

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
EL PASO DOWNTOWN LIBRARY, AUDITORIUM
501 N. OREGON
April 24, 2013
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso Downtown Library, Auditorium, 501 N. Oregon, on Wednesday, April 24, 2013 at 5:30 p.m. with the following members present:

Board Members Present:

Andrew Haggerty
Roman Hernandez
Michael Bray
Lorraine Huitt
Gerardo Licon

Others Present:

Karl Rimkus, Code Compliance Manager
Wendy Vineyard, Assistant City Attorney
Roger Iveson, Chief Building Inspector
Rafael Balli-Berlange, Building Inspector
Nellie Avalos, Building Inspector
Raul Carrillo, Building Inspector
Sonyah Cahalan, Building Inspector
Kevin Harrell, Building Inspector
Diana Cedillo, Senior Office Assistant

AGENDA

Call to Order

- I. The Building & Standards Commission meeting, Panel "B" was called to order by Chairman Haggerty at 5:41 p.m.

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

- II. Approval of the October 31, 2012 minutes

Motion made by Michael Bray, seconded by Gerardo Licon, to approve the October 31, 2012 minutes, unanimously passed.

Regular Items:

- III. Public hearing to determine if the property located at 10731 Coral Sands, 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 Diane Vasquez-Zimmerman, and she has been notified of this hearing.

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 structures' certificate of occupancy be revoked; and
4. That the main structure be secured and maintained secure within thirty (30) days; and
5. That the premises be cleaned of all weeds, trash and debris within thirty (30) day and maintained clean thereafter; and
6. 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.

Sonyah Cahalan, Building Inspector, read the item to record.

Motion made by Roman Hernandez, seconded by Michael Bray to delete this item from agenda, unanimously carried.

- IV. Public hearing to determine if the property located at 708 – 710 Hills AKA 708 ½ Hills, 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, Francis Febres and Ricardo Vasquez, and they have been notified of this hearing.

Sonyah Cahalan, Building Inspector, read the item into the record.
Rafael Balli-Berlange, Building Inspector presented the case.

Mr. Bray inquires if the condemnation in 2010 was a board and secure or demolition. Inspector Balli confirms that it is a board and secure. Chairman Haggerty gives the opportunity for any members of the public to speak on behalf of the property. Nobody was present to speak on property's behalf.

Motion made by Michael Bray, seconded by Gerardo Licon, 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 remain 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 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 712 E. River, 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 Victor M. Nevarez, and he has been notified of this hearing.

Sonyah Cahalan, Building Inspector, read the item into the record.
Kevin Harrell, Building Inspector, presented the case.

Mr. Haggerty questions condemnation was done in 2010, asks if the process was ceased due to the Dallas lawsuit. Inspector Harrell confirms.

Ms. Huitt questions if there are any taxes owed on the property. Inspector Harrell confirms that there are no taxes owed. Ms. Huitt inquires if the owners have made any contact with Inspector Harrell. Inspector Harrell states there has been no contact from the property owner.

Mr. Bray questions for the reason of the Dallas Lawsuit if that is the reason that the property still retains a Certificate of Occupancy; there has been no subsequent hearing to revoke Certificate of Occupancy.

Inspector Harrell confirms due to that lawsuit, all demolitions within the City of El Paso stopped. Mr. Bray states that he is concerned about the close proximity to adjoining property in the evidence that it has already collapsed, looked like the part that collapsed fell very near to the adjoining property. Mr. Bray states that he is concerned of the timeliness in this process. He is inquiring if the property is stable enough to wait the 30 days until the next hearing. He is also questioning if there is any emergency action that needs to be taken to protect the neighbors. Mr. Iveson states this property would need to be sent out to bid, so that it would take at least 30 days due to the positioning of the property on the hill. The City does not have the equipment to handle that demolition so a professional demolition company would be the best option to take for demolishing the property.

Mr. Bray inquires if the property has been secured with fencing. Mr. Iveson states that the property has not been secured.

Inspector Harrell confirms that the northwest section of the home that has already collapsed has been in that condition since 2010.

Ms. Huitt asks if there has been any communication with the owners due to the taxes being kept up with.

Inspector Nellie Avalos states that in 2010, the property was to be condemned, but due to it being a multi-family structure, the City cannot demolish. The property needs to be sent to the state and will be listed under a commercial demolition. The property owner sent an email to Mr. Bill Stern stating that he is in agreement with the staff recommendations, but has not complied with demolition, and cannot afford to take care of expenses.

Mr. Gerardo Licon asks if there is any possibility that the property can be secured due to the liability and protection for the City of El Paso in any event that an accident were to happen.

Inspector Avalos states that in the event that a lawsuit was to happen, it would be the owners responsibility. There would be no liability on the city for the reason being that the City has already addressed the condition of the property up to the owner and the owner has not taken any action.

Ms. Wendy Vineyard stated that she is in agreement with liability issue.

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 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 remain revoked; and
4. That the multi family structure be demolished within thirty (30) days; and
5. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
6. 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 Gerardo Licon, seconded by Michael Bray to accept staff recommendations, and unanimously carried.

- VI. Public hearings to determine if the property located at 112 Ceres, in the City of El Paso, are dangerous structures and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Enrique Calderon, and he has been notified of this hearing.

Sonyah Cahalan, Building Inspector, read the item into the record.
Raul Carrillo, Building Inspector, presented the case.

Mr. Haggerty verifies revoking the certificate of occupancy demolition on the accessory structure but no proof of roof damage.

Mr. Bray inquires about the property's Homestead Exemption; the owners have been keeping up with the taxes, but in order to claim a Homestead Exemption, the property requires 51% or better occupancy. He inquires if there is a process between the City and Central Appraisal. Inspector Avalos states that once property is condemned, homestead exemption is then removed. Property still loses the Homestead Exemption due to the property being vacant.

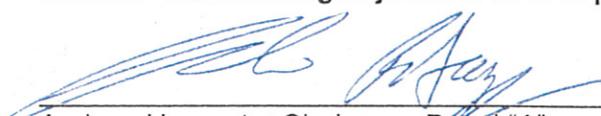
Motion made by Michael Bray, seconded by Gerardo Licon, to accept staff recommendations, unanimously passed.

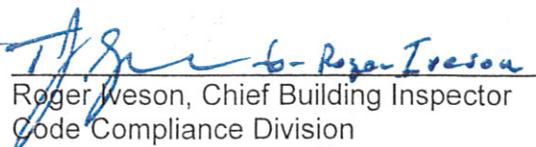
The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

1. That the structure 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 structures' 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. Adjournment

Motion made to adjourn the meeting by bray, seconded by huitt was unanimously carried. The meeting adjourned at 6:12 p.m.


Andrew Haggerty, Chairman, Panel "A"


Roger Weson, Chief Building Inspector
Code Compliance Division