CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Building Permits & Inspections**
AGENDA DATE: **April 19, 2005**
CONTACT PERSON/PHONE: **R. Alan Shubert, P.E.**
DISTRICT(S) AFFECTED: **N/A**

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

An Ordinance to amend Title 18 (Building and Construction) of the El Paso Municipal Code, Chapter 18.18 (Outdoor Lighting Ordinance), by adding Section 18.18.375 (Historic Properties) to exempt certain historic properties from required compliance with the Outdoor Lighting Ordinance. The Penalty is as provided in Section 18.02.107 of the El Paso City Code.

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

An Ordinance to amend Title 18 (Building and Construction) of the El Paso Municipal Code, Chapter 18.18 (Outdoor Lighting Ordinance), by adding Section 18.18.375 (Historic Properties) to exempt certain historic properties from required compliance with the Outdoor Lighting Ordinance. The Penalty is as provided in Section 18.02.107 of the El Paso City Code.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

(N/A)

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____
OTHER: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO MUNICIPAL CODE, CHAPTER 18.18 (OUTDOOR LIGHTING ORDINANCE), BY ADDING SECTION 18.18.375 (HISTORIC PROPERTIES) TO EXEMPT CERTAIN HISTORIC PROPERTIES FROM REQUIRED COMPLIANCE WITH THE OUTDOOR LIGHTING ORDINANCE. THE PENALTY IS AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.

WHEREAS, the El Paso City Council, on February 8th, 2005, approved an outdoor lighting ordinance with the purpose of limiting inappropriate use of outdoor lighting; and

WHEREAS, concern has been raised that lighting for historic properties is not inappropriate even when not compliant with the Outdoor Lighting Ordinance, when such lighting furthers the unique historic character of El Paso; and

WHEREAS, BZAC has recommended, the CPC has concurred, and the City Council is of the collective determination that the Outdoor Lighting Ordinance should be amended to exempt the lighting for the Plaza Theatre as well as lighting for any other historic property to the extent determined necessary by the Historic Landmark Commission or Texas Historic Commission to be necessary to further the historic character of the designated historic property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

1. That Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso Municipal Code, shall be and is hereby amended by adding 18.18.375 (Historic Properties) to read as follows:

18.18.375 Historic Properties:
Properties designated as federal, state, or local historic landmarks or that are within a federal, state, or local historic district shall be exempt from this chapter if there is a finding of an adverse impact to any significant historical, cultural, or archaeological element of the property as determined in writing by the El Paso Historic Landmark Commission or by the Texas Historic Preservation Officer whenever the El Paso Historic Landmark Commission is without jurisdiction to require review of proposed work pursuant to 20.67 of the El Paso Municipal Code.

2. Except as expressly amended herein, Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso Municipal Code shall remain in full force and effect.

PASSED AND APPROVED this _____ day of May, 2005.

THE CITY OF EL PASO

_____
Joe Wardy,
Mayor

ATTEST:

_____
Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

_____
Matt Watson
Assistant City Attorney
Doc No. 9274

APPROVED AS TO CONTENT:

_____
R. Alan Shubert, P.E., CBO
Director of Building Permits & Inspections