

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

January 6, 2011
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police Chaplain Carlos Flores
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

CRIME STOPPERS MONTH

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been

taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of December 21, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. A Resolution approving a detailed site development plan for all of Lot 3, Block 20, Mesa Hills Unit Seven, City of El Paso, El Paso County, Texas. Pursuant to Section 20.04.150. The Penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: West of Stanton Street and North of Festival Drive, Property Owner: MA Homes, LLC, ZON10-00083 **(District 1)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

3B. A Resolution approving a detailed site development plan for Lot 1, Block 1, Power Point Village, City of El Paso, El Paso County, Texas. Pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 601 Sunland Park Drive, Property Owner: The Broker Company, ZON10-00100 **(District 1)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

3C. That the Mayor is authorized to sign a letter in support of the nomination of the Mills Building, located at 303 North Oregon Street, El Paso, Texas, 79901, to the National Register of Historic Places. **(All Districts)**
[Planning and Economic Development, Providencia Velazquez, (915) 541-4027]

4. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

REGULAR AGENDA - INTRODUCTIONS

5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

5A. An Ordinance amending Title 12 (Vehicles and Traffic) of the El Paso City Code by adding a new Chapter 12.30 (Temporary Traffic Control) requiring a temporary traffic control permit for work performed in the public-right-of-way and

other uses of the right-of-way; establishing criteria of the issuance of the permit, bond and insurance requirements and duties and obligations of the permittees; establishing fees and providing for stop work orders and enforcement authority; the penalty being as provided in Section 12.30.115 of the El Paso City Code.

(All Districts) [Department of Transportation, Ted Marquez, (915) 621-6814]

- 5B.** An Ordinance revising the process of obtaining a permit to cut or excavate in the city right-of-way and drill monitoring wells by amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations) requiring permits to make a cut or excavation in the city right-of-way and to drill monitoring wells; requiring insurance and bonds; providing the authority to issue citations; and providing for permit and inspection fees and Chapter 13.04 (Street and Sidewalks Construction and Maintenance), Section 13.04.010 (Permit Required) of the El Paso City Code concerning sidewalk construction permits; and amending Title 15 (Public Services), Chapter 15.08 (Public Services), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code to exclude monitoring well permits from Special Privilege Permits; the penalty being as provided in Section 13.08.140 (Violation-Penalty) of the El Paso City Code
(All Districts)
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4557]
- 5C.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.30 (Construction and Board of Appeals), Section 2.30.010 (Purpose), Section 2.30.060 (Powers) and Section 2.30.070 (Appeals) of the El Paso City Code by adding appeals from the City Engineer in connection with permits issued under Chapter 18.44 (Grading), Chapter 13.08 (Excavation) and Section 13.04.010 (Sidewalk and Curb Permit Required); specifying appeal procedures and repealing Section 2.30.090; the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code.
(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4557]
- 5D.** An Ordinance granting to Paul Berube a non-exclusive franchise for litter receptacles on sidewalks and other City property. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 5E.** An Ordinance authorizing the City Manager to sign a contract of sale and any other necessary documents between the City of El Paso and the George L. Hermann Living Trust which will allow the City to convey a portion of Block 302, Pierce Findley Addition, together with vacated portions of Pierce Street and an alley adjacent to the identified portion of Block 302, Pierce Finley Addition, an Addition to the City of El Paso, El Paso County, Texas. **(District 8)**
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]
- 5F.** An Ordinance vacating a 0.132 acre of land being a dedicated portion of Caufield Place Right-of-Way, City of El Paso, El Paso County, Texas. **(District 8)**
[Planning and Economic Development, Raul Garcia, (915) 541-4935]

PUBLIC HEARING WILL BE HELD ON JANUARY 18, 2011, FOR ITEMS 5A – 5F

- 5G.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions); Chapter 20.06 (Zoning Districts and Maps); Chapter 20.10 (Supplemental Use Regulations); and Appendix A (Table of Permissible Uses) of

the El Paso City Code, to amend the definition for Open Space and Natural Open Space, amend the Natural Open Space District; amend standards for Supplemental Uses in Natural Open Space; and to amend the Permissible Use Standards in Natural Open Space Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, David Coronado, (915) 541-4632]

- 5H. An Ordinance granting Special Permit No. ZON10-00080, to allow for infill development on the property described as Lots 17 to 23, and the East 5 feet of Lot 24, Block 110, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3824 Lincoln Avenue. Applicant: TVP Non-Profit Corporation. ZON10-00080 **(District 2)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON JANUARY 25, 2011, FOR ITEMS 5G – 5H

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday 7:00 am to 6:00 pm.

REGULAR AGENDA – PUBLIC HEARINGS

6. PLANNING AND ECONOMIC DEVELOPMENT:

- 6A. An Ordinance Granting Special Permit No. ZON10-00084, to allow for Infill Development on the property described as Lots 13-20, and the west 75.75 feet of the south 2 feet of Lot 11 and the west 75.75 feet of Lot 12, Block 135 Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: El Paso-Los Angeles Limousine Express, Inc. Location: 400, 404, 410, and 412 S. Oregon. ZON10-00084 **(District 8)** [Planning and Economic Development, Arturo Rubio, (915) 541-4633]
POSTPONED FROM 11-16-10, 11-30-10 AND 12-07-10

- 6B. An Ordinance changing the zoning of Lot 48, Block B, Bassett Addition, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2125 Central Avenue. Property Owner: Martin Beltran. ZON10-00077 **(District 8)** [Planning and Economic Development, Esther Guerrero, (915) 541-4720]

- 6C. An Ordinance annexing the following real property described as a portion of Subsection 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Property Owner: County of El Paso. AN10-001 (SUB10-00020) **(East ETJ) (Adjacent to District 5)**
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

- 6D. An Ordinance amending Title 2 (Administration and Personnel) Chapter 2.22 (Open Space Advisory Board), of the El Paso City Code to delete the ex-officio member, to allow subcommittees, and to amend staff support for the Board.
(All Districts) [Planning and Economic Development, David Coronado, (915) 541-4632]

7. **POLICE:**

An Ordinance to amend Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.84, by adding Section 5.84.215 (Authority to Issue Citations); the penalty as being provided in Chapter 5.84.220 of the El Paso City Code.

(All Districts) [Police, Eric Shelton, (915) 564-7357]

REGULAR AGENDA – OTHER BUSINESS

8. **PUBLIC HEALTH:**

Discussion and Action on a Resolution making obesity prevention a priority for the City of El Paso, commits to developing programs geared to improve nutrition and increase physical activity, make policy recommendations toward obesity prevention, and directs the City Manager or designee to implement the five-year Obesity Prevention Action Plan and report progress annually to City Council. **(All Districts)**

[Public Health, Michael Hill, (915) 771-5702]

9. **MAYOR AND COUNCIL:**

Discussion and action regarding the Interlocal Agreement establishing the El Paso Mental Health and Mental Retardation Center and potential changes to the Agreement.

(All Districts) [Mayor John F. Cook, (915) 541-4145]

10. **GENERAL SERVICES:**

Discussion and action that the City Manager be authorized to sign Amendment #1 to the Professional Services Contract, dated May 17, 2010, between the City of El Paso and Johnson Controls, Inc., a Wisconsin Corporation to perform certain building improvements to City buildings to implement the City-wide Energy Operational Savings Program (Improvement Measures #1) for an amount not to exceed \$3,097,724 and for optional measurement and verification services over a 17 year period not to exceed \$529,046 for a total not to exceed \$3,626,770. **(All Districts)**

[General Services, Stuart Ed, (915) 641-6821]

11. **PLANNING AND ECONOMIC DEVELOPMENT:**

11A. Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Bohannon Development Corporation to provide economic development incentives to construct a large-scale development that will help alleviate the critical housing needs of the City related to Fort Bliss expansion, incorporate a variety of housing types and will promote the City's Smart Growth development goals. **(District 5)**

[Planning and Economic Development, Kathryn B. Dodson, (915) 541-4872]

- 11B.** Discussion and action authorizing the Mayor to execute a Memorandum of Understanding between the City of El Paso, Ciudad Juarez, REDCo and Freight Shuttle Partners, LLC regarding the feasibility of a Universal Freight Shuttle system. **(All Districts)**
[Planning and Economic Development, Kathryn B. Dodson, (915) 541-4872]

12. CITY MANAGER:

City Manager's report of current events and issues:

Briefing by TxDOT and discussion on Environmental Assessment for Transmountain Highway Project.

EXECUTIVE SESSION

The City Council 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 City Council 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 and the Rules of City Council.) The City Council 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

Discussion and action on the following:

- EX1.** Ronald G. Martin, Jr., et. al. vs. The City of El Paso, Texas; Cause No. 2010-4936
(551.071) [City Attorney's Office, Karla M. Nieman (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>