

## **BUILDING & STANDARDS COMMISSION – PANEL “B”**

### **Minutes of July 27, 2005**

The Building & Standards Commission held a public hearing in City Council Chambers, 2<sup>nd</sup> Floor of the City Hall Building on Wednesday, July 27, 2005, at 5:30 p.m. with the following members present:

#### **Board Members**

Bob Ayoub (Chairman)  
Roman Bustillos (Vice-Chairman)  
Phillip Simms  
Alexandra Swann  
Gregory Davis  
Hector Zamora  
Paul Zacour

#### **Others Present**

R. Alan Shubert, Director for BP&I  
Lisa Hayes, Assistant City Attorney  
Tom Maguire, Chief Inspector  
Leo Casso-Lopez, Residential Inspector  
Guillermo Soto, EPPC (CRCC)  
Rudy Salazar, City-County Health  
Marvin Gazzell, Fire Dept.  
Lucy Acosta, Recording Secretary

The Building & Standards Commission meeting was called to order by Bob Ayoub at 5:30 p.m.

#### **DISCUSSION AND ACTION:**

##### **Public Hearings**

##### **ITEM #1:**

A public hearing was held to determine if the property located at 2002 Detroit Avenue is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Tom Maguire, Chief Inspector, presented the case and stated that this property was first investigated on December 19, 2004 and the owner, Lupe G. Avina, was notified of the violations. The building was found to be in an advanced state of disrepair, opened, abandoned and used as a harborage by unwanted persons. A certified condemnation letter was mailed to the owner, Lupe G. Avina, at 1612 Bernard Kern Drive, El Paso, TX 79936. Certified Notices of the Public Hearing scheduled for July 27, 2005, were mailed to the owners and all interested parties on July 13, 2005. There has been no response from the owner.

The department recommends that it be found:

1. That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the buildings 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 structure can be repaired; and
5. That the main structure and accessory building be secured and maintained secured within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days.

The department is recommending that the property be condemned as substandard, this way if in the future the property is broken into, the City by means of directive to the Street Department can send someone out to re-secure it without having to go through the process of re-notification and wait for the relatives to come in from California. Such work would be placed as a lien and the relatives would be notified of the cost. If trash and weeds become a nuisance, the City will ask the Street Department to clean it and the cost will be placed as a lien on the property as well.

Questions were raised regarding signage and Mr. Maguire stated that the department will staple some signs to the property indicating that it has been condemned, a copy of the Order will also be placed on the property and published on the newspaper. A fluorescent red placard that is self-adhesive is stuck to the windows or stapled in the front of the property in a visible phase of the building to alert the Police Department that this is a condemned property.

Mr. Zamora asked if the wording on page 2, roman numeral III, indicating that the owner may be confined in jail as permitted by state law, will be deleted on future notices.

Lisa Hayes, Assistant City Attorney, stated that the wording will be removed on future notices.

Officer Soto from the El Paso Police Department of the Central Regional Command Center, the PAR Section, addressed the board stating that they will request a Letter of Prosecution from the owners in California giving them permission to arrest anyone caught on the premises. This letter authorizes them to arrest people, on the spot, without having to contact anyone.

Motion was made by Hector Zamora to accept the department's recommendations. The motion was seconded by Roman Bustillos and unanimously carried.

## **ITEM #2:**

A public hearing was held to determine if the property located at 5629 Hemmingway Drive is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Tom Maguire, Chief Inspector, presented the case and stated that this property was first investigated on August 2004. A certified condemnation letter was sent to Mr. Rico Alvarez, owner of the property, at 5629 Hemmingway Drive, El Paso, Texas 79924. The building was found to be in an advanced state of disrepair, opened, abandoned, and has been used as a harborage by unwanted persons. Certified notices of the Public Hearing scheduled for July 27, 2005, were mailed to the owners and all interested parties on July 14, 2005. There has been no response from the owner.

The department recommends that it be found:

1. That the main 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 building 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 repaired; and
5. That the main structure be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days.

Mr. Zamora expressed some concerns about health issues.

Mr. Maguire stated that if it becomes obvious that the property cannot be maintained secured and someone breaks into it two or more times the property can be demolished as opposed to being secured. The department will then bring it back to the board and ask for demolition. At some point it will be offered for auction at the Sheriff's Department. If nobody buys it for the full price after two tries, then it goes back for the third time at half the cost. The third time is the determining factor to bringing it back to the board for demolition.

As far as the unused vehicle parked at the front of the property, the department will put it out on the street and call the police department to have it towed.

Ms. Swann asked if no one had responded to the letters that were mailed out on behalf of the property. Mr. Maguire explained that the Bail Bonds had an interest in it because the house was collateral to get someone out of jail. The letters for Mr. Rico Alvarez, Abdul Alvarez, Roger Moore were returned unclaimed, and notices that were sent to everyone named on that list came back undelivered or unclaimed. The department has green cards from El Paso Electric and the Texas Gas Service.

Richard Kennedy who resides at 5633 Hemmingway Drive addressed the board stating that he has no objection to securing or demolishing the property.

Motion was made by Hector Zamora to accept the department's recommendations with one modification, that the roof structure be secured with plywood at all penetrations into the building within 30 days, subject to it being safe to secure and no one getting hurt. The motion was seconded by Roman Bustillos and unanimously carried.

**General Discussion:**

Lisa Hayes, Assistant City Attorney, stated that the executive language will always be placed on the agenda in the event the Building & Standards Commission needs legal advice. If there is some contemplated or pending litigation this would allow the board to go into executive session. If it is an anticipated litigation there will be a specific case number or discussion item below that executive language, but if not, it is better that it be placed on the agenda anyway.

Without further discussion, the meeting was adjourned at 6:10 p.m.

  
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Bob Ayoub, Chairman

  
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Tom Maguire, Chief Inspector  
Building Permits & Inspections Department