

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, 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

**February 12, 2008
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.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: 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 – Fire Chaplain Ed Sinke
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. NATIONAL HEALTHY MARRIAGE WEEK**
- 2. NATIONAL LULAC WEEK**

RECOGNITION

IRVIN HIGH SCHOOL STUDENTS JOURNALISM AWARDS

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 February 5, 2008.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. Placing a condemnation lien on the following properties (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

1. 108 North Carolina Drive \$11,468.94 Teodolo G. Bustos
(District 3) [Development Services, Larry F. Nichols, (915) 541-4557]
2. 701-719 Nino Aguilera Street AKA 701 Tornillo \$8,714.68
El Paso Rivera Investments, Ltd, Burton I. Cohen, and Alfredo Rivera
(District 8) [Development Services, Larry F. Nichols, (915) 541-4557]
3. 106 Hudspeth Place \$21,276.13
Raymond P. Lopez, Pedro Ramon Lopez Jr., Jose Almanza and Jose Almanza, Jr., Beatric A. Ludens, Maria Luisa Almanza, Gloria Almanza, Lupe Almanza, Arturo Almanza, and Esperenza Almanza
(District 8) [Development Services, Larry F. Nichols, (915) 541-4557]

3B. A Resolution that the City Manager be authorized to sign and accept on behalf of the City a Street Dedicatory Certificate from the El Paso Electric Company granting to the City an easement and dedication of real property for use of public right-of-way located within Pershing Place Subdivision, and more particularly described as Belmont Street, in a portion of Lot 1, Block 26, Mesa Heights Addition, City of El Paso, El Paso County, Texas. **(District 2)**
[Development Services/Planning, Michelle Padilla, (915) 541-4903]

3C. That the City Manager be authorized to sign an agreement granting an underground electrical easement, to the El Paso Electric Company for the purpose of providing electrical service to the Northeast Regional Park Complex.

Said property being more particularly described as a portion Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso County, Texas. **(District 4)** [Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager be authorized to sign an agreement granting two underground electrical easements, to the El Paso Electric Company for the purpose of providing electrical service to the Westside Sports Complex. Said property being more particularly described as a portion of Tract 1A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas. **(District 1)** [Engineering, R. Alan Shubert, (915) 541-4423]

3E. That the solid waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 3, 4, 5, 6, 7, and 8)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

3F. That the City Manager be authorized to sign a Temporary Easement for Construction to grant J.D. Abrams, L.P. access to the following identified parcels for the construction of Phase 2 of the Spur 601 Project.

Parcel 4 - Part 4 (Animal Control) - land located in Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; and

Parcel 4 - Part 5 (Sun Metro) - land located in Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas.
(District 2) [Financial Services, Gonzalo Cedillo, (915) 541-4074]

3G. That the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at a presently estimated cost of \$29,813 to provide election services and equipment for the May 10, 2008, City Special Election; that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary. **(District 3)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

4. BOARD RE-APPOINTMENTS:

4A. Arne Schonberger to the City Accessibility Advisory Committee by Mayor John F. Cook. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4550]

4B. Alexander V. Neill to the Ethics Review Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. BOARD APPOINTMENT:

Tom McCabe to the City-County Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

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 approving the assignment of a Special Privilege granted to Warren T. Burns, Jr. by Ordinance No. 014331 to Clean Group, L.P permitting the encroachment of an outdoor patio café onto portions of public rights-of-way within block 170, Campbell Addition. SP98-137 **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 6B.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection C (Exceptions), of the El Paso City Code to add an exception for contractor stamps, the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 19, 2008, FOR ITEMS 6A – 6B

- 6C.** An Ordinance granting Special Permit No. ZON07-00153 to allow for a parking reduction on the property described as Lots 29 through 32, Block 14, Altura Park, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 2016 N. Piedras Street. Applicant: Paul Rakas and Corinne Rakas. ZON07-00153 **(District 2)**
[Development Services/Planning, Ismael B. Segovia, (915) 541-4027]
- 6D.** An Ordinance changing the zoning of the following real property described as: Parcel 1, Parcel 2, Parcel 3, Parcel 4, and Parcel 6. All parcels being a portion of Tract 1, John Barker No. 10, City of El Paso, El Paso County, Texas, and Parcel 5: Tract 6J, A.F. Miller Survey No. 216, City of El Paso, El Paso County, Texas. Parcel 1 be changed from R-3 (Residential) to R-3A (Residential); Parcel 2 be changed from R-3 (Residential) to C-1 (Commercial); Parcel 3 be changed from R-3 (Residential) to C-2 (Commercial); Parcel 4 be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; Parcel 5 be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; and Parcel 6 be changed from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5000 block of Mesa Street. Applicant: EPT Mesa Development. ZON07-00141 **(District 1)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 6E.** An Ordinance granting Special Permit No. ZON07-00151, to allow for a bank on the property described as a portion of Lot 18, Block 13, Three Hills Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: northeast corner of Southwestern Drive and Redd Road. Applicant: Carroll S. Maxon – CSM Realty Holdings II, Ltd. ZON07-00151 **(District 1)** [Development Services/Planning, Ernesto Arriola, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON MARCH 4, 2008, FOR ITEMS 6C – 6E

Public Hearings will be held as part of the regular City Council meeting which 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 Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

7. ENGINEERING:

- 7A.** Discussion and action on a Resolution authorizing the City Manager to sign a two year Professional Services Agreement between the City of El Paso and R.W. Beck, Inc., a Washington Corporation, to perform consulting services for environmental engineering services as required related to the Municipal Solid Waste program and the Household Hazardous Waste Program in an amount not to exceed \$750,000. **(All Districts)** [Engineering, Javier Reyes, (915) 541-4630]
- 7B.** Discussion and action on a Resolution authorizing the City Manager to sign a two year Professional Services Agreement between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, to perform consulting services for environmental engineering services as required related to the Municipal Solid Waste program and the Household Hazardous Waste Program in an amount not to exceed \$750,000. **(All Districts)** [Engineering, Javier Reyes, (915) 541-4630]

REGULAR AGENDA – PUBLIC HEARINGS

8. DEVELOPMENT SERVICES

- 8A.** An Ordinance changing the zoning of the following real property described as: Parcel 1: Lot 26, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas, be changed from A-2/SC/SP (Apartment/Special Contract/Special Permit) to C-1/SC/SP (Commercial/Special Contract/Special Permit); Parcel 2: Lot 27, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas, be changed from A-2/SC/SP (Apartment/Special Contract/Special Permit) to C-1/SC/SP (Commercial/Special Contract/Special Permit); and, Parcel 3: a portion of Lot 28, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas, be changed from A-2/SC (Apartment/Special Contract) to C-1/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of George Dieter Drive and south of Taffy Bagley Drive. Applicant: El Paso Realty Development, LP. ZON07-00045 **(District 7)**
[Development Services/Planning, Melissa Kellum, (915) 541-4730]
- 8B.** An Ordinance changing the zoning of a portion of Lot 25, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas from A-2/SC/SP (Apartment/Special Contract/Special Permit) to C-1/SC/SP (Commercial/Special Contract/Special Permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1395 George Dieter Drive. Applicant: Highlands Regional Properties, L.P. ZON07-00148 **(District 7)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 8C. A Resolution removing a condition placed on property by contract amendment in Ordinance number 7054 dated August 12, 1986, which imposed conditions on a portion of Tracts 1A and 1X, Block 1, Ascarate Grant, and a portion of lot 34, Block 111, Vista Del Sol Unit 20 Replat A, 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: 11155 La Quinta. Applicant: Talmar Medical Properties L.P. ZON07-00104 **(District 7)** [Development Services/Planning, Arturo Rubio, (915) 541-4633] POSTPONED FROM 02-05-08

REGULAR AGENDA – OTHER BUSINESS

9. MAYOR AND COUNCIL:

Discussion and action on deleting an Ordinance that makes it illegal to ride a bicycle on any public sidewalk. [Representative Susie Byrd, (915) 541-4416]

10. CITY MANAGER:

City Manager's report of current events and issues:

Discussion on issues relating to properties subject to multiple delinquent tax lawsuits and issues related to the enforcement and collection of delinquent taxes. [Tax Office, Juan Sandoval, (915) 541-4369] [Delgado, Acosta, Spencer, Carmen Perez, (915) 545-5481]

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.) 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.** Ron Gomez vs. Landscape Structures, Inc., et al., Cause No.: 2004-5255. (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Discussion and action on legal issues relating to the contract between the City of El Paso and Waste Connections, Inc, passed and approved on April 27th, 2004. (551.071) [City Attorney's Office, Charlie McNabb, (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/>