

CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
March 30, 2016
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, March 30, 2016 at 5:30 p.m. with the following members present:

Board Members Present:

Sam Guido
Chuck Taylor
Jesse Sanchez
Conrad Conde
Armando Jimarez
Teresa Munoz

Others Present:

Nathan Walsh, Chief Building Inspector
Wendi Vineyard, Assistant City Attorney
Fredo Alejandre, 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 5:35 p.m.

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

II. Approval of the January 27, 2016 minutes

Motion made by Chuck Taylor, seconded by Armando Jimarez to approve the January 27, 2016 minutes, unanimously passed.

Regular Items:

III. Public hearing to determine if the property located at 2521 Richmond Ave., in the City of El Paso, is a dangerous structure and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner of this property is identified as Carolina L. Farmer, (record owner), and she has been notified of this hearing.

Nathan Walsh, Chief Building Inspector introduced the case to the commission.

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

Fred Dalbin, representative for the property owner was present for public comment. Mr. Dalbin advised that there was a sale contract with a mortgage company which will be completed, once probate court determines outcome. Mr. Dalbin informed the board that the trees have been removed, the interior of the property cleaned and that he would board and secure the property.

Chairman Jesse Sanchez asked Mr. Dalbin how much time he needed to take care of the sale of the property. Mr. Dalbin advised 160 days would be needed to take care of the paperwork due to the fact that the property owner now lived in Canada and would have to follow the sale process with her signature and witnesses there. He advised that he had a copy of the notice of sale, but still had to wait until he acquires legal ownership of the property.

Board member Conrad Conrad commented that they should board and secure the property..

Chairman Sanchez requested to see Item 5 of the presentation again showing the illegal additions located at the back of the structures which have been recommended to be demolished.

Board member Chuck Taylor commented he had concerns on the fire hazards at the property.

Presentation of Item 8 was shown again to the board and Mr. Dalbin stated that a portion of the property had been cleaned out but had to stop until the ownership issue was resolved.

Inspector Alejandro advised that trees were removed; however, as of March 7th the property still remained in the same condition.

The owner was not present for public comment.

Motion made by Conrad Conde seconded by Chuck Taylor that the property be boarded and secured within 30 days and return in 120 days with documents showing ownership, and to include Items six and seven of staff recommendations as part of the order, unanimously passed.

The owner has been notified of the property violations. To date there has been minimum corrective actions taken, and therefore the Department recommends that it be found:

1. Main structure can be rehabilitated.
 2. Secure the structures within 30 days;
 3. Return in 120 days with proof of ownership
 4. Premises be cleaned of all weeds, trash, and debris, within 30 days & maintained clean thereafter.
 5. 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.
- IV. Public hearing to determine if the property located at 1430 Myrtle Ave., 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 IADA TERRA, LLC, A LIMITED LIABILITY COMPANY, (record owner(s), and they have been notified of this hearing.

Nathan Walsh, Chief Building Inspector introduced the case to the commission.

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. .

The owner was not present for public comment.

Assistant City Attorney, Wendi Vineyard advised that the city had secured the property; however, no one had access to the property and requested that this item be postponed until the next meeting in 60 days.

Motion made by Conrad Conde, seconded by Armando Jimarez to accept staff recommendation to postpone this item for 60 days, unanimously passed.

- V. Public hearing to determine if the property located at 5617 Arrowhead 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 The Estate of Maria Luisa Romero, Deceased and Linnea Hanson, (record owner(s), and they have been notified of this hearing.

Nathan Walsh, 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.

The owners were not present for public comment

Board member Armando Jimarez asked if there had been a response from the owner regarding this property. Inspector Avalos advised that a letter dated March 14, 2016 had been received that the daughter who is the executor of the will, had no interest in the property.

Mr. Jimarez asked about the amount of taxes due on the property. He was advised that the amount was close to \$8,000.00.

Assistant City Attorney Wendi Vineyard advised that the foreclosure and tax sale on the property would be at a higher amount due to recouping the cost of cleaning, securing, etc.

Inspector Avalos was asked if there were still utilities connected to the property and she advised that the utility services had been cut off.

Board member Sam Guido asked about the taking over of the property. Ms. Vineyard advised that there was a pending tax lien but no mortgage was due on the property.

Motion made by Conrad Conde, seconded by Armando Jimarez to accept staff recommendation, unanimously passed.

The owners have 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 main structure be condemned as substandard, and unfit for use and a hazard to the public health, safety, and welfare;
2. That the main structure, accessory structures and carport are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the main structure can be rehabilitated with necessary permits; and
4. That the main structure be secured within thirty (30) days and maintained secured until rehabilitated; and
5. That the accessory structures and carport 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 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.

VI. Public hearing to determine if the property located at 151 N. Cotton St., 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 Ernesto Castillo, Aurora Dominguez, Berta Hernandez, Eugenia C. de Flores and Cristina Huerta, (record owner(s), and they have been notified of this hearing.

Nathan Walsh, 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.

The owners were not present for public comment

Lt. Albert Ruiz from the Fire Dept. advised there had been three reported fires and that at present the cause of the fires were questionable. He also advised that there were no utilities at the property. He informed the board that the property was easily accessible and that the structure weakens with each fire and the property was a safety concern. Chairman Jesse Sanchez asked if the adjacent properties have been affected by these fires and Lt. Ruiz advised they have not but that they can be.

Leslie Canada, Neighborhood Relations Coordinator with the El Paso Police Department informed the board that the police have been removing transients out of the building and area. In addition, there have been barrels set on fire that they have been putting out. Chairman Sanchez was advised that the building and fire officials can take emergency action on the property, however City Attorney Wendi Vineyard advised although they can take action, the commission must provide 30 days to the owner before proceeding.

Chief Building Inspector Nathan Walsh advised their department could only do so much to keep it secured until it is demolished. Ms. Canada advised the police can try to keep a code watch on area and Lt Ruiz added they could make recommendations for further action.

Motion made by Conrad Conde, seconded by Sam Guido to accept staff recommendations, unanimously passed.

The owners have 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 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 be demolished within thirty (30) days; and
5. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; 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 8601 Lawson Dr. and 8621 Lawson Dr., 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 owners of this property are identified as Adan Reyes and Burton I Cohen (record owner(s), and they have been notified of this hearing.

As requested, Item 7 was moved to be heard as the second case.

Nathan Walsh, Chief Building Inspector introduced the case to the commission.

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

Attorney Burton Cohen and Mr. Ray Malooly were present for public comment. Mr. Cohen advised he is not the owner, but was appointed as trustee for the property. ASLM II Limited Partnership acquired the property in October as a foreclosure property from Malooly Corporation. Reyes Rental LLC bought the property. ASLM II Limited Partnership agreed to lend funds to clean and rehabilitate the property. In November, the principal for Reyes Rental LLC was arrested on federal charges. At present they are negotiating with U.S. attorneys reference the lien placed on the property. ASLM II and Malooly Corporation are in process of acquiring the property back from Reyes Rental LLC. After doing so they will acquire funds to rehabilitate the property. However, the foreclosure won't proceed be until May. There is a contract pending. Sanchez asked how much time was needed to take care of the pending negotiations. He was advised that they would need between 120-180 days.

Board member Mr. Jimarez asked how many times this property has been sold. Mr. Ray Malooly advised the property had been sold three times.

Mr. Malooly advised Mr. Reyes starting tearing the property up before he was arrested allowing them taking huge monetary loss on the property. The new owner will be investing a lot of money into the apartment. Mr. Malooly commented that the new buyer can put the property back into a livable condition so that it can be rented again. The commission was advised that the prospective owner needs at least five months to rehabilitate them.

Board member Chuck Taylor commented on the vandal problem. He advised that boarding up the property is not sufficient as it had been boarded up before and broken into. Mr. Taylor suggested looking into fencing and boarding up the property and other methods to keep vandals out. Mr. Malooly advised that he had the property boarded up before selling to Mr. Reyes. Mr. Cohen advised that the prospective owner will secure property.

Assistant City Attorney Wendi Vineyard advised that at present, the federal government has precedence on any pending action and suggested waiting until all issues are cleared up before taking final action.

Board member Mr. Jimarez advised the present condition of the property had a very negative impact on the area. He commented that there is a school across the street which presents a liability considering the condition that the apartments are in.

Leslie Canada, Police Neighborhood Relations Coordinator advised that there have been four calls for the property at 8601 Lawson from January to the present and four calls for the property at 8621 Lawson. Two of the calls involved people inside the property doing drugs. Ms Canada advised that there are children close by the area and it presents a big concern.

Chairman Sanchez asked to add as part of the recommendations that the property be fenced. He also commented that until all issues involving the ownership is settled, the city cannot take

any action on the property. Mr. Cohen advised they can at fence the property. Board member Mr. Jimarez advised it would be beneficial for everyone.

Inspector Nellie Avalos commented that the federal government did not take over the property. The commission was advised that Ms. Susan Dahl has been trying to keep the property secured. Assistant City Attorney Wendi Vineyard informed the commission that Ms. Dahl is not the owner, but a representative for the ASLM II group.

Inspector Alejandro informed the board that the property has gone through five different owners.

Chairman Sanchez commented again on the needed time for the property new ownership.

Motion made by Conrad Conde to secure the property within 30 days to include fencing and return in 180 days, seconded by Chuck Taylor to accept staff recommendations, unanimously passed.

The owner has been notified of the property violations. To date there has been minimum corrective actions taken, and therefore the Department recommends that it be found:

1. Revoke certificate of occupancy (unfit for habitation).
2. Structures can be rehabilitated.
3. Secure structures to include fencing within 30 days and maintain secure thereafter.
4. Return to this commission in one hundred eighty days (180) days; and
5. Premises be cleaned of all weeds, trash, and debris, within 30 days & maintained clean thereafter.
6. 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.

IV. **Update(s)**

Chief Building Inspector provided an update on 1211 E. Cliff, which has been boarded up and secured and 2521 Richmond which case was presented at this meeting.

IV. **Adjournment**

Motion made by to adjourn this meeting was unanimously carried. The meeting adjourned at 6:56 p.m.

Chairman Jesse A. Sanchez
Panel A

Nathan Walsh
Chief Building Inspector, CBO