

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**



DEPARTMENT: Planning and Inspections and City Attorney's Office

AGENDA DATE: 6/24/25

PUBLIC HEARING DATE: 7/22/25

CONTACT PERSON NAME: Javier A. De La Cruz

PHONE NUMBER: 915-212-1589

2nd CONTACT PERSON NAME: Robert Aguinaga - CAO

PHONE NUMBER: 915-212-1117

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 5- Promote Transparent & Consistent Communication Amongst all Members of the Community

SUBGOAL:

5.1 Set a climate of respect, collaboration and team spirit among Council, city staff and the community

SUBJECT:

APPROVE ordinance related to the Sunsetting of the Construction Board of Appeals.

An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.010 (Sidewalk and Curb Permit Required), Paragraph A of the El Paso City Code to perform the following: amend Section 13.04.010 to replace Construction Board of Appeals with appeals officer; and Chapter 13.08 (Excavations), Section 13.08.120 (Appeal) of the El Paso City Code to perform the following: amend Section 13.08.120 to replace Construction Board of Appeals with appeals officer.

BACKGROUND / DISCUSSION:

On May 12, 2025- Motion made by Representative Canales, seconded by Representative Limón, and unanimously to ACCEPT Staff's recommendations AS REVISED to:
....
Sunset of the Construction Board of Appeals

COMMUNITY AND STAKEHOLDER OUTREACH:

None

PRIOR COUNCIL ACTION:

Motion made by Representative Canales, seconded by Representative Limón, and unanimously to ACCEPT Staff's recommendations AS REVISED to:
• Develop and adopt a uniform Ordinance to standardize boards and commissions by addressing
Membership requirements and composition
Board terms
Responsibilities of board members to include a Code of Conduct agreement, handbook
Clarification of operational and advisory roles
Standardize boards to be enacted by Resolution instead of Ordinance
Closed session guidelines
Mandatory annual training for all board liaisons and relevant City staff
Streamline directives, reports and communications from boards/commissions via City Manager's Office ... Sunset of the

AMOUNT AND SOURCE OF FUNDING:

None

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

None

NAME	AMOUNT (\$)
N/A	\$ 0.00

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

DEPARTMENT HEAD: Kevin Smith
(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.010 (SIDEWALK AND CURB PERMIT REQUIRED) PARAGRAPH A OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: AMEND SECTION 13.04.010 TO REPLACE CONSTRUCTION BOARD OF APPEALS WITH APPEALS OFFICER; AND CHAPTER 13.08 (EXCAVATIONS), SECTION 13.08.120 (APPEAL) OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: AMEND SECTION 13.08.120 TO REPLACE CONSTRUCTION BOARD OF APPEALS WITH APPEALS OFFICER

WHEREAS, by Ordinance No. 015962, the El Paso City Council created the Building Board of Appeals for the purpose of providing for reasonable due process of law through the appeal of orders, decisions or determinations made by city officials relative to the application and interpretations of the requirements in the codes specified in section 2.30.060A for specific projects, without further appeal to the city council; and

WHEREAS, by Ordinance No. 016492, the El Paso City Council renamed the Board as the Construction Board of Appeals; expanded the duties of the Board to include the ability to hear requests for variances and appeals involving staff interpretations of the El Paso City Code Chapters on grading stormwater management, outdoor lighting, landscaping, and flood damage prevention and named the members of the Building Board of Appeals as the members of the Const4ruction Board of Appeals; and

WHEREAS, by Ordinance No. 016658, the El Paso City Council added additional powers to the Construction Board of Appeals; and

WHEREAS, the Construction Board of Appeals has not been required to meet to resolve an appeal on an order, decision or determination made by city officials in the last ten years; and

WHEREAS, appeals of orders, decisions or determinations made by city officials will be handled administratively by the El Paso City Manager or designee; and

WHEREAS, on May 12, 2025 the El Paso City Council voted to sunset the Construction Board of Appeals.

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

SECTION 1: That Section 13.04.010 – Sidewalk and curb permit required, of the El Paso City Code be amended as follows:

A. Except as otherwise provided in this Code, no person shall construct, alter or repair any sidewalk or curb or change the grade thereof within the city's right-of-way without a permit. A permit under this chapter shall not be required for sidewalk and/or curb construction, alteration or repair that is included in a permit issued pursuant to Chapter 13.08. Permits under this section shall be issued only by the permit official. The permit official shall not issue any permit under this section without receiving the approval of the traffic engineer. In granting or refusing such permit the traffic engineer shall consider and be guided by the need for the proposed cut or alteration, the amount and pattern of traffic at the location in question, safety factors and the hazards likely to be created. The permit official may suspend a permit for noncompliance with the requirements of this chapter. The permit official shall provide notice of suspension of the permit to the permittee, at which time the permittee shall cease the work allowed under the permit and shall not resume work until authorized to do so by the permit official. Any person aggrieved by the decision concerning the issuance, denial, revocation or suspension of a permit issued under this chapter may appeal such decision to the Appeals Officer in accordance with the requirements and procedures of Chapter 2.30

SECTION 2: That Section 13.08.120 – Appeal, of the El Paso City Code be amended as follows:

13.08.120 - Appeal.

Any applicant or permittee aggrieved by the decision of the permit official concerning the issuance, denial, revocation or suspension of a permit may appeal such decision to the Appeals Officer in accordance with the requirements and procedures of Chapter 2.30.

SECTION 3. Except as herein amended, Title 13 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2025.

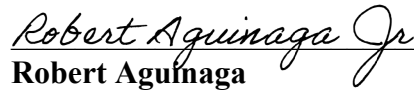
CITY OF EL PASO

Renard U. Johnson, Mayor


ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:


Robert Aguinaga
Assistant City Attorney

APPROVED AS TO CONTENT:


Philip F. Etiwe, Director
Planning & Inspections Department