

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 21, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
February 20, 2012
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 PROCLAMATIONS

- 1. NATIONAL ENGINEERS WEEK**
- 2. NATIONAL GIRLS AND WOMEN IN SPORTS WEEK**
- 3. CEMEX WEEK IN EL PASO**
- 4. LION MILTON R. BULLOCK 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 February 14, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Council amend in its entirety, the policy adopted on February 15, 2011, which established an alternative method for determining the fair market value for the sale or conveyance of land dedicated to the City as a public street, alley, or easement when such sale or conveyance is to the abutting property owner owning the underlying fee simple and establishing criteria for city initiated vacation of such land. **(All Districts)**
[Planning and Economic Development, Raul Garcia, (915) 541-4935]

3B. That the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso to provide for the City to lease up to 150 spaces within the County's parking facility at 210 S. Campbell in furtherance of municipal purpose. This agreement is estimated not to exceed \$47,331 for the period of October 1, 2011 through September 30, 2012. The agreement will automatically renew thereafter on an annual basis and remain in effect until terminated by either party. **(All Districts)**
[Police, Robert Feidner, (915) 564-7166]

3C. That the City Manager be authorized to execute a Lessor's Consent to Amendment No. 1 to Sublease Agreement between Simon Property Group, L.P., successor in interest to Celina Plaza, Inc., and the El Paso Electric Company for the expansion of the electric substation adjacent to Cielo Vista Mall, a portion of Block 7, Celina Plaza, El Paso County, Texas. The initial City lease to Celina Plaza was approved April 14, 1972 and the initial substation site Sublease

between Celina Plaza and El Paso Electric Company was effective January 16, 1975. **(District 3)** [El Paso Water Utilities Public Service Board, Jim Shelton, (915) 594-5511]

4. BOARD APPOINTMENT:

David A. Shauer to the City Plan Commission by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915) 541-4178]

5. DISCRETIONARY FUNDS:

Request authorization to allocate the use of discretionary funds from District 1 in the amount of \$1,000; District 2 in the amount of \$250; District 7 in the amount of \$1,500; and District 8 in the amount of \$1,000 to provide funding support to Museums and Cultural Affairs Department (MCAD) for the promotion of the Downtown Artist Market. **(Districts 1, 2, 7 and 8)**

[Representative Ann Morgan Lilly, (915) 541-4151]

[Representative Susie Byrd, (915) 541-4416]

[Representative Steve Ortega, (915) 541-4124]

[Representative Cortney Carlisle Niland, (915) 541-4268]

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 amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to delete a portion of Independence Drive from Delfina Drive to Elvin Way.

(District 6) [Planning and Economic Development, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON MARCH 6, 2012, FOR ITEM 6A

6B. An Ordinance changing the zoning of a portion of Lots 3 through 15, Block 6, Stiles Garden, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7204 ½ - 7228 North Loop Drive. Property Owner: MAR FAM Enterprises, LLC. PZRZ11-00057 **(District 3) (THIS IS AN APPEAL CASE)**

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

PUBLIC HEARING WILL BE HELD ON MARCH 20, 2012, FOR ITEM 6B

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. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

- 7A.** An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and Young Women's Christian Association (YWCA) El Paso Del Norte Region, for the lease of the property at 9135 Stahala Drive, El Paso, Texas, for a term of 15 years, which can be renewed for three additional five year terms. **(District 4)** [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code, by repealing Chapter 18.02 in its entirety and adopting a new Chapter 18.02 in its place, 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, Victor Morrison-Vega, (915) 541-4557]

8. PLANNING AND ECONOMIC DEVELOPMENT:

- 8A.** An Ordinance amending Ordinance No. 016749 which established a policy regarding sales and use tax rebates within the area covered by the Downtown 2015 Plan to amend the sunset provision, reduce the expenditure amount, and add a new qualification criterion. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
- 8B.** An Ordinance vacating a 0.115 acre portion of Resler Drive Right-Of-Way, City of El Paso, El Paso County Texas. SURW11-00005 Applicant: Cimarron Hunt Communities, LLC **(District 1)**
[Planning and Economic Development, Raul Garcia, (915) 541-4935]
- 8C.** An Ordinance changing the zoning of Lots 3 and 4, Block 9, Montecillo Unit Three Replat A, City of El Paso, El Paso County, Texas from C-2 (Commercial) to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Subject Property: south of Castellano Drive, north of Executive Center, east of Interstate 10; and west of Mesa Street, Property Owner: EPT Mesa Development, LP. PZRZ11-00052 **(District 8)**
[Planning and Economic Development, Melissa Granado, (915) 541-4730]

9. DEPARTMENT OF TRANSPORTATION:

- 9A.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), of the El Paso City Code, to delete an exception from the special privilege and sign permit requirement for signs located in the public right-of-way. **(All Districts)**
[Department of Transportation, Michelle Padilla, (915) 541-4050]
- 9B.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), of the El Paso City Code, to require a special privilege permit and establish criteria for temporary signs located in the public right-of-way; the penalty being as provided in Section 15.08.125 and Chapter 1.08 of the El Paso City Code. **(All Districts)**
[Department of Transportation, Michelle Padilla, (915) 541-4050]

- 9C. An Ordinance amending Title 12 (Vehicles and Traffic) to amend Chapter 12.88.180 (No Stopping or Standing – Tow Away Zone), of the El Paso City Code, to remove Paragraph 111 (Oregon Street between Yandell Drive and Glory Road), and to amend Chapter 12.88.030 (Parking Prohibited At All Times) to add Oregon Street between Yandell Drive and Glory Road, 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]

- 9D. An Ordinance amending Title 12 (Vehicles and Traffic) Section 12.44.180 (regulations pertaining to certain special situations), of the El Paso City Code, to convert and increase the number of parking spaces around and in the proximity of the El Paso County Courthouse for El Paso Police Department vehicle parking only; to delete Hotel, Sun City Area Transit and Oregon Street zone regulations; and to revise the provision regarding renting parking meters to correctly reference the existing scheduled fee; 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, Jiann-Shing Yang, (915) 599-6203]

REGULAR AGENDA – OTHER BUSINESS

10. MAYOR AND COUNCIL:

- 10A. 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]

- 10B. Discussion and action on legal matters related to U. S. Congressional redistricting plans for the State of Texas and redistricting litigation on 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]

- 10C. Discussion and action regarding the appointment of one individual in the Communications, Public Administration or Education category to the Public Service Board as recommended by the Public Service Board Selection Committee.

Communications, Public Administration or Education
 - 1. Ruth Katherine Brennand
 - 2. John K. (Jack) Schmitt
 - 3. Henry Gallardo**(All Districts)** [Mayor John F. Cook, (915) 541-4145]

- 10D. Discussion and action on directing the City Manager to bring the property located at the intersection of I-10 and Zaragoza up to code for use of its original purpose, Parks and open space. **(District 6)** [Representative Eddie Holguin, Jr., (915) 541-4178]

- 10E. Discussion and action on the security and safety needs of the City and the need to increase security presence to aid in the revitalization process of downtown.
(District 8) [Representative Cortney Carlisle Niland (915) 541-4268]

- 10F. Discussion and action on providing incentives such as but not limited to free parking in City parking lots and at certain meters in downtown on weekends to encourage shoppers, visitors, and residents to revisit downtown. **(District 8)**
[Representative Cortney Carlisle Niland (915) 541-4268]

11. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution directing the City Manager to develop Transit-Oriented Development (TOD) Revitalization Corridor Districts, to include a proposed program of economic development incentives for targeted areas. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

12. PARKS AND RECREATION:

Discussion and action on a recommendation from the Parks and Recreation Advisory Board to amend the policy on restrooms in outdoor park settings. **(All Districts)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

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

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/>