CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
July 30, 2014
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, July 30, 2014 at 5:30 p.m. with the following members present:

Board Members Present:
Al Jurado
Charles Taylor
Randy Boggs
Miguel Angel Ochoa (Panel B)
Michael Bray (alternate)
Sam Guido

Others Present:
Ron Roth, Chief Building Inspector
Wendi Vineyard, Assistant City Attorney
Alex Esparza, Building Inspector
Janeth Loya, Building Inspector
Salvador Reyes, Building Inspector
Nancy Spencer, Secretary

Absent:
Paul Gilcrease
Jesse A Sanchez
Teresa Munoz
Hector Arrellano
Conrad Conde

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "A" was called to order by Acting Chairman Michael Bray at 5:34 p.m.

Acting Chairman Michael Bray swore in all witnesses present to give testimony on the cases to be heard.

II. Election of Chairman

Postpone nomination of chairman until next regular meeting to allow the Assistant City Attorney Wendi Vineyard time to review the board membership requirements..

III. Approval of the May 28, 2014

Motion made by Miguel Angel Ochoa, seconded by Randy Boggs to approve the May 28, 2014 minutes unanimously passed.

Regular Items:

IV. Public hearing to determine if the property located at 5647 Frutas Avenue, 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 Emilio Sandoval and he has been notified of this hearing.

Chief Building Official, Ron Roth read the item for the record.

Building Inspector Janeth Loya presented the case and gave a brief chronology on the history of the property.

Inspector Loya gave a brief chronology on the history on the property and the condition that it was found in.

The board members were shown pictures of the property and how it was found.

Acting Chairman Michael Bray 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 Al Jurado seconded by Sam Guido to accept staff recommendations, unanimously passed.

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 structures remain 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 remain 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 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 hearing to determine if the property located at 321 Yale 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 owner of this property is identified as Teresa P. Sandidge, Ted Robert Sandidge, and Norman Wayne Sandidge, and they have been notified of this hearing.

Ron Roth, Chief Building Inspector, read the item into the record.

Salvador Reyes, Building Inspector, presented the case and gave a brief chronology on the history of the property.

The board members were shown pictures of the property and how it was found.

Acting Chairman Michael Bray 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 Al Jurado seconded by Sam Guido 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 response or corrective action taken and therefore the Division 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 structure's certificate of occupancy be revoked; and
4. That the structures can be rehabilitated; and
5. That the structures be secured within thirty (30) days; and
6. That all un-operable vehicles be removed from the property; and
7. That the premises be cleaned and maintained clean of all trash, debris, auto parts, and scrap metal within 30 days; and
8. 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.

6:10 p.m. Ted Sandidge, property owner for 321 Yale walked into meeting.

Chief Building Inspector Ron Roth advised that the owner for 321Yale was present.

Mr. Ted Sandidge, property owner for 321 Yale Avenue came in to meeting and a request was made for his case to be reheard.

Motion made by Miguel Angel Ochoa, seconded by Al Jurado to rehear Item IV, 321 Yale unanimously passed.

Acting Chairman Michael Bray asked Ted Sandidge to be sworn in. Mr. Sandidge was advised of the staff recommendations and motion made.

Mr. Sandidge advised that he wished to file a legal claim against city for taking away his property. The commission was advised that this issue has been going on since 2002. Mr. Sandidge also requested to keep the cars that were on the property.

Acting Chairman Michael Bray advised Mr. Sanddidge that the city was not taking away property. He was informed that the property needs to be rehabilitated, and that the cars need to be stored or removed.

Board member Charles Taylor asked if the structure shown on the presentation is still in fair condition to be habitable. Mr. Taylor was advised that a family member is living in the main structure without any utilities.

The board was advised that the department was recommending that all cars, storage and trailer number one be removed and revoke C/O for entire property.

Acting Chairman Michael Bray asked what would happen to the vehicles once removed from the property. Mr. Bray was advised that they would be removed and placed on the street and given a five day notice for removal by the El Paso Police Department. If not done, the vehicles would more than likely be put in storage.

If the Certificate of Occupancy for the property is revoked, the property owner will not be allowed to live there.

Board member Al Jurado advised then if owner goes back would he would be in violation of the order. Mr Jurado was advised that the department would not have control over if man returns to the property. He was advised the commission has no jurisdiction on trespassing. If the owner does not comply with the order, the city will board and secure and place a lien on the property.

Member Charles Taylor stated if cars are placed on street, it would be considered junk on the street. This would entice others to vandalize and set up a injury condition. Mr. Taylor was advised that the inspector would work with the police department on how this issue would be handled.

Acting Chairman Michael Bray informed everyone that this issue is not up to the board. The board is to review the revocation of the Certificate of Occupancy. Assistant City Attorney Wendi Vineyard advised the commission on what action they can take. The board was also informed that once a decision is made, other city agencies would be involved to insure that the orders are complied with. Chief Building Inspector Ron Roth advised they can coordinate with other city entities on the vehicle issue.

Board Member Charles Taylor suggested that it would be better for cars to remain inside property for safety reasons. Acting Chairman Michael Bray again repeated the staff recommendations on what is being recommended. Member Al Jurado suggested putting the antique operable vehicles somewhere on the property. Mr Jurado was advised the brother of the owner was to take responsibility of the vehicles. City attorney Wendi Vineyard advised it would be up to probate court on what action to take when the time comes.

Board member Sam Guido asked if the owner could live in the trailer. Chief Building Inspector Ron Roth advised property was not zoned for trailers.

Motion made by Miguel Angel Ochoa seconded by Al Jurado 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 response or corrective action taken and therefore the Division 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 structure's certificate of occupancy be revoked; and
4. That the structures can be rehabilitated; and
5. That the structures be secured within thirty (30) days; and
6. That all un-operable vehicles be removed from the property; and
7. That the premises be cleaned and maintained clean of all trash, debris, auto parts, and scrap metal within 30 days; and
8. 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 5408 Van Horn., 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 is identified as Felix L. Losada A/K/A Felix Losada (record owner(s), and he has been notified of this hearing.

Ron Roth, Chief Building Inspector, read the item into the record.

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

Acting Chairman Michael Bray 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.

Sam Guido asked about the time span between inspections when they were done. He was advised that after the case was heard at the previous Building and Standards Commission meeting; the owner complied by securing the property.

6:10 p.m. Ted Sandidge, property owner for 321 Yale walked into meeting.

Member Charles Taylor asked if during the time span when the case was presented the first time was there more damage to the property.

Building Inspector Alex Esparza advised that at present, the department was recommending securing the property.

Member Charles Taylor asked if contact was made with owner. Building Inspector Esparza advised that he had made contact with John Trien who is representing the owner. Mr. Trien advised that he would board and secure building but as of this date, has not.

Mr. Taylor asked if they were dealing with both owners. Mr. Taylor was informed that they were dealing with only with present owner.

Acting Chairman Michael Bray advised that possibly the property ownership arrangement may involve what is called a wraparound mortgage. The commission can only deal with whose ever name is on title.

Motion made by Al Jurado seconded by Sam Guido to accept staff recommendations, unanimously passed.

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's certificate of occupancy be revoked; 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 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.

VII. Adjournment

Motion made Ochoa, seconded by Taylor to adjourn the meeting was unanimously carried. The meeting adjourned at 6:35 p.m.

Acting Chairman Michael Bray, Panel "A"

Ron Roth, C.B.O., Chief Building Inspector
City Development Department