



## **BUILDING AND STANDARDS COMMISSION MINUTES**

REGULAR MEETING  
Date: October 25, 2017

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, October 25, 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, Brian Talley, Michael King and Natalya Shedden. Commissioners Pablo Avila and John Green were absent.

### **Staff in Attendance:**

Melanie Alley, Code Review Analyst/ BSC Coordinator; Patricia Link, Assistant City Attorney; Marcus Elliott, Division Manager (DM); Elaine Garrett, DM; Robert Moore, Assistant Division Manager (ADM); Michele Stark, Code Inspector; Farah Presley, Code Inspector; Alicia Tovar, Code Inspector; Robert Ortiz, Code Inspector and Merlinda Coleman, Program Specialist.

### **CALL TO ORDER**

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

### **CITIZEN COMMUNICATION:**

#### **General:**

1. There were no speakers who signed up for Citizen Communication.

### **APPROVAL OF MINUTES**

2. The minutes from the September 27, 2017 meeting were accepted per a motion brought by Vice Chair Mangrum, seconded by Commissioner Orren. The motion passed unanimously on an 8-0.

### **PUBLIC HEARINGS**

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

- | <u>Case Number</u>  | <u>Street Address</u>      | <u>Owner</u>      |
|---|----------------------------|-------------------|
| 3. 2017-127902  | 808 Turtle Creek Boulevard | Delia A. Martinez |
| The property located at 808 Turtle Creek Boulevard is an occupied, homesteaded, residential structure with substandard conditions that requires repair. Prior to the hearing, a proposed agreed order was entered into with the homeowner. The owner was not present for the hearing. |                            |                   |

The proposed agreed order stipulated that owner would correct the cited violations by completing all repairs to the structure within 45 days from the date the order is mailed, and on the 46th day, if not in compliance, the City would be ordered to assess a civil penalty of \$70 per week, and would continue to accrue until compliance was met.

Chair Cloutman admitted Exhibits 1 and 2A through 2F. Vice Chair Mangrum made a motion to adopt Staff's findings of fact, conclusions of law and the proposed agreed order, which was seconded by Commissioner King. The motion carried on a vote of 8-0.

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u>                                  |
|--------------------|-----------------------|---|
| 4. 2017-129687     | 4807 Creekwood Road   | Ruby Laura Houston and<br>Carolyn Ann Houston |

The residential property, referenced above, was represented at the hearing by owner Ruby Laura Houston. Staff recommended repairs within 30 days from the date the order is mailed to the owner of record, and after 30 days, a penalty of \$250 would begin to accrue if not in compliance with the order, and would continue to accrue until all repairs are complete.

Chair Cloutman admitted Staff exhibits 1 and 2A through 2J. Commissioner Talley made a motion to adopt Code's findings of fact, conclusions of law and the proposed order. The motion was seconded by Commissioner Orren. The vote carried unanimously on a vote of 8-0.

**Returning Case(s):**

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>5. 2016-027094</b>	<b>6218 Big Horn Circle</b>	<b>Frank John Bauer</b>

The property located at 6218 Big Horn Circle, is unoccupied and was not represented at the hearing. Code Inspector Farah Presley presented testimony on behalf of the City. A neighbor, Jeffrey Bowman, appeared before the Commission to speak about his interest in purchasing the property and was seeking to contact the owner.

Staff recommended the following: 1) penalties accrued per the previous order for this property (TRV 2106062042) in the amount of \$42,000 cease accruing as of October 25, 2017; 2) owner to demolish the structure within 45 days from the date the order is mailed; 3) after 45 days, if not in compliance, the Code Official is authorized to proceed with demolition and the City may file a lien with the Travis County Deed Records for any expenses incurred consistent with this order.

Chair Cloutman admitted Exhibit 1, and Exhibits 2A through 2P for this property. Commissioner Shedden made a motion to adopt Staff's recommended order with one amendment – to change the timeframe for demolition from 45 to 30 days, and penalties would begin to accrue on the 31<sup>st</sup> day if not in compliance. The vote carried 8-0 in favor of the motion.

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>6. 2014-050374</b>	<b>2310 Wickersham Lane aka 2306 Wickersham Lane, Building 20</b>	<b>2310 Wickersham LLC</b>
<b>2014-050725</b>	<b>2310 Wickersham Lane aka 2306 Wickersham Lane, Building 20 – Retaining Wall</b>	<b>2310 Wickersham LLC</b>
<b>2014-109442</b>	<b>2314 Wickersham Lane aka 2306 Wickersham Lane, Building 1, Unit 109</b>	<b>2310 Wickersham LLC</b>
<b>2014-109458</b>	<b>2314 Wickersham Lane aka 2306 Wickersham Lane, Building 2, Unit 205</b>	<b>2310 Wickersham LLC</b>
<b>2014-109463</b>	<b>2314 Wickersham Lane, Buildings 3</b>	<b>2310 Wickersham LLC</b>
<b>2014-109466</b>	<b>2314 Wickersham Lane, Buildings 4</b>	<b>2310 Wickersham LLC</b>
<b>2014-109471</b>	<b>2314 Wickersham Lane, Buildings 6</b>	<b>2310 Wickersham LLC</b>
<b>2014-109473</b>	<b>2314 Wickersham Lane, Buildings 7</b>	<b>2310 Wickersham LLC</b>
<b>2014-109475</b>	<b>2314 Wickersham Lane, Buildings 8</b>	<b>2310 Wickersham LLC</b>
<b>2014-109477</b>	<b>2314 Wickersham Lane, Buildings 9</b>	<b>2310 Wickersham LLC</b>
<b>2014-109478</b>	<b>2314 Wickersham Lane, Buildings 10</b>	<b>2310 Wickersham LLC</b>
<b>2014-109480</b>	<b>2314 Wickersham Lane, Buildings 11</b>	<b>2310 Wickersham LLC</b>
<b>2014-109482</b>	<b>2314 Wickersham Lane, Buildings 12</b>	<b>2310 Wickersham LLC</b>
<b>2014-109430</b>	<b>2314 Wickersham Lane, Buildings 14</b>	<b>2310 Wickersham LLC</b>

The subject property located on Wickersham Lane was represented by attorney Michael Wellan and Jason Berkowitz, who appeared on behalf of the owner. BSC orders were issued in each of the above-referenced matters in December 2014. The property was subsequently sold to the current owners, 2310 Wickersham LLC, who appeared before the Commission to ask for their consideration of reduction or forgiveness of the penalties owed. Staff had no exhibits to present.

Chair Cloutman admitted Property Owner's Exhibits 1 and 2 into evidence. Commissioner Shedden made a motion to forgive all penalties, which was seconded by Commissioner Freiburger. Commissioner Thompson recused himself and was off dais during the vote. The Commission voted 7-0 to forgive all penalties accrued.

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>7. 2013-012712</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Building A-1</b>	<b>Canyon Oaks LP</b>
<b>2013-012723</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Building A-2</b>	<b>Canyon Oaks LP</b>
<b>2013-012804</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Building A-5</b>	<b>Canyon Oaks LP</b>
<b>2013-012808</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Building A-6</b>	<b>Canyon Oaks LP</b>

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>2016-068424</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Building B-5</b>	<b>Canyon Oaks LP</b>
<b>2016-068428</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Building B-6</b>	<b>Canyon Oaks LP</b>
<b>2016-042686</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Unit 2143</b>	<b>Canyon Oaks LP</b>
<b>2016-042658</b>	<b>1601 Royal Crest Drive/ Canyon Oaks Apartments, Unit 2144</b>	<b>Canyon Oaks LP</b>

Ben Joyce and attorney Sean Bukowski represented the property located at 1601 Royal Crest Drive a/k/a Canyon Oaks Apartments. This property was on the agenda at the request of the owners to ask for a reduction or forgiveness of penalties and therefore, Staff had no exhibits to present at the hearing.

BSC orders were previously issued for CL 2013-102712 (Building A-1); CL 2013-012723 Building A-2), CL 2013-012804 Building A-5) and CL 2013012808 (Building A-6) on February 27, 2013. The penalties for these four building were paid in full just prior to the October 25, 2017 hearing. Penalties remained for the orders issued on June 22, 2016 regarding CL 2016-068424 (Building B-5); CL 2016-068428 (Building B-6); CL 2016-042686 (Unit 2143) and CL 2016-042658 (Unit 2144)

Chair Cloutman admitted Property Owner's Exhibits 1 and 2. Commissioner Shedden made a motion to forgive all outstanding penalties, which was seconded by Commissioner Thompson. Commissioner Freiberger recused herself from voting. The voted carried on a vote of 7-0.

#### **Appeals**

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
<b>8. 2013-002400</b>	<b>605 W. Elizabeth Street</b>	<b>Elisa Jazan and Derek O'Hagan</b>

Attorney Lester Ducote appeared, acting as the agent for owner Eliza Jazan in her appeal for renewal of the Type 1 Short Term Rental license for the above-referenced property. Staff recommended that the Commission deny the appeal.

Chair Cloutman admitted Staff's exhibits 1 and 2, and Property Owner's Exhibit 1. Commissioner Shedden moved to grant the appeal, which was seconded by Commissioner Talley. The motion carried on a vote of 8-0.

<b>9. 2017-111052</b>	<b>3009 E. Martin Luther King Jr. Boulevard</b>	<b>Annie Hodge</b>
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The owner requested that this case be moved to the December hearing and the appeal was not heard.

#### **DISCUSSION AND POSSIBLE ACTION**

##### **10. Amendments to the Building and Standards Commission Rules and Regulations**

The Commission reviewed and discussed proposed changes to the BSC Rules and Regulations however, no action was taken.

#### **FUTURE AGENDA ITEMS**

##### **11. Amendments to the Building and Standards Commission Rules and Regulations**

##### **12. Staff briefing regarding status of unresolved, non-compliant cases with existing BSC orders**

**Presenter: Marcus Elliott**

#### **ADJOURNMENT**

Chair Cloutman adjourned the Commission Meeting at 9:13 p.m.