

**CITY OF EL PASO  
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"  
2<sup>ND</sup> FLOOR, CITY COUNCIL CHAMBERS  
OCTOBER 3, 2012  
5:30 P.M.**

**MINUTES**

The Building & Standards Commission Panel "A" held a public hearing in City Council Chambers, 2<sup>nd</sup> floor of the City Hall Building on Wednesday, October 3, 2012 at 5:30 p.m. with the following members present:

**Board Members Present:**

Al Jurado  
William C. Helm II  
Robert C. Filarski  
Linda Vick  
Ben Bohannon (alternate)  
Michael Bray (alternate)  
Conrad Conde (alternate)  
Paul Gilcrease

**Others Present:**

Kurt Fenstermacher, Deputy Director  
Bill Stern, Deputy Building Official  
John Batoon, Assistant City Attorney  
Roger Iveson, Chief Building Inspector  
Nellie Avalos, Building Inspector  
Kevin Harrell, Building Inspector  
Tom Maguire, Chief Building Inspector  
Trenda Rocha, Administrative Assistant  
Nancy Spencer, Recording Secretary

**Absent Members:**

Jesse Sanchez

**AGENDA**

Call to Order

- I. The Building & Standards Commission meeting, Panel "A" was called to order by Chairman Robert Filarski at **5:38 p.m.**

Chairman Robert Filarski sworn in all witnesses present to give testimony on the cases heard.

- II. Approval of the July 25, 2012 minutes

**Motion made by Linda Vick, seconded by Alfonso Jurado Jr. and Ben Bohannon, to approve the July 25, 2012 minutes, unanimously passed.**

**Regular Items:**

- III. Public hearing to determine if the property located at 220 Frontera, 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 interested parties have been identified as, Elizabeth Santoscoy, JPMC Specialty Mortgage, LLC and U.S. Small Business Administrative, and they have been notified of this hearing.

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

The commission advised that an engineer's report has been submitted.

Raul Carrillo, Building Inspector presented the case.

Board member Linda Vick questioned the engineer's report received.

Bill Stern advised that the property was inspected after the 2006 flood to determine if the property would be rehabilitated. He advised that he met with the property owner on Monday, October 1, 2012 and found that the property had been cleaned. In addition, as per his request, the property owner hired an engineer to inspect the building, but a complete report was not yet available.

Mr. Felix Cabrera, co-owner of the property provided public comment. He advised that the property was cleaned of weeds and trash and had the structure treated for insect infestation. He stated that the engineer advised that the property was structurally sound.

Board member, Mr. Al Jurado inquired about the time frame when the property would be rehabilitated.

Mr. Stern advised that there have been complaints from the neighborhood on the maintenance of the property. He also said that they are working on restoring the electric power to activate the alarm system.

Mr. Adam Romero, who resides at 210 Frontera, was present to provide public comment. Mr. Romero complained about the overgrown weeds and grass on the property, and the mosquito infestation. The commission was advised that there are two sheds at the rear of the property which are fire hazards. He stated that in addition, there are dead trees that need to be cut down. There is also a rodent and cat infestation, as well as wasp nests on the property. Juveniles are getting inside the property through the broken windows.

Mr. Cabrera stated that the dead tree was removed and there were no rodents.

Board member, Mr. Robert Filarski asked how often the code compliance inspectors will inspect the property for overgrown weeds and debris. Mr. Stern advised that the property owner will have 30 days to clean up the area. Mr. Filarski asked about the trees. Mr. Stern advised that they will monitor to insure that Mr. Cabrera maintains the property.

**Motion made by Al Jurado Jr., seconded by Conrad Conde to accept staff recommendations with the modification that the property be ordered to be secured and maintained secured within thirty days instead of demolition, unanimously carried.**

The owner has been notified of the 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 be registered as a vacant structure in accordance with the sections of the Vacant Building Ordinance; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained secure 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.

IV. Public hearing to determine if the property located at 804 Myrtle, 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 interested parties have been identified as, Augustin C. Rodriguez and Harold J. Hensley, and they have been notified of this hearing.

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

Roger Iveson, Chief Building Inspector presented the case.

Leslie Canada, Police Coordinator was present for public comment. Police Officer, Ricardo Parga, advised there is an ongoing problem for the neighborhood, as drug usage, prostitution and vagrants and sex offenders were getting into the property and staying there. He advised the property is a danger to the neighborhood.

Board member, Linda Vick, asked if the demolition would affect the adjacent property since both share a wall between properties. Leslie Canada advised that they have tried to get in contact with the property owner of the adjacent property. Bill Stern advised if the commission approves the recommendations, they will try to get in contact with the property owner of the adjacent property to let them know of the pending demolition.

Filarski asked if the wall was part of the structure of the adjacent property owner. Bill Stern advised that may be compromised

**Motion made by Conrad Conde, seconded by Ben Bohannon 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 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.
- V. Public hearing to determine if the property located at 4948 Royal Drive, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Tawny J. Wright and Joni Y. Wright, El Paso Realtors Credit Union and Chemical Mortgage Company, and they have been notified of this hearing.

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

Kevin Harrel, Building Inspector presented the case.

Board member, Ben Bohannon asked if Code Compliance knew how the fire was started. Inspector Kevin Harrel advised that Code Compliance did not know how it was started, but showed the Commission photos of the bedroom where the fire started.

**Motion made by Linda Vick, seconded Ben Bohannon to accept staff recommendations, and 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 main 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.
- VI. Public hearing to determine if the property located at 815 Tays, 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 interested parties have been identified as, Raul M. Aguilar, Adelina A. Gill, Mary Yanez, Manuel Aguilar, Teresa Nunez, Cecilia Hernandez, Andrew Allen-Aguilar, and Brian Allen-Aguilar, and they have been notified of this hearing.

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

Nellie Avalos, Building Inspector presented the case.

Ms. Adelina Gill, co-owner, as well as representing her brothers, advised she had a signed contract with Demcon Contractors to begin the demolition of the property beginning October 4<sup>th</sup>, and advised the demolition should be completed within a week. She provided Inspector Avalos a copy of the contract for the demolition.

Leslie Canada, stated that police officers have removed heroin addicts out of the residence, and the officers do monitor the property regularly and have still seen people go in and out of the property.

**Motion made by Conrad Conde, seconded by Ben Bohannon, to accept staff recommendations, unanimously passed.**

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 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 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.
- VII. Public hearing to determine if the property located at 1014 S. Virginia, 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 interested parties have been identified as, Dame La Mano Crisis Pregnancy Center, Rosa A. Arellano, Registered Agent, and they have been notified of this hearing.

Bill Stern, Deputy Building Official, read the item into the record. Mr. Stern requested a motion to delete this item, because the property is now in compliance as he inspected the property and has found that the property is now in compliance. The Commission was informed that a new water heater has now been installed.

**Motion made by Conrad Conde, seconded by Linda Vick, to accept staff recommendations, unanimously passed.**

The owner has been notified of the property maintenance violations at this property, to date there has been 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 can be rehabilitated; and
5. That the structure be vacated and secured and maintained secure 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.

- I. Public hearing to determine if the property located at 2702 Porter Avenue, 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 interested party has been identified as, Tomasa Ramirez and she has been notified of this hearing.

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

Nellie Avalos, Building Inspector presented the case.

Mr. Eduardo Ramirez, spouse of the owner, informed the Commission he had brought in the building plans and engineer's report stating that the property was feasible to rehabilitate. Inspector Avalos referred Mr. Ramirez to visit the City Hall's 5<sup>th</sup> floor to have his plans reviewed for approval.

Mr. Stern advised he will submit progress reports on this property at each meeting.

**Motion made by Ben Bohannon, seconded by Linda Vick, to accept staff recommendations, unanimously passed.**

The owners have been notified of the property maintenance violations at this property and have been provided a copy of the Building and Standards Commission order dated July 25, 2012. To date, the structure openings have been secured with plywood, an engineer's report has been submitted, the rehabilitation plans have been presented to the Chief Building Official Bill Stern and premises have been maintained, therefore, the Department recommends:

1. That regular progress reports be submitted to the Building and Standards Commission at the next meeting to be held on November 28, 2012.

VIII. Adjournment

**Motion made to adjourn the meeting by Linda Vick, seconded by Alfonso Jurado was unanimously carried. The meeting adjourned at 6:45 p.m.**

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Robert Filarski, Chairman, Panel "A"

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