



BUILDING AND STANDARDS COMMISSION

REGULAR MEETING MINUTES

Date: June 23, 2021

The Building and Standards Commission (BSC) convened remotely via video conference for a regular meeting on Wednesday, June 23, 2021. The meeting was available for viewing live at <http://www.austintexas.gov/page/watch-atxn-live>.

Commission Members in Attendance:

Vice Chair Pablo Avila; and, Commissioners: Sade Ogunbode, Wordy Thompson, John Green, Elizabeth Mueller, Timothy Stostad, and Edward Selig; and, Fire Chief Jeffery Kennedy (for Ex Officio Commissioner / Fire Marshal Chief Thomas Vocke). Chair Andrea Freiburger was absent.

Staff in Attendance:

Melanie Alley, Code Review Analyst/BSC Coordinator; Robert Moore, Austin Code Division Manager; James Candelas, Program Specialist; Farah Presley, Investigator; Elaine Garrett, Assistant Director; Daniel Word, Assistant Director; Moses Rodriguez, Javier Salas, Inspector; Anthony Rainey, Inspector; Willis Adams Inspector; Patricia Link, Assistant City Attorney; and Adam Ellis, CTM A/V Technician.

CALL TO ORDER

Vice Chair Avila called the Commission Meeting to order at 6:35 p.m.

APPROVAL OF MINUTES

Meeting minutes from both the May 13, 2021 special called meeting and the May 26, 2021 regular meeting were approved on separate motions by Commissioner Mueller, which were both seconded by Commissioner Green. The motions carried on unanimous votes. Chair Freiburger was absent.

CITIZEN COMMUNICATION

One stakeholder spoke during Citizen Communication. Taniquewa Brewster provided an update to the Commission regarding the status of the residents being allowed to return to the Mount Carmel Village apartments.

PUBLIC HEARINGS

New Case(s):

<u>Case Number(s)</u>	<u>Street Address</u>	<u>Owner/Appellant</u>
1. CL 2021-086007, et al.	9500 Dessau Road, (aka 9500 Apartments)	Mar Single, LLC

The property was represented by attorney Caroline McDonald, who spoke on behalf of the owner at the hearing. Two tenants, Jay Wilk and Carols Parada, and BASTA representative Jarymar Arana, also testified regarding conditions at the property. Additional tenant testimony was provided to the Commission in writing.

Vice Chair Avila admitted Staff Exhibits 1 – 31H, as well as the tenant testimony.

Commissioner Mueller moved to close the public hearing, followed by a motion to adopt staff's findings of fact and conclusions of law in each case, and to shorten staff's recommendations for repair per order from 30 days to 10 days, with penalties of \$1,000 per day per violation to begin accruing on the 11th day if not in compliance, and accrue until compliance is achieved. Further, the motion stated that based on additional findings in the form of testimony and evidence provided at the hearing, the Commission found the modified timeframe to be reasonable. The motion was seconded by Commissioner Stostad. Note: the recommendation was for 10 separate orders, to be issued by building, i.e., Buildings 3, 4, 5, 6, 9, 10, 12, 13, 14 and 15. The motion passed on a vote of 6-1-0, with Commissioner Ogunbode voting nay. Chair Freiburger was absent.

2. CL 2021-085105 9802 Cottle Drive Ingeborg Dyke

The property was represented by owner's executor, Karin Ward.

Vice Chair Avila admitted Staff Exhibits 1 and 2A-2I. Commissioner Stostad moved to close the public hearing, Commissioner Stostad made of motion to adopt staff's findings of fact and conclusions of law; and, adopt staff's recommendation for the owner to make repairs within 30 days, and if compliance has not been achieved impose a penalty of \$250 per week to begin on the 31st day, and accrue until compliance is achieved. The motion was seconded by Commissioner Selig. The motion carried on a 7-0-0 vote. Chair Freiburger was absent.

3. CL 2021-068640 1046 Broadview Street Wesley Seguin and Leo Seguin

The property was represented by the owner, Wesley Seguin.

Vice Chair Avila admitted Staff Exhibits 1 and 2A-2I. Commissioner Ogunbode moved to close the public hearing, Commissioner Stostad made of motion to adopt staff's findings of fact and conclusions of law; and, to extend staff's recommendation for the owner to make repairs from within 30 days to 90 days, and if compliance has not been achieved impose a penalty of \$250 per week to begin on the 91st day, and accrue until compliance is achieved. The motion was seconded by Commissioner Thompson. The motion carried on a 7-0-0 vote. Chair Freiburger was absent.

4. CL 2021-085126 3004 E. 12th Street Magnolia Christian Church

Due to time constraints this item was not heard.

Returning Case(s):

5. CL 2017-111475 2215 E. Anderson Lane Service Road EB Ghassan A. Karim, LLC

The property was represented at the hearing by Mazin Sbaiti, counsel for guardian, and Paul Fletcher, counsel for Lienholder, Randolph-Brooks Federal Credit Union.

Vice Chair Avila admitted Exhibits 5 and 6A-6V. Commissioner Stostad made a motion to close the public hearing and continue this case until the next meeting. The motion was seconded by Commissioner Ogunbode. Under advisement from city attorney Link, the motion was amended to rescind the prior order from May 2021. Commissioner Stostad agreed to make it part of the motion. The amended motion was seconded by Commissioner Mueller. The motion passed on a 6-0-0 vote. Commissioner Green was off dais and Chair Freiburger was absent.

Staff Briefing:

6. CL 2021-059641 2504 New York Drive (aka Mount Carmel Village Apartments) 2008 East Austin Mount Carmel I, L.P.

Due to time constraints, this item was not heard.

DISCUSSION AND POSSIBLE ACTION ITEMS

Due to time constraints the following discussion items were not heard:

7. Presentation: Austin's Winter Storm Multi-Family Report

8. Discussion and planning regarding the 2020-21 Annual Internal Review Report

FUTURE AGENDA ITEMS

The next regular meeting is set for July 28, 2021. The following cases and items were continued until the July meeting:

CL 2021-086007, et al./9500 Dessau Road, (aka 9500 Apartments);

CL 2021-085126/ 3004 E. 12th Street;

CL 2017-111475/2215 E. Anderson Lane Service Road EB; as well as a

CL 2021-059641/ 2504 New York Drive aka Mount Carmel Village Apartments – staff briefing.

The following Discussion and Possible Action Items were also continued to the July meeting:

Presentation: Austin's Winter Storm Multi-Family Report;

Building and Standards Commission's Annual Internal Review Report; and

1124 Rutland Drive aka Creeks Edge Apartments – staff update.

Commissioner Mueller also requested a Staff update regarding 1907 Cliff Street.

ADJOURNMENT

The meeting was adjourned at 10:04 p.m.