

BUILDING & STANDARDS COMMISSION – PANEL “B”

Minutes of September 28, 2005

The Building & Standards Commission Panel “B” held a public hearing in City Council Chambers, 2nd Floor of the City Hall Building on Wednesday, September 28, 2005, at 5:30 p.m. with the following members present:

Board Members Present:

Bob Ayoub (Chairman)
Roman Bustillos
Hector Zamora
Alexandra Swann
Paul Zacour
Gregory Davis
Becky Friesenhan

Others Present:

R. Alan Shubert, Dev. Services Director
Raymond Telles, Assistant City Attorney
Tom Maguire, Chief Inspector
Bill Stern, Residential Inspector Supervisor
Leo Casso-Lopez, Residential Inspector
Wayne Fannin, Building Inspector
Lucy Acosta, Recording Secretary

Board Members Absent:

Julius Lowenberg
Phillip L. Simms

The Building & Standards Commission Panel “B” meeting was called to order by Chairman Bob Ayoub, at 5:30 p.m.

Approval of Minutes:

Mr. Ayoub asked if there were any corrections or additions to the minutes of July 27th, 2005. Being none, the minutes for July 27th, 2005 were unanimously approved.

Tom Maguire, Chief Inspector, made an amendment to the agenda. An emergency item was added to the agenda for consideration by the board. He is requesting that this item be deleted and reset for a later date.

DISCUSSION AND ACTION: Public Hearings

Carry Over:

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, owners of the property, at 8700 Pell Way, El Paso, Texas 79907. 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 August 31st, 2005, were mailed to the owners and all interested parties on August 12th, 2005. There has been no response from the owner.

There was no representation from the public.

Motion was made by Mr. Bustillos and seconded by Mr. Zamora to table this item to the end of the agenda to allow time for the applicant to be present. Motion carried unanimously.

A public hearing was held to determine if the property located at **1917 E. San Antonio 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 August 4th, 2005. A certified condemnation letter was mailed to Nasario P. Solis, 606 Niño Aguilera St., 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 September 28th, 2005, were mailed to the owners and all interested parties on September 16th, 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. Since the owner has not submitted any building plans, specifications, reports from design professionals to indicate otherwise 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.

Robert Sandoval, Lawyer representing Lulac Project Amistad was present to represent Mr. Solis. Lulac was Mr. Solis' guardian. They are in the process of finding some of Mr. Solis' family and they have found some family members in Beeville, Texas and they were made aware of this hearing today. They are in the process of closing the guardianship and they would like to ask the commission to postpone the decision to give them an opportunity to contact the family members and see if they are interested in this property. Although they are not involved with the probate of Mr. Solis' estate, they would like to give the family this courtesy. Mr. Sandoval stated that he didn't know how much it would cost to secure the property, but at this point they didn't feel they could commit themselves because Mr. Solis owned the nursing home about \$20,000, Lulac about \$2,000, and he did not have any bank accounts.

Mr. Maguire feels that this property is not feasible to repair.

Raymond Telles stated that if the board moves to postpone the item, it should be postponed for 60 days until this panel meets again or chooses to have a special meeting.

Because Mr. Solis did not have a will, a sister or a brother could be appointed as personal representatives.

Raymond Telles, Assistant City Attorney, stated that the Municipal Code that governs these proceedings also allows for a rehearing process which is triggered once the board acts. An Order comes from the board which is signed by the chair and that order once received by the property owner they have 20 days in which they can request a rehearing if they disagree with the board's order. A rehearing would stop the original Order from the board.

Motion was made by Mr. Davis and second by Mr. Zacour to accept staff's recommendations and continue with the demolition process of this property and supply Mr. Maguire with the address of the family members so that staff can notify them of the resolution. Motion carried unanimously.

A public hearing was held to determine if the property located at **4000 Clifton 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 March 16th, 2004. A certified condemnation letter was mailed to Mike A. Garcia, owner of the property, 3011 Gateway W. Blvd, El Paso, Texas 79903-4116. 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 September 28th, 2005, were mailed to the owners and all interested parties on September 15th, 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 certificates of occupancy be revoked; and
4. That the main structure can be repaired; and
5. That the main structure be secured within 30 days; and
6. That the accessory structure be demolished within 30 days; and
7. That the premises be cleaned of all weeds, trash, and debris within 30 days.

Fermin Dorado was present to represent the case. Mr. Dorado was hired by Mr. Mike Garcia to look into the possibility of bringing the structure into code. Mr. Garcia has secured the building and has also cleaned the area. Mr. Garcia is requesting a 6 month extension to bring the structure up to code or tear it down. Preliminary investigations find that the structure can be rehabilitated. They are in the process of coming up with some plans and obtaining the permits to rehab the main and secondary structure and bringing them up to code or demolishing them.

Motion was made by Mr. Bustillos to grant the owner time to submit plans and rehabilitate the building. The motion died for lack of a second.

Mr. Bustillos amended his motion to postpone the hearing for 60 days to allow the owner to submit plans to rehabilitate the property. Motion was seconded by Mr. Zamora and was unanimously carried.

A public hearing was held to determine if the property located at **1528 Ladrillo Place** 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. The building was found to be in an advanced state of disrepair and has been used as a harborage by unwanted persons. A certified condemnation letter was mailed to Maria E. De La Cruz, 1528 Ladrillo Place, El Paso, Texas 79901, owner of the property. Certified notices of the Public Hearing scheduled for September 28th, 2005, were mailed to the owners and all interested parties on September 16th, 2005. There has been insufficient 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. Since the owner has not submitted any building plans, specifications, reports from design professionals to indicate otherwise 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.

There was no representation from the public.

Motion was made by Mr. Bustillos and seconded by Mr. Davis to approve staff's recommendations to proceed with the condemnation process. The motion was unanimously carried.

A public hearing was held to determine if the property located at **3917 Taylor Avenue AKA 3911 & 3917 Taylor 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 January 28th, 2005. The building was found to be in an advanced state of disrepair and has been used as a harborage by unwanted persons. A certified condemnation letter was mailed to Juan R. Garcia, owner, 3917 Taylor Avenue, El Paso, Texas 79930-0000. Certified notices of the Public Hearing scheduled for September 28th, 2005, were mailed to the owner and all interested parties on September 16th, 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 structures can be repaired; and
5. That the structures and accessory building be secured within 30 days and maintained secured until rehabilitation of the structures is completed; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days.

Mr. Maguire stated that there is work being done on some of the buildings without a permit.

Juan Garcia, owner, addressed the board stating that he speaks English but would rather address the board in Spanish since he is more fluent in that language. He clarified that there are two buildings, with eight apartments each. Nine of them are occupied. Originally there were three apartments, but 3901 Taylor has already been rehabilitated by the City. He has two applications that have been set forth to rehabilitate. The first one is in effect and he is in the process of getting the funding for the second. It is estimated that the loan will be secured by early December. He is estimating a minimum of six months to get the work done. After the rehabilitation there will be four units, two of them will have one bedroom and two of them will have two bedrooms.

Mr. Bill Stern, Inspector Supervisor, has checked with Mr. Herrera and in fact these applications have been made and are pending.

Staff is requesting that these apartments be vacated and secured until they are rehabilitated. At this point staff feels they are not fit for anybody to live in.

Motion was made by Mr. Bustillos and seconded by Ms. Swann to accept the department's recommendations. The motion was unanimously carried.

A public hearing was held to determine if the property located at **5829 Westside 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 August 1st, 2005. The building was found to be in an advanced state of disrepair and has been used as a harborage by unwanted persons. A certified condemnation letter was mailed to Ron Valenzuela, owner, 4545 Skylark Way, El Paso, Texas 79922-1828. Certified notices of the Public Hearing scheduled for September 28th, 2005, were mailed to the owner and all interested parties on September 15th, 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 and all accessory structures be demolished within 30 days; and
6. That all the premises be cleaned of all weeds, trash, debris and all junk vehicles within 30 days.

Enrique Escobar, new owner of the property, addressed the board stating that he agrees with the City's assessment and he has already secured a demolition permit and started cleaning up the property and will be demolished as soon as the utilities can be cut off.

Motion was made by Mr. Bustillos and seconded by Mr. Davis to accept staff's recommendations. Motion carried unanimously.

Carry Over:

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.

This item was heard at the beginning of the meeting but was moved to the end of the agenda to allow the applicant time to arrive at the meeting.

Mr. Shubert expressed some concern on how this item was posted because there was no reference to the accessory structure in the notification and the notes for the back up for the hearing. Mr. Maguire stated that it will be amended and the resolution will not be signed until it reflects the correction.

Raymond Telles, Assistant City Attorney, addressed the board stating that he has reviewed the notice that was provided to the owner and finds it to be sufficient. There was a deficiency in the recommendation that was provided to the board; however, that has been and will be restated by Mr. Maguire and that should be sufficient as well.

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 insubstantial 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 not submitted any building plans, specifications, reports from design professionals to indicate otherwise 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.

There was no representation from the public.

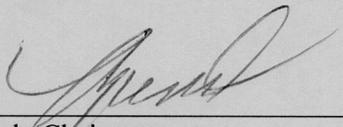
Motion was made by Mr. Bustillos and seconded by Mr. Zamora to accept staff's recommendations. Motion carried unanimously.

General Discussion:

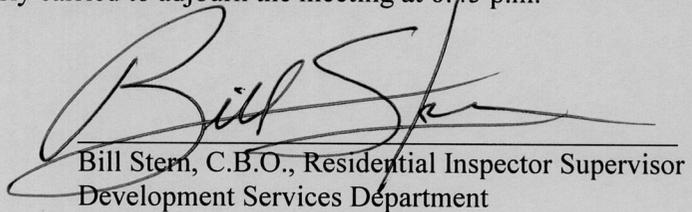
Mr. Zamora addressed the City Attorney asking him why the condition of the owners being confined in jail by state law was still in the letter that went out on the Natalicio address, when the Building and Standards Commissions Board members Panel "B" had requested that it be deleted from any further correspondence. He was wondering if he had not been notified of this.

Mr. Maguire responded that Mr. Telles was not the attorney at that time and if something wasn't deleted from the notice staff was taking responsibility for it. He said it would be deleted in any future correspondence.

Without further discussion, motion was unanimously carried to adjourn the meeting at 6:45 p.m.



Bob Ayoub, Chairman



Bill Stern, C.B.O., Residential Inspector Supervisor
Development Services Department