

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
March 25, 2015
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, March 25, 2015 at 5:30 p.m. with the following members present:

Board Members Present:

Sam Guido
Chuck Taylor
Jesse Sanchez
Teresa Munoz
Conrad Conde (left at 6:31 p.m.)
Michael Bray (Panel B)

Others Present:

Ron Roth, Chief Building Inspector
Wendi Vineyard, Assistant City Attorney
Alex Esparza, Building Inspector
Janeth Loya, Building Inspector
Salvador Reyes, Building Inspector
Cesar Grado, Building Inspector
Nancy Spencer, Recording Secretary

Absent:

Hector Arellano
Al Jurado

AGENDA

I. Call to Order

The meeting was called to order by Chairman Jesse A. Sanchez at 5:37 p.m.

II. Approval of the September 24, 2014 minutes

Motion made by Chuck Taylor, seconded by Michael Bray to approve the September 24, 2014 minutes, unanimously passed.

III. Approval of the January 28, 2015 minutes

Motion made by Conrad Conde, seconded by Chuck Taylor to approve the January 28, 2015 minutes, unanimously passed.

Regular Items:

IV. Public hearing to determine if the property located at 332 Jensen 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 Estate of Isabel Guzman A/K/A Isabel H. Guzman, Deceased and the Estate of Maria Antonia Guzman A/K/A Antonia M. Guzman, Deceased; Betty A. Martinez and Frank Guzman (record owner(s) and they have been notified of this hearing.

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

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

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.

Frank Guzman, son of Isabel Guzman was present for public comment. He advised that the reason why ownership was not claimed at present was because an agreement on who would claim ownership has not yet been established. According to Mr. Guzman, in his father's will, property ownership was left to him and at this time asking for time to rehabilitate the property. The board was informed that his father's will still needs to go through probate court to claim and finalized ownership.

Chairman Jesse Sanchez advised that ownership must be established through the County of El Paso. Mr. Guzman advised that he would pay any pending taxes.

Board member Michael Bray informed Mr. Guzman on the board's recommendations were to board and secure the property and demolish the illegal additions. Mr. Guzman advised that he did not have problem with demolishing the illegal addition #1 and he would secure the property once it was cleaned up.

Board member Chuck Taylor asked Mr. Guzman for time frame on cleaning, demolishing and securing the property. Mr. Guzman will start process immediately to clean and demolish.

Chairman Jesse Sanchez asked about what did the property need to be brought into compliance and Inspector Loya advised that the electrical and plumbing system will be needed to be upgrade and legalized. That meant that possibly two or three permits would be required.

Motion made by Conrad Conde seconded by Michael Bray to accept staff recommendations, unanimously passed.

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 illegal additions are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
2. That the main structure can be rehabilitated with necessary permits; and
3. That illegal addition #2 and #3 be legalized with necessary permits; and
4. That the main structure and illegal addition #2 and #3 be maintained secure until rehabilitated; and
5. That the illegal addition #1 be demolished within (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.

Member Chuck Taylor stepped out at 5:56 p.m. Returned at 6:01 p.m.

- V. Public hearing to determine if the property located at 8919 Ruiz 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 Rebecca V. Martinez (record owner(s), and she has been notified of this hearing.

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

Cesar Grado, Building Inspector, presented the case and gave a brief chronology on the history of the property and the condition that it was found in which included the fire damage on the property

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

Chairman Jesse Sanchez asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or had public comment.

The board was advised that the property owner was not present for public comment.

Inspector Grado advised owner lived in Colorado and could not attend the meeting.

Chairman Jesse Sanchez asked if there were police reports regarding this property and was advised there has been reports made. Inspector Grado also advised that building in a dilapidated state.

Board member Michael Bray asked if owner had informed the department what she intended to do about the property. Mr. Bray was advised that the owner wanted to hire a demolition contractor to take down the building.

Motion made by Michael Bray seconded by Conrad Conde 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 structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare.
 2. That 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 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 maintained clean 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.
- VI. Public hearing to determine if the property located at 7227 North Loop Road 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 Project Amistad (record owner(s), and they have been notified of this hearing.

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

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

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

Chairman Jesse Sanchez asked if the commission had any questions regarding this case. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

Xavier Banales, chief executive officer for Project Amistad was present for public comment.

Mr. Banales advised that Project Amistad had purchased property and the intent was to demolish structure and use the property for storage of buses. The board was informed that Project Amistad was in the process in getting estimates on the demolition of the structure and at the same time the construction of a new building on property. Mr. Banales requested a 90 day time period to demolish the structures.

Board member Chuck Taylor asked if the plan was to demolish and construct a new building. He was advised that at present, Project Amistad was working with an architect and the city on the issues of grating the site, demolition and permit process.

Chairman Sanchez asked why no corrective action had been taken sooner.

Mr. Banales advised they were made aware in October of what was going on with the property, and has been working on obtaining estimates for demolition. He advised the board that they received a second notice but they were still working on it. Mr. Banales advised that there was a cost issue involved, and were trying to see if it were to cost less if both demolition and construction was done at the same time than having it done one at a time. Mr Banales requested for 90 day extension period. The board was also informed that Project Amistad has received two bids from companies to do both. He advised the board of directors for Project Amistad would have to agree on bids.

Chairman Sanchez asked when the board of directors would make a final decision. Board member Michael Bray also inquired about when they would decide to demolish the structures and construct a new building at same time.

Chairman Sanchez asked if the building can be secured in the meantime. Mr. Banales advised they can make arrangements to secure the property.

Board member Chuck Taylor asked when was the property purchased. He was advised that it was purchased 8 months ago. Mr. Taylor commented the property was as is all this time and nothing was done, but now Project Amistad was asking for an extension of 90 days. Mr. Taylor stated that it should be up to the City on what plan to follow.

Chairman Sanchez asked Mr Banales if an extension of 60 days would be acceptable. Board member Michael Bray also asked if that extension of time would pose a problem.

Chief Building Inspector Roth advised that they would be in agreement with the 60 day extension and the securing of the property within 30 days. Mr. Banales also agreed with fencing of the property. Chairman Sanchez advised Mr. Banales to secure the property with a fence around the structure.

Motion made by Conrad Conde seconded by Michael Bray to accept staff recommendations with the modifications to demolish property within 60 days, secure structure with a fence within 30 days, passed unanimously.

The owners have been notified of the property maintenance violations at this property. To date there has been minimal corrective action taken and therefore the Division 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 cannot be rehabilitated; and
 4. That the structure be demolished within sixty (60) days; and
 5. That the decomposing concrete elements be removed within thirty (30) days; and
 6. That the premises be cleaned and maintained clean of all 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.
- VII. Public hearing to determine if the property located at 128 Cinecue Way 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 Boyar Jose & Manuela % Campos Chuck (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 which included the fire damage on the property

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

Chairman Jesse Sanchez asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

The property owner was not present for public comment.

Motion made by Conrad Conde seconded by Michael Bray to accept staff recommendations, passed unanimously.

The owners have been notified of the property maintenance violations at this property. To date there has been minimal corrective action taken and therefore the Division 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 60 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.
- I. Public hearing to determine if the Building and Standards Commission Order for the property located at 7305 Dale Road in the City of El Paso (legal description on file with the City Clerk) is in compliance with the orders of October 29, 2014 .and if not, to determine what action to be taken on the non-compliance of the orders. On October 29, 2014, the Building and Standards Commission ordered that the property be vacated within thirty days and that the owners be given thirty days to obtain permits and/or provide documentation of financial assistance. The owners of this property, Remedios Alvarez and Sylvia Alvarez, Victor Manuel Alvarez and Victor Manuel Alvarez as trustee for Omar Alvarez, 7305 Dale Road, El Paso, Texas, 79915, have been notified of the violations at this property.

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

Alex Esparza, Building Inspector, presented the case and gave a brief chronology on the history of the property and the condition that it was found in which included the fire damage on the property

The board was advised that this was the 4th time this case has been presented to the Building and Standards Commission. There were also advised that no plans have been submitted and no permits obtained. The property had no gas service, no hot water. The property owners had been referred r to various services for assistance. Mr. Roth also advised that Patricia White, Housing Program Manager for the City of El Paso, Community Development Department was present to answer any questions regarding this property.

There was a presentation of pictures on the conditions of the property which were shown to the board.

Chairman Jesse Sanchez asked if the commission had questions. He also asked if the owners were present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

Remedios and Sylvia Alvarez, property owners were present for public comment Ms. Mara Portillo, translator for the property owners, hired by the City of El Paso was also present

Ms. Sylvia Alvarez advised that there were misconceptions. and lies about the property She advised that they had paid for an electrician to do the electrical upgrade and for the drawing of plans to rehabilitate the property. Ms. Alvarez stated the city denied issuing any permits. She also told the board that she keeps the patio clean and has pictures to prove it..

Chairman Sanchez asked to see the pictures and to indicate when those pictures were taken Ms. Alvarez stated the pictures were taken 12-1-14. The Commission was advised they have pictures showing the outside bathroom, no additions have been built on the property and the property had been painted on the interior.

Ms. Alvarez stated that Home Depot did not deny help but they had talked to Ron Roth and she did not know what happened. She stated she had a recording of conversation with Home Depot and Ron Roth. She also stated that Home Depot was waiting for a response from them but was waiting for her husband to be discharged from the service so they could provide assistance on fixing the property. .

The board was shown pictures of property. The board was also shown a letter from Dorado Engineering; however, the property owners were advised that if this case was to go to higher court, Mr. Dorado would have to be present to testify on the letter. The letter indicated that doors and windows would be needed.

Board member Teresa Munoz inquired what date was on the letter stating they needed to do the repairs and was advised it was dated 2009, approximately six years ago.

The board asked when the inspector returned to the property. Inspector Esparza advised they tried to go the day before the meeting but the owners were not there. Inspector Esparza advised many items had been demolished but however, the electrical still remained in the same condition.

Chairman Sanchez asked about the state of the utilities. He was informed that the electrical service being used on the property was by using extension cords to run the service. In addition the bathrooms were not operable and the occupants were using an outside outhouse.

Ms. Alvarez contradicted the inspector advising they did have water service.

Chairman Sanchez also inquired about the fines assessed back in 2001. Ms. Alvarez advised that they had never received notification. Inspector Esparza advised they were notified back in 2014 of the 2001 fines.

Board member Michael Bray reminded Ms. Alvarez that he was present at the previous Building and Standards Commission meeting held in 2008 when they were informed of the pending fines and what the recommendations were that they were to follow.

Assistant City Attorney Wendi Vineyard recommended for the board to follow recommendations.

Chairman Sanchez again informed the owners of the staff recommendations. Ms. Alvarez advised that they could not comply with the recommendations cannot be done and that they will appeal the decision made by the board.

Chief Inspector Roth advised that there was a bathroom inside house with a commode

Motion made by Michael Bray seconded by Teresa Munoz to accept staff recommendations, passed unanimously.

1. Vacate the property within ten (10) days; and
2. That the homeowners pay the fine assessed of \$2,600 by the City Council order of June 12th, 2001 for noncompliance and reinstated in November 2014 from the October 2014 Building and Standards Commission meeting where the Owners were present; and
3. That the Building and Standards Commission hereby orders the structures' certificate of occupancy remain revoked.
4. The Owners have failed to comply with the previous Orders, the City of El Paso, through the Building Safety Division of the City Planning and Inspection, may:
5. Demolish the structures;

6. Clear the Property inside and out of all weeds, trash, debris and personal property of the owners at the expense of the owners pursuant to Section 214.001 of the Texas Local Government Code;
7. Seek reimbursement from the Owners for the cost of complying with this Order and shall result in a lien being placed against the Property.
8. The City will employ the assistance of any peace officer under El Paso City Ordinance 2.38.070 B(1)(b).
9. In accordance with the El Paso City Ordinance 2.38.070(1)(b), the El Paso Police department will assist in the removal of the owners.

VI. Adjournment

Motion made by Michael Bray seconded by Teresa Munoz to adjourn the meeting was unanimously carried. The meeting adjourned at 7:05 p.m.

Chairman Jesse Sanchez

Ron Roth
Chief Building Inspector, CBO