

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
EL PASO DOWNTOWN LIBRARY, AUDITORIUM
501 N. OREGON
March 27, 2013
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso Downtown Library, Auditorium, 501 N. Oregon, on Wednesday, March 27, 2013 at 5:30 p.m. with the following members present:

Board Members Present:

Robert C. Filarski
Jesse Sanchez
Paul Gilcrease
Conrad Conde (alternate)
Michael Bray (alternate)
Al Jurado
Linda Vick

Others Present:

Karl Rimkus, Code Compliance Manager
Wendi Vineyard, Assistant City Attorney
Roger Iveson, Chief Building Inspector
Tom Maguire, Chief Building Inspector
Nellie Avalos, Building Inspector
Kevin Harrell, Building Inspector
Rodolfo Huerta, Building Inspector
Nathan Walsh, Building Inspector
Diana Cedillo, Senior Office Assistant

AGENDA

Call to Order

- I. The Building & Standards Commission meeting, Panel "A" was called to order by Chairman Filarski at 5:34 p.m.

Chairman Bray sworn in all witnesses present to give testimony on the cases heard.

- II. Approval of the January 30, 2013 minutes

Motion made by Mr. Bray to approve the January 30, 2013 minutes, unanimously passed.

Regular Items:

- III. Public hearing to determine if the property located at 9113 Sandoval, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Roberto Loera and the Estate of Guadalupe H. Loera, and they have been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item to record.
Nathan Walsh, Building Inspector presented the case.

Mr. Bray inquires if there has been any response to the notice of hearing.
Mr. Robert Loera, owner, was not present to speak on behalf of the property.

Mr. Javier Loera, nephew to Roberto Loera, was present to speak on behalf of Mr. Loera as well as the Ysleta Del Sur Pueblo Tribe. Mr. Javier Loera stated the Tribal Council is interested in the purchase of the property to proceed with demolition. He is also aware that the property is not in livable condition. He states that the family made their best efforts in keeping the property clean and secure, but was unsuccessful. Mr. Robert Loera has been removed from the home and is now living with other family members. Mr. Javier Loera states again that the Tribal Council is interested in purchasing property to comply with Building Codes. He will continue the process to comply with the staff recommendations and inform the Tribal Council.

Mr. Bray confirms the staff recommendations and advised Mr. Loera that permits will be needed to be obtained. Mr. Loera agrees and is aware of demolition permits.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structure cannot be rehabilitated; and
5. That all structures be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Ms. Linda Vick, seconded by Mr. Al Jurado to accept staff recommendations, unanimously carried.

- IV. Public hearing to determine if the property located at 9117 Sandoval, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Jessica Loera, and she has been notified of this hearing.

Nellie Avalos, Building Inspector, read the item into the record.
Nathan Walsh, Building Inspector presented the case.

Ms. Jessica Loera was present at the hearing, but is being represented by David Franco, her brother. Mr. David Franco claims that owner, Ms. Franco, has tried to maintain property, but it has still been broken into, items have been stolen, etc. Mr. Franco states that the taxes are up to date. Vagrants continue to trespass onto the private property.

Mr. Javier Loera, member of the Ysleta Del Sur Tribe, has an interest in the property since it is located adjacently to 9113 Sandoval. Mr. Loera states the properties are historical structures, but the Ysleta Del Sur Tribe would like to build new homes for the Tribal members.

Ms. Vick asks Mr. Franco what his intent on the property is.

Mr. Bray concerned about structure, restating recommendations.

Mr. Javier Loera inquiring of permits.

Tom Maguire states that the demolition permits are not typically issued to owner due to the hazards involved in the demo as well as the safety of the property owners; preferring that a contractor be hired to demolish so that any hazardous materials may be taken off the property and disposed of properly.

Mr. Bray briefs on the process of obtaining a demolition permit. Proof of ownership of property is required as well as the deed and valid identification with address that is up for demolition for verification purposes.

Motion made by Mr. Jesse Sanchez, seconded by Mr. Paul Gilcrease, to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the structure cannot be rehabilitated; and
 5. that the structure be demolished within thirty (30) days; and
 6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- V. Public hearing to determine if the property located at 527 Chula Vista, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Pablo Zubia, and he has been notified of this hearing.

Nellie Avalos, Building Inspector, read the item into the record.

Rudy Huerta, Building Inspector, presented the case.

Mr. Bray verifies property taxes.

Mr. Pablo Zubia, owner, is not present to speak on behalf of property.

Motion made by Mr. Robert Filarski, seconded by Mr. Al Jurado to accept staff recommendations, and unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the main structure be secured and maintained secure within thirty (30) days; and

5. That the garage, the accessory structure, and the rear dwelling structure be demolished within thirty (30) days; and
 6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
 7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VI. Public hearing to determine if the property located at 1430 Myrtle Avenue, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Azbar Ltd. And David Azerrad, and they have been notified of this hearing.

Nellie Avalos, Building Inspector, read the item into the record.
Kevin Harrell, Building Inspector, presented the case.

Mr. Bray verifies the property location so that the portion of the property to be demolished will not affect the surrounding property.
Owner(s) are being represented by attorney, Burton Cohen, in which he, nor the property owner has no opposition to proposal and staff recommendations.

Motion made by Mr. Jesse Sanchez, seconded by Mr. Gilcrease, to accept staff recommendations, unanimously passed.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the multi-family structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the multi-family structure be demolished within thirty (30) days; and
 5. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 6. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VII. Public hearing to determine if the property located at 1208 Howze, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as, Daniel Kopta, and he has been notified of this hearing.

Nellie Avalos, Building Inspector, read the item into the record.
Rudy Huerta, Building Inspector, presented the case.

Mr. Bray confirms to Assistant City Attorney Wendi Vineyard, to read an email received from property owner into record.

All Board Members are provided a copy of the email as well. Email is dated 3-27 from Tanisha King & Kenny Curtis. Daniel Kopta, owner, is currently deployed until October 2013. Melenani Kopta, wife, is currently the acting owner of this property and is power of attorney. Tom Maguire, is concerned having to make arrangements with an acting owner due to the limited work on constructing on home, as well as limited access to obtaining permits to proceed with property demolition. He also states that there is no legal proof with letter. Assistant City Attorney, Ms. Vineyard, states the letter is not an official document. The official letter is not stating the owner's attorney.

Mr. Bray is removing Item #3 from the Agenda, being that the Certificate of Occupancy be revoked.

The property will need to be brought into compliance with permits within 30 days; if not then the original recommendations will take place.

Karl Rimkus, requesting Item #3 be removed until further notice.

Agenda Item #3 is deleted from Agenda.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure be rehabilitated; and
5. That the structure be secured and maintained secure within thirty (30) days; and
6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Item #3 is deleted from Agenda.

VIII. Public hearing to determine if the property located at 2006 Detroit, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Mario Juarez Jr., and he has been notified of this hearing.

1. That the structure demolished within thirty (30) days; and
2. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days; and
3. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Nellie Avalos, Building Inspector, read the item.
Nathan Walsh, Building Inspector, presented the case.

Mr. Mario Juarez Jr., owner, is present to speak on behalf of property. He states that he requested an extension of time for rehabilitation of the property. He was not able to comply with staff recommendations from prior meeting.

Mr. Bray states to Mr. Juarez that he was required to clean property.

Mr. Juarez states that the rehabilitation to the property was being done on the inside of the property first, then it was determined that the property cannot be rehabilitated. He will proceed with process on demolition.

Mr. Bray is confirming to Mr. Juarez that he is indeed willing to demo the property.

Ms. Linda Vick is confirming again with Mr. Juarez that property will be demolished within thirty days. Mr. Juarez has agreed.

Motion made by Mr. Gilcrease, seconded by Mr. Conrad Conde, to accept staff recommendations, unanimously passed.

IX. Adjournment

Motion made to adjourn the meeting by Mr. Gilcrease, seconded by Ms. Vick was unanimously carried. The meeting adjourned at 6:50 p.m.

Michael Bray, Chairman, Panel "A"

Tom Maguire, Deputy Building Official
Code Compliance Division