**CITY OF EL PASO**
**BUILDING & STANDARDS COMMISSION BOARD PANEL "A"**
**September 24, 2014**
**5:30 P.M.**

## MINUTES

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, July 30, 2014 at 5:30 p.m. with the following members present:

**Board Members Present:**
Michael Bray
Charles Taylor
Al Jurado
Teresa Munoz
Gerardo Licon

**Others Present:**
Victor Morrison-Vega, Deputy Director
Wendi Vineyard, Assistant City Attorney
Alex Esparza, Building Inspector
Janeth Loya, Building Inspector
Salvador Reyes, Building Inspector
Cesar Grado, Building Inspector
Nancy Spencer, Recording Secretary

**Absent:**
Paul Gilcrease
Hector Arrellano
Sam Guido
Jesse Sanchez

## AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "A" was called to order by Acting Chairperson Teresa Munoz at 5:39 p.m.

Acting Chairperson Teresa Munoz swore in all witnesses present to give testimony on the cases to be heard.

II. Approval of the 2015 Building and Standards Commission meeting calendar dates

**Motion made by Michael Bray, seconded by Al Jurado and Chuck Taylor approve the 2015 Building and Standards Commission meeting calendar dates, unanimously passed.**

III. Approval of the July 30, 2014 minutes

**Motion made by Michael Bray, seconded by Al Jurado to approve the July 30, 2014 minutes unanimously passed.**

**Regular Items:**

IV Public hearing to determine if the property located at 7763 Adobe 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 Luis R. Alvillar and Lupe S. Alvillar (record owner(s) and they have been notified of this hearing.

Building Inspector Salvador Reyes presented the case and gave a brief chronology on the history of the property.

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

Acting Chairperson Teresa Munoz asked if the commission had questions. She 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.

The property owner was not present for public comment.

Board member Gerardo Licon asked about the exposure on the structure and inquired about the tax bill owed by the property owner. Board member Michael Bray advised that if the city takes action on this property, a lien would be placed on the property. Assistant City Attorney Wendi Vineyard explained the lien process to the commission.

Board member Chuck Taylor asked if adjacent property owners had any comments or complaints on this property.

**Motion made by Gerardo Licon seconded by Michael Bray 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 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 main structure cannot be rehabilitated; and
5. That the main structure be demolished within 30 days; and
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.

IV. Public hearing to determine if the property located at 4624 Tropicana Avenue, 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 Seymour F. and Jean L. Adams (record owner(s) and they have been notified of this hearing.

Alex Esparza, Building Inspector, presented the case and gave a brief chronology on the history of the property.

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

Acting Chairperson Teresa Munoz asked if the commission had questions. She 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.

The property owner was not present for public comment.

Board member Chuck Taylor advised that the correct zip code for 4624 Tropicana is 79924 not 79904

**Motion made by Michael Bray seconded by Al Jurado to accept staff recommendations, unanimously passed.**

The owners have 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 structures remain condemned as substandard and unfit for habitation or use and a hazard to the public health, safety, and welfare.
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
3. That the Certificate of Occupancy remain revoked; and
4. That the main structure can be rehabilitated; and
5. That the main structure remain secured; and
6. That the pool structure be demolished/filled in within 30 days; and
7. That the pool enclosure be secured within 30 days and maintained secure thereafter; and
8. That the property be registered as a vacant building with the City Of El Paso, and
9. That the premises be cleaned within 30 days & maintained clean thereafter.
10. 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 3125 Frutas Avenue, 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 Daniel Luevano and Margie Luevano (record owner(s), and they has been notified of this hearing.

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

The board was advised that Inspector Grado spoke to the owner on this date and was advised that he was out of town. It was not known if he would be present for public comment.

Board member Michael Bray asked about any permits for this property. Mr. Bray was advised that no permits could be found for this property.

Acting Chairperson Teresa Munoz asked if the commission had questions. She 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.

The property owner was not present for public comment.

Michael Bray asked if the utilities were still turned on. Mr. Bray was advised that the Inspector had gone out to inspect the apartment due to an issue involving a heater installed without a permit and not according to the building code; red tagged the heater and advised the manager

to not rent it until all violations were brought up to code. However, the apartment was still rented out. There were two people living in the apartments at that address.

Board member Al Jurado asked if the house had been divided into apartments and was advised by Inspector Grado that at present, there were several apartments. The commission was advised that the tenants were in the process of being relocated.

Board member Chuck Taylor asked about the apartments conditions. The board was informed on the condition of the apartments. Mr. Taylor asked if the people were being relocated. Inspector Grado advised that the Community Development relocation officer was working with the families to assist in moving them out.

Deputy Director Victor Morrison-Vega informed the commission that the Community Development receives federal funding for various programs including relocation services.

There was public comment from the property owners. Mr. and Mrs. Daniel and Margie Luevano purchased the property in 2009 from a foreclosure. The tenant who was living in the front portion of the apartment complex is now in public housing. The tenants living in the back portion were being assisted in moving into an apartment. Mr. and Mrs. Luevano advised they have gone to Community Development for assistance in applying for funds to rehabilitate the property. They advised they did not convert the home into apartments. The property was bought as is. Mr. Daniel Luevano advised that they wanted to obtain help in fixing two or three apartments. They spoke to Ray Alvarado and Patricia White who are with Community Development and were advised that the application process takes 2-3 months.

Board member Michael Bray stated that the owners acknowledged that the apartments were substandard but had issues due to the fact that someone could have gotten hurt in the heater explosion. Mrs. Margie Luevano asked for the opportunity to board up the property so that they can see if they can get assistance to rehabilitate it.

The commission was advised that trash needs to be removed and property needs to be cleaned up. Advised the inspector stated it hat inspector stated that it is substandard, cannot be rehab it.
The commission was advised by Deputy Director Victor Morrison-Vega that the apartments in the back were built without a Certificate of Occupancy and would need to be taken down before receiving any funding from Community Development.

Board member Michael Bray asked if the Building and Safety Division would be willing to accept a recommendation to board and secure the property.

Mr. Morrison-Vega advised that the department would not be willing to accept the recommendation of board and secure on the property and that it stood by on the staff recommendations as is.

Board member Gerardo Licon advised that the condition of the property was bad and would not be supportive of boarding and securing the property and said the cost would be less if the property is demolished.

Board member Chuck Taylor stated his concern was if people were still living there, he wanted to be sure that this problem is eliminated and to secure and turn off the utilities before any action taken.

**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 minimal corrective action taken and therefore the Division recommends that it be found:

1. That structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare.
2. That structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That structure certificate of occupancy be revoked; and
4. That structure cannot be rehabilitated ; and
5. That structure be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all, trash, and debris within thirty (30) days, and 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. Public hearing to determine if the property located at 5833 Macias Street, 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 Manuel Lopez and Esperanza Reyes (record owner(s), and they have been notified of this hearing.

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

Acting Chairperson Teresa Munoz asked if the commission had questions. She 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.

The property owner was not present for public comment.

Board member Chuck Taylor asked if the Fire Department had made an assessment on the fire damage. Mr. Taylor asked if the department recommended demolition. Mr. Taylor was advised that emergency action for demolition was being requested Assistant City Attorney Wendi Vineyard advised that city can request emergency action and that the property owner can also appeal this decision. Mr. Victor Morrison Vega requested emergency action to be taken. Assistant City Attorney Vineyard advised that the commission must follow state statute regulations. Board member Michael Bray was advised that the commission has no authority to order emergency action. The commission must follow guidelines on how much time must be given for property owner to respond.

The commission was informed that a fire occurred at the property on August 2, 2014.

Board member Mr. Taylor stated that he was concerned on the delay to take action on this property.

Board member Michael Bray asked if the action could be taken within 24 hours. Assistant City Attorney Vineyard advised that they have to provide property owner notice and went over the process of ownership notification to the board.

Board member Gerardo Licon recommended approving staff recommendation and to include the recommendation to secure the property, allow no entry and for the Police Department to patrol the area before and after school to prevent people from going in.

Staff was asked if the commission can agree to a 24 hour emergency for action to be taken and the commission was advised it has no authority to such an agreement.

Board member Michael Bray asked for a demolition within 30 days or as soon as possible within 24 hours.

Board member Al Jurado asked if this can be done within 30 days with both departments working together to get this resolved as soon as possible. Board member Michael Bray made a motion for the structures certificate of occupancy to remain revoked and for the structure to be ordered to be boarded and secured immediately and demolished within 24 hours or as soon as legally possible

Mr. Bray's motion was withdrawn.

There was public comment from Mr. Jesus Paz and Ms. Luz Anaya. Each expressed concern on the dangerous condition and requested something more\ than just board and secure and fencing.

Ms. Anaya advised that her mother lived two houses away and stated that board and secure on the property would not work since the property had already been set on fire once and vagrants keep going into the property.

Ms. Dora Oaxaca from Representative Emma Acosta's office, District 3 was present for public comment. Ms. Oaxaca advised that District 3 was working on this issue, and had notified the Police Regional Command Center. The commission was advised the residents in this community were elderly and disabled. The commission was also informed that Representative Emma Acosta is in support of demolition as soon as possible and thanks the board for being sensitive to this issue.

Acting Chairperson Teresa Munoz thanked the public for attending this meeting.

Leslie Canada, Neighborhood Relations Coordinator for the Police Central Regional Command advised that this property has been a problem since 2010 with units being dispatched to the address and advised that did not know if they could place an officer in that area but will take that request to the Police commander for advisement.

Board member Bray modified his motion to include the certificate of occupancy to remain revoked, property to be immediately secured and maintained, for the appropriate agency to assist with security and for demolition to be done within 24 hours or within legally possible.

Board member Chuck Taylor seconded the motion

**Motion made by Michael Bray seconded by Chuck Taylor to accept staff recommendations with the modifications unanimously passed.**

The owners have 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 structures remain condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse
3. That the structures' certificate of occupancy remain revoked
4. That the structures cannot be rehabilitated
5. Emergency Action recommended by Deputy Director for Building: the structures be demolished within 24 hours
6. That the premises be cleaned of all trash, and debris within 24 hours and maintained cleaned there after
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.

VIII. Adjournment

**Motion made to adjourn the meeting was unanimously carried. The meeting adjourned at 6:45 p.m.**

Acting Chairperson Teresa Munoz

Victor Morrison-Vega
Deputy Director