CITY OF EL PASO, TEXAS
LEGISLATIVE REVIEW COMMITTEE – PLANNING AND DEVELOPMENT

Date: Wednesday, July 14, 2010

Time: 9:00 a.m.

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

. . . . . .

AGENDA

1. Call to Order & Establish Quorum.

2. Approval of Minutes for the Planning & Development Legislative Review Committee meeting of June 28, 2010.

3. Discussion and Action on an Ordinance amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.010 (Adopted), 105.6.34 (Waste Handling), by adding Subsections 105.6.34.1-105.6.34.3 permit requirements for recycling facilities, wrecking yards and junk yards; the penalty as provided in the El Paso City Code Subsections 9.52.030.105.1.1 (Permits Required) and 9.52.030.109.3 (Violation Penalties).
[Fire, Chief Otto Drozd, (915) 771-1016]

4. Discussion and Action on an Ordinance amending Title 18 (Building & Construction), Chapter 18.44 (Grading), by replacing all of Chapter 18.44 in its entirety.
[Engineering, R. Alan Shubert, (915) 541-4423]

5. 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]

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

7. Adjournment.

EXECUTIVE SESSION

The Legislative Review Committee of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Legislative Review Committee of the City of El Paso may

move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The Legislative Review Committee will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

NOTICE TO THE PUBLIC: This is a meeting of a legislative review committee of the El Paso City Council. The committee ordinarily consists of four Council members for purposes of establishing a quorum and the voting membership on the committee. However, any other member of the City Council may, on an ad hoc basis, join the meeting and participate in the discussions.

Sign language interpreters will be provided for this meeting upon request. Request must be made to this department at a minimum of 24 hours prior to the date and time of the meeting.

Copies of this agenda will be provided in Braille, large print or audio tape upon request. Request must be made a minimum of 48 hours prior to the date and time of the meeting.

DRAFT

CITY OF EL PASO, TEXAS

LEGISLATIVE REVIEW COMMITTEE – PLANNING AND DEVELOPMENT

City Hall, Two Civic Center Plaza, 2nd Floor, City Council Chambers
Wednesday, July 14, 2010
9:00 a.m.

MINUTES

AGENDA

1. Call to order & establish quorum.

   Meeting called to order at 9:07 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 June 28, 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 June 28, 2010. [Approved 3-0]

3. Discussion and action on an Ordinance amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.010 (Adopted), 105.6.34 (Waste Handling), by adding Subsections 105.6.34.1-105.6.34.3 permit requirements for recycling facilities, wrecking yards and junk yards; the penalty as provided in the El Paso City Code Subsections 9.52.030.105.1.1 (Permits Required) and 9.52.030.109.3 (Violation Penalties).
   [Fire Department, Otto Drozd, (915) 771-1016]

   Michael Calderazzo, Assistant Fire Chief and Orlando Arriola, Assistant Fire Marshal presented the Recycling Facility Ordinance Proposal. [PowerPoint presentation on file]

   Comments made by:
   City Representative Susie Byrd
   City Representative Beto O'Rourke
   City Representative Ann Lilly
   Ms. Patricia Adauto, DCM, Development & Infrastructure

   Public Comments made by:
   Mr. Pierre Hernandez
   Mr. David Freidman
   Mr. Jonathan Hernandez

   MOTION MADE by City Representative Susie Byrd, seconded by City Representative Beto O'Rourke and unanimously carried to approve and forward to the full Council the proposed ordinance as presented by staff. Additionally, the LRC requested that a companion item be scheduled for City Council discussion that provides an overview of the requirements for recycling facilities, including provisions for air quality monitoring, handling and processing of by-products, outside storage and containment areas, screening, vibration, and permitting; and that the item allow the City Council to direct Code changes as may be necessary. City Staff was requested to invite all recycling operators to the meeting to participate in the discussion and address concerns raised.

   [Approved 3-0]

4. Discussion and action on an Ordinance amending Title 18 (Building & Construction), Chapter 18.44 (Grading), by replacing all of Chapter 18.44 in its entirety.
[Engineering, R. Alan Shubert, (915) 541-4423]

Mr. Alan Shubert, Director, presented the Grading Ordinance Plan . [PowerPoint presentation on file]

Comments made by:
City Representative Susie Byrd
City Representative Beto O'Rourke
City Representative Ann Lilly
Ms. Patricia Adauto, DCM, Development & Infrastructure

Public Comments made by:
Mr. Charlie Wakeem
Ms. Judy Ackermon
Mr. Jorge Ezcarate
Mr. Sal Massoud

MOTION MADE by City Representative Susie Byrd, seconded by City Representative Beto O'Rourke and unanimously carried that staff redefine their proposal and present specific recommendations that include a cost impact of the requirements and present their final proposal to the Legislative Review Committee within 60 days. [Approved 3-0]

5. 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]

Mr. Mathew McElroy, Development Services-Planning, gave a summary on the H + T Index.
[Documentation on Housing + Transportation Affordability in El Paso prepared by the Center for Neighborhood Technology on file]

Comments made by:
City Representative Susie Byrd
City Representative Beto O'Rourke
City Representative Ann Lilly
Ms. Patricia Adauto, DCM, Development & Infrastructure

No Public Comments made.

MOTION MADE BY City Representative Susie Byrd, seconded by City Representative Beto O'Rourke and unanimously carried to recommend that the City Council redefine "affordability" as a measure of both housing and transportation costs (no more than 50% of household income), and that this new definition be applied for purposes of Community Development funding and other policy decisions of the City. [Approved 3-0]

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

The next LRC meeting will be scheduled pending a quorum.
Items for discussion to include:
- **Cohort, Smart Growth recommendation**
- **Bicycle Parking**
- **Park/pond issues**

7. Adjournment. **Meeting was adjourned at 11:00 a.m.**

APPROVED AS TO CONTENT: _____
Department Head

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: July 14, 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.

1. Discussion and Action on an Ordinance amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.010 (Adopted), 105.6.34 (Waste Handling), by adding Subsections 105.6.34.1-105.6.34.3 permit requirements for recycling facilities, wrecking yards and junk yards; the penalty as provided in the El Paso City Code Subsections 9.52.030.105.1.1 (Permits Required) and 9.52.030.109.3 (Violation Penalties).

Summary:

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

- Expanded uses requiring permits: automobile wrecking yards, recycling facilities
- New definitions
- Permit requirements
- Storage requirements
- Types of recycling operations applicable

Public comment was received

Action Taken:

The LRC voted unanimously 3-0 to recommend approval of the proposed Ordinance to the full City Council. Additionally, the LRC requested that a companion item be scheduled for City Council discussion that provides an overview of the requirements for recycling facilities, including provisions for air quality monitoring, handling and processing of by-products, outside storage and containment areas, screening, vibration, and permitting; and that the item allow the City Council to direct Code changes as may be necessary. City staff was requested to invite all recycling operators to the meeting to participate in the discussion and address concerns raised.

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 27, 2010.

2. Discussion and Action on an Ordinance amending Title 18 (Building & Construction), Chapter 18.44 (Grading), by replacing all of Chapter 18.44 in its entirety.

Summary:

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

- Intent of the proposed regulations
- Policy direction received and vetting process
- Major changes including:
  - Permit process
  - Application requirements
  - Insurance and bonding
  - Engineering controls
  - Permit closeout process
  - Policy direction needed

Public comment was received.

Action Taken:

The LRC voted unanimously 3-0 to take no action on the proposed ordinance and requested that City staff elicit additional stakeholder input on the proposed regulations and the areas of policy direction, and that based on this input, a more defined proposal be submitted to the LRC within sixty days. Additionally, the LRC requested that the cost impact of the requirements be considered in the proposal and be made available when presented to the LRC. The LRC articulated the following general points of the regulations to be considered and included in the redraft of the proposal:

- Maintain ecology and topography of the area
- Improve safety
- Control particulate matter
- Minimize neighborhood nuisance
- Improve aesthetics
- Prevent erosion control

Disposition:

The formal report of the LRC meeting will be scheduled on July 27, 2010.

3. 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.

Summary:

City staff and Representative Susie Byrd generally highlighted the Housing + Transportation Affordability Index as prepared by the Center for Neighborhood Technology. It was presented that El Paso has an opportunity to develop the community in a way that minimizes environmental impacts of travel, while reducing housing transportation costs. Additionally, it was discussed that both housing and transportation costs should be considered jointly as a key in measuring and understanding the affordability of a location. No public input was received.

Action Taken:

The LRC voted unanimously 3-0 to recommend that the City Council redefine "affordability" as a measure of both housing and transportation costs (no more than 50% of household income), and that this new definition be applied for purposes of Community Development funding and other policy decisions of the City.

Disposition:

The formal report of the LRC meeting, as well as Council authorization to direct that the City Manager initiate the H + T Affordability Index as a local tool to benchmark costs of housing and transportation, and specifically to adopt a policy that redefines "affordability" for all funding and policy decisions of the City as being no more than thirty percent that is dedicated to housing costs and twenty percent to transportation costs of household income will be scheduled on July 27, 2010.

SUBMITTED BY:

Ann Morgan Lilly

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

Patricia D. Adauto

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