

CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
June 26, 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, June 26, 2013 at 5:30 p.m. with the following members present:

Board Members Present:

Andrew Haggerty
Conrad Conde
Michael Bray
Matt Bohannon
Angel Ochoa

Others Present:

Elda Rodriguez-Hefner, Code Compliance Manager
Wendy Vineyard, Assistant City Attorney
Tom Maguire, Chief Building Inspector
Rafael Balli-Berlange, Building Inspector
Nellie Avalos, 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 5:52 p.m.

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

- II. Approval of the April 24, 2013 minutes

Motion made by Michael Bray, seconded by Angel Ochoa, to approve the April 24, 2013 minutes, unanimously passed.

Regular Items:

Tom Maguire, Chief Building Inspector, requesting that Agenda Item #3; property located at 642 White Cliffs, be deleted from Agenda. The property is now secure and is no longer proposing a hazard.

Mr. Maguire is also proposing that Agenda Item #6; property located at 2717 San Diego, be moved up to be presented first due to property owner's prior engagements.

Motion made by Michael Bray, seconded by Conrad Conde, to approve request of the deletion of Agenda Item #3 minutes and the presentation of Agenda Item #6 at the opening of hearing, unanimously passed.

- III. Public hearing to determine if the property located at 642 White Cliffs, 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 party has been identified as James E. Stone, and he has been notified of this hearing.
Item deleted from Agenda due to compliance.

IV. Public hearing to determine if the property located at 2717 San Diego, 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 party has been identified as Mike Herrera and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Kevin Harrell, Building Inspector, presented the case.

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 structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That 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 structures 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.

Mr. Haggerty inquiring if anyone from the Fire Department or Police Department are available to speak on behalf of property; in which they are not.

Mike Herrera, property owner, claims that the fire was a result of arson. He stated that he has hired an investigator to investigate the cause. He was advised by the Fire Department that he could not enter the premises until the investigation was completed.

The Police Department gave fire investigation findings in which there are 4 investigators.

Mr. Herrera states that the house was not abandoned and he was moving into the house in the fall. He states that he is State District Judge, it is unknown if in retaliation. Members of the Historical Commission have also offered to assist Mr. Herrera in salvaging what is left of the home, due to it being in a historical district. He also states that he had a construction company review the walls of the home and they advised Mr. Herrera that they are salvageable. Mr. Herrera is requesting for 30 days to inquire about the cost to repair; and will seal entrance.

Mr. Bray inquires if the property is now secure.

Inspector Harrell states that the property cannot be secured, the front could be blocked off, but the sides are opened, so Mr. Herrera would need to fence entire property.

Mr. Bray states that this is a nuisance for children passing through the property.

Inspector Harrell states that the property is neither well maintained nor secured.

Tom Maguire advises Mr. Herrera that there are several companies in town to fence off the property to resolve the issue.

Mr. Herrera states that he would like to wait for the cost appraisal for remodeling the home.

Mr. Maguire indicates that the Fire Department will be contacted to find out when the property will be released to the owner. He states that if the owner finds the property feasible to repair, then the owner has 60 days to come up with a bid and permits.

Ms. Vineyard states that the City cannot demolish due to the ongoing investigation or pending case with District Attorney. There needs to be a disclaimer stating the property is not under investigation to proceed with demolition.

Mr. Bray states that at the next hearing, a Fire Marshall could be presented to state the current status of the property so that the panel then could make a decision.

Ms. Rodriguez-Hefner states that there is a Fire Record number, ENFB13-00650; and the Fire Department's recommendation is that the property be demolished due to fire damage.

Motion made by Conrad Conde, seconded by Matt Bohannon, to revoke the Certificate of Occupancy, secure and fence off the property, and be presented to the next panel, unanimously passed.

- V. Public hearing to determine if the property located at 3114 Findley, 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 party has been identified as, Carmen R. Garcia, and she has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Rafael Balli-Berlange, Building Inspector presented the case.

There are no owners representing the property.

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 are 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 within thirty (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.

Motion made by Michael Bray, seconded by Matt Bohannon, to accept staff recommendations, unanimously carried.

- VI. Public hearing to determine if the property located at 5616 Calgary, 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 Ollie J. Green, Berry Fields, Helen Skinner, Alton Green, Dora L. Williams, Mozelle Downs, Anna Ingrom, Bernice Turner and The Heirs of The Estate of Rosell Green, and they have been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Kevin Harrell, Building Inspector, presented the case.

There are no owners representing the property.

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 be revoked; and
4. That the structures can be rehabilitated; and
5. That the structures be secured and maintained secure within thirty (30) days; and
6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; 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.

Motion made by Michael Bray, seconded by Angel Ochoa to accept staff recommendations, and unanimously carried.

- VII. Public hearing to determine if the property located at 2012 Cypress, 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 Jesus Salas, Veronica Salas, Paul Salas, and Maria de los Angeles Salas, and they have been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Nellie Avalos, Building Inspector, presented the case.

Patricia Villalobos, states that her mother in law resides next to the referenced property. Ms. Villalobos states that the property has been abandoned for 3-4 years. She inquires about the securing of the property. She stated that after the fire, the tape was taken down and vagrants continued to go into the property. She states that it is a clear danger for neighbors. There is now a for sale sign posted on property, sign belongs to an attorney.

Ms. Villalobos' greatest concern is that property immediately be secured, if indeed condemned or demolished, if the city will secure perimeter and asked what will be the time frame.

Mr. Maguire explains that by law, the City needs to give property owners the minimum of thirty (30) days' notice. After the thirty (30) days, then property can be demolished or secured.

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 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 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 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.

Motion made by Michael Bray, seconded by Angel Ochoa to accept staff recommendations, unanimously passed.

Elections for Cochairman Panel B will be on agenda for next meeting.

VIII. Adjournment

Motion made to adjourn the meeting by Michael Bray, seconded by Angel Ochoa was unanimously carried. The meeting adjourned at 6:48 p.m.

Andrew Haggerty, Chairman, Panel "B"

Tom Maguire, Chief Building Inspector
Code Compliance Division