



**BUILDING AND STANDARDS COMMISSION
MINUTES**

REGULAR MEETING
Date: February 28, 2018

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, January 28, 2018 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Charles Cloutman, Chair; Commissioners Wordy Thompson, Andrea Freiburger, Brian Talley, Michael King, Pablo Avila and Natalya Sheddin. Vice-Chair Jessica Mangrum and Commissioners Melissa Orren, John Green and Michael Overton were absent.

Staff in Attendance:

Melanie Alley, Code Review Analyst/ BSC Coordinator; Brandon Carr, Assistant City Attorney; Angela Means, Interim Assistant Director; Robert Moore, Division Manager (DM); Marcus Elliott, Division Manager; Anthony McBryde, Code Supervisor; Justin Brummer, Code Inspector; John Hale, Code Investigator; Irma Ybarra, Code Inspector; Marlayna Wright, Code Inspector; Merlinda Coleman, Program Specialist; Tamara Kurtz, Business Process Consultant; and Thayer Smith, Division Chief, Austin Fire Department (AFD)

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:42 p.m.

CITIZEN COMMUNICATION:

General:

1. AFD Division Chief Thayer Smith provided an update regarding abandoned structures in Austin. Chief Smith reported that since the last meeting there was a fire in an abandoned structure that resulted in a fatality; and he stressed the importance of the work the Commission is doing and encouraged abatement of these structures as soon as possible.

APPROVAL OF MINUTES

2. The minutes from the January 24, 2018 meeting were accepted, per a motion brought by Commissioner Freiburger, and seconded by Commissioner Sheddin. The motion carried on a 6-1 vote. Commissioner Avila abstained from the vote.

PUBLIC HEARINGS

New Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner(s)</u>
3. 2018-015371	6402 Felix Avenue	Golden Lion Trading LLC

The residential property located at 6402 Felix Avenue was represented by property owner/principal, Asad Halai.

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. On the 46th day, if not in compliance, 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 2K. Commissioner Freiburger made a motion to adopt Staff's findings of fact, conclusions of law, and proposed order, which was seconded by Commissioner Avila. The motion carried unanimously on a vote of 7-0.

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
4. 2018-015073	6103 Manor Road, Building 1	NEC Austin 2 Pack LLC
2018-015087	6103 Manor Road, Building 2	NEC Austin 2 Pack LLC
2018-015148	6103 Manor Road, Building 8	NEC Austin 2 Pack LLC

The commercial property, located at 6103 Manor Road, also known as Vanitas Urban Flats, is part of the Repeat Offender Program. The owners and property manager were aware of the hearing and chose not to attend, thus the property was not represented at the hearing. Because the referenced cases are for three buildings on the same property, the cases were presented together.

For each of the three buildings, i.e., Buildings 1, 2 and 8, staff recommended repair to the substandard walkways within 45 days from the date the order is mailed, and on the 46th day, if compliance is not met, a penalty of \$1000 per week will begin to accrue, and will continue to accrue until the code official determines that the repairs required by the respective order is complete.

Chair Cloutman admitted Staff Exhibits 1 and 2A through 2G for Building 1/Case No. 2018-015073; Staff Exhibits 3 and 4A through 4D for Building 2/Case No. 2018-015087; and Staff Exhibits 5 and 6A through 6D for Building 8/Case No. 2018-15148.

Commissioner King made a motion to adopt Code's findings of fact and conclusions of law for all three of the referenced cases; and, to adopt the respective proposed orders in each of those cases. The motion was seconded by Commissioner Freiburger. The motion carried unanimously on a vote of 7-0.

5. 2018-015162 1407 Coleta Street MJC Group LLC

The unoccupied and boarded residential property located at 1407 Coleta Road was represented at the hearing by owner/principal Mark Taylor.

Staff recommended demolition within 45 days from the date the order was mailed with a penalty of \$250 per week that would begin to accrue on the 46th day if compliance was not reached, and would continue until which time the code official determined that the repairs required by the Order were complete.

Chair Cloutman admitted Staff Exhibits 1 and 2A-2L. Following a discussion regarding Mr. Taylor's intentions for the property and status of the permit applications, the Commission voted unanimously (7-0 vote) on a motion made by Commissioner Sheddman, seconded by Commissioner Avila, to keep the public hearing open and continue this case until the April 25, 2018 hearing, at which time the owner will return to the Commission if not making significant progress.

6. 2018-14083 611 West Lynn Street Dr. Bethea and Magdalen Dildy Revocable Trust

The property located at 611 West Lynn Street was represented by the owners' daughter Laura Labay and family friend/former City Council Member Randi Shade.

Staff recommended that the unoccupied, residential structure be repaired within 89 days from the date the order is mailed, and that the structure remain boarded and secure until all repairs are complete. On the 90th day, if compliance is not met, a penalty of \$250 per week would be assessed until all repairs were complete.

The family requested demolition of the property. Chair Cloutman admitted Staff Exhibits 1 and 2A through 2N. Discussion ensued regarding demolition vs. repair of the property and potential historical significance. Chair Cloutman closed the public hearing.

Commissioner Freiburger moved to adopt Staff's findings of fact and conclusions of law and make a substitute motion to demolish the residential structure, including any accessory structures, within 89 days from the date the order was mailed; and, on the 90th day, if not in compliance, the code official would be authorized to proceed with demolition. The motion was seconded by Commissioner Avila.

2A friendly amendment was made to the substitute motion by Commissioner Sheddman to amend the timeframe for demolition from 89 days to 45 days. This friendly amendment was seconded by Commissioner Avila, and was accepted by Commissioner Freiburger. It was also confirmed that the Order was to include the standard demolition language used in other BSC orders. The motion failed on a vote of 1-6.

The Commission returned to the original motion made by Commissioner Freiburger, as referenced above. The motion carried on a 6-1 vote, with the dissenting vote by Commissioner Sheddman.

Returning Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
7. 2017-138486	6916 Cherrydale Drive	Ali N. Fadhli

The fire-damaged and unoccupied residential property located at 6916 Cherrydale Drive was represented by the owner, Ali N. Fadhli. The case was previously heard by the BSC on December 13, 2017, at which time Staff Exhibits 1 and 2A through 2N were admitted, and the Commission voted to keep the public hearing open and have the case return in February.

Staff recommended the owner have the option to repair or demolish the structure within 45 days, and if not in compliance on the 46th day, the code official would be authorized to proceed with demolition and file a lien for all expenses incurred with the Travis County Deed Records office.

Chair Cloutman admitted new staff exhibits marked as Exhibits 3 and 4A through 4E. Commissioner Freiburger made a motion to adopt the proposed findings of fact and conclusions of law, and amend the recommended order by changing the timeframe for compliance from 45 to 89 days; and on the 90th day, the code official would be authorized to proceed with demolition. The amended motion was seconded by Commissioner Thompson. The motion carried on a 7-0 vote.

8. 2016-081138	1127 W. 6 th Street	Adonia LLC
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The property located at 1127 W. 6th Street was represented by previous owner Patrick Laffey and his attorney, Jason Nassour. Mr. Nassour appeared before the Commission at the January 24, 2018 to request that the case be placed on the February agenda so that they might ask for forgiveness of penalties accrued from a BSC order issued in July 2015 when Mr. Laffey still owned the property.

Staff had no exhibits to present at the hearing as it was on the agenda at the request of Mr. Laffey and Mr. Nassour. Mr. Laffey and Attorney Nassour requested that all penalties be forgiven. Property owner's Exhibit 1 was admitted.

Following a discussion regarding the penalties owed and other facts relating to the case, Commissioner Freiburger made a motion to abate the penalties accrued from the second part of the July 2015 order, i.e., within 45 days from the date the Order was mailed, the owner or owner's representative was to correct the cited violations by completing all repairs to the commercial structure, and if all work was not completed with final inspections passed after 45 days, an additional penalty of \$1000 per week would be assessed until compliance was achieved. The motion was seconded by Commissioner Thompson.

A friendly amendment was made by Commissioner Talley to also forgive the penalties accrued in the first part of the Order, thereby abating all penalties. The friendly amendment was seconded by Commissioner Sheddman; and, was accepted by Commissioners Freiburger and Thompson. A vote ensued and carried 6-1, with the dissenting vote by Commissioner Avila.

DISCUSSION AND POSSIBLE ACTION

9. Report regarding the status of unresolved and non-compliant cases with existing BSC orders for demolition.

DM Marcus Elliott briefed the Commission regarding the status of non-compliant existing BSC orders for demolition and provided a list of 10 properties with outstanding demolition orders. Of the 10 listed properties, 3 have active demolition permits; 4 have expired demolition permits that require follow-up with the appropriate contractors; and, the remaining 3 properties either require initiation of the process or continuation of the internal process to complete the demolitions. He

added that any property that has not been demolished has been either boarded and secured, or fenced, so that they are not a nuisance.

AFD Division Chief Smith, Risk Management, added that while he has been coordinating with Austin Code on prioritization of cases that are of concern, none of the referenced properties were on his list.

DM Elliott noted that approximately 800 cases were reviewed in preparation of the report, and that Austin Code would continue to monitor cases to ensure that there are no more outstanding demolition orders once issued by the Commission.

10. Staff update regarding 4801 S. Congress Avenue a/k/a Bel Air Condominiums

Code Investigator John Hale provided an update regarding the status of repairs at 4801 S. Congress Avenue. Investigator Hale stated that a follow-up inspection was performed on January 24, 2018, at which time Austin Code met with the contractors on site. The contractors pulled a permit for repair to a model unit, i.e., Unit D-1. It is expected that the model unit will be completely finished and inspected next week. Once all of the special inspections are passed, the contractors are to continue building by building in 45 day increments. Cases will be closed by Austin Code as they are completed. A rough estimate for full completion of all 18 buildings is 800 days.

11. Continue discussion and possible action regarding a Special Called Meeting on April 11, 2018 to hear non-compliant BSC cases

The Commission discussed the option of holding a Special Called Meeting at City Hall during the afternoon of April 11, 2018 to hear non-compliant BSC repair cases identified by Austin Code's Pre-Legal Division. The Commission agreed to hold a meeting on April 11, 2018 from 3pm to 5pm; and, determined that they would have a tentative quorum.

FUTURE AGENDA ITEMS

- 12. 1407 Coletto Street to return in 60 days if significant progress has not been made to the property.**
- 13. 5803 Sweeney Drive to return at the April 25, 2018 meeting and be posted for possible action.**
- 14. A Special Called Meeting is to be held on Wednesday April 11, 2018 from 3:00 to 5:00 p.m. to hear non-compliant BSC repair cases.**

ADJOURNMENT

Chair Cloutman adjourned the Commission Meeting at 8:55 p.m.