

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

REVISED

April 2, 2013

501 N. OREGON

LIBRARY AUDITORIUM, 1ST FLOOR

8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE

300 N. CAMPBELL

MAIN CONFERENCE ROOM, 2ND FLOOR

April 1, 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 POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. FAIR HOUSING MONTH
2. CHILD ABUSE PREVENTION MONTH – GO BLUE DAY
3. COMMUNITY DEVELOPMENT WEEK
4. MONTH OF THE MILITARY CHILD

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 March 26, 2013.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTION:

3A. That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the Socorro Independent School District ("SISD") to allow for joint elections between the City and SISD on May 11, 2013 for the purpose of sharing the costs. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4859]

3B. A Resolution authorizing the use of discretionary funds to provide funding to support the Mighty Mujer Triathlon regional sporting event as a municipal purpose and to authorize the City Manager to enter into a sponsorship contract not to exceed \$5,300.00 to be used towards the costs of traffic control services with any funds in excess be applied towards the marketing and advertising of the Mighty Mujer Triathlon to be held Saturday, April 20, 2013.
[Mayor and Council, Leila Melendez, (915) 541-4859]

REGULAR AGENDA - INTRODUCTIONS

4. 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.**

- 4A.** An Ordinance authorizing the City Manager to sign a Memorandum of Agreement and any other necessary documents between the City of El Paso and Union Pacific Railroad Company which will allow the City to convey approximately 2 acres of land being a portion out of the 11.87 acres conveyed to the City of El Paso by El Paso Union Passenger Depot Company, according to the Deed recorded in Volume 901, Page 1134, Real Property Records of El Paso County Texas, and a strip of City land adjacent to San Francisco Street and Coldwell Street as the streets are shown on recorded Campbell Addition Plat to the City of El Paso. **(District 8)** [City Attorney's Office, Theresa Cullen, (915) 541-4550]

PUBLIC HEARING WILL BE HELD ON APRIL 9, 2013, FOR ITEM 4A

- 4B.** An Ordinance amending Ordinance No. 15108 which created the Greater El Paso Civic, Convention and Tourism Advisory Board. This amendment will: 1) remove a restriction that prohibited current and former employees to serve as members of the advisor board; 2) remove the Director of Economic Development as Secretary to the Advisory Board and replace with the General Manager of the Convention and Visitors Bureau of his or her designee. **(All Districts)**
[Convention and Visitors Bureau, William Blaziek, (915) 534-0600]

PUBLIC HEARING WILL BE HELD ON APRIL 16, 2013, FOR ITEM 4B

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, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

5. CITY DEVELOPMENT:

- 5A.** An Ordinance releasing all conditions placed on property by Special Contract of December 26, 1984, attached to Ordinance No. 8239, which changed the zoning of the Lots 15 to 23, Block 212, Alexander Addition 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: 2600 Oregon. Property Owner: El Paso Murchison Oregon Investors LLC / McDyer LLC. PZCR13-00001 **(District 1)**
[City Development, Michael McElroy, (915) 541-4238]
- 5B.** An Ordinance granting Special Permit No. PZST12-00015, to allow for infill development with reduced front setback, reduced side setback, a parking reduction and to allow for a 50% increase in density on the property described as Lots 9 through 14, Block 25, Third Amended Map of Highland Park 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: 2413 Tremont. Property Owner: Hector F. Barraza. PZST12-00015 **(District 2)**
[City Development, Michael McElroy, (915) 541-4238]

- 5C. An Ordinance changing the zoning of Real Property known as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZRZ12-00039 **(District 3) THIS IS AN APPEAL CASE.**
[City Development, Andrew Salloum, (915) 541-4633]
- 5D. An Ordinance granting Special Permit No. PZST13-00001, to allow for a small contractor yard on the property described as Lot 45, Block 4, Stiles Gardens, 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: 7127 Stiles Drive. Property Owner: Enrique, Escobar. PZST13-00001 **(District 3) THIS IS AN APPEAL CASE.**
[City Development, Andrew Salloum, (915) 541-4633]

REGULAR AGENDA – PUBLIC HEARINGS/ OTHER BUSINESS

6. CITY MANAGER:

- A. An Ordinance providing or a waiver of certain fees for special event permits as required in Title 5, Title 9, Title 12, Title 13, and Title 15 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- B. An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Charitable Solicitations), Chapter 5.15 (Vendors and Solicitors) of the El Paso City Code, to repeal Charitable Solicitation permits and to exempt certain vendors from the license requirement. The penalties are provided in Chapter 5.01.100 of the El Paso City Code. **(All Districts)**
[City Manager's Office, Leila Melendez, (915) 541-4859]
- C. An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code, to exempt special events permits from the Noise Ordinance. The penalties are provided in Chapter 9.40.140 of the El Paso City Code. **(All Districts)**
[City Manager's Office, Leila Melendez, (915) 541-4859]
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.56 (Parking Meters), of the El Paso City Code, to exempt parking meter fees for special event permits. The penalties are provided in Chapter 12.84.010 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- E. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Spaces), Chapter 13.28 (Sound Amplifying Devices) and Chapter 13.32 (Temporary Events) of the El Paso City Code to exempt special event permits from the sound amplification permit and to amend the payment and cancellation policy for a special event permit. The penalties are provided in Chapter 13.32.090 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- F. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) of the El Paso City Code, to delete certain additional costs and fees

associated with special event permits. The penalty is provided in Chapter 15.08.070 of the El Paso City Code. **(All Districts)**

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

- G.** Discussion and action on a Resolution amending Schedule C for the City of El Paso FY2013 Budget Resolution, to delete certain established fees related to the special privilege temporary use fees and for charitable solicitation as part of the streamlining of the special event process. **(All Districts)**

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

ITEMS 7A & 7B - RELATED TO THE RELOCATION

7. INFORMATION TECHNOLOGY:

- 7A.** An Ordinance granting a First Amendment to lease to the University of Texas at El Paso regarding the relocation a portion of the City's existing underground conduit system in downtown and south El Paso for their internal fiber optic telecommunications system and related interlocal services for installation of the fiber. As consideration, the lessee shall pay certain relocation costs and the annual lease fee (\$2,764.54) shall remain the same. **(All Districts)**

[Information Technology, Miguel Gamino, (915) 541-4288]

- 7B.** An Ordinance granting a First Amendment to lease to Transtelco Inc. regarding the relocation of a portion of the City's existing underground conduit system in downtown and south El Paso for a fiber optic cable telecommunications system. As consideration the lessee shall pay certain relocation costs and the annual lease fee (\$12,524.70) shall remain the same. **(All Districts)**

[Information Technology, Miguel Gamino, (915) 541-4288]

REGULAR AGENDA – OTHER BUSINESS

8. CITY DEVELOPMENT:

- 8A.** Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP12-00049 at 2817 Wheeling Avenue, El Paso, Texas, on January 7, 2013 to deny a certificate of appropriateness application for the referenced property. **(District 2)**

[City Development, Providencia Velazquez, (915) 541-4027]

[POSTPONED FROM 03-05-13]

- 8B.** 1. Discussion and action on a Resolution that the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Miguel and Yolanda Zavala (the "Applicant"), pursuant to the City's Infill Development Incentive Policy, for the construction of a multifamily rental property development to be located at 540 S. Yarbrough, El Paso, Texas. **(District 7)** [City Development, Marty Howell, (915) 383-8217]
2. Discussion and action on a Resolution that the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Miguel and Yolanda Zavala (the "Applicant"), in relation to Applicant's construction of a multifamily

rental property development located at 540 S. Yarbrough , El Paso, Texas.
(District 7) [City Development, Marty Howell, (915) 383-8217]

- 8C.** 1. Discussion and action on a Resolution that the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Viewpoint Enterprises, LLC (the "Applicant"), pursuant to the City's Infill Development Incentive Policy, for the construction of a consulting engineering firm facility to be located at 2431 E Yandell, El Paso, Texas 79903. **(District 8)**
[City Development, Marty Howell, (915) 383-8217]
2. Discussion and action on a Resolution that the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso Viewpoint Enterprises, LLC (the "Applicant"), in relation to Applicant's construction of new consulting engineering firm office building, expanding the existing 1,200 sq ft and adding a total of 1,100 sq. ft. of office space to the property located at 2431 E. Yandell, El Paso, Texas. **(District 8)**
[City Development, Marty Howell, (915) 383-8217]

9. MAYOR AND COUNCIL:

- 9A.** Discussion and action on a Resolution that the City Manager or designee be authorized to execute a contract with Secure Origins, Inc. to fund the Project-21 pilot program in the amount of \$195,000 for another 90-day period to facilitate cross border traffic at the Ysleta-Zaragoza Port of Entry.
[Mayor John F. Cook, (915) 541-4145]
[POSTPONED FROM 03-26-13]
- 9B.** Discussion and action on calling for a formal investigation into the Police and Fire's pension fund. [Representative Cortney Carlisle Niland, (915) 541-4268]
- 9C.** Discussion and action regarding proposed legislation relating to the El Paso Police and Fire Pension Plan. [Mayor John Cook, (915) 541-4015]

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/>