

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## **AGENDA FOR REGULAR COUNCIL MEETING**

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January 15, 2013  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
January 14, 2013  
9:00 a.m.

NOTICE: 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.

***PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.***

### **ROLL CALL**

### **INVOCATION BY POLICE CHAPLAIN CARLOS FLORES**

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATION**

**DR. MARTIN LUTHER KING, JR. DAY**

### **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](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.

### **NOTICE**

Requests to speak must be received by **8:30 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 January 8, 2013.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**3. BOARD APPOINTMENT:**

Bernice Gregory to the Museums and Cultural Affairs Advisory Board by Representative Michiel R. Noe, District 5. [Representative Michiel R. Noe, (915) 541-4189]

**4. BOARD RE-APPOINTMENT:**

Kristi K. Borden to the City Plan Commission by Representative Susie Byrd, District 2.  
[Representative Susie Byrd, (915) 541-4996]

**5. NOTICE OF CAMPAIGN CONTRIBUTIONS:**

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on December 12, 2012, in the amount of \$500 from Robyn M Rogers/Robert V. Rice; on December 14, 2012, in the amount of \$100 from Humberto & Laura Enriquez; on December 15, 2012, in the amount of \$100 from Peter F. Love; in the amount of \$2,000 from Howard Goldberg; on December 17, 2012, in the amount of \$200 from Lu A Beaman/Laura E Gomez; in the amount of \$250 from Alex Acosta; in the amount of \$250 from Norman & Cheryl Gordon; on December 18, 2012, in the amount of \$1,000 from Varwal LLC; in the amount of \$110 from Kurt G. Paxson; in the amount of \$500 from Mounce, Green, Myers, Safi, Paxson & Galatzan; on December 19, 2012, in the amount of \$1,000 from Elma R. Carreto/Jim Scherr; on December 21, 2012, in the amount of \$300 from John T. Hellard; on December 26, 2012, in the amount of \$500 from John C. Martin; on December 31, 2012, in the amount of \$100 from Russell & Elva Autry; on January 8, 2013, in the amount of \$200 from Asher Feinberg. [Representative Steve Ortega, (915) 541-4124]

**REGULAR AGENDA - INTRODUCTIONS**

**6. 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.**

- 6A.** An Ordinance authorizing the City Manager to sign a Contract of Sale and other necessary documents between the City of El Paso and Salomon & Martha Delgado which will allow the City to convey Lot 19, Block 130, Tierra Del Este #31, City of El Paso, El Paso County, Texas, 79938, El Paso, El Paso County to Salomon & Martha Delgado **(District 5)**  
 [Community and Human Development, William Lilly, (915) 541-4241]

**PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2013, FOR ITEM 6A**

- 6B.** An Ordinance approving a Detailed Site Development Plan for a Portion of Lot 8, Boothville Subdivision, 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: 8630 North Loop Drive. Property Owner: Socorro Benavente. PZDS12-00009 **(District 7)**  
 [City Development, Michael McElroy, (915) 541-4238]
- 6C.** An Ordinance changing the zoning of a Portion of Lot 8, Boothville Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to P-R II (Planned Residential 2). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8630 North Loop Drive. Property Owner: Socorro Benavente. PZRZ12-00023 **(District 7)**  
 [City Development, Michael McElroy, (915) 541-4238]

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 5, 2013, FOR ITEMS 6B - 6C**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 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 a.m. to 6:00 p.m.

**REGULAR AGENDA – PUBLIC HEARINGS**

**7. CITY DEVELOPMENT:**

- 7A.** An Ordinance changing the zoning of a Portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 400-404 Grace. Property Owner: Dorine R. Brown. PZRZ12-00029 **(District 7) THIS IS AN APPEAL CASE.**  
 [City Development, Michael McElroy, (915) 541-4238]
- 7B.** An Ordinance granting Special Permit No. PZST12-00017, to allow for infill development with reduced lot depth, reduced side setback and a parking reduction on the property described as a portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 400-404 Grace. Property Owner: Dorine R. Brown. PZST12-00017 **(District 7) THIS IS AN APPEAL CASE.** [City Development, Michael McElroy, (915) 541-4238]

- 7C.** An Ordinance granting Special Permit No. PZST12-00016, to allow for an assisted living facility on the property described as Lot 2, Block 1, Mount Latona Manor, 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: 8230 Mount Latona. Property Owner: Bingham Investments Inc. PZST12-00016 **(District 2)**  
[City Development, Michael McElroy, (915) 541-4238]
- 7D.** An Ordinance granting Special Permit No. PZST12-00010, to allow for infill development with reduced side street setbacks, reduced rear setbacks and a parking reduction, on the property described as Lot 1, Block 3, Beaumont Addition, an Addition to the City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5600 Dyer. Property Owner: MCG Investments Inc. PZST12-00010 **(District 2)** [City Development, Michael McElroy, (915) 541-4238]
- 7E.** An Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031 **(District 4)**  
[City Development, Andrew Salloum, (915) 541-4633]
- 7F.** An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.680 (Temporary Uses), of the El Paso City Code to amend the application process and standards for temporary uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**  
[City Development, Arturo Rubio, (915) 541-4633]
- 7G.** An Ordinance approving the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Six, City of El Paso, Texas. **(Districts 3 and 8)**  
[City Development, Mathew McElroy, (915) 541-4193]
- 7H.** An Ordinance granting a special privilege license to C & J Property Corporation, (Owner) and RYZ Inc. (Lessee) for the construction, installation, maintenance, use, and repair of one loading dock and a loading area within portions of City right-of-way along Lee Street adjacent to the property located at 1602 Bassett Avenue for a term of ten years with one renewable ten year term. (NESV12-00042) **(District 8)** [City Development, Mirian Spencer, (915) 541-4056]
- 8. DEPARTMENT OF TRANSPORTATION:**  
An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.190 (No Stopping or Standing at Any Time), of the El Paso City Code, to delete Paragraph A.3., thereby allowing stopping and standing on the west side of Luna Street, the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 2)** [Department of Transportation, Keith Bennett, (915) 621-6882]

**REGULAR AGENDA – OTHER BUSINESS**

**9. CITY ATTORNEY:**

Discussion and action regarding a Resolution amending the Resolution adopted by City Council on July 21, 2011 which created the Ad Hoc Charter Advisory Committee to remove all references to the Rules Committee and authorizing the Charter Committee to review the Charter and make recommendations to the entire City Council for a charter election to be held May 2013; that Chair of the Charter Committee shall be appointed by the Mayor and the Charter Committee shall appoint a Vice-Chair by a simple majority vote in the event it becomes necessary to have an alternate presiding officer in the absence of the Chair; and that the Charter Committee shall present its recommendations to the City Council no later than February 11, 2013.  
**(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**10. MUNICIPAL CLERK:**

Discussion and action on the appointment of three part-time Associate Municipal Court Judges:

Cori Harbour-Valdez  
 Luis Labrado  
 Carey Antwine

**(All Districts)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**11. MUSEUMS AND CULTURAL AFFAIRS:**

**11A.** Presentation and discussion from the artist Vicki Scuri and engineers on the aesthetic improvements to the IH-10/Airway Interchange, as part of the IH-10 Corridor Aesthetic Improvement Project being pursued by the City, Camino Real Regional Mobility Authority (CRRMA) and Texas Department of Transportation (TxDOT). Presentation will include an update on conceptual design, status of project and outcome of the public meeting held on November 8, 2012.  
**(All Districts)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4898]

**11B.** 1. Discussion and action that the 2013 Public Art Plan for the City of El Paso, Texas ("the Plan"), be and is hereby officially adopted.  
 2. That the Plan includes new projects to be initiated in the 2013 fiscal year, and describes the planned location, proposed budget, timetable and artist selection process for each project, and contains updates on public art projects in progress.  
 3. That adoption of the Plan is fully funded through, 2010, 2011 and 2012 certificates of obligation.  
 4. That the City Manager or a designee is authorized to enter into contracts to carry out the Plan as described in Exhibit "A".  
**(All Districts)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4898]

**12. MAYOR AND COUNCIL:**

**12A.** Presentation and discussion on the video 3E: Explore, Experience, Enjoy El Paso del Norte by the El Paso Museum of History.  
 [Representative Steve Ortega, (915) 541-4124]  
 POSTPONED FROM 01-08-13

- 12B.** Discussion and action on implementing a median improvement plan.  
[Representative Steve Ortega, (915) 541-4124]  
POSTPONED FROM 01-08-13
- 12C.** Discussion and action on developing a plan for implementation of angled street parking downtown. [Representative Cortney Niland, (915) 541-4268]
- 12D.** Discussion and action on setting residential annual goals for downtown.  
[Representative Cortney Niland, (915) 541-4268]

**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.** Discussion and action regarding issues related to matters involving the demolition of City Hall, the construction of the new ballpark stadium, the initiative petitions and related litigation. (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX2.** Chapter 11 Bankruptcy of Maria Gabriela Stoiber, Case No. 12-31644. (551.071)  
[City Attorney's Office, Kristen Hamilton, (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 THURSDAY AT THE ADDRESS BELOW:**

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