

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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**March 20, 2012  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.**

**AND**

**LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
March 19, 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 Lisle Davis**

**PLEDGE OF ALLEGIANCE**

**MAYOR'S PROCLAMATIONS**

- 1. POISON PREVENTION WEEK**
- 2. EL PASO COMMISSION FOR WOMEN'S HALL OF FAME INDUCTION DAY**
- 3. NATIONAL WILDLIFE WEEK**

**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 March 13, 2012, and the Special City Council Meeting of March 13, 2012.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. SPECIAL APPOINTMENT:**

John R. Batoon as an Assistant City Attorney effective March 21, 2012. **(All Districts)**  
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Marcia Turner to the Civil Service Commission by Representative Ann Morgan Lilly, District 1 [Representative Ann Morgan Lilly, (915) 541-4886]

**4B.** Cora Viescas to the Civil Service Commission by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]

**5. BOARD APPOINTMENTS:**

**5A.** Ricardo Dominguez to the Civil Service Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4515]

**5B.** Gloria Alva Boyer to the Foster Grandparent Program Advisory Council by Representative Ann Morgan Lilly, District 1.  
[Representative Ann Morgan Lilly, (915) 541-4886]

**5C.** Joseph R. Veith to the Empowerment Zone Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

**6. NOTICE OF CAMPAIGN CONTRIBUTIONS:**

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Mayor John F. Cook in the amount of \$300 from David & Jeryl Marcus; \$50 from Ho Baron; \$200 from Ira & Irene Batt; \$75 from Sandy & Carol Dochen; \$50 from Lisle Davis; \$200 from Phyllis & Harry Davis; \$1,000 from Stanley & Martie Jobe; \$250 from Richard (Dusty) & Bonnie Henson; \$500 from Alan & Elizabeth Abbott; \$100 from Margie Melby; \$500 from Martha & Jaime Rubinstein; \$50 from A.V. & Leticia Guevara; \$100 from Robert Andrade; \$50 from John Russell & Constance Crawford; \$200 from Victor & Marilyn Cruz; \$1,000 from Hector Holguin; \$100 from Magdalene Igar; \$50 from Donald Kirkpatrick; \$500 from Debbie Gutierrez; \$150 from Jose Bañales; \$25 from Jesus & Enriqueta Fierro; \$450 from Noel Rosenbaum; \$50 from Marek Swiderski; \$100 from Jorge Becerril; \$1,000 from Richard Teschner; \$500 from David & Susan Austin; \$50 from Jose Ramos; \$100 from Jesus & Luz Herrera; \$150 from Alvaro & Yvonne Loya; \$200 from Randy Brock & Roman Bustillos; \$450 from Randall Bowling; \$250 from Marjorie Jobe; \$20 from Yolanda & Cynthia Chavarria; \$50 from Elvia Hernandez; \$100 from Victor & Katherine Marquez; \$100 from Joe & Grace Rosales; \$100 from Mayela Mejia; and \$5 from Melissa Mejia. [Mayor John F. Cook, (915) 541-4145]

**REGULAR AGENDA – PUBLIC HEARINGS****7. CITY MANAGER'S OFFICE:**

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); of the City Code by amending Section 2.92.070 A (Reporting Requirements) to revise the requirements for filing financial disclosure forms by City Board and Commission members; the penalty is as provided in Section 2.92.150 of the El Paso City Code.

**(All Districts)** [City Manager, Joyce Wilson, (915) 541-4884]

**8. PLANNING AND ECONOMIC DEVELOPMENT:**

**8A.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.060 (Exclusions from Dedication Requirement), of the El Paso City Code to add an exclusion for properties covered under an Adaptive Reuse Overlay. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code. **(District 8)**

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

**8B.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code, to add a definition for adaptive reuse and to establish standards for an Adaptive Reuse Overlay. The penalty is as provided for in Chapter 20.24 of the City of El Paso City Code. **(District 8)**

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

**8C.** An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III (Detailed Site Development Plan Approval Process), Section 20.04.150 (Procedure) of the El Paso City Code to amend the administrative approval process for detailed site development plans. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

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

- 8D. An Ordinance amending Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), Subpart C (Building Setbacks) in the A (Apartment) and C (Commercial) Zoning Districts, to amend the setback requirements. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.  
**(All Districts)** [Planning and Economic Development, Arturo Rubio (915) 541-4633]
- 8E. An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.680 (Temporary Uses), of the El Paso City Code in its entirety to amend the application process and standards for temporary uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.  
**(All Districts)** [Planning and Economic Development, Arturo Rubio (915) 541-4633]
- 8F. 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]
- 8G. An Ordinance vacating a portion of Wheeling Street between Blocks 12 and 13, Manhattan Heights Addition, City of El Paso, El Paso County Texas. SUB10-00030 **(District 2)** [Planning and Economic Development, Raul Garcia, (915) 541-4935]

**9. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

- 9A. 1. An Ordinance authorizing the City Manager to sign a lease with El Paso Independent School District for 85,400 square feet of property at Memorial Park (including a portion of a vacated street) for a 99 year term. Consideration will be a 99 year lease of District property in northeast El Paso for city's use as a public park. **(District 2)**  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]  
[Parks and Recreation, Nanette Smejkal, (915) 541-4331]
- 2. Discussion and action that the City Manager is authorized to execute the Ground Lease (Wainwright) with El Paso Independent School District for the City's lease of a 110,808 square foot property depicted in Exhibit "A" that is adjacent to Wainwright Elementary School in Northeast El Paso for 99 years for the development of a park and related recreation facilities, in exchange and in consideration of the City's lease to the District of 85,400 square foot Memorial/Crockett properties and that the City Manager is authorized to sign any necessary documents to accomplish the intent of this Resolution. **(District 2)**  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4428]
- 9B. An Ordinance authorizing the City Manager to sign a Contract of Sale with Oxford Funding & Investment Group, LLC for the sale of the property at 6212 Fiesta Drive, El Paso, Texas. **(District 8)**  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]  
POSTPONED FROM 03-06-2012
- 9C. An Ordinance authorizing the City Manager to sign a Contract of Sale with El Paso Motorsports, Inc., (d/b/a Sun City Built) for the sale of the property at 10969 Duke Snider Circle, El Paso, Texas in the amount of \$48,711.56. **(District 4)**  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**REGULAR AGENDA – OTHER BUSINESS**

**10. PLANNING AND ECONOMIC DEVELOPMENT:**

**10A.** Discussion and action on amending Chapter 2.22 of the El Paso City Code to amend the provisions concerning the Open Space Advisory Board (OSAB) to clarify the role of the Board in the development review process and to amend staff support for the board. **(All Districts)**

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

**10B.** Discussion and action on amending the El Paso Water Utilities Public Service Board Westside Master Plan of “Plan El Paso” to include but not limited to the following: selection of a preferred development scenario for the area, authorization to process an amendment to “Plan El Paso”, and authorization to process an application for rezoning of the property within the El Paso Water Utilities Public Service Board Westside Master Plan area. **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4056]

**11. MAYOR AND COUNCIL**

**11A.** Discussion and action to do away with all Legislative Review Committees and bring all items directly to Council. [Representative Eddie Holguin, Jr., (915) 541-4178]

**11B.** Discussion and action on Greater Chamber of Commerce’s Medicaid Forum and how to increase access to health care for the El Paso community.

[Representative Michiel Noe, (915) 541-4701] **POSTPONED FROM 3-13-2012**

**11C.** Discussion and action on a joint resolution between the City of El Paso, El Paso County, El Paso School Districts, and Hospital District to request the Central Appraisal District to add more commercial appraisers to their staff to address the growing need to get current commercial values closer to market value.

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

**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.** Acquisition of the four parcels of real estate described below for construction of the Mesa Street Corridor of the City's Rapid Transit System which was approved by the Mass Transit Department Board on July 13, 2010 as part of the Alternatives Analysis and also approved by City Council on November 2, 2010 as part of the Mass Transit Department Capital Program for Fiscal Years 2011-2017. (551.071) (551.072)

[City Attorney's Office, Cynthia Osborn (915) 541-4550]

Parcel 1: Approximately 250 square feet of 3535 N. Mesa Street, El Paso, Texas.

Parcel 2: Approximately 1,050 square feet of 4305 N. Mesa Street, El Paso, Texas.

Parcel 3: Approximately 1,000 square feet of 7022 N. Mesa Street, El Paso, Texas.

Parcel 4: Approximately 1,800 square feet of a portion of Tract 4, A.F. Miller Survey 216 and a portion of Tract 21, John Barker Survey 10, El Paso, El Paso County, Texas.

**EX2.** Lorenzo A. Hinojos, Jr. vs. City of El Paso; Cause No: 2009-1734 (551.071)

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

**EX3.** Teresa Rios vs. City of El Paso; Cause No. 2009-2109 (551.071)

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

**EX4.** Jesus Sifuentes vs. City of El Paso; Cause No. 2009-2108 (551.071)

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

**EX5.** Rosendo Huerta vs. City of El Paso; 2009-1735 (551.071)

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

**EX6.** Cause No. EP-11-CV-0561, Monaco Entertainment Group, LLC et al. vs. City of El Paso, Texas, et al, Our File # 12-1019-017 (551.071)

[City Attorney's Office, Kenneth Krohn, (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/>