



**LEGISLATIVE REVIEW COMMITTEE  
Meeting Action Report**

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**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:** August 20, 2009

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I. Discussion and Action on an Ordinance amending Title 18 (Building & Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for people with physical disabilities of the El Paso City Code by deleting the prior adoption of Sections 5 through 13 of the Texas Accessibility Standards (TAS); deleting the City of El Paso amendments to the TAS, Sections 4.1.3 (5) through 13.4.1; amending the International Building Code, Chapter 11, Section 1101 to include TAS as part of the building requirements and adding an exception to Section 1107.6.2.2.1 ACCESSIBLE UNITS, of the International Building Code for apartments only, to require a roll-in shower in all type A units, including a permanent mounted folding shower seat; deleting the City of El Paso amendments to the International Building Code, Chapter 11, Sections 1102 through 1114; the penalty being as provided in Section 18.02.107 (Violations & Penalties) of the El Paso City Code.

*Summary:*

The most significant change proposed by this amendment is a reduction to the percentage of units in a multi-family housing complex which must be ADA accessible from 5% to 2%. The current City requirement is greater than that mandated by the State, and the request is to modify the provisions to mirror the statutory requirements. This change was initiated due to a call for industry comment on barriers to development of multi-family housing in the community to meet BRAC growth. The LRC held three meetings to discuss this issue, and comment from the Accessibility Advisory Committee and the multi-family housing providers were received. Public opposition was presented.

*Action Taken:*

The LRC voted to support the proposed amendment as presented by City staff by a vote of 3-1. It was further requested that the Development Services Department create and maintain a database on accessible multi-family housing units that could be accessed via the City's website. Additionally, City staff was requested to continue an evaluation of options that would encourage and achieve the goal of more multi-family housing units.

*Disposition:*

This amendment will be introduced on September 1 and scheduled for public hearing on September 8 for Council finalization.

II. Discussion and Action on an Ordinance amending the El Paso City Code by amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privileges) to amend the procedures for use of public right-of-way.

*Summary:*

This proposed amendment streamlines the process for granting of special privilege licenses by creating an administrative process where permits are approved by the City Engineer (temporary and removable), and maintaining licenses approved by the City Council (long term and structural). The application requirements have also been rewritten for clarity. Handling of special privilege licensing will transfer to the Engineering Department effective September 1<sup>st</sup>. City staff has worked on the proposed changes and the LRC held multiple meetings to discuss different components of the amendment. No public opposition was presented.

*Action Taken:*

The LRC voted to support the proposed amendment as presented by City staff by a vote of 4-0.

*Disposition:*

This amendment was introduced on August 18 and scheduled for public hearing on August 25 for Council finalization as part of the budget process.

III. Discussion and Action on the recommended fees for processing and use of public rights-of-way under special privilege licenses.

*Summary:*

This proposed amendment incorporates proposed increases to the fees associated with special privilege licensing. The fees have been adjusted based upon an OMB study conducted of actual staff costs incurred with processing of these applications. City staff is recommending reduced fee within the downtown area. No public opposition was presented.

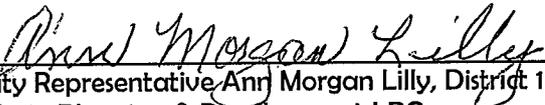
*Action Taken:*

The LRC voted to support the proposed amendment as presented by City staff by a vote of 3-0, and 1 abstention.

*Disposition:*

The fees are incorporated in the budget resolution to be presented and discussed on August 25 for Council finalization as part of the budget process.

**SUBMITTED BY:**

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

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



CITY OF EL PASO, TEXAS

LEGISLATIVE REVIEW COMMITTEE – PLANNING AND DEVELOPMENT

**Date:** Thursday, August 20, 2009

**Time:** 1:30 p.m.

**Place:** City Hall, Two Civic Center Plaza, 2<sup>nd</sup> Floor, City Council Chambers

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**AGENDA**

1. Call to order and establish quorum.
2. Approval of Minutes for the Planning & Development Legislative Review Committee meetings of June 24, 2009.
3. Discussion and action on an Ordinance amending Title 18 (Building & Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities, of the El Paso City Code by deleting the prior adoption of Sections 5 through 13 of the Texas Accessibility Standards (TAS); deleting the City of El Paso amendments to the TAS, Sections 4.1.3 (5) through 13.4.1; amending the International Building Code, Chapter 11, Section 1101 to include TAS as part of the building requirements and adding an exception to Section 1107.6.2.2.1 ACCESSIBLE UNITS, of the International Building Code for apartments only, to require a roll-in shower in all type A units, including a permanent mounted folding shower seat; deleting the City of El Paso amendments to the International Building Code, Chapter 11, Sections 1102 through 1114; the penalty being as provided in Section 18.02.107 (Violations & Penalties) of the El Paso City Code. [Development Services, Victor Q. Torres, (915) 541-4557] **POSTPONED FROM 06-24-2009**
4. Discussion and action on an Ordinance that amends Title 13 (Streets, Sidewalks, and Public Places), Section 13.08 (Excavations), to revise the permit process and define acceptable construction methods and standards for utility pavement cuts. [Engineering, R. Alan Shubert, (915) 541-4423] **POSTPONED FROM 06-24-2009**
5. Discussion and action on 2009 Texas legislative changes to allow municipalities to regulate boarding home facilities. **Requested at June 24, 2009, LRC meeting.** [City Attorney's Office, Lupe Cuellar, (915) 541-4550]
6. Discussion and action on an Ordinance amending the El Paso City Code by amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privileges), to amend the procedures for use of public right-of-way. [Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4165]
7. Discussion and action on the recommended fees for processing and use of public rights-of-way under special privilege licenses. [Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4165]
8. Set next meeting date and discussion item(s) for the agenda of the next meeting.

9. 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.