

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
2ND FLOOR, CITY COUNCIL CHAMBERS
October 27, 2010
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "B" held a public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, October 27, 2010 at 5:30 p.m. with the following members present:

Board Members Present:

Roman Bustillos (Chairman)
Jimmy Stevens
Lorraine Huitt
Fred Perez
Ira Barbe
James Erickson

Others Present:

Bill Stern, Deputy Building Official
Cynthia Osborn, Assistant City Attorney
Zully Davila, Building Inspector
Robert Gonzalez, Building Inspector
Sam Mendoza, Building Inspector
Robert Gonzalez, Building Inspector
Sergio Melendez, Building Combination
Inspector Supervisor
Sonya Calahan, Building Inspector
Nancy Spencer, Recording Secretary

Late Members:

Paul Zacour 5:39 p.m.

Absent Members:

Gracie Cain

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "B" was called to order by Chairman, Roman Bustillos at 5:34 p.m.

II. Approval of minutes for the meeting held August 25, 2010

Motion made by Jimmy Stevens, seconded by Ira Barbe to approve the minutes with the correct date of April 28, 2010 for approval of the minutes and to also state that Commission member Mr. Jimmy Stevens was present at this meeting, unanimously carried.

III. Any changes to the agenda

A request was made to delete Item #5 reference 605 Greggerson. The commission was advised that the owner, Mr. Hugo Ordonez had obtained permits for the repairs on the property

In addition, reference 11541 Pratt Ave., the commission was informed that notification of the hearing was mailed to the previous property owners Tung V Pham and Hang T Truong when the notice should have been made to the present property owner Mr. David Hernandez. Staff advised that the correction on the name of the property owner for 11541 Pratt Ave. would be made.

Motion to delete Item 5 from the agenda made by Fred Perez, seconded by James Erickson unanimously carried.

Regular Items:

- IV. Public hearing to determine if the property located at 3804 Edgar Park., 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 August 31, 2010. The owners Regina R. Arnold, Debra A. Bremer, Ronald L. Arnold, Sherrie L. Lynch, 3804 Edgar Park, El Paso, Texas, 79904-2606, (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Robert Gonzalez, Building Inspector, presented the case.

The commission was advised that a correction would be made on the legal description for 3804 Edgar Park. The correct spelling for the block name is Huntington Park Addition.

There was discussion on the time limit to get in contact with the owner reference the complaint. Bill Stern explained the condemnation process including how the notification is made to the owners and interested parties from the time the initial complaint is received to when it is presented to the Building and Standards Commission.

Motion made by Ira Barbe, seconded by Jimmy Stevens, 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 is 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 can be rehabilitated; and
 5. That the structure be secured within thirty (30) days; and be maintained secure
 6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days; and be maintained clean 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 605 Greggerson Dr., 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, 2010. The owners Jose Luis Rojas, 103 Horseshoe Court, Santa Teresa, NM 88008-9130 and Efren Ordonez, 7715 Caliche, El Paso, Texas, 79915 (the “**Owners**”), have been notified of the violations at this property.

This Item was deleted from the agenda.

- VI. Public hearing to determine if the property located at 7812 West Dr., 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 February 11, 2010. The owners Judson B. Harris and Velia S. Harris, 7812 West Drive, El Paso, Texas 79915-3015 and Apodaca Bail Bonds, 110 North Campbell Street, El Paso, Texas, 79901, (the **“Owners”**), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Zully Davila, Inspector, presented the case.

Lieutenant Ricardo Flores, from the Fire Marshal's Office, was present for discussion. He advised that the structure's ceiling was collapsing and that the structure was considered a fire hazard.

Leonarda Harris and Sara Harris, daughters of the property owner were present for discussion. They advised that they had a pending contract to sell the property and that the new owner would demolish the property. They requested more time to finalize the selling of the property.

Motion made by Mr. Lorraine Huitt, seconded by Mr. Fred Perez, to accept staff recommendations with the modification to demolish the structure and the accessory structure within 60 days.

Members Fred Perez and Lorraine Huitt voted in favor of the motion. Jim Erickson, Ira Barbe, Jimmy Stevens and Paul Zacour voted against the motion. Motion failed.

Motion to accept staff recommendations made by James Erickson seconded by Ira Barbe passed. Fred Perez, Jim Erickson, Jimmy Stevens and Paul Zacour voted in favor of the motion. Lorraine Huitt voted against the motion.

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 are 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 structure certificate of occupancy be revoked; and
4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within sixty (60) 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.

- VII. Public hearing to determine if the property located at 8739 Orion 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 May 12, 2010. The owners Mark T. Davis, 8739 Orion Place, El Paso, Texas, 79904, Olie S. Robinson, 8739 Orion Place, El Paso, Texas, 79904, Jesus Diaz De Leon, 8739 Orion Place, El Paso, Texas, 79904, Olie S. Robison, HCR 46 Box 431, Ruidoso, New Mexico, 88346, Jesus Diaz De Leon, Payless Bail Bonds, 123 North Campbell, El Paso, Texas, 79901 and Mark T. Davis, 1554 Lomaland Drive, El Paso, Texas, 79935 (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Robert Gonzalez, Building Inspector, presented the case.

Motion made by Jimmy Stevens, seconded by Mr. James Erickson, 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 is 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 can be rehabilitated; and
5. That the structure be secured within thirty (30) days and maintained secure; 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.

- VIII. Public hearing to determine if the property located at 577 Gallagher., 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 March 8,

2010. Blas Nevarez and Carmen Nevarez, 577 Gallagher Street, El Paso, Texas, 79915, (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Zully Davila, Building Inspector, presented the case.

Lieutenant Ricardo Flores from the Fire Marshals Office advised that the property had dense vegetation and considered a fire hazard and supported recommendations of staff.

Motion made by Fred Perez, seconded by Jimmy Stevens, 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 is 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 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.
- IX. Public hearing to determine if the property located at 11541 Pratt. 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 8, 2010. The owners Tung V. Pham and Hang T. Truong, 11541 Pratt Avenue, El Paso, Texas, 79936-2503, America's Wholesale Lender, Lienholder, P. O. Box 660694, Dallas, Texas, 75266-0694 and Ct Real Estate Services, Trustee, 400 Countrywide Way, MSN SV-88, Simi Valley, CA 93065 (the "**Owners**"), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

The commission was advised that he spoke to Mr. Hang T. Truong who was the former property owner. Mr. Truong advised that the property had been foreclosed and that American Whole Lender. Owners is now in charge of the property with Mr. David Hernandez as the new owner.

Sam Mendoza, Building Inspector, presented the case.

Motion made by Ira Barbe, seconded by Lorraine Huitt and Jimmy Stevens, 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 is 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 can be rehabilitated; and
5. That the structure be secured 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.

- X. Public hearing to determine if the property located at 3909 Tularosa 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 28, 2010. The owners George Avila and Adriana Avila, 3909 Tularosa Avenue, El Paso, Texas, 79903 and Francisco Gonzalez, Jr. (lienholder), 1901 Cypress Point West, Austin, Texas, 78746 (the “**Owners**”), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Sonya Calahan, Building Inspector, presented the case.

Jorge Avila, one of the property owners was present for discussion. He requested assistance to rehabilitate the property. Mr. Stern advised that they would be referred to Community Development to apply for funds to rehabilitate the property.

Motion made by James Erickson, seconded by Jimmy Stevens, 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 structures are 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 structure's 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 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.
- XI. Public hearing to determine if the property located at 712 E. River 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 28, 2010. The owners Victor M. Nevarez, 712 E. River Ave., El Paso, Texas, 79902 (the “**Owner**”), has been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record and presented the case.

Motion made by Ira Barbe, seconded by James Erickson and Jimmy Stevens, 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 corrective action taken and therefore the Division recommends that it be found:

1. That the structures are 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 structure's 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 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.

XII. Update on cases heard by the commission to determine if recommendations have been complied with.

XIII. 2011 Building and Standards Commission meeting schedule

Members were given the meeting schedule for 2011. In addition, they were provided with copies of the Vacant Building ordinances

The commission was reminded to complete the Open Meetings Act training which is available on the website.

XIV. Adjournment

Motion was unanimously carried to adjourn this meeting at 7:30 p.m.

Roman Bustillos, Chairman

Bill Stern, C.B.O., Deputy Building Official
Code Compliance Division