



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: January 24, 2018

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, January 24, 2018 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 Freiburger, Melissa Orren, and Natalya Sheddin. Commissioners Brian Talley, Michael King, Pablo Avila and John Green were absent.

Staff in Attendance:

Melanie Alley, Code Review Analyst/ BSC Coordinator; Brandon Carr, Assistant City Attorney; Marcus Elliott, Division Manager Robert Moore, Division Manager; Michael Reeves, Code Supervisor; Moses Rodriguez, Interim Code Supervisor; Justin Brummer, Code Inspector; John Hale, Code Investigator; Khary Dumas, Code Inspector; Jason Ortiz, Code Inspector; Marlayna Wright, Code Inspector; Merlinda Coleman, Program Specialist; Thayer Smith, Division Chief, Austin Fire Department (AFD) and Carolina Martin, Spanish Interpreter.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:34 p.m.

CITIZEN COMMUNICATION:

General:

1. Attorney Jason Nassour addressed the Commission on behalf of the owners of 1127 W. 6th Street. He requested that this property, which has previously come before the Commission, be placed on the agenda in February regarding forgiveness of penalties accrued, as the result of a legal action.

APPROVAL OF MINUTES

2. The minutes from the December 13, 2017 meeting were accepted, per a motion brought by Commissioner Freiburger, and seconded by Vice Chair Mangrum. The motion carried unanimously on a 6-0 vote.

PUBLIC HEARINGS

New Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner(s)</u>
3. 2018-002332	2606 Wheless Lane, Bldg. 8 Velo Flats Apartments	2606 Wheless Lane, LLC

The commercial property, referenced above, is a multi-family property with a substandard conditions. The property was represented by Tommy Haywood.

Staff recommended repair within 45 days from the date the order is mailed to the owner of record, and on the 46th day from the date the order is mailed, if compliance is not met, a penalty of \$1000 per week will begin to accrue.

Chair Cloutman admitted Staff exhibits 1 and 2A through 2I. Vice Chair Mangrum 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 motion carried unanimously on a vote of 6-0.

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
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| 4. 2018-002345 | 6000 FM Road 969 | Morning Star Projects LLC |
| The property located at 6000 FM Road 969, which is the unoccupied shell of a commercial strip center, was represented by owners Barbara Le and her father Truns Le. | | |

Staff recommended repair of the loose roof panels within 45 days from the date the order is mailed to the owner of record, and on the 46th day, a penalty of \$1,000 per week will begin to accrue, and will continue to accrue until the property is in compliance with the order.

Chair Cloutman admitted Staff exhibits 1 and 2A through 2G. After some deliberation, Commissioner Shedden made a motion to continue the case until the February 2018 BSC and encouraged the owners to remove any loose roofing material. The motion was seconded by Commissioner Freiburger and the motion carried unanimously on a 6-0 vote.

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| 5. 2018-002629 | 2940 Moss Street | Oscar Gonzalez |
| The property located at 2940 Moss Street was represented by the owner, Oscar Gonzalez. | | |

Staff recommended repairs to the residential structure within 45 days from the date the order is mailed to the owner of record, and on the 46th day, a penalty of \$70 per week will begin to accrue, and will continue to accrue until the property is in compliance with the order.

Chair Cloutman admitted Staff exhibits 1 and 2A through 2K. Vice Chair Mangrum made a motion to adopt Code's findings of fact, conclusions of law, and the proposed order. The motion, seconded by Commissioner Freiburger, carried unanimously on a 6-0 vote.

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| 6. 2018-002635 | 2816 Garwood Street | Eufemia Kengle |
| The commercial property, referenced above, is a multi-family property with substandard and dangerous conditions. The property was represented by the homeowner, Eufemia Kengle and her brother-in-law, John Kengle. | | |

Staff recommended demolition of the residential structure, including any accessory structures, within 45 days from the date the order is mailed to the owner of record. After 45 days the Code Official is authorized to proceed with the demolition and file a lien for all incurred costs with the Travis County Deed Records.

Chair Cloutman admitted Exhibits 1 and 2A through 2L. Commissioner Freiburger made a motion to adopt Staff's findings of fact, conclusions of law, and proposed order, which was seconded by Commissioner Orren. The motion carried unanimously on a 6-0 vote.

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| 7. 2018-002384 | 11586 Jollyville Road | Yvonne W. Streety &
The Estate of Henry Mack Streety, Jr., Dec. |
| The unoccupied residential structure, located at 11586 Jollyville Road, was represented by Tom Streety, son of Yvonne W. Streety and heir of the Estate of Henry Mack Streety, Jr., deceased. | | |

Staff recommended demolition of the residential structure, including all accessory structures, within 45 days from the date the order is mailed to the owner of record. After 45 days the Code Official is authorized to proceed with the demolition and file a lien for all incurred costs with the Travis County Deed Records.

Chair Cloutman admitted Staff exhibits 1 and 2A through 2M. Commissioner Orren made a motion to adopt Code's findings of fact, conclusions of law and, the proposed order. The motion was seconded by Commissioner Sheddan. The motion carried unanimously on a 6-0 vote.

Returning Case(s):

- | <u>Case Number</u> | <u>Street Address</u> | <u>Owner</u> |
|--|---------------------------|------------------|
| 8. 2015-015489 | 6905 Carwill Drive | STACM LLC |
| The property located at 6905 Carwill Drive was represented by the buyer and tenant, Gerardo Sanchez; and one of the owners of the property, Chris Bertucci. At the request of Mr. Sanchez, this case was placed on the agenda to ask for forgiveness of penalties. | | |

Mr. Sanchez reported that he currently resides on the property and has been working towards purchasing the property for several years. Upon agreement with Chris Bertucci's now deceased father, Mr. Sanchez stated that he hired an architect and

engineer, prepared site plans, obtained and finalized all permits and completed all of the repairs to the house as required by previously issued BSC orders issued in 2004 and 2015. The property was brought into compliance and the penalties stopped accruing in January 2017.

Division Manager Marcus Elliott advised that the owner had been working with the Austin Code Department to offset the penalties; however, this had not been finalized at the time of this meeting. DM Elliott presented the photos and other required documentation provided by Mr. Sanchez to the Commission for review; and marked them as Staff Exhibits 1-6.

Chair Cloutman admitted Staff Exhibits 1-6 and requested that the existing penalties, per the above-referenced BSC orders, be waived. A motion was made by Commissioner Sheddan, and seconded by Commissioner Freiburger, to waive all current BSC penalties owed for the property. The motion carried unanimously on a 6-0 vote.

Appeal Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
9. 2013-080579	2601 Del Curto Road, Unit 104	Stephanie G. Ball

The appeal was withdrawn by the owner/appellant and was not heard.

10. 2013-059578	1315 W. Anderson Lane	Cheslynn Browning
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The Short-Term Rental appeals regarding 1315 W. Anderson was represented by owner/appellant Cheslynn Browning. Ms. Browning's appeal for reinstatement of her Type 2 Short Term Rental license was granted.

11. 2014-050203	2325 Newfield Lane, Building A	Christina Pesoli
12. 2014-030355	2325 Newfield Lane, Unit 2	Christina Pesoli

The Short-Term Rental appeals regarding 2325 Newfield Lane, Building A and Unit 2, were represented by owner/ appellant Christina Pesoli. Both appeals for reinstatement of Ms. Pesoli's Type 2 Short-Term Rental licenses were granted.

Update Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
13. 2017-111459	5803 Sweeney Circle, Unit D	Community Partnership for the Homeless, Inc.

Christa Noland from Community Partnership for the Homeless, Inc., d/b/a Green Doors, appeared before the Commission to provide a 90-day update per the BSC order issued on this property in September 2017. Ms. Noland stated that the property is still awaiting rehab and they have received zero bids from 7 contactors. Additionally, bidding was reopened on January 9 with no bids to date.

The Code Officer assigned to the case, Khary Dumas, was available to answer any questions. Mr. Dumas stated that the Code Department has not received a copy of the Engineer's report as required by the September 27, 2017 order.

The Commission requested that the case return for possible action at the April 25, 2018 meeting.

DISCUSSION AND POSSIBLE ACTION

14. Report regarding status of unresolved, non-compliant cases with existing BSC orders.

Division Manager (DM) Marcus Elliott gave a staff briefing regarding 14 non-compliant cases with existing BSC orders for repair that may be brought back to the Commission for possible demolition at a later hearing. He added that two of these 14 cases may have historical significance.

The Commission discussed and agreed upon April 11, 2018 as a possible date for a Special Called Meeting pending room availability and other accommodations to hear some of these cases.

Chair Cloutman requested that a list of properties with demolition orders that have not been completed be provided to the Commission and that DM Elliott provide a case briefing regarding the orders in February. AFD Chief Thayer Smith also stated that he was working with DM Elliott to prioritize the referenced cases.

FUTURE AGENDA ITEMS

12. Report regarding status of unresolved and non-compliant cases with existing BSC orders for demolition
Presenter: Marcus Elliott

13. 6000 FM Road 969 is to be continued to the February 28, 2018 agenda and be posted for action.

14. 1127 W. 6th Street is to be placed on the February 28, 2018 agenda and be posted for action.

15. 5803 Sweeney Drive to return in April, 2018 and be posted for possible action.

16. Determine availability for Special Called Meeting on April 11, 2018 to hear non-compliant BSC cases.

ADJOURNMENT

Chair Cloutman adjourned the Commission Meeting at 9:03 p.m.