



**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:** November 19, 2009

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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. Discussion and Action on clarification of the role of the Open Space Advisory Board.

*Summary:*

Members of the Open Space Advisory Board are requesting clarification on the role of the Board. Particularly, the following recommendations were made to add to the tasks of the Board which were previously undertaken by the El Paso Mountain Committee: serve as advisory to the City Plan Commission and City Council; be responsible for review of applications within the Mountain Development Area and Hillside Development Area; review and recommend boundary changes to the Mountain Development Area and Hillside Development Area; and propose Code changes to the development regulations of the City as necessary. Additionally, discussion was held to expand the Board's role pertaining to the following: review and coordinate with the El Paso Water Utilities-Stormwater Utility District on setting priorities for open space acquisitions and reporting of fund balance and acquisition activities pertaining to the 10% revenue earmark; and having the City and the Board take on a more active role in the 404 process with FEMA. Public comment was received.

*Action Taken:*

The LRC voted 3-0 to direct that the City Manager rework the structure of the Open Space Advisory Board given the points identified at the meeting (and in the summary above). It was requested that Jim Carrillo from Halff & Associates be contracted to develop the new Board structure in coordination with City staff, the Chair of the Open Space Advisory Board, and a representative of the El Paso Water Utilities so that the Board is empowered to have the most robust open space plan, so that the funding and regulatory environment is in place to allow the City to advance the recommendations of the open space plan, and so that the execution of the recommendations follow a strategic versus a reactive process.

*Disposition:*

This recommendation will be scheduled for City Council action on December 1, 2009.

II. Discussion and Action on allowing more options for decorative street lighting that would be maintained by the El Paso Electric Company.

*Summary:*

City Representative Susie Byrd is requesting that the City consider expanding the options for decorative street lighting within new subdivisions. Currently, the options are limited by the type of lighting post that the El Paso Electric Company can install and maintain. If lighting is requested that is outside of the options available, the subdivider is required to install and maintain the infrastructure using a homeowner's association or other entity. The request is to allow street lighting that will fit new types of smart growth development and that the City will install and maintain. City staff noted that a meeting with the new CEO of the El Paso Electric Company has been held to seek support for the initiative, and technical meetings between staff are underway. No public opposition was presented.

*Action Taken:*

The LRC voted 3-0 to recommend support of expanded options for street lighting within new subdivisions and to direct that the City Manager pursue these negotiations and bring forward a Code amendment.

*Disposition:*

This recommendation will be scheduled for City Council action on December 1, 2009.

III. Discussion and Action to amend Title 20 (Zoning), Chapter 20.18 (Sign Regulations) of the El Paso City Code, to allow mobile billboard signs.

*Summary:*

This proposed amendment was placed on the agenda by City Representative Steve Ortega at the request of the industry. Currently, mobile billboard signs are prohibited. These involve vehicles or trailers whose sole purpose is to advertise. This requirement does not apply to governmental agencies; however City staff has recommended that this exemption be removed from the ordinance (prior vetoed ordinance amendment). Public comment was received in support of a change to the ordinance to allow this form of off-premise advertising.

*Action Taken:*

The LRC voted 3-0 to recommend that the current prohibition of mobile billboard signs be maintained, and that the City Manager be directed to amend the Code as follows: (1) the definition be revised to add clarity so that business vehicles cannot be used for advertising; and (2) that the exemptions for government agencies from the sign provisions be deleted.

*Disposition:*

This recommendation will be scheduled for City Council action on December 1, 2009.

IV. Discussion and Action on long-term policy for establishing fees for building and inspection permit fees related to multi-family developments; and creating a short-term policy for multi-family developments under an incentive period through December 31, 2013.

*Summary:*

City staff is evaluating a shift on how construction permits are issued and the fees paid. Currently, the City Code requires separate permits for building, gas, plumbing, mechanical and electrical work for every building, structural or service system. Within a multi-family complex, for example, every building on the same site would require its own set of permits. Fees are then derived using the square footage and valuation of a building, and then calculated against an International Code Council Regional Modifier. It has been proposed that the City utilize a single permit fee structure rather than multiple permits for each building, and City staff is evaluating that process and revenue impact to the Development Services Department.

To help promote the construction of multi-family housing developments in the community, City staff is recommending the use of a permit per project calculation during an incentive period running through December 31, 2013. It would be limited to this type of development, so that other construction would still be subject to building and inspection permit fees on a per building calculation. Public comment was received in support of the recommendation.

***Action Taken:***

The LRC voted 3-0 to recommend that the City Manager impose a "permit per project calculation" to incentivize the construction of multi-family housing through December 31, 2013; and that City staff evaluate a new fee structure for other construction projects within the next 90 to 120 days.

***Disposition:***

This recommendation will be scheduled for City Council action on December 1, 2009.

**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, November 19, 2009

**Time:** 9:00 a.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 meeting of August 20, 2009.
3. Discussion and action on clarification of the role of the Open Space Advisory Board.  
[Representative Susie Byrd, (915) 541-4416]
4. Discussion and action on allowing more options for decorative street lighting that would be maintained by the El Paso Electric Company.  
[Representative Susie Byrd, (915) 541-4416]
5. Discussion and action to amend Title 20 (Zoning), Chapter 20.18 (Sign Regulations) of the El Paso City Code, to allow mobile billboard signs.  
[Representative Steve Ortega, (915) 541-4108]
6. Discussion and action on 2009 Texas legislative changes to allow municipalities to regulate boarding home facilities. [Office of the City Attorney, Lupe Cuellar, (915) 541-4550]  
~~POSTPONED FROM 08-20-2009~~
7. Discussion and action on amending Title 20 (Zoning) of the El Paso City Code to include off-street parking maximums outside of the Downtown Area.  
[Development Services/Planning, Mathew McElroy, (915) 541-4193]
8. Discussion and action on amending Title 20 (Zoning) of the El Paso City Code to allow for administrative review and approval of parking reduction applications that do not exceed a ten (10) percent reduction. [Development Services/Planning, Mathew McElroy, (915) 541-4193]
9. Discussion and action on long-term policy for establishing fees for building and inspection permit fees related to multi-family developments; and creating a short-term policy for multi-family developments under an incentive period through December 31, 2013.  
[Development Services, Victor Q. Torres, (915) 541-4975] [Economic Development, Kathryn Dodson, (915) 541-4872]
10. Discussion and action on amending Title 18 (Building and Construction) of the El Paso City Code to amend Chapter 18.02 (Administrative Code), Chapter 18.08 (Building Code), Chapter 18.10 (Residential Code), Chapter 18.12 (Mechanical Code), Chapter 18.20 (Plumbing Code), Chapter 18.28 (Building Code), Chapter 18.24 (Gas Code), Chapter 18.50 (Property Maintenance Code),

Chapter 18.70 (Energy Conservation Code), and Chapter 18.16 (National Electrical Code – 2008 Edition), by adopting the International Codes and providing for local amendments.  
[Development Services, Victor Q. Torres, (915) 541-4975]

11. Set next meeting date and discussion item(s) for the agenda of the next meeting.
12. 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 COMMITTEES – PLANNING AND DEVELOPMENT**

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

Thursday, November 19, 2009

9:00 a.m.

**MINUTES**

**AGENDA**

**1. Call to order and establish quorum.**

Meeting was called to order at 9:00 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 August 20, 2009.**

MOTION WAS MADE by City Representative Susie Byrd seconded by City Representative Beto O'Rourke and unanimously carried to approve the minutes for August 20, 2009. [Approved 3-0]

**3. Discussion and action on clarification of the role of the Open Space Advisory Board. [Representative Susie Byrd, (915) 541-4416]**

Ms. Nanette Smejkal, Director/Parks & Recreation, gave a summary on the role of the Open Space Advisory Board.

City Representatives O'Rourke, Lilly and Byrd, commented.

Ms. Patricia Aduato, Deputy City Manager/Development & Infrastructure, commented.

Ms. Lupe Cuellar, City Attorney, commented

Ms. Elaine Hengen, City Attorney, commented

Mr. Nick Costanzo, El Paso Water Utilities, commented

Ms. Debbie Hamlyn, Deputy City Manager/Quality of Life

Mr. Sam Rodriguez, Engineering

Public comments were made by:

- 1) Mr. Jim Carrillo      3) Mr. Richard Thomas      5) Mr. James Tolbert      7) Mr. Kevin Von Finger  
2) Mr. Charles Wakeem      4) Mr. Richard Bonart      6) Mr. John Freisen

MOTION WAS MADE by City Representative Byrd, seconded by city Representative Lilly to rework the structure of the Open space Advisory Board given the points identified at the meeting and present to the full council for action at the next City Council meeting on December 1, 2009. [Approved 3-0]

AYES: City Representatives O'Rourke, Lilly, and Byrd

NAYES: None

**4. Discussion and action on allowing more options for decorative street lighting that would be maintained by the El Paso Electric Company. [Representative Susie Byrd, (915) 541-4416]**

City Representative Byrd, commented.

Ms. Pat Aduato, Deputy City Manager, Development & Infrastructure, commented.

Public comments by :

- 1) Mr. Tom Bohannon

MOTION WAS MADE by City Representative Susie Byrd, seconded by City Representative Ann Lilly and unanimously carried to support expanded options for street lighting within new subdivisions. [Approved 3-0]

AYES: City Representatives O'Rourke, Lilly, and Byrd

NAYES: None

5. **Discussion and action to amend Title 20 (Zoning), Chapter 20.18 (Sign Regulations) of the El Paso City Code, to allow mobile billboard signs. [Representative Steve Ortega, (915) 541-4108]**

Mr. Mathew McElroy, Planning, commented.

City Representatives Byrd and Lilly, commented.

Ms. Patricia Aduato, Deputy City Manager, Development & Infrastructure, commented

Ms. Lupe Cuellar, City Attorney, commented

Public comments were received:

1) Mr. Mike Ahumada

2) Mr. John Freisen

MOTION WAS MADE by City Representative Susie Byrd, seconded by City Representative Ann Lilly and unanimously carried to maintain the current prohibition of mobile billboard signs, and recommended that the definition be revised to add clarity so that business vehicles could also not be used for advertising and that the exemptions for government agencies similarly be deleted. [Approved 3-0]

AYES: City Representatives O'Rourke, Lilly, and Byrd

NAYES: None

6. **Discussion and action on 2009 Texas legislative changes to allow municipalities to regulate boarding home facilities. [Office of the City Attorney, Lupe Cuellar, (915) 541-4550] ~~POSTPONED FROM 08-20-2009~~**

Item # 6 was postponed for the next LRC meeting.

7. **Discussion and action on amending Title 20 (Zoning) of the El Paso City Code to include off-street parking maximums outside of the Downtown Area. [Development Services/Planning, Mathew McElroy, (915) 541-4193]**

Item # 7 was postponed for the next LRC meeting.

8. **Discussion and action on amending Title 20 (Zoning) of the El Paso City Code to allow for administrative review and approval of parking reduction applications that do not exceed a ten (10) percent reduction. [Development Services/Planning, Mathew McElroy, (915) 541-4193]**

Item # 8 was postponed for the next LRC meeting.

9. **Discussion and action on long-term policy for establishing fees for building and inspection permit fees related to multi-family developments; and creating a short-term policy for multi-family developments under an incentive period through December 31, 2013. [Development Services, Victor Q. Torres, (915) 541-4975] [Economic Development, Kathryn Dodson, (915) 541-4872]**

Mr. Victor Torres, Director/Development Services, presented a PowerPoint presentation.

Representatives Byrd and O'Rourke commented.

Public comments were made by:

1) Mr. Tom Bohannon

2) Mr. Ray Baca

MOTION WAS MADE by City Representative Beto O'Rourke and City Representative Ann Lilly and unanimously carried to recommend that a permit per project calculation be used to incentivize the construction of multi-family housing through December 31, 2013 and that City staff evaluate a new fee structure for other construction projects within the next 90 to 120 days. [Approved 3-0]

AYES: City Representatives O'Rourke, Lilly, and Byrd

NAYES: None

10. **Discussion and action on amending Title 18 (Building and Construction) of the El Paso City Code to amend Chapter 18.02 (Administrative Code), Chapter 18.08 (Building Code), Chapter 18.10 (Residential Code), Chapter 18.12 (Mechanical Code), Chapter 18.20 (Plumbing Code), Chapter 18.28 (Building Code), Chapter 18.24 (Gas Code), Chapter 18.50 (Property Maintenance Code), Chapter 18.70 (Energy Conservation Code), and Chapter 18.16 (National Electrical Code – 2008 Edition), by adopting the International Codes and providing for local amendments. [Development Services, Victor Q. Torres, (915) 541-4975]**

Item # 10 was postponed for the next LRC meeting.

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

Date of next meeting to be determined upon a quorum. Items # 6, 7, 8 & 10 postponed for discussion and action at the next LRC meeting.

**12. Adjournment.**

Meeting adjourned at 11:35 a.m.

APPROVED AS TO CONTENT: \_\_\_\_\_  
Department Head