CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
SPECIAL MEETING
2ND FLOOR, CITY COUNCIL CHAMBERS
OCTOBER 14, 2009
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "A" held a special meeting, public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, October 14, 2009 at 5:30 p.m. with the following members present:

Board Members Present:
Michael Bray (Chairman)
Robert C. Filarski
Hershel Stringfield (alternate)
Tommy Razloznik (Vice-Chairman)
Kenneth Walters
James Ratliff (alternate)
Roman Hernandez

Others Present:
Tom Maguire, Chief Building Inspector
Bill Stern, Chief Building Inspector
Cynthia Osborne, Assistant City Attorney
Nellie Avalos, Residential Inspector
Sergio Melendez, Residential Inspector
Nancy Spencer, recording Secretary

Absent Members
Gregory Bowling
Margie Aguilar-Desrosiers

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "A" was called to order by Chairman Michael Bray at 5:46 p.m.

Bill Stern advised the commission of a correction on the back up documentation for 12261 Diana Natalicio. The board was provided with a copy of the amended report.

Regular Items:

I. Public hearing to determine if the Building and Standards Commission Order for the property located at 12261 Diana Natalicio Dr. in the City of El Paso (legal description on file with the City Clerk) dated July 29, 2009, has been brought into compliance with said Order, and if not to determine penalties or further action required. The owners of this property, J P MorganChase Bank, National Association, C/O Codillis & Starviarski, 650 N. Sam Houston Parkway East, Suite 450, Houston, Texas, 77060, JP Morgan Chase Bank, N.A., 1111 Polaris Parkway, Columbus, Ohio, 43240, J.P. Morgan Chase Bank, N.A., Home Equity Loan Servicing, P. O. Box 24714, Columbus, Ohio, 43224 and Deborah A. Waddle-Brooks, 12261 Diana Natalicio, El Paso, Texas, 79936 (the **"Owners"**), have been notified of the violations at this property.

Bill Stern, Chief Building Inspector presented the case.

The Commission was advised that Chase Bank had not yet foreclosed on the property.

Property Owner, Deborah Waddle Brooks was present for discussion. She advised that she was suing the home builder. She also asked that she continue to live there as she was unable to find a suitable place to live in that she could afford.

Ms. Brooks was advised by the commission that at the last meeting that her property had been condemned, the certificate of occupancy had been revoked, and that the property was to be vacated and secured within 30 days. She was informed that she could not continue to live there.

Bill Stern, Chief Building Inspector, informed the commission that when the certificate of occupancy is revoked, utility y companies are notified to shut off services. However, as long as the building is occupied, utilities will not be shut off. Since the certificate of occupancy has been revoked; criminal charges may be brought against Ms. Brooks for occupying building without a certificate of occupancy. The board was informed that the engineer's report indicated that because of the ground settlement, the electricity can be compromised creating a fire hazard. A recommendation was made to have Ms. Brooks agree to vacate the home and move into safer place.

The commission asked Ms. Brooks when she was going to vacate the property. She asked what she needed to do to bring the property up to code. Ms. Brooks was advised that the property had a major structural problem and was advised to vacate and secure and maintain secured the property until the legal issues are resolved.

Commission adjourned at 6:15 p.m. and reconvened at 6:22 p.m.

Ms. Brooks advised that she would agree to relocate and asked how much time she had to relocate. The commission asked Ms. Brooks what her plans were.

Ana Giles, relocation officer was present for discussion. She informed the commission that she has been working with Ms. Brooks however; Ms. Brooks had not made a decision on what her arrangements were.

Bill Stern, Chief Building Inspector asked for the board to recommend that Ms. Brooks be fined $10.00 a day for non compliance with the order and that she works with Ms. Giles, the relocation officer.

The Board was advised of the steps taken to enforce the order including a peace officer to carry out the order and force Ms. Brooks to vacate the property and issue a civil penalty against Ms. Brooks.

Ms. Brooks asked for at least 30 days to relocate and find a place to live.

Eugene Brooks, Ms. Brooks son was present for discussion.

Roman Hernandez recommended to go with staff recommendations.

Commission member James Ratliff also agreed with staff recommendations including having a peace officer enforce the order if necessary.

Tom Maguire, Chief Building Inspector informed the commission that once the house is vacated, all utilities would be shut off.

Roman Hernandez made a motion to accept staff recommendations and James Ratliff asked to include having a peace officer enforce the order if necessary as part of the motion. Bill Stern, Chief Building Inspector asked that the property to be vacated within 30 days from the date of this meeting.

Robert Filarski advised to follow staff recommendation that if the order was not followed, to have at peace officer enforce the order and have Ms. Brooks removed from the property on November 19, 2009.

Motion made by Roman Hernandez, seconded by Tommy Razloznik to accept staff recommendations with the exception to the penalty request for the property to be vacated within 30 days from date of this meeting, for the property to be secured and maintained secured, and also include that if the order is not complied within 30 days, have a peace officer enter and remove Ms. Brooks from the property passed.

Robert Filarski, James Ratliff, Herschel Stringfield, Tommy Razloznik and Roman Hernandez voted for the motion. Commission member Kenneth Walters voted against the motion.

The Department recommends that the Building and Standards Commission make the following findings:

1) That the owners of said property were notified of the requirements of Section 18.50 and their need to comply with these requirements; and
2) That after notification, the owners have failed to comply with the order that Building and Standards Commission adopted on July 29, 2009, to rehabilitate or demolish the property within thirty (30) days; and
3) That the property that is subject to the order is not the owner's homestead; and
4) That the Building and Standards Commission can assess a civil penalty against the owner in the amount not to exceed $10.00 a day; and
5) That the owners have failed to comply with the order from July 29, 2009 through October 14, 2009, forty-six (46) days from August 29, 2009.

The Department recommends that since the owners have not complied with the Building and Standards Commission Order of July 29, 2009:

1) That the owners be assessed the following civil penalties: A total of $10.00 a day for forty-six (46) days during which time the Building and Standards Commission order of July 29, 2009 was not complied with for a total of $460.00; and
2) That the City Clerk file a certified copy of the Order with the County Clerk of the County of El Paso; and
3) That the owners be placed on notice that continuing failure to comply with the Building and Standards Commission Order of July 29, 2009, may result in additional and more severe penalties; and
4) That a public hearing be scheduled for November 18, 2009, to determine if the Building and Standards Commission order of July 29, 2009, has been complied with and if not to determine additional penalties.

VIII. Adjournment

Motion was unanimously carried to adjourn this meeting at 7:17 p.m.

Michael Bray, Chairman
Panel "A"

Bill Stern, C.B.O., Chief Building Inspector
Development Services Department

Robert C. Filarski
Vice-Chairman