CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
2ND FLOOR, CITY COUNCIL CHAMBERS
MAY 25, 2011
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "A" held a public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, May 25, 2011 at 5:30 p.m. with the following members present:

Board Members Present:
Andrew Haggerty (Panel B)
Jesse A. Sanchez
Robert Filarski (Vice-Chair)
James Ratcliff (alternate)
Linda Vick
Andrew Haggerty (Panel B)
Tommy Razloznik

Others Present:
Bill Stern, Deputy Building Official
Kurt Fenstermacher, Deputy Director
Robert Almonte II, Assistant City Attorney
Cynthia Osborn, Assistant City Attorney
Tom Maguire, Chief Building Inspector
Nellie Avalos, Building Inspector
Sergio Melendez, Building Combination Inspector Supervisor
Sonya Cahalan, Building Inspector
Robert Gonzalez, Building Inspector
Daniel Lopez, Building Inspector
Nancy Spencer, Recording Secretary

Absent Members:
Gregory Bowling (Chairman)
Kelly Sorenson
Gracie Cain (alternate)

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "A" was called to order by Vice-Chairman Robert Filarski at **5:55 p.m.**

II. Approval of minutes for the meeting held March 30, 2011

Motion made by James Ratcliff, seconded by Linda Vick to approve the March 30, 2011 minutes, unanimously carried.

III. Any changes to the agenda

Bill Stern, Deputy Building Official advised there were no changes to the agenda.

Regular Items:

IV. Public hearing to determine if the property located at 3419 La Luz Avenue., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 18, 2010. The owners Antonio Dill, 3419 La Luz Avenue, El Paso, Texas, 79903-4308, Antonio Dill, 1300 West Yandell, El Paso, Texas, 79902, Antonio Dill, 2711 Federal Avenue, El Paso, Texas, 79930, Antonio Dill, 1926 Arizona Avenue,

El Paso, Texas, 79930, Eagles Nest Properties, LTD, Lien holder, 8201 Lockheed, Suite 235, El Paso, Texas 79925, William Ehrlich or Herbert Ehrlich, Trustees, 109 North Oregon, 12th Floor, El Paso, Texas, 79901, Centro De Salud Familiar La Fe, Inc., Lien holder, c/o Casey S. Stevenson, Scott Hulse, PC, P. O. Box 99123, Chase Tower, 11th Floor, El Paso, Texas, 79999-9123, The Webb Family Trust, Lien holder, c/o Sato Webb, 2701 Pierce, El Paso, Texas, 79930, Seok-Lee Brown, Lien holder, c/o Corey Haugland, James & Haugland, PC, 609 Montana Avenue, El Paso, Texas, 79902, (the **"Owner"**) have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Robert Gonzalez, Building Inspector, presented the case.

Mr. Jose C. Vega, from the law office of Mounce Green Myers Safi, Paxon & Galatzan PC and legal representative for the property owner provided public comment. Mr. Vega stated that notice for this meeting was received on Saturday, May 21, 2011. Mr. Vega advised that the Webb family, lien holders for this property were requesting an extension for 30 days to allow them time to decide what to do.

Cynthia Osborn, Assistant City Attorney informed the commission that all interested parties received notice of this meeting on May 13, 2011.

Commission member James Ratcliff asked Mr. Vega if the family could secure the property within 30 days.

Cynthia Osborn reminded the commission that the hearing was to determine if the building should be vacated and secured until rehabilitated. The commission was also advised that they may request postponement on this case for 30 days.

Bill Stern advised staff recommendation was for the property to be vacated and secured within 30 days until rehabilitated.

Motion made by Tommy Razloznik, seconded by Andrew Haggerty to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is 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 structure can be rehabilitated; and
5. That the structure be vacated and secured within thirty (30) days and maintained secure until rehabilitated; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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.

V. Public hearing to determine if the property located at 1920 Lee Elder, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 21, 2011. Jesus M. Manquero, Jr. and Maria S. Manquero, Owners, 1920 Lee Elder, El Paso, Texas, 79936, Ramsey M. Esper, Lien holder, 3650 George Dieter, El Paso, Texas, 79936, and Mark Salloum, Trustee, 4141 Pinnacle, Suite 215, El Paso, Texas, 79902, (the **"Owners"**), have been notified of the violations at this property.

Bill Stern, Deputy Building Official, read the item into the record.

Sonia Cahalan, Building Inspector, presented the case.

Mr. Milad Farah, attorney representing Ramsey Esper, Lienholder representing the family was present for public comment. Mr. Farah requested an extension of 30 days from the decision the commission makes so that the insurance company can continue their investigation on the fire as a possible arson case.

Bill Stern informed the commission that under the ordinance that the commission must provide 30 days from the date of the meeting and requested that in view of public safety not to give a 30 day extension after that.

Sonia Cahalan, Building Inspector advised that there was a lot of trash and debris on the property blowing into the adjacent properties and although the property was gated, people can still get into the property.

The commission was informed that investigative reports are requested from the fire, police and health department for each case. Bill Stern advised that the Fire Department had completed their fire investigation on this address.

Mr. Farah advised they were awaiting the determination from the District Attorney's Office on how the fire was started.

Mr. Stern advised that after the 30 days decision from the commission, notification would be made to all parties that the City will go ahead and take the appropriate action.

Motion made by Tommy Razloznik, seconded by James Ratcliff and Linda Vick to accept staff recommendations, unanimously carried.

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; and
2. That the structure 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 cannot be rehabilitated; and
5. That the structure be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean 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.

VI. Public hearing to determine if the property located at 301 Pecos, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 21, 2010. Laura Fernandez, Antonio Herrera, Valeria Fernandez, Monic Fernandez and Alex Fernandez, 301 Pecos Street, El Paso, Texas, 79905 and Laura Fernandez, Antonio Herrera, Valeria Fernandez, Monic Fernandez and Alex Fernandez, 426 Pendale Road, El Paso, Texas, 79907, (the **"Owners"**), have been notified of the violations at this property.

Bill Stern, Deputy Building Official read the item into the record.

Nellie Avalos, Building Inspector presented the case.

Laura Fernandez, one of the property owners was present for discussion. Ms. Fernandez advised that she is in the process of fixing the property so that it can be rented out. The commission was also informed that the property suffered a fire in 2009 and requested assistance to fix the property.

Commission member Robert Filarski informed Ms. Fernandez that the commission was only making the request to have the property secured.

Commission member James Ratcliff asked about the time required to register the property under the vacant building ordinance. Bill Stern advised that the property has to be vacant for two years to comply with the ordinance requirements and recommended the property owner was seeking assistance from the City of El Paso Community Development Department. The commission was advised that the department was requesting that the property be secured and maintained secured until it is rehabilitated.

Commission member Linda Vick asked if Ms. Fernandez understood that if she did not secure the property, the city would take action and place a lien on the property. Ms. Fernandez advised that she did understand what would happen.

Mr. James Ratcliff asked since the fire on the property happened in 2009, when would the property have to be registered under the vacant building ordinance. Bill Stern advised that the property owner would have to comply with the new regulations under the vacant building ordinance. The commission was informed that determination on compliance with the vacant building ordinance would be determined by when the building became vacant through a utility company check.

Ms. Leslie Canada, from the El Paso Police Department, advised that there have been approximately 30 police calls responding to this property since the fire.

Motion made by Andrew Haggerty, seconded Tommy Razloznik to accept staff recommendations, and carried with Commission member James Ratcliff abstaining from vote.

Motion to rehear item #6, 301 Pecos for discussion and reconsideration by James Ratcliff seconded by Tommy Razloznik unanimously carried.

Nellie Avalos informed the commission that when she first investigated the property, there was electric and water service at the property, however, the property was vacant.

Cynthia Osborn, Assistant City Attorney advised the commission that if the property was found to be vacant for more than two years, the commission can recommend that the property be registered as a vacant building within 30 days, however if it has not been two years, then the registration would not be required.

Bill Stern recommended that the requirement to register the property under the vacant building ordinance be removed from the recommendations. Notification to register the properties under the vacant building ordinance will be handled separately.

Item #7 on the recommendations to have the property registered under the vacant building ordinance was deleted.

Motion made by Andrew Haggerty, seconded by James Ratcliff to accept staff recommendations removing the recommendation that would require the property to be registered under the vacant building ordinance, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is 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 structure can be rehabilitated; and
5. That the structure be secured within thirty (30) days and maintained secure until rehabilitated; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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.

VII. Public hearing to determine if the property located at 2913 E. San Antonio Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 6, 2010. The owners Amado P. Zuniga a/k/a Amado Z. Ponce and Gloria Quintana a/k/a Gloria Quintana Zuniga a/k/a Gloria Ponce, 2913 E. San Antonio Avenue, El Paso, Texas, 79901, Bank of America/Consumer Loan Processing, Lien holder, Texas Post Closing Review, 802 North 11th, St. Louis, Missouri 63101-0000, (the **"Owners"**), have been notified of the violations at this property.

Bill Stern, Deputy Building Official read the item for the record.

Daniel Lopez, Building Inspector presented the item.

Commission member James Ratcliff questioned the registration time requirement addressed in the vacant building ordinance since it has been less than two years. Bill Stern, Deputy Building Official, advised that once the building has been vacant for more than two years, the owners would be notified that they will have to register the property and comply with all the requirements under the vacant building ordinance. If the owner fails to comply with the vacant building ordinance, the City may go ahead and board and secure the property, prosecute the owner for failing to comply with the ordinance and/or present this case before the Building and Standards Commission.

Cynthia Osborn, Assistant City Attorney advised that Mr. Ratcliff was questioning the registering the property under the vacant building ordinance within 30 days. The commission was advised if the property has not met the requirement, the property should not be required to be registered under the vacant property ordinance within 30 days. This property may be registered under the vacant building ordinance. Ms. Osborn recommended that the previous case Item #6 be reheard since the property has not reached the two year limit and the recommendations are similar as to this case.

Motion made by Linda Vick, seconded by Andrew Haggerty to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property to date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is 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 structure can be rehabilitated; and
5. That the structure be secured within thirty (30) days and maintained secure until rehabilitated; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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 would be done by the City.

VIII. Public hearing to determine if the property located at 710 W. Missouri Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 27, 2011. The owner Maria Del Carmen Martinez, 710 W. Missouri Street, El Paso, Texas, 79901, (the **"Owner"**), has been notified of the violations at this property.

Bill Stern, Deputy Building Official read the item for the record. The commission was informed that the property is in a historic district and the Historic Preservation Office has been notified that this case was being presented to the Building Standards Commission.

Nellie Avalos, Building Inspector presented the case. Ms. Avalos requested that Item #7 on the recommendations requiring the property to be registered under the vacant building ordinance be deleted.

Item #7 on the recommendations requiring the property to be registered under the vacant building ordinance was deleted.

Bill Stern, Deputy Building Official advised the commission that whenever there is a safety or danger issue on a property in a historic district, the action taken by the Building and Standards Commission takes precedence over Historic Preservation. The Historic Preservation Office would be notified as to the decision that the commission makes.

Motion made by Andrew Haggerty, seconded by James Ratcliff to accept staff recommendations removing the requirement that the property be registered under the vacant building ordinance, unanimously carried.

Item #7 on the recommendations requiring the property to be registered under the vacant building ordinance was deleted.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is 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 structure can be rehabilitated; and
5. That the structure be secured within thirty (30) days; and
6. That the rear enclosed porch be demolished within thirty (30) days; and
7. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
8. 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.

IX. Public hearing to determine if the property located at 908 Chihuahua Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 8, 2011. The owners Gene Pendergrass, 908 South Chihuahua Street, El Paso, Texas, 79901, (the **"Owner"**), has been notified of the violations at this property.

Bill Stern, Deputy Building Official read the item for the record. The commission was informed that the property is in a historic district and the Historic Preservation Office has been notified that this case was being presented to the Building Standards Commission.

Nellie Avalos, Building Inspector presented the case.

Motion made by Tommy Razloznik, seconded by Jesse A. Sanchez to accept staff recommendations, unanimously carried.

The owner has been notified of the violations at this property. To date there has been no corrective action taken and therefore 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 structures' certificate of occupancy be revoked; and
4. That the structures cannot be repaired; and
5. That the structures be demolished and the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
6. 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.

X. Update on cases heard by the commission to determine if recommendations have been complied with.

A review of the updated cases was provided to the commission. Sergio Melendez, Building Combination Inspector Supervisor advised that a hard copy of the report was provided in the packet which was e-mailed to the board members.

Commission member James Ratcliff asked if it was necessary to include taxes owed on properties if it was not relevant on the cases. Assistant City Attorney, Cynthia Osborn advised that this information would show whether someone is taking care of the taxes on the property, status on the property. The staff would need to know this information when preparing the case.

XI. Adjournment

Motion made to adjourn the meeting by Jesse Sanchez, seconded by Linda Vick was unanimously carried. The meeting adjourned at 7:25 p.m.

Robert Filarski, Vice- Chairman, Panel "A"

Bill Stern, C.B.O., Deputy Building Official
Code Compliance Division