CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
2ND FLOOR, CITY COUNCIL CHAMBERS
October 28, 2009
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 28, 2009 at 5:30 p.m. with the following members present:

Board Members Present:
Jimmy Stevens
William Correa
James Erickson
Armando Uranga
Ira Barbe
Roman Bustillos

Others Present:
Victor Morrison-Vega, Deputy Director
Bill Stern, Chief Building Inspector
Tom Maguire, Chief Building Inspector
Cynthia Osborn, Assistant City Attorney
Nellie Avalos, Residential Inspector
Robert Gonzalez, Residential Inspector
Nancy M. Spencer, Recording Secretary

Absent Members
Paul Zacour.
Anibal Olague
Hector Zamora
Fred Perez

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "B" was called to order by Chairman, Roman Bustillos at 5:35 p.m.

II. Approval of minutes for the meeting held August 26,

Motion made by William Correa seconded by Armando Uranga to approve the minutes for the August 26, 2009 meeting with the noted corrections in item IV, 3511 Polk Ave. to include the owner's name and information on the date of the Building and Standards Commission meeting held on January 27, 2007 when this item was heard unanimously carried.

III. Discussion and action on the election for Vice-chairman

Motion to elect Ira Barbe as Vice Chairman, seconded by William Correa unanimously carried.

IV. Any changes to the agenda

Bill Stern advised that there were no changes to the agenda.

Regular Items:

V. Public hearing to determine if the property located at 5316 Dalton Ave., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety

hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 28, 2009. The owners Diana K. Oldham, 5316 Dalton Avenue, El Paso, Texas, 79924, GECU of El Paso, P. O. Box 20998, El Paso, Texas, 79998 and GECU, 7227 Viscount Blvd., El Paso, Texas, 79925 (the **"Owners"**), have been notified of the violations at this property.

Bill Stern, Chief Building Inspector presented the item.

Robert Gonzalez was present for discussion.

Michael Cintron, legal representative for GECU and Sandra Moore-Duarte, representative for the trust on the property were present for discussion.

Sylvia Zanella, inspector for Code Enforcement was present for discussion.

Commission members were advised that the property was being cleaned and the doors and windows have been secured. The broken windowpanes have been replaced but the property has not been boarded up and the accessory structure on the property has been removed.

Motion made by William Correa seconded by Ira Barbe to accept staff with the deletion of item 6 recommendations unanimously carried.

The owners have 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 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 main structure can be repaired; and
5) That the main structure be secured within thirty (30) days and maintained secure until rehabilitated; 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.

Bill Stern introduced Assistant City Attorney Cynthia Osborn and Victor Morrison Vega to the board.

Sylvia Zanella, inspector for Code Enforcement was thanked for her service to the board.

VI. Public hearing to determine if the property located at 6812 Cielo Vista Dr. in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 16, 2009. The owners Cielo Vista Kiwi, LLC, 6812 Cielo Vista, El Paso, Texas 79925, Cielo Vista Kiwi, LLC, 8344 E.R.L. Thornton Freeway, Suite 102, Dallas, Texas, 75228, The Bank of New York, 101 Barclay Street, 8W, New York, New York, 10286 and Municipal Mortgage & Equity, LLC, Attn: Thomas R. Hobbs, 218 North

Charles Street, Suite 500, Baltimore, Maryland, 21202 (the **"Owners"**), have been notified of the violations at this property.

Bill Stern, Chief Building Inspector was present for discussion.

Tom Maguire, Chief Building Inspector was present for discussion.

Nellie Avalos, building inspector was present for discussion.

Sylvia Zanella, inspector from Code Enforcement was present for discussion.

Cheryl Van Dusen Regional Manager for the Cielo Vista Apartments was present for discussion.

Motion made by William Correa seconded by Jimmy Stevens to accept staff recommendations to include for the staff to work with owner on the inspection of each unit individually to insure code compliance and to restore the certificate of occupancy for those apartment units which meet code compliance 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 Department 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 can be rehabilitated; and
5) That the structure remain vacated until rehabilitated; and
6) That the structure be secured and maintained secure within thirty (30) days; and
7) That the premises be cleaned and maintained clean of all weeds, trash, and debris 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.

VII. A request for rehearing of 4425 Sunrise Ave., in the City of El Paso (legal description on file with the City Clerk). On August 26, 2009, the Building and Standards Commission ordered the owner of the property to vacate and secure the property within 30 days, that the property be rehabilitated within 60 days, be demolished if the property is not rehabilitated within 60 days and that the premises be cleaned within 30 days and schedule a public hearing for October 28, 2009 to determine if the order has been complied with. The owner Northeast Community Development Organization, 8740 Gateway North, El Paso, Texas, 79904, (the **"Owner)** has been notified of the violations at this property.

Bill Stern, Chief Building Inspector, presented the item.

Albert Bloxom was present for discussion.

Sandra Moore -Duarte was present for discussion.

Preston Brown who works with David Karam, buyer for the property was present for discussion.

A motion was made by Jimmy Stevens and seconded by William Correa to accept staff recommendations with the modification that the property be boarded up and secured within 15 days, for staff to provide a status report at the next meeting on December 16, 2009 on the transfer of ownership of the property and whether the order has been complied with on the rehabilitation of the property and if not, for the property to be demolished, unanimously carried.

Jimmy Stevens withdrew his motion and then restated it with the board's recommendation that a rehearing be done on January 6, 2010 and for the property to be boarded and secured within 15 days, seconded by James Erickson and schedule a meeting within 60 days for a report to be submitted to determine if order has been complied with.

To date the Building and Standards Commission Order has not been complied with.

The department recommends that the Building and Standards Commission make the following findings:

That the Building and Standards Commission hereby order the structure's certificate of occupancy remain revoked and the owners to com ply with the following requirements.

1) That the structures be secured within fifteen (15) days and maintained secured until rehabilitated; and
2) That a status report be provided at the December 16, 2009 meeting, and
3) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
4) That the owner appear at a hearing scheduled for January 6, 2010, to determine if the Building and Standards Commission order of October 28, 2009 has been complied with and if not to determine if the structures should be demolished.

VII. Adjournment

Motion was unanimously carried to adjourn this meeting at 7:45 p.m.

Roman Bustillos, Chairman

Bill Stern, C.B.O., Chief Building Inspector
Development Services Department