



LEGISLATIVE REVIEW COMMITTEE
Meeting Action Report

Committee: Planning & Development

Members: City Representative Ann Morgan Lilly (Chair)
City Representative Susie Byrd
City Representative Beto O'Rourke
City Representative Rachel Quintana

Date of Meeting: June 28, 2010

This Meeting Action Report includes agenda items where action was taken by the Planning & Development Legislative Review Committee (LRC), and where City Council finalization of the direction received is necessary. Items postponed for future action of the LRC are not included in this Report.

I. Agenda Items 7, 14 & 15 were presented and discussed collectively.

A. Discussion and Action on an Ordinance amending Title 18 (Building & Construction), by adding Chapter 18.40 (Vacant Buildings) to the El Paso City Code, by providing requirements, procedures and fees for the registration and inspection of vacant buildings in the City; to define terms; to provide defenses, an appeal process, and insurance requirements; to provide for the revocation of a certificate of occupancy; to require emergency information signage on vacant buildings; to provide for a severability clause; and to create a penalty.

Summary:

City staff provided a summary of the proposed Ordinance, including the following:

- Requirements for registration.
- Preparation of plan for demolition, rehabilitation or maintenance.
- Maintenance provisions for residential and commercial buildings.

B. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Property Maintenance Code and amending Title 18 (Building & Construction), Chapter 18.50 (Property Maintenance Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Applicability to vacant buildings added.
- Definitions expanded.
- Boarding standards revised/adopted.

C. Discussion and Action on an Ordinance amending Title 2 (Administration & Personnel), Chapter 2.38 (Building & Standards Commission) of the El Paso City Code to revise the powers

of the Commission to hear appeals filed pursuant to Chapter 18.40 relating to Vacant Building registration and requirements.

Summary:

City staff commented that the proposed ordinance adds language that permits the Commission to hear appeals to the Vacant Building Ordinance.

Action Taken:

The LRC voted unanimously 3-0 to defer any recommendation on the proposed Ordinances to the full City Council. Comments were received that the City staff should modify its presentation to include: more specificity on purpose of regulations (present problem better); address cost impact of regulations (to City and community); ability of organization to deliver on requirements from a budget and staffing perspective; how regulations can be strengthened to eliminate unintended consequences (lender requirements; insurance costs; etc.); and evaluate changes to the area of application (citywide or other), days of vacancy, and percentage of building vacancy.

Disposition:

The formal report of the LRC meeting, as well as Council authorization to direct that the City Manager initiate the Code changes for City Council finalization will be scheduled on July 20, 2010.

II. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Fire Code and amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Sprinkler requirements for public assembly occupancies.
- Required operational permits expanded.
- Private fire hydrant testing and recording.
- Outside storage regulations amended.
- Hazardous material transportation amended.

Action Taken:

The LRC voted unanimously 3-0 to recommend approval of the proposed Ordinance as presented.

Disposition:

The formal report of the LRC meeting, as well as Council authorization to direct that the City Manager initiate the Code change for City Council finalization will be scheduled on July 20, 2010.

III. Agenda Items 4, 5, 6, 8, 9, 10, 11, 12 & 13 were presented and discussed collectively.

A. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Building Code and amending Title 18 (Building & Construction), Chapter 18.08 (Building Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Definition of high rise buildings amended.
- Occupancy classifications for health care facilities revised.
- Live/Work units added.
- Fire Protection/Resistance ratings amended.
- Structural calculations/methodologies revised.

- Fire access/elevators revised.
- Sprinkler requirements for public assembly occupancies revised.

B. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Residential Code and amending Title 18 (Building & Construction), Chapter 18.10 (Residential Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Habitable attic spaces added.
- Inclusion of live/work units added.
- Carbon monoxide alarms added.
- Structural Insulated Panels, manufacturing requirements revised/added.

Public comment was received.

C. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Plumbing Code and amending Title 18 (Building & Construction), Chapter 18.28 (Plumbing Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Modification on fixture drains for wet/dry venting.
- Modification requiring clean outs at base of stacks.

D. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Mechanical Code and amending Title 18 (Building & Construction), Chapter 18.12 (Mechanical Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Independent garage HVAC required.
- Systems require locking refrigerant ports.
- Hydronic floor system insulation required.
- Underground penetrations prohibited.

E. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Fuel Gas Code and amending Title 18 (Building & Construction), Chapter 18.24 (Gas Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Dielectric fitting to isolate above and below ground gas piping required. LP gas systems require the isolation of above and below ground piping.
- Vertical clearance above cooking top modified to 30 inches.

F. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Existing Building Code and amending Title 18 (Building & Construction), Chapter 18.28 (Building Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Increase in minimum number of required kitchen counter outlets.

- Bedroom ceiling mounted outlets approved for ceiling fan use.
- Minimum of one wall switch to illuminate exits in every hallway, stairway, and attached or detached garage.

G. Discussion and Action on an Ordinance adopting the 2009 Edition of the International Energy Conservation Code and amending Title 18 (Building & Construction), to add Chapter 18.70 (Energy Conservation Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Automatic shutoff for pool heaters required. [Requires automatic and manual shut-off valves, non continuous pilot lights and pool covers.]
- Lighting fixtures, 50% of the lamps in permanently installed fixtures must be high efficiency/fluorescent.

Public comment received.

H. Discussion and Action on an Ordinance adopting the 2008 Edition of the National Electrical Code and amending Title 18 (Building & Construction), Chapter 18.16 (Electrical Code) of the El Paso City Code to provide for local amendments.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Circuit breaker panels no longer allowed over stairways.
- Outdoor outlets required for areas over twenty square feet.
- Tamper resistance receptacles required.

I. Discussion and Action on an Ordinance Title 18 (Building & Construction), Chapter 18.02 (Building & Construction Administrative Code) of the El Paso City Code, by repealing the chapter in its entirety and adopting a new Chapter 18.02 in its place.

Summary:

City staff highlighted the major changes of the proposed Ordinance, including the following:

- Deletion of Title 18.32.010; recommended requirements to code officials for solar heating, hot water and systems (covered in Energy Code).
- Deletion of Title 18.36.010; standard amusement device code (no longer applicable).
- Deletion of Title 18.48; projection booths (no longer applicable due to digital technology).
- Amending Title 18.02 by deleting requirements for city licenses in lieu of state requirements (plumbers, electricians, mechanical contractors).
- Amending Title 18.02.380 to provide for plan review deposit fees (in effort to recover costs of delayed/abandoned projects).
- Deletion of Title 18.02 on "construction adjoining bataan train way" (no longer applicable).
- Amending Title 18.02.380 by exempting districts from permit deposit requirements.
- Amending Title 18.02.550 to include "non business" hour inspections.
- Amending Title 18 regarding license, bonds, and insurance requirements to mirror state statutes.
- Adding Section 18.02.110.1 dealing with discarded building materials and construction site waste.
- Adding Section 18.02.7 dealing with requirements for maintaining third party plan review/inspection status.

City staff also presented recommendations to change how conditional "A" and "B" building permits are issued as follows:

- No permits issued until subdivision improvements are complete and plat is filed;
OR
- If improvements have not been completed, building official may issue conditional permit provided that:
 - o Developer provides financial security (125% of value to complete improvements);
 - o Fully charged fire hydrants are installed; and
 - o Drivable surface is constructed acceptable to fire marshal and building official
- Certificates of occupancy shall only be issued for lots meeting either of conditions above.

Action Taken:

The LRC voted 2-1 to defer any recommendation on the proposed Ordinances to the full City Council. Comments were received that the City staff should modify its presentation to include: more specificity on changes generally; identify how City Council's green building initiative is strengthened with the proposed Ordinance; that effects of using the 2009 Edition versus the 2006 Edition of the International Codes be quantified (both from cost and public benefit perspectives); and that a red-lined version of the draft be provided.

Regarding the conditional "A" and "B" permits discussed as part of the Building and Administrative Code, the LRC voted unanimously 3-0 to accept the staff recommendation and that Chapter 18.02 is so modified.

Disposition:

The formal report of the LRC meeting, as well as Council authorization to direct that the City Manager initiate the Code changes for City Council finalization will be scheduled on July 20, 2010.

SUBMITTED BY:



City Representative Ann Morgan Lilly, District 1
Chair, Planning & Development LRC



Patricia D. Adauto, Deputy City Manager
City Manager – Development & Infrastructure



CITY OF EL PASO, TEXAS

LEGISLATIVE REVIEW COMMITTEE – PLANNING AND DEVELOPMENT

City Hall, Two Civic Center Plaza, 2nd Floor, City Council Chambers

Monday, June 28, 2010

9:00 a.m.

MINUTES

AGENDA

1. Call to order & establish quorum.

Meeting called to order at 9:10 a.m., Committee Chair Ann Lilly present and presiding and the following Committee Members were present:

- City Representative Susie Byrd
- City Representative Beto O'Rourke
- City Representative Rachel Quintana – Not Present

2. Approval of Minutes for the Planning & Development Legislative Review Committee meeting of March 4, 2010.

No Discussion.

MOTION MADE by City Representative Susie Byrd, seconded by City Representative Beto O'Rourke and unanimously carried to approve the minutes as presented for March 4, 2010. [Approved 3-0]

ITEMS 7, 14 & 15 MOVED TO THE FOREFRONT FOR DISCUSSION AND ACTION :

Mr. Victor Morrison-Vega, Development Services presented a PowerPoint presentation on the changes to the International Building Codes & Local Amendments.
[Presentation on File]

7. Discussion and action on an Ordinance adopting the 2009 Edition of the International Property Maintenance Code and amending Title 18 (Building & Construction), Chapter 18.50 (Property Maintenance Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
14. Discussion and action on an Ordinance amending Title 18 (Building & Construction), by adding Chapter 18.40 (Vacant Buildings) to the El Paso City Code, by providing requirements, procedures and fees for the registration and inspection of vacant buildings in the City; to define terms; to provide defenses, an appeal process, and insurance requirements; to provide for the revocation of a certificate of occupancy; to requirement emergency information signage on vacant buildings; to provide for a severability clause; and to create a penalty.
[Economic Development, Kathy Dodson, (915) 541-4670]
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
[Fire Department, Otto Drozd, (915) 771-1000]
15. Discussion and action on an Ordinance amending Title 2 (Administration & Personnel), Chapter 2.38 (Building and Standards Commission) of the El Paso City Code to revise the powers of the Commission to hear appeals filed pursuant to Chapter 18.40 relating to Vacant Building registration and requirements.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]

Comments were made by:

City Representative Susie Byrd
City Representative Beto O'Rourke
City Representative Ann Lilly
Ms. Patricia Aduato, DCM, Development & Infrastructure
Ms. Marie Taylor, City Attorney
Chief Otto Drozd, Fire Department

Public comments made on Item #14 (Vacant Buildings):

Ms. Ana Gonzalez, Hispanic Chamber of Commerce
Mr. Doug Hamilton
Mr. Scott Kesnetz
Mr. Dan Olivas
Mr. Richard Dayoub, Greater El Paso Chamber of Commerce

MOTION WAS MADE by City Representative O'Rourke, seconded by City Representative Byrd and unanimously carried that staff's presentation clearly present the problem better; identify the cost impact and the unintended consequences; add a consideration to the days and percentage of vacancy of the building. Staff will present the item at the City Council meeting on July 20th in order to give staff adequate time to consider the public input received and the comments presented by the LRC members. [Approved 3-0]

3. Discussion and action on an Ordinance adopting the 2009 Edition of the International Fire Code and amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
[Fire Department, Otto Drozd, (915) 771-1000]

Mr. Orlando Arriola, Fire Department, presented the proposed regulations and local amendments.

MOTION WAS MADE by City Representative Byrd, seconded by City Representative O'Rourke, and unanimously carried to approve the proposed Ordinance as presented and forward to the full City Council . [Approved 3-0]

ITEMS 4, 5, 6, 8, 9, 10, 11, 12 & 13 WERE PRESENTED TOGETHER FOR DISCUSSION AND ACTION:

Mr. Victor Morrison-Vega, Development Services, presented a PowerPoint presentation on the changes to the International Building Codes & individual local amendments.

4. Discussion and action on an Ordinance adopting the 2009 Edition of the International Building Code and amending Title 18 (Building & Construction), Chapter 18.08 (Building Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
5. Discussion and action on an Ordinance adopting the 2009 Edition of the International Residential Code and amending Title 18 (Building & Construction), Chapter 18.10 (Residential Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
6. Discussion and action on an Ordinance adopting the 2009 Edition of the International Plumbing Code and amending Title 18 (Building & Construction), Chapter 18.20 (Plumbing Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]

8. Discussion and action on an Ordinance adopting the 2009 Edition of the International Mechanical Code and amending Title 18 (Building & Construction), Chapter 18.12 (Mechanical Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
9. Discussion and action on an Ordinance adopting the 2009 Edition of the International Fuel Gas Code and amending Title 18 (Building & Construction), Chapter 18.24 (Gas Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
10. Discussion and action on an Ordinance adopting the 2009 Edition of the International Existing Building Code and amending Title 18 (Building & Construction), Chapter 18.28 (Building Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
11. Discussion and action on an Ordinance adopting the 2009 Edition of the International Energy Conservation Code and amending Title 18 (Building & Construction), to add Chapter 18.70 (Energy Conservation Code) to the El Paso City Code and providing for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
12. Discussion and action on an Ordinance adoption the 2008 Edition of the National Electrical Code and amending Title 18 (Building & Construction), Chapter 18.16 (Electrical Code) of the El Paso City Code to provide for local amendments.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]
13. Discussion and action on an Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code, by repealing Chapter 18.02 in its entirety and adopting a new Chapter 18.02 in its place.
[Development Services-BP&I, Victor Morrison-Vega, (915) 541-4556]

Comments were made by:

City Representative Susie Byrd

City Representative Beto O'Rourke

City Representative Ann Lilly

Ms. Patricia Aduato, DCM, Development & Infrastructure

Ms. Cynthia Osborn, Assistant City Attorney

Chief Otto Drozd, Fire Department

Public Input :

Randy O'Leary, comments on all codes

Melissa Brandrup, comments on the Energy Code

Robert Garland, comments on Energy Code

Ed McCormick, comments on the Energy Code

MOTION WAS MADE by City Representative Beto O'Rourke, seconded by City Representative Ann Lilly to forward these proposed ordinances to the full City Council for action. [Approved 2-1]

AYES: City Representatives Beto O'Rourke and Ann Lilly.

NAYES: City Representative Susie Byrd.

16. Discussion and action on use of the H + T Affordability Index as a local tool to benchmark costs of housing and transportation to move towards decisions that create more sustainable and equitable growth.
[Representative Susie Byrd, (915) 541-4416]
[Representative Beto O'Rourke, (915) 541-4268]
[Development Services/Planning, Mathew McElroy, (915) 541-4193]

**MOTION WAS MADE by City Representative Beto O'Rourke, seconded by City Representative Susie Byrd and unanimously carried to postpone item #16 for the next Legislative Review Committee meeting.
[Approved 3-0]**

17. Set next meeting date and discussion item(s) for the agenda of the next meeting.

Meeting was scheduled for July 14th @ 9:00 a.m.

18. Adjournment.

Meeting adjourned at 11:45 p.m.

APPROVED AS TO CONTENT: _____
Department Head