

**MINUTES OF  
LEGISLATIVE REVIEW COMMITTEE  
HEALTH AND PUBLIC SAFETY  
2<sup>ND</sup> FLOOR – CITY COUNCIL CHAMBERS  
THURSDAY, FEBRUARY 04, 2010**

**AGENDA**

**1. Call to order and establish quorum.**

The meeting was called to order by Chair Representative Eddie Holguin at 2:10 pm. It was determined that there was a quorum with the following Committee Members present:

Chair Representative Eddie Holguin  
Representative Carl Robinson  
Representative Beto O'Rourke

**2. Approval of Minutes of September 17, 2009**

**Motion made by Representative Robinson and seconded by Representative O'Rourke to approve the Minutes of September 17, 2009. The motion passed.**

AYES: Representative Holguin, Robinson, & O'Rourke  
NAYES: None  
NOT PRESENT: Representative Acosta

**3. Discussion and action to provide direction regarding implementation of options to increase citizen awareness of food establishment inspection scores. [Public Health, Michael Hill (915)-771-5702]**

Presentation by Michael Hill, Director of Public Health and David Sublasky, Public Health Food Safety Program re: how the public could be better informed about their restaurant scores. Mr. Sublasky explained the current scoring procedures by City food inspectors and presented methods used by other cities to display the results of food inspection.

City Representatives inquired about the procedure Food Inspectors followed to score eating establishments as well as the time frame allowed for violations to be corrected. Representative O'Rourke asked whether this issue was a public health concern that needed to be addressed quickly.

**Motion made by Representative O'Rourke and seconded by Representative Robinson to delete this item.**

AYES: Representative Acosta, Holguin, Robinson, & O'Rourke  
NAYES: None  
NOT PRESENT: N/A  
*Representative Emma Acosta arrived at 2:16pm.*

**4. Discussion and action to provide direction on possible labeling requirements for, or prohibition of trans-fats in food service establishments in El Paso. [Public Health, Michael Hill, (915) 771-5702]**

**Motion made by Representative Acosta, seconded by Representative O'Rourke to delete this item.**

AYES: Representative Acosta, Robinson, & O'Rourke  
ABSTAIN: Representative Holguin  
NAYES: None  
NOT PRESENT: N/A

**5. Discussion and action to provide direction regarding changes to Chapter 7 (Animals) of the City Code to call for a differential (higher) animal registration fee for dogs and cats that have not been spayed or neutered; as proposed by the Animal Welfare Advisory Committee. [Public Health, Michael Hill [(915)-771-5702]**

Presentation by Rebecca Rojas, Chair for the Animal Welfare Advisory Committee. Ms. Rojas provided statistics showing the high rate of animal repopulation, the numbers of euthanized animals, and the breeding of animals to support her position on the need for increased regulation regarding animals that are not spayed or neutered. Items 5 through 7 were read in together.

Please see motion below.

**6. Discussion and action to provide direction regarding changes to Chapter 7 (Animals) of the City Code to require that pet stores not sell dogs or cats that have not been spayed or neutered unless a permit for such animal has been obtained; as proposed by the Animal Welfare Advisory Committee. [Public Health, Michael Hill (915) 771-5702]**

Discussion among the Representatives about how to reduce the advertising to sell animals without a license. Michael Hill, Director of Public Health, stated that the Department did not have the manpower to research the advertising of animals for sale.

Please see motion below.

**7. Discussion and action to provide direction regarding changes to Chapter 7 (Animals) of the City Code, to prohibit advertising dogs or cats for sale or adoption without displaying the city required litter permit number (Chapter 7.24.080); as proposed by the Animal Welfare Advisory Committee. [Public Health, Michael Hill, (915) 771-5702].**

Recommending that ordinance change and prohibit all print publications, online publications, websites and any other forms of advertising not be allowed to advertise animals for sale unless a breeder's permit number be included in the advertisement. Second recommendation is differential licensing. If an animal is not spayed or neutered it is requested that the fee be double that of spayed and neutered animals. Third recommendation is that it be made mandatory that all animals that are sold from pet stores be spayed or neutered. Mr. Hill concurred with the recommendations.

There was discussion about why there has not been more enforcement of selling animals without a license. Mr. Hill explained that it was a time and manpower problem. The City Attorney will look into any statutory preemption issues.

Deleted: the ability of the City to require those who purchase advertising to put their permit number in the ad

Representative O'Rourke asked Mr. Hill if the Health Department could carry out the recommendations if the Council passed them. Mr. Hill expressed his belief that this could be done.

**Motion made by Representative O'Rourke and seconded by Representative Acosta that the proposal made today go to full council and urged Public Health Department and Animal Disease Control do a better job of enforcing laws.**

AYES: Representative Acosta, Holguin, Robinson, & O'Rourke  
NAYES: None  
NOT PRESENT: N/A

**8. Discussion and action to provide direction on the City of El Paso Fire Prevention Inspection Process. [Representative Eddie Holguin, (915) 541-4178].**

Presentation by Otto Drozd, Fire Chief City of El Paso. Chief Drozd reviewed the normal inspection process and the methodology behind the procedures. He also explained why inspections were performed, who mandates these inspections, and the frequency of inspections.

Representative Holguin wanted to verify that issues raised by the Socorro ISD has been addressed by the City of El Paso Fire Dept. Chief Drozd explained that the conflict was that school districts are their own governmental entity but the jurisdiction the school district is in is ultimately responsible for the safety

of the schools. The concern was regarding the timeliness of the inspection by the City of El Paso Fire Dept.

Representative Holguin also questioned why fire extinguishers were inspected yearly when their life expectancy was six years, and asked why it must be inspected by both a third party and the EP Fire Dept. Rep. Holguin also asked whether the Code could be modified to require inspections less frequently. Chief Drozd stated he will look at the Code and bring it back to the LRC.

There was additional discussion regarding the fee charged by the City for inspections performed by the Fire Dept.

Representative Holguin asked if the Department could perform the hydrant testing on private hydrants that is currently being conducted by a third party contractor. Chief Drozd stated that he believed that there is a liability issue. Representative Robinson asked for legal to follow up on the liability issue.

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Public comment by Rafael Padilla, Socorro ISD.

**No motion was made on this item; no action was taken.**

**9. Discussion and action to provide direction regarding possible items for either the City's 2010 Federal Legislative Agenda or the City's 2011 State Legislative Agenda. [City Attorney's Office, Taylor Moreno, (915) 541-4304].**

Presentation made by Taylor Moreno, Governmental Affairs Coordinator. Ms. Moreno reviewed items on previous Federal and State legislative agendas that were successful and those that, with the LRC's guidance, will continue to be left on the current legislative agendas in an effort to receive grant funding.

**Motion made by Representative Acosta and seconded by Representative Holguin to include the items from the previous Federal and State legislative agenda in the current legislative agenda that will be brought before the full Council on February 23, 2010.**

AYES: Representative Acosta, Holguin, Robinson, & O'Rourke  
NAYES: None  
NOT PRESENT: N/A

**10. Discussion and action to evaluate the merits of the Social Host Ordinance proposal, creating criminal penalties relating to particular acts of negligent supervision, and receive counsel from the City Attorney's Office. [Representative Susie Byrd, (915) 541-4416]**

Presentation by Adriana Codena, Rio Grande Safe Communities. Presentation was focused on reducing underage drinking, drug abuse and motor fatalities among the youth – Social Host Prevention Initiative.

**Motion made by Representative Holguin, seconded by Representative Robinson to retire to Executive Session.**

AYES: Representative Holguin, Robinson, & O'Rourke  
NAYES: None  
NOT PRESENT: Representative Acosta

Council retired to Executive Session pursuant to Section 551.071 of the Government Code to receive legal advice at 4:07p.m.

**Motion made by Representative Robinson at 4:11 p.m. to come out of Executive Session.**

AYES: Representative Robinson, Holguin & O'Rourke  
NAYES: None  
NOT PRESENT: Representative Acosta

**Motion made by Representative Robinson and seconded by Representative O'Rourke to delete item 10.**

AYES: Representative Robinson, Holguin & O'Rourke  
NAYES: None

NOT PRESENT: Representative Acosta  
*Representative Acosta left at 4:02p.m.*

**11. Public Comment**

No public comment

**12. Adjournment**

**Motion made by Representative Robinson, seconded by Representative Holguin and unanimously carried to ADJOURN THE MEETING AT 4:12 p.m.**

AYES: Representative Holguin, Robinson, & O'Rourke

NAYES: None

NOT PRESENT: Representative Acosta

Approved as to form: \_\_\_\_\_  
Deputy City Manager

\_\_\_\_\_  
Date