

BUILDING & STANDARDS COMMISSION – PANEL “A”

**Minutes of
August 31, 2005**

The Building & Standards Commission Panel “A” held a public hearing in City Council Chambers, 2nd Floor of the City Hall Building on Wednesday, August 31, 2005, at 5:30 p.m. with the following members present:

Board Members

Tedd Richardson (Chairman)
Michael Bray
Carlos Bombach
Carl L. Robinson
Frederick Dalbin
Margie Aguilar-Desrosiers
Sema Gonzalez

Others Present

R. Alan Shubert, Director for BP&I
Raymond Telles, Assistant City Attorney
Tom Maguire, Chief Inspector
Bill Stern, Residential Inspector Supervisor
Guillermo Soto, EPPC (CRCC)
Leo Casso-Lopez, Residential Inspector
Sam Jarvis, City-County Health
Marvin Cazzell, Fire Dept.
Lucy Acosta, Recording Secretary

The Building & Standards Commission Panel “A” meeting was called to order by Tedd Richardson, at 5:30 p.m.

Approval of Minutes:

The minutes for June 29th and July 20th, 2005 were unanimously approved. The minutes for July 27th, 2005, were referred to Building Standards and Commission Panel “B” for their approval.

DISCUSSION AND ACTION: Public Hearings

Carry Over:

ITEM #1:

A public hearing was held to determine if the property located at 737 Oscar Perez 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 February 27th, 2004 and Sunnyview L.L.C., C/O Winton & Associates, was notified of the violations. The building was found to be opened and in an advanced state of disrepair, and was being used as a harborage by unwanted persons. A certified condemnation letter was mailed to Sunnyview L.L.C., C/O Winton & Associates 6300 Escondido Drive, El Paso, Texas 79912. Certified Notices of the Public Hearing scheduled for July 27, 2005, were mailed to the owners and all interested parties on July 17th, 2005. There has been insufficient response from the owner.

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 building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure can be repaired; and
4. That the structure be demolished within 30 days; and
5. That the premises be cleaned of all weeds, trash, and debris within 30 days.

Mr. Maguire stated that this case had been postponed for 60 days to allow the property owner who appeared at the last hearing to complete the construction of the property. The owner was supposed to get a loan and present the verification of the loan to Mr. Maguire. He has not presented that verification and the house has not been completed. The court orders were not done.

Martin Espinoza, partner to the property owner, stated that he was not able to attend the last public hearing because he was out of town, but he spoke with his partner two weeks after the hearing. He said that his partner was not fluent in English and was not clear as to what the board had requested him to do. The board clarified that one of the board members had translated everything in Spanish to the property owner. Mr. Espinoza stated that the property is salvageable and he can get the work done in 45 days if granted the opportunity to complete the job he presented an engineering report.

A motion was made by Mr. Robinson and seconded by Mr. Dalbin to go into executive session to seek legal advise. Motion was unanimously carried.

The board went into executive session at 6:00 p.m.

The board concluded that the property owner has not complied with the board's previous requests. The property has not been maintained secured, it is wide open and the condition is getting worse. With the last windstorm some of the windows blew out of the building and landed right next to it. The property is not fenced in and is a safety hazard. The engineering report is incomplete and the recommendations are yet to be formulated, it is not signed and sealed and therefore staff cannot accept it. Staff is recommending that the building be demolished.

Motion was made by Carl Robinson and seconded by Michael Bray to condemn the structure.

Maria Templeton, who lives on the property adjacent to the case being discussed, stated that the last windstorm blew out the windows. She has small children and is concerned about roaches and mice. She stated that this is an eyesore and depreciates the value of her property.

Marvin Cazzell, from the Fire Department, addressed the board stating that this is a fire and health hazard.

Raymond Telles, Assistant City Attorney, requested Mr. Robinson to withdraw his motion. According to the board's by-laws procedurally the department makes a recommendation and normally the commission would than accept that recommendation and move with a motion.

Mr. Bray withdrew his second.

Motion was made by Mr. Robinson and seconded by Mr. Bray to accept staff's recommendation to have the building demolished and the premises cleaned of all weeds, trash, and debris within 30 days.

ITEM #2:

A public hearing was held to determine if the property located at 106 Hudspeth 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 June 6th, 2005. A certified condemnation letter was mailed to Pedro R. Lopez, Jr., owner of the property, at 106 Hudspeth Place, El Paso, Texas 79901. The building was found to be in an advanced state of disrepair, and has been used as a harborage by unwanted persons. Certified notices of the Public Hearing scheduled for July 27th, 2005, were mailed to the owners and all interested parties on July 14th, 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 not 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.

Josefina Cedeño, who resides next to the property in question, addressed the board stating that she has two daughters that have asthma and heart problems. She expressed concern about roaches and mice and stated that this property is getting worse.

Sam Jarvis from the City-County Health Department said he conducted an inspection to the premises and found that it is infested with a large amount of trash, debris, and rodent evidence, old tires that are holding water, and this is contributing to the breeding of mosquitos.

Mr. Maguire stated that the owner was aware of this public hearing and had been notified that he had 60 days from the last hearing to comply. The property has not been cleaned and the windows have not been boarded. There has been no response.

Motion was made by Mr. Bray and seconded by Mr. Bombach to accept staff's recommendations that the structure be demolished. The motion was carried unanimously.

ITEM #3:

A public hearing was held to determine if the property located at 9222 Roseway 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 October 19th, 2004. A certified condemnation letter was mailed to Daniel Navarrette, 9222 Roseway Drive, El Paso, Texas 79907, owner of the property. The building was found to be in an advanced state of disrepair. Certified notices of the Public Hearing scheduled for June 29th, 2005, were mailed to the owners and all interested parties on June 17th, 2005. There has been insufficient response from the owner.

The department recommends that it be found:

1. That the 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 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 not 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.

No one was present to represent the case.

Motion was made by Mr. Robinson and seconded by Mr. Bray to accept staff's recommendations that the building be demolished. The motion was carried unanimously.

ITEM #4:

A public hearing was held to determine if the property located at 8700 Pell Way, 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 April 1st, 2005. A certified condemnation letter was mailed to Eduardo and Velia Sanchez, 8700 Pell Way, El Paso, Texas 79907, owners of the property. The building was found to be in an advanced state of disrepair and is being used as a harborage by unwanted persons. Certified notices of the Public Hearing scheduled for August 31st, 2005, were mailed to the owners and all interested parties on August 12th, 2005. There has been insufficient 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 not 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.

Sam Jarvis from the City-County Health Department conducted an inspection in regards to the condemnation and the premises were found to be with extensive accumulation of junk, trash, rubbish, beer cans, beer bottles and debris. The premise is also being used as a harborage by unwanted persons. He also found some waste oil, which is considered hazardous materials that needs to be disposed of properly. Rodent evidence was also found; this is a health and safety hazard to the immediate neighborhood.

The board requested that staff obtain an updated address for the owner to be notified.

Mr. Shubert, Director for Building Permits & Inspections Department, gave the board the option of referring this case to Panel "B" to be heard in 30 days, since this Panel has not heard the case yet.

Marvin Cazzell from the Fire Department and Sam Jarvis from the City-County Health Department agreed to refer this case to Panel "B" for their review.

Since the owner of the property is not fluent in English, it was requested that an interpreter be present at the Panel "B" hearing which will be held on September 28th, 2005.

Mr. Maguire suggested that in the meantime, the owner be asked to board the property and show a sign of good faith on his part.

Motion was made by Mr. Bray and seconded by Mr. Dalbin to refer this item to Panel "B" within the next 30 days. The motion was unanimously carried.

Sam Jarvis from the City-County Health Department volunteered to meet with Mr. Eduardo Sanchez, owner of the property, and advise him on how to properly dispose of the waste oil.

ITEM #5:

A public hearing was held to determine if the property located at 5916 Macias Street, 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 June 3rd, 2005. A certified condemnation letter was mailed to Dominga De Los Santos, 5916 Macias Street, El Paso, Texas 79905, owner of the property. The building was found to be in an advanced state of disrepair and is being used as a harborage by unwanted persons. Certified notices of the Public Hearing scheduled for August 31st, 2005, were mailed to the owner and all interested parties on August 16th, 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 original structure be cleaned and secured and maintained secure until rehabilitated, and all additions and accessory building be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days.

Anselmo Martinez addressed the board stating that his sister is the owner of this property and that all of the addresses on the paperwork are incorrect. The only reason he received the notice is because he got it at his P.O. box. He stated that even his home address is incorrect. He requested an extension to allow him to get the house deeded under his name and he will then begin fixing up the property.

Mr. Shubert reminded the board that the department's recommendation is to demolish the back part of the property and to board and secure the structure and is not asking for demolition of the entire structure.

Motion was made by Mr. Robinson and seconded by Mr. Bombach to accept the department's recommendations to board the front of the property, keep the property secured, and demolish the accessory structures and porch. The motion was unanimously carried.

ITEM #6:

A public hearing was held to determine if the property located at 6302 Alameda, 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 April 28th, 2003. A certified condemnation letter was mailed to Ruben and Nancy Ortega, 6302 Alameda Avenue, El Paso, Texas 79905, owners of the property. The building was found to be in an advanced state of disrepair. Certified notices of the Public Hearing scheduled for August 31st, 2005, were mailed to the owner and all interested parties on August 16th, 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 all the structures be cleaned and secured within 30 days, and maintained secured until rehabilitated; and
6. That all the porches be demolished within 30 days.

Ruben Ortega addressed the board stating that he purchased this property in December 2004. The property is fenced in and there are no broken doors or windows. He will be using this property as storage.

Mr. Shubert advised that this is not a legal use for a construction yard. He can come in and apply for a change of use and if he can demonstrate that it meets the code then the department can allow him to use the property as storage.

Leo Casso-Lopez addressed the board stating that he went by the property and they were doing some construction work. He stopped to make an inspection but was denied entrance by Mr. Ortega. The Health Department was also denied entrance. Mr. Casso-Lopez obtained a Writ of Entry and went to the property accompanied by the Police Department, the property had been fenced in but one side of it is only tied up by tie wire. There were only about 4 units that were secured and about 10 other units that were opened.

Sam Jarvis from the City-County Health Department addressed the board stating that there were two german shepards loose in the property as if to let them know that they were not welcomed.

Bill Stern, Residential Inspector Supervisor, addressed the board stating that he went by the property and people were working under unsafe conditions under the electrical system and the porches were collapsing, all the units were opened. He was denied entrance to the property at that time. He called Mr. Ortega on the cell phone but was also denied entrance. Two weeks after, he called Mr. Ortega and asked

him to meet him at the property but Mr. Ortega suggested that Mr. Stern call his (Mr. Ortega's) attorney. It is also noted that Mr. Ortega is doing work at the property without permits.

Motion was made by Mr. Bombach and seconded by Mr. Bray to accept the department's recommendations that the structures be cleaned and secured within 30 days, and maintained secured until rehabilitated; and that all the porches be demolished within 30 days. Motion carried unanimously.

Motion was made by Mr. Bray and seconded by Mr. Bombach to reconsider the motion. Motion carried unanimously.

Motion was made by Mr. Bray and seconded by Mr. Bombach to accept staff's recommendations with the modification that if the porches can be reinforced they can remain. Motion carried unanimously.

ITEM #7:

A public hearing was held to determine if the property located at 180 Coronado Road, 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 January 2004. A certified condemnation letter was mailed to Antonio Mendoza and Laura Mendoza, 3524 Alameda Avenue, El Paso, Texas 79905, owners of the property. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons. Certified notices of the Public Hearing scheduled for August 31st, 2005, were mailed to the owner and all interested parties on August 16th, 2005 and another notice was mailed to Antonio Mendoza and Laura Mendoza on August 18th, 2005. There has been no response from the owners.

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 not be repaired; and
5. That the main and accessory structure be demolished within 30 days; and
6. That all the porches be demolished within 30 days.

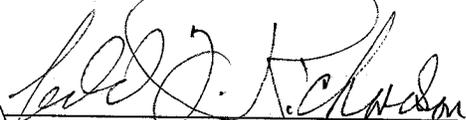
Laura Mendoza, owner of the property addressed the board stating that she just bought the property on July of 2005. They plan the tear the structure down and start new and will keep the property clean.

Motion was made by Mr. Delbin and seconded by Mr. Robinson to accept the department's recommendations. Motion carried unanimously.

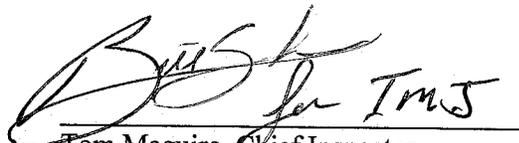
General Discussion:

Mr. Richardson and other board members commended Mr. Maguire and his inspectors for a job well done.

Without further discussion, the meeting was adjourned at 7:15 p.m.



Tedd Richardson, Chairman



Tom Maguire, Chief Inspector
Building Permits & Inspections Department