



**LEGISLATIVE REVIEW COMMITTEE
Meeting Action Report**

Committee: Environmental Services

Members of the Environmental Services LRC:

City Representative Susie Byrd (Chair)
City Representative Ann Morgan Lilly
City Representative Emma Acosta
City Representative Rachel Quintana

Staff Assignee: Ellen A. Smyth, Director, Environmental Services

Date of Meeting: February 25, 2010

I. Discussion and action on proposed revisions to Chapter 9.04 (Solid Waste Management) to impose flow control and provide for franchise agreements with private waste haulers. (Ellen Smyth, Director, (915) 621-6719)

Summary:

The proposed revisions to Chapter 9.04 would impose flow control and provide for franchise agreements for the safe and proper management of waste generated with the City of El Paso.

Action Taken:

The LRC voted to support the proposed amendments to Chapter 9.04, and that it be presented to full Council within 90 days. The LRC recommended that staff prepare all components to the proposed Ordinance, i.e., timeline for each element such as staff requirements, landfill requirements, debt requirements, fee structure, vehicle requirements, enforcement, etc. The LRC further recommended that staff meet with the stakeholders to obtain input.

Disposition:

The Ordinance will be introduced in May 2010 at a Special Council meeting for Council adoption.

II. Discussion and action on LRC direction regarding clean up requirements of vacant lots larger than 2 acres, Chapter 9.04.360. (John Garza, Assistant Director, (915) 621-6835)

Summary:

The proposed amendment establishes new clean up requirements for weeds/brush in excess of 12 inches. Tracts of land less than 3 acres will be required to maintain the entire site clean of weeds/brush. For tracts of land greater than 3 acres, a 150 foot perimeter surrounding the tract must be maintained clean of brush/weeds.

Action Taken:

The LRC voted to support the proposed amendment to weed removal as long as illegal dumping is removed from the entire lot.

Disposition:

City Attorney to revise the Ordinance.

III. Discussion and action of Section 20.02.1136 to discuss flea market vendors (Rep. Steven Ortega, (915) 541-4108)

Summary:

The Ordinance requires that any person who is occupying a space at a flea market is required to have a license.

Action Taken:

The LRC voted to change the ordinance requiring only the flea market vendor to have a license and that the license be displayed on location, and to require the flea market operator to only rent stalls to vendors who have obtained the required licenses.

Disposition:

City Attorney to revise the Ordinance and will review the control of rental contracts by the flea market owner and non-compliance by the owner.

IV. Discussion and action on Texas Bottle Bill and other environmental recycling initiatives. (Kurt Fenstermacher, Assistant Director, (915) 621-6892)

Summary:

It is a State initiative but not currently supported by the City.

Action Taken:

The LRC did not take any action until staff is prepared to address this initiative

Disposition:

No action.

V. Presentation and discussion on Environmental Assistance Network to provide assistance to city facilities and city departments related to environmental compliance with applicable regulations and permit requirements. (Miguel Parra, Engineering Division Manager, (915) 599-6235)

Summary:

The environmental assistance network is a forum for assisting City facilities with environmental compliance. The network will allow for the sharing and transfer of knowledge and resources to City personnel through an on-line website.

Action Taken:

The LRC voted to support the proposed plan and that it be sent to full Council.

Disposition:

No action.

SUBMITTED BY:

City Representative Suzie Byrd, District 2
Chair, Environmental Services LRC

Ellen A. Smyth, P.E.
Director, Environmental Services

Environmental Services Legislative Review Committee
Thursday, February 25, 2010
2nd Floor, Council Chambers, City Hall

Attendees:

Representative Ann Morgan Lilly
Representative Susannah Byrd
Representative Rachel Quintana
Representative Emma Acosta
Pat Aduato, Deputy City Manager
Josette Flores, City Attorney
Lee Wilson, Camino Real Landfill
John Fields, El Paso Disposal
George Wayne, Waste Connections
Chuck Heist, Heist Disposal
Bea Heist, Heist Disposal
Lisa Turner, Constituent
Carlos Sandoval, Bronco Flea Market

Ellen Smyth, ESD
Kurt Fenstermacher, ESD
John Garza, ESD
Tammy Fonce, ESD
Miguel Parra, ESD
Vernon Greggerson, ESD
Karl Rimkus, ESD
Marty Howell, ESD
Valerie Joosten, ESD
Elda Rodriguez-Hefner, ESD
Gloria Duran, ESD
Martha Y. Guevara, ESD

#1. Call to order and establish quorum.

The meeting of the Environmental Services Legislative Review Committee was called to order by Representative Byrd at 11:00 a.m. and a quorum was established.

#2. Discussion and action on the approval of Legislative Review Committee Minutes of January 14, 2010.

Motion made by Representative Acosta and seconded by Representative Lilly to approve the LRC minutes as presented. Motion passes unanimously to approve the minutes.

#3. Discussion and action on proposed revisions to Chapter 9.04 (Solid Waste Management) to impose flow control and provide for franchise agreements with private waste haulers.

Ms. Smyth reviewed the proposed changes to Chapter 9.04 to allow for flow control. Flow control would require municipal solid waste generated within the city limits be disposed at a city owned facility or a facility directed by the city. Ms. Smyth remarked that an attorney, Paul Gosselink, was hired to assist in the preparation of the Ordinance. Representative Acosta asked about the permitting process, tracking the vehicles, and enforcing the ordinance. Ms. Acosta also expressed concerns with the recordkeeping requirements and with the requirement to submit the proprietary list of contracts and agreements held by the private haulers. Representative Byrd asked for Ms. Smyth to clarify the different types of wastes (i.e., Class I and II). It was recommended that a fact sheet be prepared to inform the private haulers on the types of waste accepted at the Landfill. Ms. Acosta asked for Ms. Smyth to summarize all the components and timelines required to implement flow control, such as personnel requirements, landfill capacity

requirements, future landfill sites, estimated tonnage, debt requirements, fee, enforcement criteria, and equipment needs. It was also recommended that the Department meet with the stakeholders to review the ordinance and the proposed implementation. The franchise agreement will also be considered as part of the ordinance revision, but no information was presented at this time.

Public comments were from Ms. Lisa Turner who supported flow control – Our responsibility is to keep our trash within our boundaries. Mr. Lee Wilson from the Camino Real Landfill provided comments opposing flow control. Mr. Wilson questioned the legality of the issue, and stated that flow control would reduce the city's landfill capacity and stress the city's resources. Mr. Wilson stated that the city's analysis overstated the benefits and understated the costs/risks. Mr. Chuck Heist gave comments in support of flow control but did not agree with the disclosure of the customer list. Mr. Carlos Sandoval stated that he believes in a fair and equitable cost to all vehicles that use city streets.

Motion made by Representative Acosta and seconded by Representative Quintana to bring to a Special Council meeting within 90 days with a full presentation. Motion passes unanimously.

#4. Discussion and action on LRC direction regarding clean up requirements of vacant lots larger than 2 acres, Chapter 9.04.360.

Mr. Garza reviewed the current City requirements to clean up tracts of land less or greater than 2 acres for brush/weeds. Mr. Garza stated that the LRC gave staff direction on June 18, 2009 to clean the entire lot regardless of acreage size. Mr. Garza stated that staff was concerned about that direction because of dust being created, the removal of natural vegetation, erosion and stormwater runoff and grading permit requirements. Mr. Garza reviewed the requirements by the city of San Antonio, Dallas and Ft. Worth as well as the Fire Marshall's recommendation.

Staff recommended that lots less than 3 acres be entirely cleaned and that tracts of land over 3 acres only 150 ft perimeter be cleaned. Discussion followed on illegal dumping and the clean up of the entire lot.

Motion made by Representative Acosta and seconded by Representative Lilly to support staff recommendation but to remove illegal dumping on the entire lot.

#5. Discussion and action of Section 20.02.1136 to discuss flea market vendors.

Ms. Smyth reported that Representative Ortega requested this item at the request of Mr. Carlos Sandoval from the Bronco Flea Market. Mr. Sandoval stated that he disagreed with the current requirement that everyone occupying the rental space obtain a vendor's license. Mr. Sandoval stated that the license is issued by city to the Vendor and he hires independent contractors such as students or retirees to man the space. Mr. Sandoval disagreed on the manner that the city handles the enforcement by "raiding" the flea

market by numerous police officers, Code enforcement staff and other city staff members. Ms. Smyth remarked that perhaps staff can car pool to the site and park away from the front entrance, but that the enforcement sweeps were necessary to ensure that the sites remain clean and in accordance with the city ordinance.

Representative. Byrd remarked that she receives many complaints on a flea market in her district. Representative Acosta remarked that the Vendor should display the City's license and did not agree that individuals manning the booth needed to have a license.

Motion made by Representative Acosta and seconded by Representative Lilly that the City Attorney revise the Ordinance to require the flea market vendor (i.e., the person renting the stall) obtain the required license and that the license be displayed on location, and to require the flea market operator to only rent stalls to vendors who have obtained the required licenses. Motion passed unanimously.

#6. Discussion and action on Texas Bottle Bill and other environmental recycling initiatives.

Ms. Smyth remarked that this is a State initiative and not supported by staff. The item was for informational purposes This initiative has not been part of the Legislative Agenda.

#7. Presentation and discussion on Environmental Assistance Network to provide assistance to city facilities and city departments related to environmental compliance with applicable regulations and permit requirements.

Mr. Rimkus presented a power point presentation on the creation of the Environmental Assistance Network for city personnel to readily access environmental rules, forms and guidance document. Mr. Rimkus reviewed the method of communication and the advantages of such a program.

#8. Public comment.

#9. Set next meeting.

#10. Adjournment.

MOTION was made by Representative Acosta and seconded by Representative Quintana. to adjourn the meeting.

The meeting ended at 1:00 p.m.

Notes taken by Martha Y. Guevara, Secretary, ESD.