CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
July 29, 2015
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, March 25, 2015 at 5:30 p.m. with the following members present:

Board Members Present:
Sam Guido
Chuck Taylor
Jesse Sanchez
Al Jurado (Alternate)
Armando Jimarez
Stefani Uribarri)
Fermin Dorado

Others Present:
Ron Roth, Chief Building Inspector
Wendi Vineyard, Assistant City Attorney
Salvador Reyes, Building Inspector
Janeth Loya, Building Inspector
Nancy Spencer, Recording Secretary

Absent:
Teresa Munoz

AGENDA

I. Call to Order

The meeting was called to order by Chairman Jesse A. Sanchez at 5:33 p.m.

Witnesses that will give testimony on cases to be heard at this meeting were sworn in.

II. Approval of the March 25, 2015 minutes

Motion made by Chuck Taylor, to approve the March 25, 2015 minutes, unanimously passed.

Chairman Jesse Sanchez asked for an update on cases previously heard; 548 Center Way, 332 Jensen on the illegal addition, 8919 Ruiz and 7227 North Loop.

Chief Building Inspector Ron Roth advised that 548 Center Way was being presented at this meeting, and would obtain the status of the cases in question.

Regular Items:

III. Public hearing to determine if the property located at 548 Center Way 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 owners of this property are identified as Estate of Santos and Ramona Gonzalez, Martha Gonzalez and Apolonia Keesee (record owner(s) and they have been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

Salvador Reyes, 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 Jesse Sanchez asked the commission if they had questions regarding this case. He also asked if the owner or anyone else was present for public comment or to speak on behalf of the property owner.

Board member Chuck Taylor asked about how many people were living in the two apartments at the address.

Board member Stefani Uribarri asked how the demolition of the main dwelling would affect the apartments.

Chairman Sanchez asked if Inspector Reyes was able to gain access into the apartments. Inspector Reyes advised that the apartments are too small for habitation and illegal to be used as apartments.

Inspector Reyes was also asked if the tenants had access to the utilities and was advised that they did. Board member Al Jurado questioned who installed the utilities in the apartments. Mr. Jurado was advised that the gas meters may be set up for each unit and any damage and corrosion would affect all apartments.

Chief Building Inspector Ron Roth advised that the front structure needed to be demolished and the rear structures were built without obtaining the proper permits. Mr. Roth also advised that it would be difficult to demolish house without affecting apartments because the main structure is attached to the apartments in question. The board was advised that the apartments are not in compliance with the required room size and height.

There was discussion on the on the gas meter serving both the house and the apartments. The board was informed that there was one gas meter for all structures.

Board member Armando Jimarez asked that due to all the issues involved inside the apartments, if the health department was involved in the inspection of the property.

Mr. Sal Varela, friend of the owners, advised that they were interested in saving the property. Mr. Varela advised that the house was sturdy and situated on a concrete foundation and that there were 3 separate electric meters. The board was informed that the property was bought sometime in 1932. Mr. Varela asked the commission for additional time so that the owners could have the opportunity to hire a structural engineer to inspect the property. He also added that the owner's brother passed away 2 years ago and the husband of the sister who was trying to make repairs also had passed away. The owners at present did not know how to resolve these issues. . Mr. Varela advised that he was trying to help family.

Chairman Jesse Sanchez advised that based on the presentation, the property needed more than just cleaning up.

Mr. Varela advised the owners wanted to secure the property. He did inform the board that the hallway shown on the presentation had carpeting because wooden floor has caved in. He added that he felt it was not fair that city wanted to demolish it without providing the owners enough time to see if they could fix or resolve the issues on the property.

Board member Armando Jimarez, asked when was the property first inspected. Inspector Reyes advised in January, 2015. Mr. Jimarez asked what has been done in six months to alleviate the problems existing on the property and was advised nothing as they were to decide whether to demolish or sell the property. . Board member Mr. Jimarez also stated that there

were health hazards throughout the property and that it was in unsafe condition. Mr. Varela advised that he went into the property last week and found no feces, rodents or insects. He also informed the commission that the tenants were present at this meeting. The commission was also advised that the owners wanted to keep property.

There was discussion on when the apartments were built.

Chairman Sanchez asked if structural analysis has been performed on the property. Mr. Varela advised they would need to hire a structural engineer to inspect property to determine what needs to be done.

Board member Stefanie Uribarri asked how the tenants were related to owners. She was advised that it was the daughters who were living there.

Chairman Sanchez advised Mr. Varela that the department was recommending demolition of the main structure and that in doing so it may affect the rest of the property.

Board member Fermin Dorado advised that to rehabilitate the structure would take a considerable amount of money and asked if the owners had the financial resources to do so. Mr. Varela advised that the inspector did not take pictures of the interior walls. He also advised that he would help the owners financially.

Chief Building Inspector Ron Roth requested an assessment of the conditions of the main structure and apartments to determine what needs to be done and return at the next meeting with a plan and action. Mr. Jimarez requested that photographs and documentation be submitted along with the plan. Mr. Chuck Taylor advised there should be a way to isolate the deficiencies and safety hazards on the utilities, water, gas and electricity. Chief Inspector Roth recommended obtaining an engineer evaluation. Board member Dorado asked how much time would be needed to obtain a structural engineer's evaluation.

Chairman Sanchez asked if they had the financial means why these issues were not taken care of during the last 3 years. Mr. Varela advised that the owners did not know what was going on and what needed to be done.

Chairman Sanchez asked if the area can be secured and was advised by Mr. Varela that yes it could be done.

Chairman Sanchez then advised to modify the recommendations for items #3 and 5 on the staff recommendations

Ms. Uribarri's motion to approve the recommendations with the changes to secure the main structure within 30 days and allow 60 days to obtain an engineer evaluation and bring it back to the commission, seconded by Fermin Dorado, unanimously passed

Mr. Dorado requested in addition to add the cost estimate of repairs and documentation pictures.

There was public comment from the tenants, Sandra Lagardo and Susana Duran. The daughter requested to be given time as her husband who was in the military and would be leaving the barracks and they would be able to find another place to live.

Ms. Uribarri requested a clarification on Ms. Duran's comments on the condition of the walls.

Motion made by Stefani Uribarri seconded by Armando Jimarez to accept staff recommendations, unanimously passed.

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 and both apartments be condemned as substandard and unfit for habitation or use and a hazard to the public health, safety, and welfare.
2. That the structure and both apartments are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
3. That the Certificate of Occupancy be revoked; and
4. That the main front dwelling unit be boarded and secured within thirty (30) days; and
5. That a structural engineer's report be submitted within sixty (60) days as to the rehabilitation feasibility of the structure; and
6. That a financial responsibility letter and cost report be submitted within sixty (60) days; and
7. That the premises be cleaned within 30 days & maintained clean thereafter.
8. 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.

IV. Public hearing to determine if the property located at 200 Everest Drive, 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 owners of this property are identified as Alfredo Carrasco and Elizabeth M. Garcia (record owner(s), and they have been notified of this hearing.

Ron Roth, Chief Building Inspector read the case to the commission. This Item was deleted from the agenda. The commission was advised by Assistant City Attorney Wendi Vineyard that the attorney for Ms. Garcia contacted her and advised that this property was involved in divorce litigation in district court in August and then pending sale of the property. Afterwards, this case would be brought back to the commission if need be. Mr. Roth advised that he had been in contact with Mr. Carrasco and that the property was being secured.

V. Public hearing to determine if the property located at 223 Mango Road in the City of El Paso, is a dangerous structure and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner of this property is identified as Martin Pena (record owner(s), and he has been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

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

A presentation of pictures and conditions of the property were shown to the board.

Chairman Jesse Sanchez asked if the commission had any questions regarding this case. He 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. Fermin Dorado asked if the structure could be rehabilitated and was advised yes.

There was discussion by board member Armando Jimarez on the the cleanup of debris located on the outside and Chairman Sanchez asked about the fire which occurred on the property.

Mr. Al Jurado recommended that when the inspector inspects the property and it involves a realtor pending sale, to ask for proof such as a contract, letter from the mortgage company, etc.to verify that it is in the process of being put up for sale.

Mr. Roth recommended for Item 6 on the recommendations to clean the interior for the structure before boarding up and to be made part of the motion. Mr. Dorado advised that he would second that motion

Chairman Sanchez asked to have the fire department involved in future cases and obtain comments from the Fire Department to determine if it can be secured.

Motion made by Al Jurado seconded by Sam Guido to accept staff recommendations, unanimously passed.

Mr. Chuck Taylor commented about boarding the property as it is a fire hazard and if the fire department should be involved.

The owners have been notified of the property maintenance violations at this property. To date there has been minimal 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.
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
3. That the Certificate of Occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained secured within 30 days;
6. That the premises be cleaned within 30 days & maintained clean thereafter.
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.

VI. Public hearing to determine if the property located at 2 San Marcos Drive in the City of El Paso, is a dangerous structure and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner of this property is identified as Meliton E. Ortega (record owner(s), and he has been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

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

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

Chairman Jesse Sanchez asked if the commission had questions. He 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.

Ruben Escandon Jr. son of owner was present for public comment. Mr. Escandon advised the home was originally occupied by the Meliton Ortega family. The property bought at a tax auction by Sergio Algea, an uncle of the family and at present he was trying to determine who actually owns the property. The sale was never recorded. He informed the board that a demolition contractor wanted to charge $4500.00 to demolish it. Mr. Escandon requested an extension of time to determine ownership and if it was found that they were the owners to have it demolished. Board member Chuck Taylor stated to ascertain first who the owner was.

There was discussion on the property taxes owed. Inspector Nellie Avalos advised that there was an estimated amount of $5000.00 since September 2003. From that date, no taxes have been paid on the property.

Chairman Sanchez asked about the 30 days to demolish property. Mr. Escandon advised that he will need more time to determine ownership, taxes, etc. Board member Fermin Dorado asked how much would he need and was advised by Mr. Escandon 60 days.

Board member Stefanie Uribarri advised that the cost would be more if city demolished it.
Mr. Al Jurado also asked about the demolition and taxes costs. Mr. Jurado advised that if the paperwork showed Mr. Escandon's father as listed as the owner, he would be responsible for the cost. Assistant City Attorney Wendi Vineyard advised that the actual ownership was not recorded but it did not mean that a deed didn't exist.

Mr. Jurado asked if property was secured. Inspector Nellie Avalos advised there was a concern about children going into the property and was not sure if the property could be secured but the board could decide to have the property secured within 30 days and demolished within 60 days.

Mr. Taylor questioned the ownership adding if Mr. Escandon is not owner, he cannot demolish the property. Mr. Escandon advised that he would not assume responsibility for securing or demolition of the property if he is not the owner.

A motion was made by Fermin Dorado to allow 60 days to clarify ownership of the property and 30 days to secure property as part of the staff recommendations.

There was no second to Mr. Dorado's motion

Chairman Jesse Sanchez asked Mr. Dorado if he would rescind his motion. He also advised that ownership is not part of the conditions or approval on the recommendation

Another motion was made by Al Jurado, seconded by Chuck Taylor to accept staff recommendations as presented.

Inspector Nellie Avalos advised if that was the motion the property would be demolished within 30 days

Board member Stefani Uribarri recommended to leave the recommendations to leave property as is for 60 day then 30 days for demolition. This would give a total of 90 days putting the property at a higher risk.

Jesse Sanchez, Armando Jimarez, Al Jurado Armando Jimarez and Chuck Taylor voted to approve staff recommendations. Stefanie Uribarri, Sam Guido and Fermin Dorado voted against staff recommendations.

The owners have been notified of the property maintenance violations at this property. To date there has been minimal 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 of all trash, and debris within (30) days and maintained cleaned thereafter; 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. Update(s)

Chief Building Inspector Ron Roth advised the commission that the status on the cases that Chairman Sanchez had inquired about at the beginning of the meeting were 332 Jensen, the property was scheduled for demolition by the Department of Transportation, property at 8919 Ruiz has been demolished, the property at 7227 North Loop was also demolished; property at 129 Cinecue has been demolished and the property at 7305 Dale Road will need to go to District Court.

VIII. Adjournment

Motion made by Fermin Dorado seconded by Chuck Taylor to adjourn the meeting was unanimously carried. The meeting adjourned at 7:01 p.m.

Chairman Jesse A. Sanchez

Ron Roth
Chief Building Inspector, CBO