

**CITY OF EL PASO, TEXAS
BUILDING AND STANDARDS COMMISSION BOARD PANEL "A"
2nd FLOOR, CITY COUNCIL CHAMBERS
NOVEMBER 29, 2006.**

MINUTES

The building & Standards Commission Panel "A" held a public hearing in City Council Chambers 2nd Floor of the City Hall Building on Wednesday, November 29, 2006, at 5:38 p.m. with the following members present:

Board Members Present:

Fred Dalbin
Carl Robinson
John Cordova
Tedd Richardson
Michael Bray
Sema Gonzalez
Margie Aguilar - Derosiers

Others Present:

Larry F. Nichols, Building Official
Hillary S. McGinnes, Assistant City Attorney
Tom Maguire, Chief Inspector
Leo Casso-Lopez, Residential Inspector Supervisor
Zully Davis, Residential Inspector
Manuela Avalos, Residential Inspector
Nancy M. Spencer, Recording Secretary

Absent Members:

Paul Zacour
Carlos Bombach

AGENDA

II. Approval of minutes for the meeting held September 27, 2006

Motion made by Mr. Carl Robinson, seconded by Michael Bray and unanimously carried to accept the approval of the minutes.

Regular Items:

III. Public hearing to determine if the Building and Standards Commission Order issued for the property located at 117-119 W. Overland St., in the City of El Paso (legal description on file with the City Clerk) is in compliance with the order of July 26, 2006, and if not to determine penalties. The owner of this property, William Abraham (Trustee) for Franklin Group L.P., P. O. Box 1797, El Paso, Texas 79949, has been notified of the violations at this property.

William Abraham, property owner was present to discuss item.

Ricardo Flores, Fire Department, Sam Jarvis, Health Department and Larry Nichols were present to discuss item.

Motion made by Michael Bray, seconded by Fred Dalbin to postpone item to be heard after item IV and unanimously carried.

Motion made by Margie Aguilar-Desroser seconded by Michael Bray to approve staff recommendations and unanimously carried and made the following findings:

The Department recommends that the Building and Standards Commission make the following findings:

1. That the owner of said property William Abraham (Trustee) for Franklin Group L. P., P. O. Box 1797, El Paso, Texas 79949, was notified of the requirements of Section 18.50 and their need to comply with these requirements; and
2. That after notification, the owner has failed to comply with the order that Building and Standards Commission adopted on July 26, 2006; and
3. That the property that is subject to the order is not the owner's homestead; and
4. That the Building and Standards Commission can assess a civil penalty against the owner the amount not to exceed \$1,000 a day; and assess
5. That the owner has failed to comply with the order from September 28, 2006 through November 29, 2006 (63) days.

The Department recommends that since the owner has not complied with the Building and Standards Commission Order of July 26, 2006:

1. That the owner be assessed the following civil penalties: A total of \$1,000.00 a day for (63) sixty-three days during which time the Building and Standards Commission Order of July 26, 2006 was not complied with for a total of \$63,000.00; and
2. That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso and
3. That the owner be placed on notice that continuing failure to comply with the Building and Standards Commission Order of July 26, 2006, may result in additional and more severe penalties; and
4. That a public hearing be scheduled for January 31st, 2007, to determine if the Building and Standards Commission order of July 26, 2006; has been complied with and if not to determine additional penalties.

Motion made by Sema Gonzalez, seconded by Michael Bray to accept staff recommendations and unanimously carried.

- IV. Public hearing to determine if the property located at 3204-3210 Frankfort Ave., AKA 3204, 3206, 3208 and 3210 Frankfort Ave. in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 20, 2006. The owners of this property, Frank Arteche and Martha Ruiz, 412 Mura Place, Horizon, Texas 79928-7245, have been notified of the violations at this property.

Frank Arteche and Martha Ruiz, property owners were present for discussion on the item.

Motion made by Fred Dalbin, seconded by Michael Bray to accept staff recommendations, unanimously carried and made the following findings:

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 buildings are 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. The structure can be repaired; and
5. That the structures be secured and maintained secured until rehabilitated within 30 days; and

6. That the premises be cleaned of all weeds, trash, and debris within 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 5640 Dailey Ave. in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 23, 2006. The owner of this property, Jesus Melendez, 5640 Dailey Ave., El Paso, Texas 79905, has been notified of the violations at this property.

Henry Deguire Jr., nephew of property owner was present to discuss item.

Hillary McGinnes recommended postponement of item until proper ownership could be established.

Tom Maguire recommended and commission agreed that property be declared open and unsecured, allow lien holders, mortgage companies and owners 30 days to secure the property and postpone this item until the next meeting for further action.

Motion made by Fred Dalbin seconded by Michael Bray to have property secured within 30 days and maintained secured and postpone this item for two months until proper ownership is established, and unanimously carried.

Tedd Richardson opposed the motion made.

The Department recommends that it be found:

1. That the main structure and accessory buildings be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the main structure's certificate of occupancy be revoked; and
4. The main structure can be repaired; and
5. That the structures be and remain vacated and secured until rehabilitated within 30 days, that the rear porch and accessory structures be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 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.

VI. Public hearing to determine if the property located at 184 Dixon Pl. in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 14, 2006. The owners of this property, Juanita A. Torres and Anita C. McKeown, 241 Red Robin Drive, El Paso, 79915-4123, have been notified of the violations at this property.

Property owner was not present to discuss item.

Motion made by Michael Bray seconded by Sema Gonzalez to accept staff recommendations and unanimously carried and made the following findings:

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 building 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 cannot be repaired; and
5. That the structure be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days; and
7. 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.

VII. Public hearing to determine if the property located at 8036 Glendale Ave. in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 22, 2004. The owners of this property, Reyes and Susan Marquez, 4870 Krag Street, El Paso, Texas 79938, have been notified of the violations at this property.

Property owner was not present to discuss item.

Motion made by Fred Dalbin seconded by Michael Bray to accept staff recommendations and unanimously carried and made the following findings:

The Department recommends that it be found:

1. That the main 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 building 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. The structure can't be repaired; and
5. That the main structure be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 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.

VIII. Adjournment

Motion was unanimously carried to adjourn this meeting at 7:35 p.m.

Tedd Richardson, Chairperson

Bill Stern, C.B.O., Chief Building Inspector
Development Services Department