

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

February 7, 2012
COUNCIL CHAMBERS
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
February 6, 2012
9:00 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 by Police Chaplain Lisle Davis

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATION

1. U.S. – México Cross-Border Cooperation and Innovation 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 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 31, 2012 and the Minutes for the Special City Council Meeting of December 19, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook

3. SPECIAL APPOINTMENTS:

- 3A.** Daniel Ortiz as an Assistant City Attorney effective February 13, 2012. **(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- 3B.** Nathan L. Brown as an Assistant City Attorney effective February 24, 2012. **(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

REGULAR AGENDA – PUBLIC HEARINGS**4. PLANNING AND ECONOMIC DEVELOPMENT:**

- 4A.** Discussion and action on 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]
- 4B.** Discussion and action on 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 Zaragosa 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]
- 4C.** Discussion and action on 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 Zaragosa 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]
- 4D.** Discussion and action on 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]
- 4E.** Discussion and action on 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]

- 4F.** Discussion and action on 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]

ITEMS 4A – 4F ARE RELATED ITEMS

- 4G.** Discussion and action on 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]

- 4H.** Discussion and action on 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]

- 4I.** Discussion and action on 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]

- 4J.** Discussion and action on an Ordinance granting Special Permit No. PZST11-00010, to allow for Infill Development and a Parking Reduction on the property described as North 45 ft. of Lots 1 and 2, the North 45 ft. of the West 5 ft. of Lot 3, and the North 40 ft. of the East of Lot 3, Block 32, East El Paso 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: 2900, 2902 Rosa Avenue. Property Owner: Family Crisis Shelter of El Paso. PZST11-00010 **(District 8)**

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

POSTPONED FROM 12-20-2011 and 01-31-12

- 4K.** Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations) of the El Paso City Code to revise standards for manufacturer identification signs in C-3 and C-4 Zoning Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, Kimberly L. Forsyth, (915) 541-4668]

POSTPONED FROM 01-31-12

- 4L.** Discussion and action on an Ordinance granting Special Permit No. PZST11-00012, to allow for infill development with reduced yard setbacks and reduced lot width on the property described as Lot 23 and the East 16.67 feet of Lot 24, Block 62, East El Paso Addition, 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: 3118 Missouri Avenue. Property Owner: Frank Jr. and Maria G. Dominguez. PZST11-00012 **(District 8)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 01-31-12
- 4M.** Discussion and action on an Ordinance amending a condition placed on property by Ordinance No. 016588 which changed the zoning of a portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of the intersection of Franklin Dove Avenue and Franklin Bluff Drive. Property Owner: Hunt Communities, GP, LLC. PZCR11-00004 **(District 1)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 01-31-12
- 4N.** Discussion and action on an Ordinance vacating the vehicular access to a portion of Upson Avenue and Missouri Street, all of Block Q out of Satterthwaite Addition an unrecorded plat, City of El Paso, El Paso County, Texas. Applicant: City of El Paso. SURW11-00008 **(District 8)**
[Planning and Economic Development, Kevin Smith (915) 541-4903]
- 4O.** Discussion and action on 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]

5. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on an Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.070 (Fences), of the El Paso City Code, to amend the requirements and standards for electrified fences, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)** [Engineering and Construction Management, Julie Baldwin-Munoz, (915) 541-4987]

6. DEPARTMENT OF TRANSPORTATION:

Discussion and action on an Ordinance granting a Special Privilege License to Joe Rosales permitting the encroachment of an 8 foot by 11 inch existing staircase within portions of City right-of-way on South Oregon Street adjacent to the property located at 510 South Oregon Street. NESV11-00051 **(District 8)**
[Department of Transportation, Mirian D. Spencer, (915) 541-4482]
POSTPONED FROM 1-31-12

REGULAR AGENDA – OTHER BUSINESS**7. MAYOR AND COUNCIL:**

- 7A.** Discussion and action regarding the special election for the recall and related matters and services. **(All Districts)**
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- 7B.** Discussion and action on legal matters related to U.S. Congressional redistricting plans for the State of Texas and redistricting litigation in the U.S. District Court for the Western District of Texas, San Antonio Division. **(All Districts)**
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- 7C.** Discussion and report on the Economic Development Summit held in San Antonio, Texas **(All Districts)** [Representative Cortney Niland (915) 541-4123]
- 7D.** Discussion and action on the adjustment of entrance price to local Parks and Recreation Aquatic Centers for disabled citizens, from the price of \$2 to \$1 to match that of the Senior Citizen entrance fee. **(All Districts)**
[Representative Cortney Niland (915) 541-4123]

8. PLANNING AND ECONOMIC DEVELOPMENT:

- 8A.** Discussion and action on a resolution that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement (Impact Fund) between the City of El Paso and the University of Texas at El Paso (the "Applicant"), in relation to the Applicant's development of technology innovation center, to be called the Regional Cyber and Energy Security (RCES) Center, in El Paso, Texas. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
- 8B.** Discussion and action on a resolution that the City Manager be authorized to execute a Chapter 380 Economic Development Program Grant Agreement (Impact Fund) between the City of El Paso and the Medical Center of the America Foundation (the "Applicant"), in relation to the undertaking of an economic development project consisting of biomedical cluster specific programs and infrastructure programs; that in approving the agreement, City Council is waiving the Impact Fund policy requirement, which restricts the use of funds for land acquisition in the MCA area to the City only, because it is more cost-effective for Applicant to acquire land itself. **(All Districts)**
[Planning and Economic Development Department, Mathew McElroy, (915) 541-4193]

9. DEPARTMENT OF TRANSPORTATION:

- 9A.** Discussion and action on the Transportation Improvement Program (TIP), 2040 Metropolitan Transportation Plan (MTP) and funding Match Plan. **(All Districts)** [Department of Transportation, Daryl W. Cole, (915) 621-6480]
- 9B.** Discussion and action on an Update on the Sidewalk Gaps on RTS (Rapid Transit System) Corridors. **(All Districts)**
[Department of Transportation, Daryl W. Cole, (915) 621-6480]

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.** Application of El Paso Electric Company to Change Rates and Reconcile Fuel Costs, Public Utility Commission of Texas Docket 40094. (551.071)
[Sylvia Borunda Firth, City Attorney (915) 541-4550]
- EX2.** Claim of State Farm/Carlos Lozano; Our File No. 11-1036-091 (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX3.** Lorenzo Juarez vs. City of El Paso; Cause No. 2008-3827 (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX4.** Claim of Andrea Mendoza Villa; Our File No. 12-1026-1063 (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 THURSDAY AT THE ADDRESS BELOW:

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