

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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February 5, 2013  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
February 4, 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 BORDER PATROL CHAPLAIN LINDA CAMACHO**

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATIONS**

1. BLACK HISTORY MONTH
2. NATIONAL APARTMENT CAREERS 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](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 29, 2013.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:****3. RESOLUTION:**

That the City Manager be authorized to execute a contract between the City of El Paso and the El Paso Marathon Foundation to provide for the public safety, street cleaning, and solid waste removal costs, in an amount not to exceed \$25,000 from the City's Hotel Occupancy Tax Fund for the 7th Annual El Paso Marathon, and that Council finds a public purpose in supporting the Marathon in light of the event's economic and health benefits to the City as well as the Marathon serving as a rallying point for community spirit and support. **(All Districts)**

[City Manager's Office, Leila Melendez, (915) 541-4859]

**4. BOARD RE-APPOINTMENT:**

Andrew R. Haggerty to the Building and Standards Commission, as a regular member, in the category of Real Estate Broker, by Representative Carl L. Robinson, District 4.  
[Representative Carl L. Robinson, (915) 541-4140]

**5. BOARD APPOINTMENTS:**

**5A.** Christina N. Contreras to the Building and Standards Commission, as a regular member in the category of Community Affairs, by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]

**5B.** Anna Louise Perez to the El Paso Bond Overview Advisory Committee by Representative Eddie Holguin, Jr., District 6.  
[Representative Eddie Holguin, Jr., (915) 541-4182]

**5C.** Jayvant Kumar Desai to the Tax Increment Reinvestment Zone Number 6 by Representative Eddie Holguin, Jr., District 6.  
[Representative Eddie Holguin, Jr., (915) 541-4182]

**5D.** Françoise A. Feliberti to the Parks and Recreation Advisory Board by Representative Eddie Holguin, Jr., District 6.  
[Representative Eddie Holguin, Jr., (915) 541-4182]

**REGULAR AGENDA – PUBLIC HEARINGS****6. CITY ATTORNEY:**

An Ordinance amending Ordinance 017886 which amended Title 12 (Vehicles and Traffic) Chapter 12.32 (Pedestrians) of the El Paso City Code by repealing Section 12.32.060 (Soliciting Rides or Business - Prohibitions) and adopted a new Section 12.32.063 (Solicitation Prohibitions), to prohibit the aggressive solicitation of money or other services while at or near certain areas, and creating an offense; the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code, by amending Section 12.32.063(b)(1)(b)(v) to delete "Parking Meter". **(All Districts)**

[City Attorney's Office, Laura Gordon, (915) 541-4550]

**7. CITY DEVELOPMENT:**

**7A.** 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]

**7B.** 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]

**7C.** 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]

**POSTPONED FROM 01-15-13**

**7D.** 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]

**POSTPONED FROM 01-15-13**

**7E.** 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]  
 POSTPONED FROM 01-15-13

- 7F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally) of the El Paso City Code, to add Section 12.44.290 (Restrictions On Parking in Downtown Parking Districts) to provide for the creation of downtown parking districts, issuance and revocation of temporary new resident and downtown parking permits and authorizing fees; the penalty being as provided in Chapters 12.84 (Violation – Penalty) and 12.85 (Parking Violations) of the El Paso City Code. **(District 8)**  
 [City Development, Mathew McElroy, (915) 541-4193]

**8. DEPARTMENT OF TRANSPORTATION:**

- 8A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Schedule VI-Parking Time Limited on Certain Streets) to add Alameda Avenue between Buena Vista Drive and Delta Drive, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 3)** [Department of Transportation, Keith Bennett, (915) 621-6882]
- 8B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.210 (Schedule XVIII - Restrictions on Commercial Vehicle Parking on Residential Streets) to delete San Antonio Avenue and Ochoa Street, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 8)**  
 [Department of Transportation, Keith Bennett, (915) 621-6882]
- 8C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) to add Roseway Drive and Barker Road, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(Districts 3 and 6)** [Department of Transportation, Keith Bennett, (915) 621-6882]
- 8D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Sections 12.44.180 (Regulations Pertaining to Certain Special Situations) and 12.44.200 (Disabled Parking on Private Property), to add a new offense for blocking an architectural improvement designed to aid persons with disabilities, the penalty as provided in Section 12.84.010 of the El Paso City Code. **(District 8)**  
 [Department of Transportation, Keith Bennett, (915) 621-6882]

**9. EL PASO WATER UTILITIES:**

- 9A. An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying 15.0073 acres, described as a Portion of Section 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located north of U.S. 54 and near the northwest corner of Marcus Uribe and Robert Lennox Drive in northeast El Paso and to execute a Contract of Sale, and any other documents necessary to complete the sale, to the El Paso

Independent School District. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system. **(District 4)**  
 [El Paso Water Utilities, Lupe Cuellar, (915) 594-5636]

- 9B. An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 50.7072 acres more or less, described as a Portion of Section 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located in the northeast corner of Sean Haggerty and Loma Real Avenue and authorizing the City Manager to execute a Contract of Sale, and any other documents necessary to complete the sale, to the El Paso Independent School District. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system. **(District 4)**  
 [El Paso Water Utilities, Lupe Cuellar, (915) 594-5636]

**REGULAR AGENDA – OTHER BUSINESS**

**10. CITY DEVELOPMENT:**

- 10A. Discussion and action on a request from Georges Halloul, on behalf of River Oaks Properties, LTD for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school and a day care for the property located south of Zaragoza and east of Tierra Este and legally described as Lot 1, Block 101, Tierra Del Este Unit 21, City of El Paso, El Paso County, Texas. **(District 5)** [City Development, Arturo Rubio, (915) 541-4633]  
 [POSTPONED FROM 01-29-13]
- 10B. Discussion and action on a Resolution that Schedule C, attached to the FY 2013 Budget Resolution and effective September 1, 2012, shall be amended to establish the amounts of parking permit fees related to the newly established downtown parking districts and made necessary by the proposed revisions to Title 12 Vehicles and Traffic. **(District 8)**  
 [City Development, Mathew McElroy, (915) 541-4193]

**11. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

Presentation, discussion and action on the proposed three-year implementation plan for projects authorized under the 2012 Quality of Life General Obligation Bond for the purposes of constructing new and improved amenities for parks and recreation facilities, open space improvements, libraries, museums, the Zoo, neighborhood improvements and cultural and performing arts facilities. **(All Districts)**  
 [Engineering and Construction Management, Irene Ramirez, (915) 541-4431]

**12. MAYOR AND COUNCIL:**

- 12A. Discussion and action concerning the Hawkins Plaza bankruptcy proceedings and any other issues related to the Hawkins Plaza Lease.  
 [Representative Emma Acosta (915) 541-4515]
- 12B. Discussion and action to direct the City Manager to complete the angled parking on Franklin to Mesa and Campbell.  
 [Representative Cortney Niland, (915) 541-4268]  
 [Representative Michiel R. Noe, (915) 541-4189]

- 12C.** Discussion and action on a Resolution stating the City of El Paso’s support for meaningful immigration reform to include prioritizing adequate staffing and infrastructure for Customs and Border Patrol at the nation’s ports of entry.  
 [Representative Michiel R. Noe, (915) 541-4189]

**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.

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| 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.** City of El Paso vs. Greg Abbott, Attorney General of Texas, Cause No. D-1-GN-12-003879 (551.071) [City Attorney’s Office, Laura P. Gordon, (915) 541-4550]
- EX2.** The Estate of Betty Marcus-Randle a/k/a Betty E. Marcus Randle a/k/a Betty E. Marcus-Randle, Cause No. 2011-00813P (551.071)  
 [City Attorney’s Office, Kristen L. 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/>