CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
2ND FLOOR, CITY COUNCIL CHAMBERS
September 29, 2010
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, September 29, 2010 at 5:30 p.m. with the following members present:

Board Members Present:
Robert Filarski (Vice-Chairman)
Roman Hernandez
James Ratcliff (alternate)
Linda T. Vick Sr.
Kenneth Walters
Anibal Olague
Gregory Bowling (Chairman)

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

Absent Members:
Tommy Razloznik

AGENDA

I. Call to Order

The Building & Standards Commission meeting, Panel "A" was called to order by Commission member Gregory Bowling at 5:35 p.m.

II. Election of Chairman

Nomination for Chairman made by Anibal Olague and seconded by Robert Filarski to appoint Gregory Bowling as Chairman, unanimously carried. Nomination made by Gregory Bowling, seconded by Anibal Olague to appoint Robert Filarski as Vice-chair, unanimously carried.

III. Approval of minutes for the Building and Standards meeting held July 28, 2010

Motion made by Robert Filarski, seconded by Kenneth Walters to approve the July 28, 2010 minutes, unanimously carried.

IV. Changes to the agenda

Bill Stern, Deputy Building Official, requested Item #10, 3813 Leavell Avenue, to be heard first.

Kurt Fenstermacher, Deputy Director, Code Compliance Division was introduced to the commission.

Motion made by Robert Filarski, seconded Kenneth Walters to approve the change to hear Item #10 first, unanimously carried.

Regular Items:

V. Public hearing to determine if the property located at 1021 Warwick Road, 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 January 21, 2010. The owners David Brooks, 1021 Warwick Rd, El Paso, Texas, 79907, Wells Fargo Bank, N.A., Lienholder, P. O. Box 11701, Newark, NJ, 07104-4701, Secretary of Housing & Urban Development, 451 Seventh Street, SW, Washington, DC 20410 and Beverly Mitrisin or C.T. Nations, Trustee, c/o Barrett Daffin Frappier Turner & Engel, LLP, 15000 Surveyor Boulevard, Suite 100, Addison, Texas, 75001, (the **"Owners"**), have been notified of the violations at this property.

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

Zully Davila, Building Inspector, presented the item.

Public Comment was made from Officer Chris Cordova from the El Paso Police Department, Mission Valley Police Substation.

Motion made by Robert Filarski, seconded by Anibal Olague to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property, to date there have been no or corrective action taken, and therefore the Division recommend 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 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.

VI. Public hearing to determine if the property located at 3008 Piedras St., 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 June 6, 2010. The owner Elfida P. Campos, 3008 North Piedras Street, El Paso, Texas, 79930, (the **"Owner"**), has been notified of the violations at this property.

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

Sergio Melendez, Building Combination Building Inspector Supervisor, presented the item.

Albert Campos, representative for Elfida Campos, owner of the property was present for discussion.

Motion made by Roman Hernandez, seconded by Linda Vick 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
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 2017 Central 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 May 1, 2010. The owner Augustin S. Morales, 2017 Central Avenue, El Paso, Texas, 79905-4001, (the **"Owner"**), has 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 item.

The Commission was advised that the property owner's family was not interested in the property.

Motion made by Robert Filarski, seconded by Kenneth Walters 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 structures are 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 rehabilitated; and
5. That the structures be demolished within thirty (30) days; 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.

VIII. Public hearing to determine if the property located at 2827 Titanic, 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 June 16, 2010. The owners Melody K. Dunn & Arnold Dunn, 2827Titanic Ave, El Paso, Texas, 79904 and The Bank of New York f/k/a The Bank of New York, as Trustee for the Benefit of CWABS, Inc., Asset-Backed Certificates, Series 2007-12, Lienholder, 101 Barclay Street, New York, NY 10286, (the **"Owners"**) have been notified of the violations at this property.

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

Mr. Stern advised the commission that he spoke with Melody K Dunn, one of the property owners, and was advised that they have no interest in the property. At present, the bank was foreclosing on the property.

Robert Gonzalez, Building Inspector presented the item.

Motion made by Linda Vick, seconded by Anibal Olague 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
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.

IX. Public hearing to determine if the property located at 3529-31 Alameda, 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 28, 2010. The owners Deleyeto Saiz Jr. & Leonor Pacheco Hyder, 3529-31 Alameda Ave., El Paso, Texas, 79905, Deleyeto Saiz Jr., 7050 Canary, El Paso, Texas, 79915 and Leonor Pacheco Hyder, 111 North Copia, El Paso, Texas, 79905, (the **"Owners"**), have been notified of the violations at this property.

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

Sergio Melendez, Building Combination Inspector Supervisor presented the item.

Motion made by Robert Filarski, seconded by Linda Vick to accept staff recommendations and to take emergency corrective action of property to insure safety, 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.

X. Public hearing to determine if the property located at 3813 Leavell, 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 June 21, 2010. The owners Edmundo J. Romo, 3813 Leavell Avenue, El Paso, Texas, 79904-5531, Edmundo J. Romo, 3432 Dundee, El Paso, Texas, 79925, Carlos J. Martinez and Aurora Martinez, Lienholder, 1701 Glen Campbell, El Paso, Texas, 79936 and Mark T. Davis, Trustee, 1554 Lomaland, El Paso, Texas, 79935, (the **"Owners"**), have been notified of the violations at this property.

Motion was made by Robert Filarski, seconded by Kenneth Walters to hear Item #10 first, unanimously carried.

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

Robert Gonzalez, Building Inspector presented the item.

Edmundo J. Romo, property owner was present for discussion. Mr. Romo advised that the property has been cleaned up. The commission was also informed that an application had been made with the Community Development Department, Housing Rehabilitation Section for funds to rehabilitate the property. Mr. Romo requested more time to find out if he would be approved for the funds from Community Development and also advised that he had registered the property as legal non-conforming.

Motion was made by Roman Hernandez seconded by Anibal Olague to accept staff recommendations to demolish the property within 30 days and during that time, determine if the property owner is eligible for funds to rehabilitate the property.

Bill Stern, Deputy Building Official requested a clarification on the motion.

Motion was made by Roman Hernandez to withdraw his original motion.

Motion made by Gregory Bowling seconded by Robert Filarski to secure the property within 30 day, and to have Community Development evaluate the property for feasibility to repair and if not, demolish the property within 60 days.

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 be secured within thirty (30) days, and maintained secured; and
5. That the property owner be given thirty (30) days, to work with the Community Development Department of the City of El Paso to determine if rehabilitation of the structure is feasible; and
6. That if no determination is made within thirty (30) days regarding the feasibility of the structure to be rehabilitated or it is determined that the structure may not be rehabilitated, that the structure be demolished within sixty (60) 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.

XI. Public hearing to determine if the property located at 708 S. Hills, 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 March 24, 2010. The owners Francis Febres and Ricardo Vasquez, 708 1/2 South Hills Street, El Paso, Texas, 79901 (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 item.

Ms. Avalos advised that she spoke with one of the owners of the property and advised them that full set plans needed to be submitted and obtain permits.

Lorenzo Alaniz, representing the owner was present for discussion. He advised that one of the tenants has not allowed him access to the apartment to do the necessary repairs.

Sergio Melendez, translated what was being said at the meeting into Spanish for Mr. Alaniz and Ms. Maria Galvan, former tenant of one of the apartments.

Ms. Avalos advised that apartment is now vacant.

Maria Galvan, one of the former tenants, was present for discussion. She advised that she never denied access to her apartment. She advised that she filed her complaint with the owner, Ricardo Vasquez and was ordered by a judge's order to vacate the apartment.

Motion made by Anibal Olague, seconded by Robert Filarski 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 structures are 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 can be rehabilitated; and
5. That the structures 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.

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

Commission was advised on the vacant building ordinance.

XIII. 2011 Building and Standards Commission meeting schedule

IV. Adjournment

Motion made by Gregory Bowling and Robert Filarski to adjourn the meeting was unanimously carried. The meeting adjourned at 7:30 p.m.

Gregory Bowling, Chairman, Panel "A"

Robert C Filarski
Vice - Chairman

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