



## **BUILDING AND STANDARDS COMMISSION MINUTES**

REGULAR MEETING  
Date: May 23, 2018

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, May 23, 2018 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; Vice Chair Jessica Mangrum Commissioners: Michael Overton. Wordy Thompson, Andrea Freiburger, Michael King, Brian Talley and John Green. Commissioners Melissa Orren, Pablo Avila and Natalya Sheddman were absent.

### **Staff in Attendance:**

Melanie Alley, Code Review Analyst/ BSC Coordinator; Robert Moore, Division Manager (DM); Marcus Elliott, Division Manager; Franklin Fejarang, Finance Manager; Matthew Noriega, Code Supervisor; Moses Rodriguez, Code Supervisor; Alicia Tovar, Code Investigator; Justin Brummer, Code Inspector; Michelle Stark, Code Inspector; Marlayna Wright, Code Inspector; Merlinda Coleman, Program Specialist; and James Candelas, Program Specialist; Trish Link, Assistant City Attorney; and Thayer Smith, Austin Fire Department.

### **CALL TO ORDER**

Chair Charles Cloutman called the Commission Meeting to order at 6:37 p.m.

### **CITIZEN COMMUNICATION:**

#### **General:**

1. Bill Johnson, an attorney representing the owners of 8229 N. IH 35 a/k/a Budget Lodge, asked that the property be placed on the June agenda as an action item in order to request penalty relief.

### **APPROVAL OF MINUTES**

2. The minutes of the May 23, 2018 meeting were approved on Commissioner Freiburger's motion and Vice Chair Mangrum's second on a 6-0 vote. Commissioners Orren, Avila, Talley, Sheddman and Green were absent.

### **PUBLIC HEARINGS**

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

<u>Case Number</u>	<u>Street Address</u>	<u>Owner(s)</u>
4. 2018-080552	1805 E. 3 <sup>rd</sup> Street	Diana Castaneda Life Estate; Edward Joe Herrera II; and Edelmira Saenz

Commissioner Talley made a motion to close the public hearing, adopt staff's findings of fact and conclusions of law and, adopt the recommended order, which was seconded by Vice Chair Mangrum. The motion carried on an 8-0 vote Commissioners Sheddman, Orren and Avila were absent.

5. 2018-081082	2411 Burleson Road	Linda Paredes
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Commissioner Talley made a motion to close the public hearing, adopt Staff's findings of fact and conclusions of law and, amend the recommended order, which was seconded by Vice Chair Mangrum whereby the timeframe for repair would

change from 45 to 90 days, and penalties would begin to accrue on the 91<sup>st</sup> day. The motion carried on a vote of 8-0. Commissioners Orren, Shedd and Avila were absent.

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
6. 2018-081114	106 Comal Street	Vera Marcelo

Commissioner Talley made a motion to close the public hearing, adopt Staff's findings of fact and conclusions of law and, adopt the recommended order, which was seconded by Commissioner Green. Vice Chair Mangrum made a friendly amendment to the motion to change the time frame from 45 to 30 days, however, the friendly amendment was not accepted by Commissioner Talley. The original motion carried on a 6-2 vote. Chair Cloutman and Commissioner Freiburger voted nay. Commissioners Orren, Avila and Shedd were absent.

7. 2018-079330	2613 Nottingham Lane	Carol L. Geiger
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Commissioner Talley made a motion to close the public hearing, and adopt Staff's findings of fact and conclusions of law; and, adopt the recommended order, which was seconded by Commissioner Overton. The motion carried unanimously on a 7-0 vote. Commissioners Orren, Avila and Shedd were absent.

8. 2018-081135	82 Anthony Street	Sonya M. Miller
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Commissioner Green made a motion to close the public hearing, adopt Staff's findings of fact and conclusions of law and, modify the recommended order, by changing the order from to demolition within 30 days, and on the 31<sup>st</sup> day, if not in compliance, the City is authorized to proceed with demolition, which was seconded by Commissioner Freiburger. The motion carried on a 6-1 vote. Commissioner Talley voted nay. Commissioner King was off dais. Commissioners Orren, Avila and Shedd were absent.

9. 2018-082079	11316 Jollyville Road a/k/a Canyon Creek Apts., Building 12	Northland Canyon Creek II LLC
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10. 2018-08093	11316 Jollyville Road a/k/a Canyon Creek Apts., Building 15	Northland Canyon Creek II LLC
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11. 2018-082096	11316 Jollyville Road a/k/a Canyon Creek Apts., Building 21	Northland Canyon Creek II LLC
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12. 2018-082124	11316 Jollyville Road a/k/a Canyon Creek Apts., Building 28	Northland Canyon Creek II LLC
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13. 2018-082142	11316 Jollyville Road a/k/a Canyon Creek Apts., Building 29	Northland Canyon Creek II LLC
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The above-referenced cases associated with 11316 Jollyville Road/a/k/a Canyon Creek Apartments, Buildings 12, 15, 21, 28 and 29, were all heard together by the Commission with the understanding that each building was a separate case, each with its own individual order. Commissioner Talley made a motion to close the public hearing, adopt Staff's findings of fact and conclusions of law and, adopt the recommended order for each of the cases, seconded by Commissioner Green. The motion carried unanimously on a 6-0 vote. Commissioners Orren, Avila, Shedd and King were absent.

#### Returning Case(s)

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
14. 2014-096124	3101 Govalle Avenue	A Care Beyond Reason

Commissioner Talley made a motion to close the public hearing, adopt Staff's findings of fact and conclusions of law and, amend the existing order to: 1) assess a civil penalty of \$67,698.19, due on or before July 31, 2018; and 2) in the event the property does not transfer, fines would revert back to \$1.2 million and the case would be put back on the agenda in July. A second was made by Commissioner Overton. The motion carried on a 6-0 vote. Commissioner Freiburger recused herself. Commissioners Orren, Avila, Shedd and King were absent.

<b>15. 2017-111531</b>	<b>1845 Burton Drive a/k/a Lafayette Landing Apartments; Building 3</b>	<b>HVC Lafayette, LLC</b>
<b>16. 2017-111580</b>	<b>1845 Burton Drive a/k/a Lafayette Landing Apartments; Building 11</b>	<b>HVC Lafayette, LLC</b>
<b>17. 2017-111584</b>	<b>1845 Burton Drive a/k/a Lafayette Landing Apartments; Building 12</b>	<b>HVC Lafayette, LLC</b>
<b>18. 2017-111592</b>	<b>1845 Burton Drive a/k/a Lafayette Landing Apartments; Building 12</b>	<b>HVC Lafayette, LLC</b>

John Curry, an owner of the property, appeared before the Commission to ask for penalty relief regarding case numbers 2017-111531; 2017-111580; 2017-111584 and 2017-111592 as referenced above. Commissioner Talley made a motion to amend the existing orders issued in each of the above-referenced cases on December 10, 2014, by reducing the combined fines accrued in all four cases to \$42,000. The motion was seconded by Vice Chair Mangrum. The vote carried 7-0. Commissioners Orren, Avila, Shedd and King were absent

## **DISCUSSION AND POSSIBLE ACTION**

### **19. Discussion regarding Working Group to Address Enforcement of Non-Compliant Pre-2012 BSC Cases**

This item was continued to the June meeting and was not heard.

### **20. Presentation Regarding BSC Participation in the 2018-19 Budget Process**

Austin Code Finance Manager Franklin Fejarang made a presentation to the Commission regarding BSC Participation in the 2018-19 budget process. Chair Cloutman requested that the Commission's coordinator email the presentation to the Commissioners for review prior to the next meeting, and recommendations would be made at that time.

## **FUTURE AGENDA ITEMS**

- 21. 9220 S IH 35** is to be placed on the May agenda as a returning item at the request of the owner to ask for penalty forgiveness.

## **ADJOURNMENT**

Commissioner Talley moved to extend the time until 10:10 p.m., seconded by Commissioner Overton. The vote carried 6-0. Commissioners Orren, Avila, Shedd and King were absent.

Chair Cloutman adjourned the Commission Meeting at 10:10 p.m. without objection.