



BUILDING AND STANDARDS COMMISSION MINUTES

REGULAR MEETING
Date: February 26, 2020

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, February 26, 2020 at City Hall, Boards and Commission Room, Room 1101, 301 West 2nd Street, Austin, Texas.

Commission Members in Attendance:

Jessica Mangrum, Chair; Andrea Freiburger, Vice Chair; Commissioners: Natalya Sheddan, Wordy Thompson, Timothy Stostad, James Briceno, Pablo Avila, John Green, Liz Mueller and Ex Officio/Fire Marshall, Tom Vocke. Commissioners Sade Ogunbode and Edgar Farrera were absent.

Staff in Attendance:

Melanie Alley, Code Review Analyst/BSC Coordinator; Robert Moore, Division Manager; Marlayna Wright, Investigator; Farah Presley, Inspector; James Candelas, Program Specialist; Brandon Carr, Assistant City Attorney; Elaine Garrett, Assistant Director; Justin Brummer, Investigator; Irma Ybarra, Inspector; Willis Adams, Inspector; Aurelio Martinez, Inspector; Richard Lamancusa, Inspector; Lisa DeRoche, Administrative Manager; Brian Egan, Inspector; Amber Woolwine, Permit and Licensing Review Analyst; Amy Moosman, Community Engagement Specialist and Derek Mobley, Video Production Specialist.

CALL TO ORDER

Chair Jessica Mangrum called the Commission Meeting to order at 6:31 p.m.

APPROVAL OF MINUTES

Vice Chair Freiburger moved to approve the minutes from the January 22, 2020 regular meeting seconded by Commissioner Avila. The motion failed on a 5-0-3 vote. Chair Mangrum, as well as Commissioners Thompson and Sheddan abstained from the vote. A second vote was taken at the end of the meeting, which carried on a 6-0-2 vote, approving the January meeting minutes. Commissioner Sheddan and Chair Mangrum abstained.

CITIZEN COMMUNICATION:

One citizen, Chereen Fisher appeared to address the Commission regarding renewal of an expired Type 2 short term rental license and requested this be added to the March agenda. The request was discussed during future agenda items. However, it was decided not to add the item to the agenda.

PUBLIC HEARINGS

New Case(s):

<u>Case Number</u>	<u>Street Address</u>	<u>Owner(s)</u>
1.	1124 Rutland Drive (aka Creeks Edge Apartments)	CSC North Austin Realty LLC
CL 2020-016421	Building 1 - Exterior	
CL 2020-016441	Building 2 - Exterior	
CL 2020-016523	Building 3 - Exterior	
CL 2019-016576	Building 7 - Exterior	
CL 2020-016617	Building 8 - Exterior	
CL 2020-016619	Building 9 - Exterior	
CL 2020-016656	Building 11- Exterior	
CL 2020-016661	Building 11 - Unit 93	
CL 2020-016816	Building 12 - Unit 108	
CL 2020-017021	Building 12 - Unit 110	

The property was represented at the hearing by the owner representatives Tyler Hollenbach and Luke Godsa; and witnesses Gabby Garcia (BASTA); and Jose Perez and Steven Frischmuth (Creeks Edge Tenant Association). Staff Exhibits 1 and 2A-2F, 3 and 4A-4E, 5 and 6-6F, 7 and 8A-8G, 9 and 10A-10F, 11 and 12A-12-F, 13 and 14A-14I, 15 and 16A-16K, 17 and 18A-18M, 19 and 20A-2D were admitted, as well as Owner's Exhibits 1 and 2.

Commissioner Stostad moved to close the public hearing. Vice Chair Freiburger made a motion to adopt Staff's recommendations in each case with one amendment, i.e., secure the stairs and landings for Buildings 7 and 8 within 24 hours, seconded by Commissioner Briceno. A substitute motion was made by Commissioner Mueller to reduce the timeframe from 45 to 30 days. The substitute motion failed. The original motion passed 7-2 to issue orders for the following: Regarding the exterior of Buildings 1, 2, 3, 7, 8, 9 & 11; Building 11-Unit 93, and Building 12-Units 108 & 110 - repair within 45 days; and assess a civil penalty of \$1,000 per week to accrue on the 46th day; and regarding Buildings 7 & 8, also secure the stairwell areas within 24 hours. Commissioners Sheddin and Briceno voted nay. Commissioner Thompson abstained. Commissioners Ogunbode and Farrera were absent.

2. CL 2019-051029 503 W. 14th Street 503 Walnut LLC

This property was represented by principal Chris Riley at the hearing. Chair Mangrum admitted Staff Exhibits 1 and 2A-2H, as well as Owner's Exhibit 1. Commissioner Sheddin moved to close the public hearing. Vice Chair Freiburger made a motion to adopt the recommended order with one amendment, i.e., to reduce the penalties to \$100 per week. There was no second and the motion died. Commissioner Briceno made an alternate motion to amend Staff's recommendation by changing the timeframe from 45 to 60 days and, reduce the penalties from \$1,000 to \$500 per week on the 61st day, seconded by Commissioner Mueller. The motion failed on a 5-4 vote. Vice Chair Freiburger, and Commissioners Avila, Stostad and Thompson voted nay. Vice Chair Freiburger then moved to continue the case to the May meeting to allow the owner time to decide whether to redevelop or demolish and show evidence of financing if redeveloping, seconded by Commissioner Avila. The motion failed 4-4-1. Commissioners Briceno, Mueller, Sheddin and Green voted against the motion. Commissioner Thompson abstained. Vice Chair Freiburger made a new motion, seconded by Commissioner Avila to adopt the recommended order and modify the timeframe to 90 days and \$400 per week penalty on the 91st day. The motion carried 6-3. Commissioners Mueller, Sheddin and Stostad opposed. Commissioners Ogunbode and Farrera were absent.

3. CL 2020-018039 6214 E. Riverside Drive McMeans, Inc.

The property was represented by Zinovia Yakis for the owners. Chair Mangrum admitted Staff Exhibits 1 and 2A-2M. Commissioner Sheddin moved to close the public hearing and continue the case to the May meeting to allow the owner to get a construction schedule, seconded by Commissioner Green. Commissioner Green rescinded his second and the motion lost support. Commissioner Avila made a substitute motion to adopt Staff's recommended order, to repair all cited violations to the commercial structure within 45 days, and assess a civil penalty of \$1,000 per week after 45 days, which was seconded by Commissioner Thompson. The motion carried 7-2. Vice Chair Freiburger and Commissioner Sheddin voted against the motion. Commissioners Ogunbode and Farrera were absent.

4. CL 2020-017823 2411 Longview Street Pi Kappa Phi Properties, Inc.

This property was not represented at the hearing. Chair Mangrum admitted Staff Exhibits 1 and 2A-2E. Commissioner Sheddin made a motion to adopt Staff's Recommended Order, to repair all cited violations to the primary and accessory structures within 45 days, and assess a civil penalty of \$1,000 per week after 45 days, with one modification, i.e., for the structure to remain vacated, boarded and secure until all of the repairs are complete, seconded by Vice Chair Freiburger. The motion carried on a 9-0 vote. Commissioners Ogunbode and Farrera were absent.

5. CL 2020-018491 11311 Walnut Circle Richard Cogbill

No one appeared to represent the property and due to time constraints, the case was continued to the March meeting and was not heard.

Returning Case(s):

**6. CL 2020-001826 5005 Cottonwood Circle, Unit A Myrna Chavez Espejo
CL 2020-001829 5005 Cottonwood Circle, Unit B Myrna Chavez Espejo**

The property was represented at the hearing by owner Myrna Chavez Espejo. Chair Mangrum admitted Staff Exhibits 5, 6A-6Q, 7 and 8A-8N. Staff requested that the Commission replace the orders (TRV 2020015651 and 2020015655) issued at the

January 22, 2020 meeting with one order for both units to include: repair within 30 days; Unit B to remain vacant until the repairs are complete; and assess civil penalties of \$250 per week. On Commissioner Sheddán's motion, seconded by Commissioner Mueller, the Commission voted 8-1 to adopt the recommendations with one amendment, i.e., to extend the timeframe for repairs to 45 days with penalties to begin accruing on the 46th day. Commissioner Green voted nay. Commissioners Ogunbode and Farrera were absent.

Appeal(s)

7. OL 19-036237 1504 Windsor Road

**J. Patrick Sutton on behalf of
owner, Jack Sutton**

Appellant Jack Lieberman, the principal for owner Windsor Place LLC, and his representative J. Patrick Sutton appeared before the Commission. Chair Mangrum admitted Staff Exhibits 1 and 2 and the Appellant's Exhibits 1-4. On Vice Chair Freiburger's motion, the Commission voted 8-1 to deny the appeal regarding suspension of a Type 1 short term rental license. Commissioner Sheddán opposed the motion. Commissioners Ogunbode and Farrera were absent.

FUTURE AGENDA ITEMS

8. 11311 Walnut Circle / CL 2020-018491 is to be placed on the March agenda as a continued case.

ADJOURNMENT

Vice Chair Freiburger made a motion to extend the meeting past 10:00 p.m. for fifteen minutes, seconded by Commissioner Sheddán. The vote carried. A second motion was made by Commissioner Sheddán extend the meeting for 10 minutes additional minutes, seconded by Commissioner Briceno, which carried on an 8-0 vote. Chair Jessica Mangrum adjourned the meeting at 10:24 p.m.