CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
OCTOBER 29, 2014
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "B" held a public hearing at the El Paso City Hall, City Council Chambers, 1st Floor, Wednesday, October 29, 2014 at 5:30 p.m. with the following members present:

Board Members Present:
Andrew Haggerty
Randy Boggs
Miguel Angel Ochoa
Paul Gilcrease (Panel A)
Al Jurado
Michael Bray
Gerardo Licon

Others Present:
Ron Roth, Chief Building Inspector
Wendi Vineyard, Assistant City Attorney
Alexandro Esparza, Building Inspector
Nellie Avalos, Building Inspector
Nancy Spencer, Recording Secretary

Board Members Absent:
Roman Hernandez

AGENDA

Call to Order

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

Chairman Andrew Haggerty swore in all witnesses present to give testimony on the cases heard.

II Approval of the 2015 Building and Standards Commission meeting calendar dates.

Motion made by Michael Bray seconded by Paul Gilcrease, to approve the 2015 BSC meeting calendar dates, unanimously passed.

II. Approval of the August 27, 2014 minutes

Motion made by Paul Gilcrease seconded by Al Jurado, to approve the August 27, 2014 minutes passed. Board member Michael Bray abstained from vote.

Regular Items:

I. Public hearing to determine if the property located at 4604 Loma de Indios Ln. in the City of El Paso, are dangerous structures and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owners of this property have been identified as William B. Wood and Jacqueline Wood (record owner(s), and they have been notified of this hearing.

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

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.

Chairman Andrew Haggerty asked if the commission had questions. Mr. Haggerty 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 owners were not present for public comment.

Board member Michael Bray noted that there was a wrong date of the certified notices. Mr. Bray advised that the correct date should be October 29, 2014.

There was public comment from Mr. James H. Amen Jr., 4612 Loma De Indios. Mr. Amen advised that he walked to the back of the house and found that the back door was open. A bad stench was coming out of the house. Mr. Amen contacted Code Enforcement on the problem. He also advised the board that his daughter was stung by bees and saw rats running from house. The board was informed that the owners, Mr. and Mrs. William and Jacqueline Woods are decease and no one else wants anything to do with the house

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 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 premises be cleaned inside and out and maintained clean of all weeds, trash, and debris within 30 days; and
6. That the in-ground hot tub be secured/demolished/filled in within thirty (30) days; and
7. That any on-going infestation be removed from premises; and
8. That the structure be secured and maintained secure within thirty (30) days; and
9. The property be registered as a vacant building with the City of El Paso; and
10. 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.

Motion made by Michael Bray seconded by Paul Gilcrease, to accept staff recommendations, unanimously carried.

II. Public hearing to determine if the property located at 3001 Rivera Avenue in the City of El Paso is a dangerous structure and determines if the owner will be ordered to secure, repair, remove or demolish the property. The owner of this property has been identified as National Realty Acceptance Co, LLC (certified owner(s,) and they have been notified of this hearing.

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

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

Chairman Andrew Haggerty asked if the commission had questions. Mr. Haggerty 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.

Mr. Victor Vasquez, real estate agent informed the board that there is a pending contract to sell the property. Mr. Vasquez advised that the company foreclosed on the property a year ago. He advised that the potential buyer, Project Vida was to close on the contract by end of November 2014. The intent was to purchase the property before obtaining grant money to construct new housing for the neighborhood.

Board member Gerardo Licon advised that he had safety concerns regarding the property. Mr. Licon commented that students could enter the property before and after school. Board member Michael Bray also agreed that it was a safety concern. Mr. Bray added that whatever order is given, the owner would have to take care of securing the property or if the City of El Paso does so, it will be more expensive.

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 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 a structural evaluation by an engineer be submitted for rehabilitation
6. That the structure be secured within thirty (30) days and maintained secure thereafter; and
7. That the property be registered as a Vacant building with the City of El Paso within thirty (30) days; and
8. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
9. 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.

Motion made by Michael Bray seconded by Paul Gilcrease to accept staff recommendations, and unanimously carried.

III. Public hearing to determine if the property located at 7305 Dale Road in the City of El Paso are dangerous structures and determines if the owner will be ordered to secure, repair, remove or demolish the property. The owners of this property have been identified as Remedios Alvarez and Sylvia Alvarez, Victor Manuel Alvarez and Victor Manuel Alvarez as trustee for Omar Alvarez (record owner(s), and they have been notified of this hearing.

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

Translator Mara Portillo was present to translate for Mr. and Mrs. Remedios and Sylvia Alvarez .

Video clips of the 2009 Building and Standards meeting held regarding this property were shown to the board members. The first video stated the recommendations made at the time by Chief Building Inspector Tom Maguire. This included the translation by Ms. Mara Portillo who was also the translator for the 2009 meeting translating the staff recommendations into Spanish for the owners Mr. and Mrs. Alvarez.

The recommendations that were made at the time were:

- Structures were to be condemned, and
- That the structures are not in substantial compliance; and
- That the certificate of occupancy continue to be revoked; and
- That the premises be cleaned within 30 days; and
- That Plans be submitted and permits obtained before any work is done; and
- That the owners have 90 days to comply; and
- If there is failure to comply, the city can take any action

Mr. Bray asked about premises being cleaned and secured. Mr. Maguire advised that recommendation would be added to the final orders. The motion made at that time to accept staff recommendations passed with one member, Mr. Carl Robinson, who abstained.

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. .

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

Chairman Andrew Haggerty asked about the staff's recommendation for demolition in 2009.

Board member Michael Bray advised that in 2001, City Council ordered the demolition of certain structures. Assistant City Attorney Wendi Vineyard advised that also with the way property notice was given on condemnations, the Building and Standards Commission was set up to hear these type of cases.

Property owner Sylvia Alvarez, Remedios Alvarez and daughter Cristina Alvarez were present for public comment.

Ms. Cristina Alvarez, daughter of the property owners asked if they could have time to consult with an attorney. Board member Michael Bray stated that this issue had been ongoing for 14 years and that the property owners were notified of what needed to be done regarding the property. Mr. Bray also added that there had been series of events, and that there have been no changes or improvements made in 2001 or in 2009. Mr. Bray also added that there was the issue of the trash and illegal construction on the property.

Ms. Cristina Alvarez advised that they were not notified of what they needed to do in 2001, only in 2009. Mr. Bray stated that notification had been sent to the property owners back in 2001 and in 2009

Mr. Roth asked Mr. and Mrs. Alvarez about an existing generator being used to provide electrical power to the house. Mr. Alvarez advised that the generator was broken and taken in

for repairs. Mr. Alvarez advised that he had permission from the El Paso Electric Company to have access for electrical power.
Board member Michael Bray asked if the certificate of occupancy had been issued. Mr. Roth advised that no certificate of occupancy was ever issued.

Cristina Alvarez, daughter of the property owners advised they have always lived there.

Chairman Andrew Haggerty asked about the danger of the propane tanks being stored at the property.

Mr. Bray stated that the property looked like it was in worse condition that it was before.

Ms. Cristina Alvarez advised that she spent $4000.00 dollars for cosmetic work done on the house which included installing tile and work done on the bathroom. Mr. Bray asked if permits for the work were obtained. Ms. Cristina Alvarez advised that she did not know they needed to obtain a permit for the work done. Mr. Bray questioned the fact that in the final orders issued in 2009 stipulated the requirement to submit plans and obtain permits. Mr. Bray was informed by staff that the structures were built without obtaining the required permits.

Ms. Sylvia Alvarez stated that the Electrician hired to do the electrical work on the property did not do the work as promised and took their money instead.

Chairman Haggerty asked if any permits for work on the property were obtained. Mr. Roth advised he was not aware of permits ever being obtained and as of now the property owners have not complied with the final orders.

Ms. Sylvia Alvarez stated that they needed to consult with an attorney. Board member Mr. Bray asked if they had advised their attorney of the meeting scheduled tonight. Ms. Cristina Alvarez advised that the attorney had not had sufficient time to review the case.

Board member Mr. Bray advised that they still had a pending fine of $2600.00 for not complying with the 2001 resolution and questioned whether Mr. and Mrs. Alvarez can be fined $2000.00 a day for non-compliance. Assistant City Attorney Ms. Wendi Vineyard advised yes they can.

Mrs. Sylvia Alvarez stated that they will appeal any decision made with a judge.

The owners have been notified of the property violations at this property. To date there has been little or no response or corrective action taken, and therefore the Department recommends that it be found:

1. That all 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 Certificate of Occupancy remain revoked; and
4. Premises must be vacated within thirty (30) days; and
5. That the main structure cannot be rehabilitated; and
6. That all the structures be demolished within thirty (30) days; and That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
7. That the homeowners pay the fine assessed of $2,600 by the City Council order of June 12th 2001 for noncompliance, and

8. That all junked vehicles be removed within thirty (30) days; and
9. That all fowl animals be removed from the premises within thirty (30) days; and

10. 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.

Motion made by Gerardo Licon seconded by Michael Bray to accept staff recommendations, unanimously carried.

IV. Adjournment

Motion made by Al Jurado, seconded by Miguel Angel Ochoa to adjourn the meeting unanimously carried. The meeting adjourned at 6:00 p.m.

For Andrew Haggerty, Chairman, Panel "B"

Ron Roth, Chief Building Inspector
Building and Safety Division