

BUILDING & STANDARDS COMMISSION – PANEL “A”

Minutes of January 25, 2006

The Building & Standards Commission Panel “A” held a public hearing in City Council Chambers, 2nd Floor of the City Hall Building on Wednesday, January 25th, 2006 at 5:30 p.m. with the following members present:

Board Members

Tedd Richardson (Chairman)
Michael Bray
Carlos Bombach
Carl L. Robinson
Fred Dalbin
Margie Aguilar-Desrosiers
Jimmy Stevens

Others Present

R. Alan Shubert, Development Services Director
Cindy Crosby, Assistant City Attorney
Larry Nichols, Deputy Director for BP&I
Tom Maguire, Chief Inspector
Bill Stern, Residential Inspector Supervisor
Leo Casso-Lopez, Residential Inspector
Wayne Fannin, Residential Inspector
Freddie Rodriguez, Fire Dept.
Samuel Jarvis, Health Dept.
Guillermo Soto, CRCC PAR
Lucy Acosta, Recording Secretary

Board Members Absent:

John Cordova
Sema Gonzales

The Building & Standards Commission Panel “A” meeting was called to order by Chairman Tedd Richardson at 5:40 p.m.

Bill Stern introduced Cindy Crosby, new Legal Advisor and Larry Nichols, new Deputy Director for Building Permits & Inspections. He is replacing Mr. Shubert, who has been promoted to Director for Development Services.

Mr. Nichols addressed the board speaking briefly about his background.

Approval of Minutes:

The minutes for October 26th, 2005 were unanimously **APPROVED**.

DISCUSSION AND ACTION: Public Hearings

Bill Stern, Residential Inspector Supervisor stated that Items #3, 4, 5, and 6 are penalty hearings that have been found to be non-compliant and in violation of the city’s ordinances and were ordered to be abated by this board. Items #7, 8, and 9 are new condemnation hearings.

ITEM #3:

A public hearing was held to determine if the property located at **9222 Roseway Drive**, in the City of El Paso, is in substantial compliance with the Order that the Building and Standards Commission adopted

on August 31st, 2005, and if it has not been complied with, to determine what action is necessary to bring the property into compliance with the Order.

Bill Stern, Residential Inspector Supervisor, stated that the owner Daniel Navarrette, has been notified of the violations at the property and the need to comply with these requirements. After notification the owner failed to demolish the building and clean the property of all weeds, trash and debris within (30) days and that the property which is subject to the Order is not the owner's homestead and that the Building and Standards Commission can assess a civil penalty against the owner not to exceed \$1,000 a day for each violation and that the owner has failed to comply with the Order each day from October 1st, 2005 through January 25th, 2006 a total of 117 days.

The department recommends that the Building and Standards Commission Order:

1. That the owner has not complied with the Building and Standards Commission Order of August 31, 2005; and
2. That the Building and Standards Commission Order the Director of Development Services to demolish the building and clean the premises of all weeds, a trash and debris and to assess the cost of the work as a lien against the property; and
3. That any lien assessed is due and payable within (30) days of the date the City of El Paso completes the work; and
4. That the owner be assessed the following civil penalties: A total of \$25.00 a day for 117 days during which time the Building and Standards Commission Order of August 31st, 2005 was not complied with for a total of \$2,925.00; and
5. That the City Clerk files a certified copy of the Order with the District Clerk of the County of El Paso.

There was no one present at the meeting to speak on this case.

The board wanted to know if there is a precedent for the civil penalties of \$25.00 charged per day.

Bill Stern stated that it is reasonable and effective to charge the minimal amount on a residential unit but on a commercial unit their needs to be a stiffer penalty. Staff finds that \$25 is reasonable when time involved is so great.

Staff has had no contact with the owner but there they were legally served to appear at this meeting.

Very minimal work has been done to the property but no permits were pulled out; therefore, staff cannot tract down who did the work.

Cindy Crosby, Assistant City Attorney, clarified that the motion should include items 1 through 5 on the agendas staff's recommendation. Motion was made by Michael Bray and seconded by Carl Robinson to **APPROVE** items 1 through 5 on the agendas staff's recommendations. Motion carried unanimously. (7-0 vote).

ITEM #4:

A public hearing was held to determine if the property located at **180 Coronado Road**, in the City of El Paso, is in substantial compliance with the Order that the Building and Standards Commission adopted

on August 31st, 2005, and if it has not been complied with, to determine what action is necessary to bring the property into compliance with the Order.

The owners of said property Antonio and Laura Mendoza of 1021 Arizona, El Paso, Texas 79902 have been notified of the violations at this property. After notification the owners failed to demolish the building and clean the property of all weeds, trash and debris within 30 days and the property which is subject to the Order is not the owner's homestead and City Council can assess a civil penalty against the owner in the amount not to exceed \$1,000 a day for each violation; and that the owner has failed to comply with the Order each day from October 1st, 2005 through January 25th, 2006, a total of 117 days.

The department recommends that the Building and Standards Commission Order:

1. That the owners have not complied with the Building and Standards Commission Order of August 31, 2005; and
2. That the Building and Standards Commission Order the Director of Development Services to demolish the building and clean the premises of all weeds, trash and debris and to assess the cost of the work as a lien against the property; and
3. That any lien assessed is due and payable within (30) days of the date the City of El Paso completes the work; and
4. That the owner be assessed the following civil penalties: A total of \$25.00 a day for 117 days during which time the Building and Standards Commission Order of August 31st, 2005 was not complied with for a total of \$2,925.00; and
5. That the City Clerk files a certified copy of the Order with the District Clerk of the County of El Paso.

There was no one present at the meeting to speak on this case.

Motion was made by Michael Bray and seconded by Carl Robinson to **APPROVE** items 1 through 5 on the agendas staff's recommendations. The owner did not comply with the Order. Motion carried unanimously. (7-0 vote).

ITEM #5:

A public hearing was held to determine if the property located at **737 Oscar Perez Avenue**, in the City of El Paso, is in substantial compliance with the Order that the Building and Standards Commission adopted on August 31st, 2005, and if it has not been complied with, to determine what action is necessary to bring the property into compliance with the Order.

The owners of said property Sunnyview L.L.C., 6300 Escondido Drive, El Paso, Texas 79912 has been notified of the violations at this property. After notification the owner failed to demolish the building and clean the property of all weeds, trash and debris within 30 days and the property which is subject to the Order is not the owner's homestead and the Building and Standards Commission can assess a civil penalty against the owner in the amount not to exceed \$1,000 a day for each violation; and that the owner has failed to comply with the Order each day from October 1st, 2005 through January 25th, 2006, a total of 117 days.

The department recommends that the Building and Standards Commission Order:

1. That the owner has not complied with the Building and Standards Commission Order of August 31st, 2005; and
2. That the Building and Standards Commission Order the Director of Development Services to demolish the structure and clean the premises of all weeds, trash and debris and to assess the cost of the work as a lien against the property; and
3. That any lien assessed is due and payable within (30) days of the date the City of El Paso completes the work; and
4. That the owner be assessed the following civil penalties: A total of \$25.00 a day for 117 days during which time the Building and Standards Commission Order of August 31st, 2005 was not complied with for a total of \$2,925.00; and
5. That the City Clerk files a certified copy of the Order with the District Clerk of the County of El Paso.

Herschel Stringfield with Winton Associates, majority owner in Sunnyview L.L.C., developed that subdivision and sold that lot to an individual on a Contract of Sale. The individual made a substantial payment to them and kept making payments. Since the individual has not paid it off, Sunnyview L.L.C., is still the legal owner and has not signed the lien over to anyone. Mr. Stringfield is here to offer any information that is necessary.

Martin Espinoza, representing Carlos Martinez, stated that at the last meeting he was not permitted to present the plans with the engineering seal, instead the board asked that the building be demolished. At that point, Mr. Espinoza had someone that was willing to lend them the funds to finish the building but for some reason the plans with the engineering seal were not accepted. He does not have the plans with the engineering seal with him today.

The board feels that the applicant has had ample time to remedy the situation but has not done anything substantial to salvage the property.

Bill Stern reminded the commission that staff has gone beyond the scope of this hearing and the board is not here to discuss anything that had previously been discussed. It has been determined that the building is an attractive nuisance and dangerous and must be abated by demolition. The board has ordered the owners of the property to demolish the property and the only reason the board is here today is to determine that the Order has not been complied with and to order the City to take the necessary action to bring it into compliance and define the property owner guilty of not complying and to apply civil penalties against the property.

Mr. Stern displayed, on the monitor, a copy of a letter that was mailed to the owner and all interested parties explaining the Appeal Process. At anytime within the 30 days, after the Order was passed by the Commission, the owner could have come in and applied for an appeal. At that time a rehearing with the Commission could have been scheduled to allow the applicant to bring further prove and evidence. That never happened so staff is requesting that the board approve their recommendations and have no further discussion.

Motion was made by Fred Dalbin and seconded by Margie Aguilar-Desrosiers to **APPROVE** items 1 through 5 on the agendas staff's recommendations. Motion carried unanimously. (7-0 vote).

ITEM #6:

A public hearing was held to determine if the property located at **5916 Macias**, in the City of El Paso, is in substantial compliance with the Order that the Building and Standards Commission adopted on August 31st, 2005, and if it has not been complied with, to determine what action is necessary to bring the property into compliance with the Order.

The owner of said property Dominga De Los Santos, 5916 Macias, El Paso, Texas 79907 has been notified of the requirements and their need to comply with these requirements. After notification, the owner failed to clean and secure the original structure and maintain secure until rehabilitated, and all additions and accessory buildings be demolished, and clean the property of all weeds, trash and debris within 30 days. The property which is subject to the Order is not the owner's homestead, and that the Building and Standards Commission can assess a civil penalty against the owner in the amount not to exceed \$1,000 a day for each violation and that the owner has failed to comply with the Order each day from October 1st, 2005 through January 25th, 2006, a total of 117 days.

The department recommends that the Building and Standards Commission Order:

1. That the owner has not complied with the Building and Standards Commission Order of August 31, 2005; and
2. That the Building and Standards Commission Order the Director of Development Services to clean and secure the original structure and maintain secure until rehabilitated, and all additions and accessory buildings be demolished and clean the premises of all weeds, trash and debris and to assess the cost of the work as a lien against the property; and
3. That any lien assessed is due and payable within (30) days of the date the City of El Paso completes the work; and
4. That the owner be assessed the following civil penalties: A total of \$25.00 a day for 117 days during which time the Building and Standards Commission Order of August 31, 2005 was not complied with for a total of \$2,925.00; and
5. That the City Clerk files a certified copy of the Order with the District Clerk of the County of El Paso.

Wayne Fannin, Residential Inspector, stated that Ms. Martinez whose husband is deceased and was one of the interested members of the property, does not wish to speak but wants the board to know that she does not have the money to repair the property.

Motion was made by Michael Bray and seconded by Jimmy Stevens to **APPROVE** items 1 through 5 on the agendas staff's recommendations. Motion carried unanimously. (7-0 vote).

ITEM #7:

A public hearing was held to determine if the property located at 9203 **Santa Rosalia Court**, in the City of El Paso is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Bill Stern, Residential Inspector Supervisor, presented the case and stated that this property was first investigated on February 28th, 2005. The owner of the property, Francisco Manuel Trueba, has been notified of the violations at this property. This is a single-family dwelling built in 1960 that was converted to a multi-family dwelling over the years and is now found to be open and abandoned and in an advanced state of disrepair and is being used as a harborage by unwanted persons. A certified condemnation letter was mailed to Francisco Manuel Trueba, 7504 Canary Court, El Paso, Texas 79915

on March 1st, 2005. Certified Notices of the Public Hearing scheduled for January 25th, 2006, were mailed to the owners and all interested parties on January 10th, 2006. There has been no response from the owner. As of January 13th, 2006 taxes are owed in the amount of \$10,536.10.

The department 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 structure's certificate of occupancy be revoked; and
4. That the structures cannot be repaired; and
5. That the structures be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 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.

There was no one present at the meeting to speak on this case. There is verification on file that the owner's did receive notice of this public hearing.

Motion was made by Michael Bray and seconded by Jimmy Stevens to **APPROVE** items 1 through 7 on the agendas staff's recommendations. Motion carried unanimously. (7-0 vote).

ITEM #8:

A public hearing was held to determine if the property located at **503 ½ S. Estrella A.K.A. 503 ½ and 507 S. Estrella Street**, in the City of El Paso is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Bill Stern, Residential Inspector Supervisor, presented the case and stated that this property was first investigated on October 28th, 2005. The owner of the property, Elva K. Rocha, 4317 Larchmont Drive, El Paso, Texas 79902 has been notified of the violations of the property. The buildings are one-story single-family dwellings with adobe and stucco exterior walls built in 1916. The buildings were found to be in an advanced state of disrepair. A certified condemnation letter was mailed to Elva K. Rocha, 4317 Larchmont Drive, El Paso, Texas 79902. Certified Notices of the Public Hearing scheduled for January 25th, 2006, were mailed to the owners and all interested parties on January 10th, 2006. There has been no response from the owner. As of January 13th, 2006 there are no taxes owed.

The department recommends that it be found:

1. That the buildings known as 503 ½ S. Estrella A.K.A. 503 ½ and 507 S. Estrella 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. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, the buildings cannot be repaired; and
5. That the buildings be secured within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 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.

Bill Stern stated that if the property owner does not demolish and clean the property within 30 days then the City will do it. The costs go to the courthouse and attached to the deed. After the City takes action to demolish the property, the Street Department will create an invoice that comes back to the City, the City then invoices the property owner and the property owner is given the opportunity to pay for the clean up. If they don't pay for it then it is assessed as a lien that the City attaches to the deed at the courthouse and the lien and taxes have to be satisfied before the land can be closed on.

The board wanted to know if staff would file this with the State since that the building was built in 1916. Mr. Stern replied that if it has historical value, staff will notify the Historical Department, Landmark Commission and the Planning Department and they take whatever steps are necessary and staff does not get involved in doing any notification on historical precedent. Planning Department handles it all.

Elva K. Rocha, property owner, stated she acknowledges the specified problems at this property. She also stated that trash and debris has been cleaned up. The lot is used to park vehicles, such as boats, trucks and an empty trailer belonging to family. No one has lived at the property since 1986. The property belonged to her mother but when her mother remarried, the property was transferred to Ms. Rocha and to her sister. Her mother kept using the property until the day she passed away in 1996. She kept old pictures from 1890, old glasses from 1920 and Christmas decorations from 1930. It is used as a storage place for the family. It had been taken care of by a caretaker until they received this notice of condemnation. In 2001 they tried to sell the property and the prospective buyers came before the City Council to request a zoning change but the request was denied. Last September her daughter-in-law and she wrote the City requesting a small grant to fund an archeological dig for this property. The grant would have been for \$6,000 to \$8,000, enough to begin the process of digging. When she was a child she was told that her family had owned that property since the end of the 19th century. Her uncle owned it from about 1916 until 1945 or until after the war, then her father bought it from her uncle and it has been in the family ever since.

Bill Stern acknowledged that Ms. Rocha had come into the office and presented some archeological plans to him and told him that she was dealing with the Indians. He asked her to pursue it and then present the facts to the Commission and have the Commission make the determination as to whether they wanted to demolish the property or not.

Fred Dalbin stated that it is important to look at the structure and see if there is any archeological value to it. He feels that careful consideration should be taken in demolishing the structure.

Ms. Rocha stated that the structure in the back no longer exists. The other structure used to be an Indian dwelling and after all this time she is interested in finding out what kind of structure it was and what kind of Indians lived there and why they were there. The Indians were allowed to live there rent-free until either they died or until the end of time. She believes that when the Indians died they were buried in the house under the floor area. She also believes there is a burial inside the structure and there should be

remains in the ground 2' down. She contacted the Tiguas who are very interested in having a project there because it is a great opportunity for school children. She proposes to get a grant from the City or from the Federal Government and get interested people from the university to go out there and dig because she feels there may be an Indian burial hidden there.

Ms. Rocha was asked how much time she would need to board the building to keep unwanted people from coming in?

Bill Stern stated that if the board finds that the building needs to be abated by demolition, staff will allow Ms. Rocha 30 days to demolish it on her own. There is a 30 day grace period in which the City will not take any action, this will allow Ms. Rocha time to check with the Anthropology Department, the Archeological Department, the Tiguas or anyone else she needs to get in touch with. After the 30-day grace period she needs to demolish the building. If she doesn't demolish the building after the 30-day grace period, if the board approves staff's recommendations, then the City will take action.

Mr. Nichols noted that Ms. Rocha clearly stated that this structure is being used for family storage. This indicates that they may continue this type of activity and staff is trying to prevent the ability for people to be in there and endanger themselves.

Motion was made by Carl Robinson and seconded by Fred Dalbin to **GRANT** the applicant a 60 days extension, that the building be boarded and secured by the owner, that the building not be utilized as a storage in any manner, that a certified engineer report be rendered and all of these expenses are borne on the property owner, and to **APPROVE** items 1 through 7 on the agenda staff's recommendations. Motion carried unanimously. (7-0 vote).

Mr. Rocha stated that the damage on 503-505 S. Estrella is too much and they would like to demolish it but keep the building located at 507 S. Estrella.

Sam Jarvis from the Health Department stated that on August 25th, 2005 the Health Department conducted a condemnation investigation. Their investigation concurred with what staff have stated. Their investigation also revealed rodent activity. If the board is going to grant an extension of this property, the Health Department is requesting that some type of rodent control be installed immediately.

Officer Guillermo Soto from the Police Department, Central Area PAR Office, expressed concern about children's safety. His great concern is that there are a couple of schools around that area and he feels this property needs to be secured because it is this kind of buildings that attract unwanted persons. This makes it very difficult for them when called for a criminal mischief in progress or whatever activity is going on at the time.

Bill Stern wants the board to include with their recommendations that the property be secured and that if the owners can call someone from the department before they get their belongings out of the building, someone from the office can meet them there to make sure that anything that they are removing or any areas in the building that they go to are safe. Staff will not require an engineer's report at this time. Staff does not want the building occupied. He requested that the board read into their recommendations, for the record, that the building cannot be used as a storage building because it is not zoned for that.

Motion was **AMENDED** by Carl Robinson and seconded by Fred Dalbin to **GRANT** the applicant a 60 day extension, that the primary structure be secured and maintained secured within 30 days, maintain it secure until a hearing is held in 60 days to determine whether the property is in compliance with this

Order, clean the property of all weeds, trash and debris, remove the collapsing fence, and remove all non-operative junked vehicles or any stored vehicles outside of the property. Return to the board within 60 days to determine whether the funds have been acquired for further development or research on the property, and for the board to make a decision at that time whether the building should be repaired or demolished. The building located at 503 ½ Estrella should be demolished at this time, and that some type of rodent infestation prevention be maintained. Motion carried unanimously. (7-0 vote)

Mr. Robinson clearly explained to Ms. Rocha that the next time she comes before the board she should have something very concrete to show them as to whether or not she can do the dig. She is welcomed to bring anyone to the meeting to support anything that she says. It was agreed by Ms. Rocha that if at the end of 60 days she does not have the funds to dig, then the City will tear the building down.

Tom Maguire assured Ms. Rocha that the action, whether to demolish the property or not, does not remove the land from her possession. The City has no desires on the land whatsoever.

ITEM #9:

A public hearing was held to determine if the property located at **8937 Pence Way**, in the City of El Paso is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Bill Stern, Residential Inspector Supervisor, presented the case and stated that this property was first investigated on December 13th, 2005. The owner Martha C. Holguin (ET AL), 8939 Pence Way, El Paso, Texas 79907 has been notified of the violations of this property. This is an open and abandoned single-family dwelling with adobe and stucco exterior walls built in 1952. The main structure was set on fire on December 12th, 2005 and an accessory structure in the rear of the property has already collapsed. The structure was found to be in an advanced state of disrepair with large cracks in the exterior walls of the bedrooms, bathrooms and kitchen. Some of the mentioned cracks are without stucco and have deteriorated due to lack of maintenance. A certified condemnation letter was mailed to Martha C. Holguin (ET AL), 8939 Pence Way, El Paso, Texas 79907. Certified notices of the public hearing scheduled for January 25th, 2006 were mailed to the owners and all interested parties on January 10th, 2006. There has been no response from the owner. As of January 13th, 2006 the amount of \$21,060.16 are owed on taxes.

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. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, the buildings cannot be repaired; and
5. That the main structure and accessory building be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 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.

There was no one present at the meeting to speak on this case.

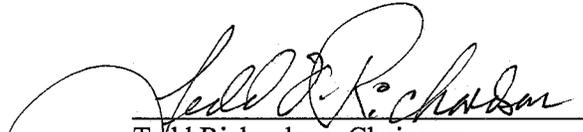
Motion was made by Carl Robinson and seconded by Michael Bray to **APPROVE** items 1 through 7 on the agendas staff's recommendations. Motion carried unanimously. (7-0 vote).

General Discussion:

The next meeting will be held on the last Wednesday of March 2006.

Adjournment:

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


Tedd Richardson, Chairman


Bill Stern, Residential Inspector Supervisor
Development Services