property and property owner; and, file a lien in the deed records for the expenses incurred.

Chair Cloutman admitted Exhibit 1, and photos marked 2A through 2P. The Commission heard testimony, closed the public hearing and on a motion made by Commissioner Freiburger, seconded by Commissioner Orren, the Commission went into an executive session. The vote carried 7-1 with Chair Cloutman voicing the dissenting vote. The Commission returned and upon a motion made by Commissioner Freiburger, seconded by Commissioners Orren King and Avila, a vote to adopt staff’s proposed finding of fact, conclusions of law and adopt the recommended order carried 8-0 in favor of the motion.

## Appeals

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
7. 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 October 25, 2017 meeting.

## 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

No one appeared at the hearing to represent the property. ADM Robert Moore provided an update on behalf of the City. ADM Robert Moore reported that the property is still in district court litigation.

## DISCUSSION AND POSSIBLE ACTION

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

The Commission discussed the retreat and decided on the following topics for discussion:

## FUTURE AGENDA ITEMS

### 15. Discuss possible changes to the BSC Rules and Regulations at the October 4, 2017 Special Called Meeting/ Retreat that could be voted on at the next regular meeting on October 25, 2017.

### 16. 1601 Royal Crest Drive, Solaris/Canyon Oaks Apartments to next month's agenda for consideration of penalties.

## ADJOURNMENT

Commissioner Avila moved to adjourn the meeting, seconded by Vice Chair Mangrum. The vote passed 9-0. Chair Cloutman adjourned the Commission Meeting at 9:07 p.m.