

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
2ND FLOOR, CITY COUNCIL CHAMBERS
OCTOBER 31, 2012
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 31, 2012 at 5:30 p.m. with the following members present:

Board Members Present:

Ira Barbe
Michael Bray (alternate)
Paul Gilcrease
Robert Filarski
Linda Vick
Angel Miguel Ochoa

Others Present:

Bill Stern, Deputy Building Official
Roger Iveson, Chief Building Inspector
John Batoon, Assistant City Attorney
Nellie Avalos, Building Inspector
Kevin Harrell, Building Inspector
Nathan Walsh, Building Inspector
Diana Cedillo, Senior Office Assistant
Trenda Rocha, Administrative Assistant
Nancy Spencer, Recording Secretary

Absent Members:

Gerardo Licon
Andrew Haggerty

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "B" was called to order by Acting Chairman Ira Barbe at **5:35 p.m.**

Interested parties present to give testimony on the cases to be heard by the commission were sworn in by Acting Chairman Ira Barbe.

II. Approval of minutes for the meeting held August 29, 2012.

Motion made by Robert Filarski seconded by Miguel Ochoa to approve the minutes for the meeting held August 29, 2012, unanimously passed.

Regular Items:

- III. Public hearings to advise the Building and Standards Commission that the owner of 1407 Montana Avenue, in the City of El Paso, has been ordered by the Deputy Building Official of the City of El Paso to take emergency action to demolish the unsafe structure. The interested party has been identified as John Lee, and has been notified of this hearing.

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

A request was made to have Item 3 be deleted from agenda.

Motion made by Robert Filarski, seconded by Michael Bray to delete Item 3 from the agenda, unanimously carried.

- IV. Public hearings to determine if the property located at 8052 Stanford Court, in the City of El Paso, are dangerous structures and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as, Fidela Yanez and has been notified of this hearing.

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

Nathan Walsh, Building Inspector presented the case.

Motion made by Michael Bray, seconded by Linda Vick to accept staff recommendations, unanimously carried.

The owner has been notified of the property 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 structure's 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 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 hearings to determine if the property located at 1712 Georgia Place, in the City of El Paso, are dangerous structures and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as Manuel G. Cabrera, and has been notified of this hearing.

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

Kevin Harrell, Building Inspector presented the case.

Board member Ira Barbe asked if structure was inhabited at this time and was advised by Building Inspector Kevin that it was.

There was public comment from Leslie Canada, EPPD coordinator. Ms. Canada advised there was trash and debris around the property area and a dog had been placed to keep watch on the property. The commission was informed that the Police Department had been responding to domestic calls made on the property.

Mr. Barbe asked if the property owners were in compliance with animal code regulations on the dog. Mr. Barbe was informed that they did not know if the owners were in compliance.

There was public comment from Gabriel Cabrera, representative and tenant for the property. Mr. Cabrera advised that he has been in communication with owner on the cleanup and maintenance of the property and that all issues had been taken care.

Mr. Barbe asked Mr. Cabrera if he was related to owner and was informed that he is the owner's nephew.

Board member Linda Vick asked if property was a duplex. Mr. Cabrera advised that it was not a duplex that the property was just divided into separate living areas.

Mr. Barbe asked Building Inspector Kevin Harrell when was the last time he was out to see the property. Inspector Harrell advised that he went to see the property on this date and advised that the corrections requested to be made on the property had not been made.

Deputy Building Official Bill Stern requested for the property to be rehabilitated within 30 days and if not done so to be vacated and secured until it is. Mr. Cabrera advised that he would comply within 30 days.

Ms. Vick asked about the state of the electrical wiring in the property. Mr. Stern informed the board that Mr. Cabrera is not the owner of the property. Mr. Stern advised that the owner will have to hire an electrical contractor. The owner can do the patch and paint on the property. Ms. Vick asked if the owner was willing to do the work and hire a contractor. Mr. Cabrera advised that yes he was would be willing to hire the contractor. Board member Michael Bray advised that if he did not comply, he would not be able stay on the property.

Mr. Stern requested to fix all corrections noted on the property and the minimum requirements to be met within 30 days, and if not done so, for the property to be vacated within the same 30 days. Mr. Stern will go out to inspect the property after the 30th day to determine if compliance has been met. If property is found to be in the same condition, he will not be able to work with the owner. Mr. Cabrera advised that he understood the staff recommendations.

There was public comment from Ms. Leticia Paez, owner of 1717 Georgia. Ms. Paez advised that she worked on her property about a year ago. However, Ms. Paez was unable to rent her property because of the conditions of the property located across the street. The board was informed that the city had gone out to clean the property. The board was also informed that the property in question is continuously deteriorating. Ms. Paez advised that she contacted City Representative Courtney Niland reference this property and she was also referred to the tax appraisal district to obtain the name of owner. Ms. Paez found out that property was sold to Mr. Cabrera, that he lives in Mexico, and lends out the house to people so that they can stay there. The board was informed that there is constant traffic in and out of the property. The board was informed that she along with the neighbors, want the property to be repaired.

Motion made by Linda Vick, seconded by Robert Fllarski 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's certificate of occupancy be revoked; and

4. That the structure can be rehabilitated; and
 5. That the structure be rehabilitated with the required permits within thirty (30) days; and if not;
 6. That the structure be vacated within thirty (30) days; and
 7. That the structure be secured within thirty (30) days; and maintained secure until rehabilitated; and
 8. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 9. 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. The board was reminded to complete the Ethics Training Course before December 31, 2012

VII. Adjournment

Motion made to adjourn the meeting by Linda Vick, seconded by Michael Bray was unanimously carried. The meeting adjourned at 6:01 p.m.

Ira Barbe, Acting Chairman, Panel "B"

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