

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
November 18, 2015
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, November 18, 2015 at 5:30 p.m. with the following members present:

Board Members Present:

Sam Guido
Chuck Taylor
Jesse Sanchez
Al Jurado (Alternate)
Armando Jimarez
Teresa Munoz

Others Present:

Ron Roth, Chief Building Inspector
Wendi Vineyard, Assistant City Attorney
Salvador Reyes, Building Inspector
Nellie Avalos, Building Inspector
Nancy Spencer, Recording Secretary

AGENDA

I. Call to Order

The meeting was called to order by Chairman Jesse A. Sanchez at 5:38 p.m.

Witnesses that will give testimony on cases to be heard at this meeting were sworn in.

II. Approval of the September 30, 2015 minutes

Chairman Jesse Sanchez requested one change to be made to the September 30, 2015 minutes. Mr. Armando Jimarez' name needed to be added on as being present at the September 30, 2015 meeting.

Motion made by Chuck Taylor, seconded by Al Jurado to approve the September 30, 2015 minutes with the modification requested by Chairman Jesse Sanchez, unanimously passed.

Regular Items:

- III. Public hearing to determine if the property located at 437 De Leon Drive in the City of El Paso (legal description on file with the City Clerk) is in compliance with the Building Standards Commission orders of September 30, 2015 .and if not, to determine what action to be taken on the non-compliance of the orders. On September 30, 2015, the Building and Standards Commission ordered that the owners to secure the structure within thirty (30) days and maintain secure thereafter. The owners of the property are identified as Miguel F. Avina and Lilia E. Avina (record owner(s), and they have been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

Mr. Roth informed the commission that he received an email from Ms. Lilia E. Avina, property owner for 437 De Leon. Ms. Avina informed Mr. Roth that the property had been secured and boarded up and the premises have been cleaned. Ms. Avina also advised Mr. Roth that they

would be here during the last week of December, 2015 to make arrangements to put the house up for sale.

Chairman Jesse Sanchez asked about the backup documentation on this case and was advised by Inspector Nellie Avalos that because the property has been brought into compliance with the final orders, only a presentation of pictures showing the property as it is at this time would be presented. Mr. Sanchez then asked if this case was a revisit only from the last meeting and was advised by Inspector Avalos that it was.

Nellie Avalos, Building Inspector presented the case and gave a brief chronology on the history of the property and the condition that it was found in. . A presentation of pictures and condition of the property as it is now were shown to the board. The commission was advised that the property had been cleaned and secured. Inspector Avalos advised that a noncompliance letter was sent to the owners, but by then, the property had already been cleaned up and secured.

Board member Armando Jimarez asked if property was in compliance at this time. Inspector Avalos advised that a friend of the owners has been periodically checking up on the property and in addition the property was checked on this date by and found to be in compliance,

Board member Sam Guido advised that since the property has been cleaned up and secured, they in fact have complied with the orders. The commission was advised by Inspector Avalos that no recommendations were requested at this time since property is in compliance.

Chairman Sanchez asked the commission if they had further questions regarding this case. He also asked if the owner or anyone else was present for public comment or to speak on behalf of the property owner.

The owners were not present for public comment. Inspector Avalos advised that since the owners lived out of town, they were unable to attend this meeting.

IV. Public hearing to determine if the property located at 5941 E. Yandell Dr., 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 owners of this property are identified as Jose M. & Bertha A. Mendoza (record owner(s), and they have been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

Salvador Reyes, Building Inspector presented the case and gave a brief chronology on the history of the property and the condition that it was found in. .

The commission was advised that the case only involved the structure located in the back of the property and not the main house.

Presentation of pictures and conditions of the property were shown to the commission.

Chairman Jesse Sanchez asked the commission if they had questions regarding this case. He also asked if the owner or anyone else was present for public comment or to speak on behalf of the property owner.

Inspector Reyes advised that he had been in touch with the property owner's son and was informed that the title to the property had not yet been changed to his name. The commission was advised that the original owners of the property are deceased.

Board member Al Jurado asked if the property owners' son was living in the main house. Mr. Jurado was advised that the back structure had been in that dilapidated for 15 years.

Mr. Jose Alvarado, son of the property owners was present for public comment. Mr. Alvarado advised that he was unemployed and did not have the financial means to take care of the structure. He also stated that the structure needed to be taken down and had no objections to the staff recommendation.

Motion made by Al Jurado, seconded by Armando Jimarez to accept staff recommendations, unanimously passed.

The owner has been notified of the property violations at this property. To date there has been no 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.
 2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
 3. That the Certificate of Occupancy be revoked; and
 4. That the structure cannot be rehabilitated; and
 5. That the structure be demolished within 30 days; and
 6. That the premises be cleaned within 30 days & maintained clean thereafter.
 7. That upon failure by the owners 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 108 Frontera Rd., 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 owner of this property is identified as Elaine Edwards (record owner), and she has been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

Nellie Avalos, Building Inspector, presented the case and gave a brief chronology on the history on the property and the condition that it was found in.

A presentation of pictures and conditions of the property were shown to the board.

Chairman Jesse Sanchez asked the commission if they had questions regarding this case. He also asked if the owner or anyone else was present for public comment or to speak on behalf of the property owner.

The owner was not present for public comment

Chuck Taylor asked if the area where the property is located was affected by the 2006 flood... Inspector Avalos advised that yes it was. Mr. Taylor asked if this was part of the flooded properties condemned by the city. Mr. Taylor was informed by Chief Building Inspector Ron Roth that this property was located closer to the Sunland Park area and the area that the city condemned and taken by eminent domain was closer to Canutillo.

Chairman Sanchez asked to see presentation exhibit 8 again. Mr. Sanchez asked if the darkened area inside the property was black mold. Inspector Avalos advised that it could

possibly be black mold. A request was made to see presentation Exhibit 10 again. Inspector Avalos was asked about the utilities. Inspector Avalos advised that there were no utility services at the present time. There was discussion about the property's rapid deterioration. Board member Al Jurado inquired about the open gap area located at the bottom of the wall. Mr. Jurado was informed that the gap is wider, on the bottom and the plaster is detaching from the adobe. Weeds are growing and causing the wall to separate even more.

Motion made by Armando Jimarez, seconded by Chuck Taylor to accept staff recommendations, unanimously passed.

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

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures are 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 structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the premises be cleaned of all trash, and debris within (30) days and maintained cleaned 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.

II. Update(s)

Chief Building Inspector Ron Roth provided an update on the status of cases that Chairman Jesse Sanchez had inquired about at the beginning of the meeting. The properties inquired about were 437 De Leon and 548 Center Way.

Chief Building Inspector Ron Roth advised that today Mr. Sal Varela who is representing the property owners for 547 Center Way came in and provided letter from a structural engineer stating that the property can be rehabilitated. Mr. Roth advised the commission that he would be contacting them on the corrections noted on the engineer's letter.

Mr. Roth advised that if all conditions were met, it may not be necessary to bring back this case back to the commission. However, if it is not substantially improved, there may be a request to rehear this case.

VI. Adjournment

Motion made by to adjourn this meeting was unanimously carried. The meeting adjourned at 6:20 p.m.

Chairman Jesse A. Sanchez

Ron Roth
Chief Building Inspector, CBO