



## **BUILDING AND STANDARDS COMMISSION**

## **REGULAR MEETING MINUTES**

Date: February 24, 2021

The Building and Standards Commission (BSC) convened remotely via video conference for a regular meeting on Wednesday, February 24, 2021. The meeting was available for viewing live at <http://www.austintexas.gov/page/watch-atxn-live>.

### **Commission Members in Attendance:**

Chair Andrea Freiburger; and, Commissioners: John Green, Timothy Stostad, James Briceno, Sade Ogunbode, Elizabeth Mueller, Wordy Thompson, and Ex Officio Commissioner Chief Thomas Vocke. Vice Chair Pablo Avila, and Commissioners Edgar Farrera and Natalya Sheddan were absent.

### **Staff in Attendance:**

Melanie Alley, Code Review Analyst/BSC Coordinator; Robert Moore, Code Division Manager; Marlayna Wright, Code Supervisor; James Candelas, Program Specialist; Farah Presley, Investigator; Matt Noriega, Code Division Manager; Justin Brummer, Code Acting Supervisor; Moses Rodriguez, Code Supervisor; Willis Adams, Code Inspector; John Rodriguez, Code Inspector; Joseph Yost, Code Inspector; Brandon Carr, Assistant City Attorney and Steve Sadowsky, Historic Preservation Officer; Daniel Murphy, CTM A/V Technician.

### **CALL TO ORDER**

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

### **CITIZEN COMMUNICATION**

Attorney Cassandra Shanbaum appeared before the Commission as an owner representative for 1516 Burton Drive, Building B-2 (Retaining Wall); Case # CL 2019-223860, also known as Solaris Apartments. She stated that the referenced case is now in compliance and requested that the case be placed on the next meeting agenda regarding penalty relief. Chair Freiburger deferred any decision until the end of the meeting when future agenda items would be discussed.

### **PUBLIC COMMENT**

**1407 Newning Avenue; CL 2021-021539** – Next door neighbor and interested party Jack "Trey" McCall testified regarding the conditions present at Item # 7 on the agenda and urged the Commission to take action regarding this property.

### **APPROVAL OF MINUTES**

Commissioner Green moved to approve the minutes from the January 28, 2021 special called meeting, seconded by Commissioner Mueller. The January meeting minutes were approved on a 7-0-0 vote. Vice Chair Pablo Avila, and Commissioners Farrera and Sheddan were absent.

### **PUBLIC HEARINGS**

### **Continued Case(s) Pending Commission Action:**

<u>Case Number(s)</u>	<u>Street Address</u>	<u>Owner/Appellant</u>
<b>1. CL 2021-002304</b>	<b>907 Congress Avenue, aka the Grandberry Building</b>	<b>H. Dalton Wallace</b>
<b>2. CL 2021-002321</b>	<b>909 Congress Avenue, aka Mitchell-(Robertson Building)</b>	<b>H. Dalton Wallace</b>
<b>3. CL 2021-002327</b>	<b>911 Congress Avenue</b>	<b>911 Congress, LLC</b>

These properties, continued from the January 28, 2021 meeting, were heard concurrently and were represented at the hearing by the owner's representative, Leah Bojo. Steve Sadowsky from the Housing and Planning Department and Ex Officio Commissioner Chief Vocke also provided testimony to the commission, stating that this property has been part of Austin Fire Department's Dangerous Structure Program since 2014. Chair Freiburger admitted Staff Exhibits 7 & 8A – 8D, 9 & 10A-10C and 11 & 12A-12C.

Commissioner Mueller made a motion to secure the façade within 14 days from February 24, 2021, with a \$1,000 penalty per week per building to be assessed beginning on the 15<sup>th</sup> day if not in compliance with the orders, to continue these cases to the March 2021 meeting for a hearing on the remaining items, i.e., that a) the owner's representative report back to the commission and provide the findings of the Historic Landmark Commission (HLC); b) a timeline/schedule for the repairs; and c) address the items in the recommended orders. The motion was seconded by Commissioner Stostad. The motion carried on a 7-0-0 vote.

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

<b>4. CL 2021-019718</b>	<b>303 Chaparral Drive</b>	<b>Jimmy Floyd Smith</b>
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The property was represented at the hearing by property representatives Claudia Crocker, attorney on behalf of the owner, and Doug Lawrence, Austin Bar Foundation. Chair Freiburger admitted Exhibits 1 and 2A-2J.

Commissioner Green moved to close the public hearing, and to adopt Staff's findings of fact and conclusions of law and, adopt staff's recommendation for repair with modifications, i.e., to: a) extend the timeframe from 45 to 90 days with a penalty of \$280 per week to be assessed on the 91<sup>st</sup> day; and b) require the property representative submit a written report on the 60<sup>th</sup> day, to be submitted to the Commission's Coordinator. The motion was seconded by Commissioner Mueller. The motion passed on a 7-0-0 vote.

<b>5. CL 2019-051025</b>	<b>707 W. 14<sup>th</sup> Street</b>	<b>East Forty Fourth Street, LLC</b>
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This property was represented at the hearing by owner/principal Jay Reddy. Chair Freiburger admitted Exhibits 1 and 2A-2H.

Commissioner Green moved to close the public hearing, and to modify the recommended order for repair from 45 to 90 days, with penalties of \$1,000 per week to accrue on the 91<sup>st</sup> day, seconded by Commissioner Stostad. The motion carried 7-0-0.

<b>6. CL 2021-015818</b>	<b>1167 Springdale Road</b>	<b>Willie Dean Carter</b>
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This property was represented at the hearing by the owner's daughter, Laura Jackson-Crockett. Chair Freiburger admitted Staff Exhibits 1 and 2A-2E.

Commissioner Stostad moved to continue the hearing until the March 2021 meeting. The motion was seconded by Commissioner Green, along with a friendly amendment for the representative to return to the March meeting with the following: a) a financial plan; b) as detailed plan/schedule for the repairs or demo; and c) bids from contractors for repairs or demolition. The Friendly amendment was accepted by Commissioner Stostad. The motion carried on a 7-0-0 vote.

**7. CL 2021-021539                      1407 Newning Avenue                      Susan K. Neisinger**

This property was represented at the hearing by the owner, Susan K. Neisinger. Next door neighbor, Jack “Trey” McCall, also provided testimony during the Public Comment portion of the meeting. Chair Freiburger admitted Staff Exhibits 1 and 2A-2M.

Commissioner Green made a motion to move forward with Staff’s recommendation for demolition within 45 days, seconded by Commissioner Thompson. The motion passed unanimously on a 7-0-0 vote.

**DISCUSSION AND POSSIBLE ACTION ITEMS**

**8. Presentation: An Overview of the Repeat Offender Program**

Acting Division Manager Matt Noriega and Acting Supervisor Justin Brummer made a presentation to the Commission regarding the Austin Code Department Repeat Offender Program.

**9. Discussion regarding the FY 2021-22 budget process**

The Commission discussed the FY 2021-22 budget process and decided to continue the discussion at the March meeting.

**FUTURE AGENDA ITEMS**

**907, 909 and 911 Congress Avenue;** CL 2021-002304, CL 2021-002321, CL 2021-002327 - These cases will return in March 2021 for a hearing on the remaining violations and for a report from the owner’s representative regarding the outcome of the March 2021 Historic Landmark Commission (HLC) meeting.

**1516 Burton Drive, Building B-2 (Retaining Wall); Case # CL 2019-223860, also known as Solaris Apartments**  
This case is to be placed on the March 2021 agenda regarding penalty relief.

**ADJOURNMENT**

Chair Freiburger adjourned the meeting at 9:33 p.m.