

AGENDA FOR REGULAR COUNCIL MEETING

January 17, 2012
COUNCIL CHAMBERS
8:30 a.m.

**NOTICE OF CHANGE IN STARTING TIME AND PROCEDURES
EFFECTIVE IMMEDIATELY**

PLEASE NOTE THAT THE CITY COUNCIL MEETING STARTS AT 8:30 A.M. AND PERSONS WISHING TO SIGN UP TO SPEAK ON THE AGENDA MUST SIGN UP PRIOR TO 8:30 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 AND PLEDGE OF ALLEGIANCE

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.

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 10, 2012
 [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

REGULAR AGENDA - INTRODUCTIONS

3. 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.**

3A. An Ordinance changing the zoning of a portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in Volume 41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road, and Joe Battle Boulevard from R-F (Ranch and Farm) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of Joe Battle Boulevard and south of Windermere Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00034 **(ETJ) (Adjacent to District 6)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

3B. An Ordinance changing the zoning of a portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue and Zaragoza Road from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Zaragoza Road and south of Montana Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00045 **(ETJ) (Adjacent to District 5)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

3C. An Ordinance changing the zoning of all of Tract 1, Section 38, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the right-of-way of Edgemere Boulevard and Zaragoza Road from R-F (Ranch and Farm) to C-3 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Zaragoza Road and south of Edgemere Boulevard. Applicant: River Oaks Properties, Ltd. PZRZ11-00041 **(ETJ) (Adjacent to District 5)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

3D. An Ordinance annexing the following real property described as a portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in Volume

41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road and Joe Battle Boulevard. Subject Property: east of Joe Battle Boulevard and south of Windermere Avenue, Property Owner: River Oaks Properties, Ltd. AN08-004 (SUB08-00092) **(East ETJ) (Adjacent to District 6)**

[Planning and Economic Development, Geena Maskey, (915) 541-4192]

- 3E. An Ordinance annexing the following real property described as a portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue, (U.S. Hwy 62-180), and Zaragoza Road. Subject Property: north of Zaragoza Road and south of Montana Avenue, Property Owner: River Oaks Properties, Ltd. AN08-006 (SUB08-00094) **(East ETJ) (Adjacent to District 5)**

[Planning and Economic Development, Geena Maskey, (915) 541-4192]

- 3F. An Ordinance annexing the following real property described as all of Tract 1, Section 38, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Edgemere Boulevard and Zaragoza Road (F.M. 659). Subject Property: northwest of Zaragoza Road and south of Edgemere Boulevard, Property Owner: River Oaks Properties, Ltd. AN08-008 (SUB08-00096) **(East ETJ) (Adjacent to District 5)**

[Planning and Economic Development, Geena Maskey, (915) 541-4192]

- 3G. An Ordinance changing the zoning of a portion of Nellie D. Mundy Survey 241, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6380 Berringer Street. Applicant: TGK Artcraft, LLC. PZRZ11-00046 **(District 1)**

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

- 3H. An Ordinance changing the zoning of a portion of Tract 20-C, J.L. Johannsen Survey No. 185, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial). The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 6010 Doniphan Drive. Applicant: Warren M. and Theresa F. Pulner. PZRZ11-00054 **(District 1)**

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

- 3I. An Ordinance granting Special Permit No. PZST11-00015, to allow for infill development with reduced cumulative setbacks on the property described as Lot 5, Block 3, Emerald Valley Estates Replat A, 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: 5520 Milray Drive. Property Owner: Luis Villareal. PZST11-00015 **(District 1)**

[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

- 3J. An Ordinance providing for a one hundred per cent reduction of certain fees specified in Title 18, Title 19, and Title 20 of the El Paso City Code for a period of ten years for property development located in the Downtown 2015 Plan Area **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 7, 2012, FOR ITEMS 3A –3J

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

4. PLANNING AND ECONOMIC DEVELOPMENT:

4A

- (1). Discussion and action on an Ordinance changing the zoning of all of North Hills Unit Eight, City of El Paso, El Paso County, Texas from R-5/sc/c (Residential/special contract/condition) to R-MU (Residential Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Marcus Uribe Drive and east of Martin L. King Jr. Drive. Property Owner: North Hills Housing I, LP. PZRZ11-00049 **(District 4)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- (2). Discussion and action on an Ordinance releasing all conditions placed on property by Ordinance No. 8953 and Ordinance No. 9647 which changed the zoning of all of North Hills Unit Eight, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Marcus Uribe Drive and east of Martin L. King Jr. Drive. Property Owner: North Hills Housing I, LP. PZCR11-00003 **(District 4)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

4B

- (1). Discussion and action on an Ordinance changing the zoning of Lots 80 and 81, Sunrise Acres No. 2, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-MU (Residential–Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of Mount Latona Drive and north of Atlas Drive. Property owner: Adobe Haciendas, Inc. PZRZ11-00039 **(District 2)**
[Planning and Economic Development, Arturo Rubio (915) 541-4633]
- (2). Discussion and action on an Ordinance changing the zoning of Tracts 154 and 155, Sunrise Acres No. 2, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-MU (Residential–Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of Mount Latona Drive and north of Vulcan Drive. Property owner: Adobe Haciendas, Inc. PZRZ11-00040 **(District 2)** [Planning and Economic Development, Geena Maskey, (915) 541-4192]

4C

- (1). Discussion and action on an Ordinance granting a Special Privilege License to Mary Stillinger and Enriqueta Godinez permitting the maintenance and repair of a 2,199 square foot portion of an existing masonry wall with wrought iron fencing within portions of City right-of-way on Farrell Drive between Cindy Drive and Kathy Drive and Kathy Drive between Stevens Road and Farrell Drive adjacent to the property located south of Americas Avenue and east of Kathy

Drive legally described as Lots 15 and 16 Richard Lee Subdivision, City of El Paso, El Paso County, Texas for a term of five years (NESV11-00040) **(District 6)**

[Department of Transportation, Mirian Spencer, (915) 541-4050]

- (2). Discussion and action on an Ordinance changing the zoning of Lots 15 and 16, Richard Lee Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-MU (Residential –Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Americas Avenue and east of Kathy Road. Property owner: Mary Stillinger and Enriqueta Godinez. PZRZ11-00031 **(District 6)**

[Planning and Economic Development, Arturo Rubio (915) 541-4633]

5. DEPARTMENT OF TRANSPORTATION:

Discussion and action on an Ordinance to amend Title 12 (Vehicles and Traffic), Section 12.44.280 (Restrictions on parking in residential parking districts) to revise the provisions regarding the issuance of permits, and clarify the effect of holding a permit and the penalties for parking in violation of the section; the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(All Districts)**

[Department of Transportation, Keith Bennett, (915) 621-6882]

6. ENVIRONMENTAL SERVICES:

Discussion and action on an Ordinance granting a Non-Exclusive Franchise to Loretto Investment Corporation, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**

[Environmental Services, Ellen A. Smyth, 915-621-6719]

REGULAR AGENDA – OTHER BUSINESS

7. MAYOR AND COUNCIL:

- 7A. Discussion and action on amending Title 2.22 of the El Paso City Code to amend the provisions concerning the Open Space Advisory Board membership, rules, duties, and ability to appoint subcommittees; including but not limited to the following:

- 1. Amend 2.22 to require the Open Space Advisory Board to make any recommendations regarding City Code to the City Plan Commission. Upon majority vote, such recommendation can be advanced to the City Council.
- 2. Amend 2.22 to limit the departments that can be called to appear before Open Space Advisory Board. As currently written, 2.22 allows Open Space Advisory Board to place any item on its agenda affecting Open Space, and any City department (Planning, PSB, Engineering, BP & I, Parks, plus any department with a code provision that might affect open space) can be called to appear.
- 3. Amend 2.22 to delete review of develop cases (plats, zoning cases). The Open Space Advisory Board has no ability to deny a development

application, as this power is given to the City Plan Commission for plats and site plans.

4. Amend 2.22 to allow comment only on the Open Space Master Plan and goals, not all the city codes.
5. Amend Open Space Advisory Board's enabling ordinance to remove the Hillside Development Area.
6. Move the Tree Board responsibilities to the jurisdiction of the City Plan Commission along with review of the landscape ordinance as a development related issue.

(Districts 1 and 8) [Cortney Carlisle Niland (915) 541-2468]
 [Ann Morgan Lilly (915) 541-4886]

- 7B.** Discussion and action on Application of El Paso Electric Company for a Revision of its Rate Schedule 11-TOU Time of Use Municipal Pumping Service.
(All Districts) [Deputy City Manager, William Studer, (915) 541-4215]

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.** Petition of El Paso Electric Company for Review of City of El Paso's Rate Resolutions and Request for Expedited Relief before the Public Utility Commission of Texas, Docket Nos. 39868 and 39924. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX2.** Patriot Place, Ltd., Bankruptcy Case No. 11-31024-hcm. (551.071)
 [City Attorney's Office, Theresa Cullen, (915) 541-4550]
- EX3.** Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket 39973 (551.071) [Sylvia Borunda Firth, City Attorney (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/>