

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

April 30, 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 29, 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. PRICE'S CREAMERIES MAY DAY CPR EVENT WITH THE CITY AND COUNTY FIRE DEPARTMENTS, THE AMERICAN RED CROSS AND THE DROWNING PREVENTION COALITION
2. GENTX DAY

RECOGNITIONS

1. CITY EMPLOYEES
2. EL PASO ZOO - ACCREDITATION BY THE ASSOCIATION OF ZOOS AND AQUARIUMS APRIL 2013

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 April 23, 2013.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a License Agreement by and between the City of El Paso and United Service Organizations, Inc. which will allow an USO-sponsored military lounge at the El Paso International Airport Terminal to be used by United States military personnel while traveling.
(All Districts) [Airport, Monica Lombraña, (915) 780-4724]

3B. That the City Manager be authorized to sign a Second Amendment to the General Aviation Commercial Ground Lease between the City of El Paso ("Lessor") and TJW Aviation, LLC ("Lessee") to include a flight school and flight instruction as a permitted general aviation commercial activity for the premises located at 1776 American Drive, El Paso, Texas. **(All Districts)**
[Airport, Monica Lombraña, (915) 780-4724]

3C. That the City Manager be authorized to sign a Lessor's Approval of Sublease by and among the City of El Paso ("Lessor"), TJW Aviation, LLC ("Lessee"), Advanced Aircraft Services ("Sublessee") and Aviation Parts whereby Aviation Parts will sublease a portion of the premises located at 1776 American Drive., El Paso, Texas from the Sublessee. **(All Districts)**
[Airport, Monica Lombraña, (915) 780-4724]

- 3D.** That the City Manager be authorized to sign a Lessor's Approval of Sublease by and among the City of El Paso ("Lessor"), TJW Aviation, LLC ("Lessee"), Advanced Aircraft Services ("Sublessee"), and Joe's Flight School which will allow Joe's Flight School to sublease a portion of the premises located at 1776 American Drive., El Paso, Texas from Sublessee. **(All Districts)**
[Airport, Monica Lombraña, (915) 780-4724]
- 3E.** 1. That Splendid Sun Productions, LLC and Crave Kitchen and Bar be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 1:00 a.m. to 5:00 a.m. Saturday, May 25, 2013, Sunday, May 26, 2013 and Monday, May 27, 2013. The sale and service of alcoholic beverages by Splendid Sun Productions, LLC and Crave Kitchen and Bar, in the closed portions of City rights-of-way on Oregon Street between Missouri Avenue and Texas Avenue, Franklin Avenue between Santa Fe Street and Mesa Street, Main Drive between Oregon Street and Mesa Street, Mills Avenue between Oregon Street and Mesa Street, Mesa Street between Franklin Avenue and Mills Avenue, and El Paso Street between Main Drive and Franklin Avenue, in Cleveland Square Park and San Jacinto Plaza from 11:00 a.m. Saturday, May 25, 2013, to 2:00 a.m. Sunday, May 26, 2013 is a permissible activity in conjunction with The Neon Desert Music Festival (NESV13-00012) **(District 8)** [City Development, Mirian Spencer, (915) 541-4482]
2. That the City Manager be authorized to sign an Agreement for the temporary closure of State Right of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated Mesa Street (SH 20), during the Neon Desert Music Festival from 6:00 p.m. Friday, May 24, 2013 through 10:00 p.m. Monday, May 27, 2013, an event scheduled to exceed four hours in length and found by the City to serve a public purpose. (NESV13-00012) **(District 8)**
[City Development, Mirian Spencer, (915) 541-4482]
- 3F.** That the City Manager be authorized to sign an Agreement for Plan Review and Inspection Services by and between the City of El Paso and the El Paso Electric Company "EPEC" whereby the City shall perform plan review and inspection services for the EPEC's new Operations Facility proposed for construction in the City's extraterritorial jurisdiction. **(All Districts)**
[City Development, Victor Morrison-Vega, (915) 541-4556]
- 3G.** That the Mayor be authorized to sign an Interlocal between the City of El Paso and the County of El Paso, Texas (the "County"), for the County to provide solid waste collection services at no cost to the City in those areas of City's extraterritorial jurisdiction that receive water from a County water system. **(All Districts)** [Environmental Services, Kurt Fenstermacher, (915) 621-6892]
- 3H.** That the City Manager be authorized to sign a Letter Agreement between the City of El Paso, a home rule municipal corporation (the "CITY") and the Whatcom Museum ("Museum") for the booking of the exhibition Vanishing Ice: Alpine and Polar Landscapes in Art, 1775-2012 to be located at the El Paso Museum of Art from June 1, 2014 through August 24, 2014. **(All Districts)**
[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4898]
- 3I.** That the City Manager be authorized to sign and submit the grant application for the Texas Auto Burglary Theft Prevention Authority FY2014 (ABTPA-14) project

to the Texas Department of Motor Public Safety including all understandings and assurances contained therein, in the amount of \$1,730,605, with a local cash match of \$443,688 and an in-kind match of \$1,691,771 for a total of \$3,866,064 for the purpose of continuing the efforts of the Police Department to reduce auto theft in the border community to ultimately improve the quality of life for the residents in the City of El Paso. **(All Districts)**
 [Police, Robert Feidner, (915) 564-7309]

4. NOTATION OF CAMPAIGN CONTRIBUTIONS:

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on March 25, 2013, in the amount of \$5,000 from E. C. Houghton, Jr.; in the amount of \$2,000 from Marlene and J.O. Stewart, Jr. ; on March 28, 2013, in the amount of \$500 from Joel Guzman; on March 29, 2013, in the amount of \$750 from Ronald Wallace; in the amount of \$1,000 from Robert Wingo; on April 1, 2013, in the amount of \$500 from M. Nicole and Rafael A. Adame, Jr.; in the amount of \$500 from Jorge Hernandez; in the amount of \$500 from Thomas Mayr; in the amount of \$2,500 from J W Rogers, Jr.; in the amount of \$500 from Phillip Rothstein; on April 2, 2013, in the amount of \$700 from Scott Adkins; in the amount of \$500 from Chris A. Cummings; in the amount of \$1,000 from Dr. Manuel C. and Francoise Feliberti; and in the amount of \$1,000 from Leonard Goodman, III.
 [Representative Steve Ortega, (915) 541-4124]

5. BID:

The award of Solicitation 2013-086 for Park Pond Improvements Group 1 – Galtzan Park to Spartan Construction of New Mexico, LLC, for an estimated total amount of 461,963.69.

Department:	Engineering and Construction Management
Award to:	Spartan Construction of New Mexico, LLC El Paso, TX
Option II:	\$461,963.69
Total Estimated Award:	\$461,963.69
Time for Completion:	150 Consecutive Calendar Days
Accounts:	190-28340-580270-4560-PCP12PRK01D0 – (City) 190-38030-580270-4970-PCP12PRK01D0 – (EPWU)
Funding Source:	2012-2013 Certificates of Obligation – CIP Plan, El Paso Water Utilities – Storm Water
District:	8

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are

necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder. [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

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 annexing the following real property described as a portion of Cherrington Street, southerly of Vista Del Sol Drive, within Gateway Estates, El Paso County, Texas. Subject Property: south of the Intersection of Vista Del Sol Drive and Cherrington Street, Property Owner: County of El Paso SUAX12-00001 **(East ETJ)** [City Development, Nelson Ortiz, (915) 541-4931]
- 6B.** An Ordinance vacating a 0.365 acre parcel in the Juan Maria Ponce De Leon grant, referred to as the Atchison, Topeka, and Santa Fe Railroad reservation, and being a portion of San Francisco Street (70 foot row), as shown on Mills map to the City of El Paso, El Paso County Texas, and Campbell's Addition, an addition to the City of El Paso, El Paso County, Texas. SURW13-00011 **(District 8)** [City Development, Raul Garcia, (915) 541-4935]

PUBLIC HEARING WILL BE HELD ON MAY 7, 2013, FOR ITEMS 6A – 6B

- 6C.** An Ordinance granting Special Permit No. PZST12-00024, to allow for a 100% Parking Reduction and Infill Development with reduced rear, side, and side street yard setbacks on the property described as Lots 15-16, Block 88, Bassett Addition, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 Special Permit and 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: 2500 Montana Avenue. Property Owner: AVSS Technologies, LLC. PZST12-00024 **(District 8)** [City Development, Andrew Salloum, (915) 541-4633]
- 6D.** An Ordinance granting Special Permit No. PZST13-00002, to allow for a helistop on the property described as Lots 6-15, Block 91, Alexander Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.240 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1800 N. Oregon Street. Property Owner: HCA Health Service. PZST13-00002 **(District 1)**
[City Development, Andrew Salloum, (915) 541-4633]
- 6E.** An Ordinance granting Special Permit No. PZST13-00006, to allow for Infill Development with reduced lot area, lot width, and cumulative front/rear yard setbacks on the property described as Lots 26-28, Block 3, Sahara Subdivision, 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: 9915, 9919, and 9923 Taj Mahal Street. Property Owner: David Velasco. PZST13-00006
(District 4) [City Development, Andrew Salloum, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON MAY 21, 2013, FOR ITEMS 6C – 6E

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

7. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2013-111R (Single Space Parking Meters) to Duncan Parking Technologies, Inc. for a total estimated award of \$1,107,550.

Department:	International Bridges
Award to:	Duncan Parking Technologies, Inc. Milwaukee, WI
Item(s):	All
Initial Term:	3 Years
Option:	3 Years
Initial Estimated Amount:	\$1,107,550.00 (Meter Mechanism & Components, Vehicle Sensors and 3 Years License, Maintenance and Transaction Fees)
Total Option:	\$ 342,900.00 (License, Maintenance and Transaction Fees)
Total Estimated Award:	\$1,450,450.00 (6 Years)
Account No.:	Internal Financing through the Bridges Enterprise Fund
Funding Source:	Internal Financing through the Bridges Enterprise Fund
Districts:	1, 3, and 8

This is a Request for Proposal (RFP), service contract.

That the City Council authorizes the City Manager to execute any and all documents related to this transaction to include budget transfers and accounting entries to recover those costs that can be capitalized over a period not to exceed the life of those assets being acquired.

The Financial Services - Purchasing Division and International Bridges recommend award as indicated to Duncan Parking Technologies, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

[Financial Services, Bruce D. Collins, (915) 541-4313]
 [International Bridges, Said Larbi-Cherif, (915) 533-7428]

REGULAR AGENDA – PUBLIC HEARINGS**8. CITY ATTORNEY:**

An Ordinance amending Ordinance No. 017886 which amended Title 12 (Vehicles and Traffic), Chapter 12.32 (Pedestrians) of the El Paso City Code by repealing Section 12.32.060 (Soliciting Rides or Business-Prohibitions) and adopted a new Section 12.32.063 (Solicitation Prohibitions) to amend Section 12.32.063(a) (Definitions) by amending the definition of aggressive manner and adding definitions of “intimidate” and “threatening conduct”, and amend Section 12.43.063(b)(1)(b) by deleting Sections 12.43.063(b)(1)(b)(i-vii) & (ix-x). **(All Districts)**

[City Attorney’s Office, Kenneth Krohn, (915) 541-4550]

9. CITY DEVELOPMENT:

NOTATION: Department is requesting deletion of this item due to previous City Council action on the Northwest Master Plan.

9A. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

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

POSTPONED FROM 9-20-11, 12-20-11, 1-24-12, 4-3-12, 5-29-12, 7-24-12 and 11-27-12

NOTATION: Department is requesting deletion of this item due to previous City Council action on the Northwest Master Plan.

9B. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

(All Districts) [Planning and Economic Development, Mathew McElroy, (915) 541-4663]

POSTPONED FROM 9-20-2011, 12-20-11, 1-24-12, 4-3-12, 5-29-12, 7-24-12 and 11-27-12

9C. An Ordinance granting Special Permit No. PZST12-00025, to allow for a transitional housing facility on the property described as Lots 11 - 13, Block 273, Campbell 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: 1020 Campbell Street. Property Owner: La Posada Home, Inc. PZST12-00025 **(District 8)**

[City Development, Andrew Salloum, (915) 541-4633]

POSTPONED FROM 3-05-13

9D. An Ordinance changing the zoning of all of Tract 3C, Block 47, Ysleta Grant, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9399 Alameda Avenue. Property Owner: Kathleen Louise Key. PZRZ12-00040 **(District 6)**

[City Development, Andrew Salloum, (915) 541-4633]

- 9E.** An Ordinance granting Special Permit No. PZST12-00018, to allow for infill development with reduced rear setback on the property described as a portion of Lots 30 through 32, Block 117, 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: 1216 Copia Street. Property Owner: Victor M. Olivas and Estela Herrera. PZST12-00018 **(District 2)**
[City Development, Andrew Salloum, (915) 541-4633]
- 9F.** An Ordinance changing the zoning of a portion of Section 6, Block 82, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from P-MD (Planned Mountain Development) to Q (Quarry) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Transmountain Road and east of Desert Boulevard. Property Owner: Jobe Materials, LP. PZRZ13-00005 **(District 1) THIS IS AN APPEAL REQUEST**
[City Development, Art Rubio, (915) 541-4633]
- 9G.** An Ordinance changing the zoning of all of Lot 2, Block 1, Keystone Business Park Replat "A", City of El Paso, El Paso County, Texas from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4529 Osborne Drive. Property Owner: Luis R. DeStefano. PZRZ12-00025 **(District 8)** [City Development, Andrew Salloum, (915) 541-4633]
[POSTPONED FROM 04-16-13]
- 9H.** An Ordinance changing the zoning of a portion of Lot 1, Sunnyfields, City of El Paso, El Paso County, Texas from R-4 (Residential) 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: 7704 Alameda Avenue. Property Owner: Roberto Pacheco. PZRZ12-00037 **(District 7)**
[City Development, Andrew Salloum, (915) 541-4633]
[POSTPONED FROM 04-16-13]
- 9I.** An Ordinance changing the zoning of the following legally described 586.04 acre tract of land including all of the Alamo Heights Subdivision; a portion of Blocks 70 and 71, and closed street between Blocks 73 through 101 of the Bassett Addition; all of Memorial Park; all of the Castle Heights Subdivision; Blocks 5, 7, 8, 16, 17, 19 and 20 of the Cotton Addition; all of the Supplemental Map of the Cotton Place Addition Replat 2, except Blocks 22, 23, and 31 through 35; Blocks 33 through 35, 45 through 48, 60 through 69, 76 through 85, 92 through 107, 120 through 123, 132 through 134, and 141 through 144 of Supplemental Map No. 1 of East El Paso; Blocks 21½ through 26, 35 through 40, 50 through 55, and 64 through 66 of the Highland Park Addition; Blocks 25 through 39 of the Manhattan Heights Addition; and all streets, alleys, highway and railroad right of ways located within these limits, all being located within the corporate limits of the City of El Paso, El Paso County, Texas from their current zoning district to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: Multiple. PZRZ13-00004 **(Districts 2 and 8)**
[City Development, Harrison Plourde, (915) 541-4114]
[POSTPONED FROM 04-16-13]

- 9J.** An Ordinance changing the zoning of the following legally described 528.58 acre tract of land including Kennedy Brothers Memorial; Gall Subdivision; Tracts 16A, 16B, 16C, 16D, 20, 20A, 21A, 21A1, 21B, 21B1, 21C, 21C1, 21C1C1, 21C1D, 21C1C2, 21C1B, 21C1B1, 21D, 21D1, 21E, 21E1, 21F, 21F1, 22A, 22B, 22B1, 22B1A, 23A, 23B, 23B1, 23B2, 23C, 23D, 28A, 28A1, 28B, 28C, 28D, 30B, 30C, Block 8, Ysleta Grant; Tracts 13A, 13B, 13D, Block 35 Ysleta Grant; Tract 26, Block 36, Ysleta Grant; Tracts 2, 3A, 3C, 3D, 3E, 4A, 5, 6A, 6B, 7A, 7B, 8A, 8B, 8C, 8D, 8E, 8F, 8F1, 8G, 8H, 8J, 8K, 10, 11A, 11B, 11B1, 11C, 11D, 11E, 11E1, 11E2, 11E1A, 11E1B, 11F, 11G, 11J, 11K, 11L, 11M, 11N, 11P, 11P1, 11R, 11S, 11T, 11U, 12, 12A, 13A, 13C, 13H, 14, 15, 16, 17, 17A, 18, 19, 19A, 20, 21A, 21B, 22B, 29A, 29B, 29B1, 29B1A, 29B1B, 29B1C, 29B1D, 29C, 30A, 30B, 30C, 32B, 32D, 33A, 33B, 34A, 34B, 35A, 35B, 37A, 38, 39A, 39B, 39C, 40, 41, 43, 44, 45, 46A, 46B, 46C, 46C1, Block 37, Ysleta Grant; Tracts 1, 2A, 2B1, 2B2, 2B3, 2B4, 2B5, 3A, 3B, 3C, 4A, 4C, 4C3, 4C4, 4C5, 4D, 4D1, 4D1A, 4D2, 4D2A, 4D3, 4D3A, 4D4, 4D4A, 4D5, 4D5A, 5, 18A, 18E, 18G, 18H, 19B, 19C, 19D, 19E, 19F, 19G, 19G1, 19G1B, 19H, 23A, 23B, 23B1, 23C, 23C1, 23D1, 24, Block 38, Ysleta Grant; Tracts 2, 3A, 3B, 3D, 4A, 4B, 4C, 4CA, 4C1B, 4D, 4D1, 4E, 4E1, 4F, 5C, 5C6, 6A, 6B, 6C1, 6C2, 7A, 8A, 8B, 9A, 9B, 10A, 10B, 10C, 10C1, 10C2, 10D, 10E, 10F, 10G, 10H, 11A, 11B, 12A, 12B, 12C, 13A, Block 39, Ysleta Grant; Tracts 3C, 3C1, 5B, 5C4, 5C6, Block 40, Ysleta Grant; Tracts 1, 2A, 2B, 3A, 3B, 3B1, 3B2, 3B3, 4B, 4D, 5, 6A, 6B, 7A2, 7B, 7C, 7D1, 7D, 7D2, 8A, 8A7, 8A9, 8A1, 8A1A, 8A2, 8A2A, 8A3, 8A4, 8A5, 8A6, 8A10, 8A11, 8K, 8M, 8O, 8S, 8V, 8U, 8Z, 8Y, 8W, 8W1, 8X, 8X1, 8X2, 8X5, 8X6, 8X3, 8X4, 9A, 9B, 9B1, 9B1B, 9B2, 9B3, 8B, 8B1, 8C, 8E, 8F, 8G, 8H, 8I, 8J, 8P, 8Q, 8T, 10C, 10C1, 10D, 10E, 11A, 11B, 12A, 12B, 12C1A, 12C1B, 12C3, 13, 14, 15, 16, 17A, 17B, 22F, Block 42, Ysleta Grant; Tracts 1A, 1B, 1C, 1D, 1D1, 1D2, 1D2A, 1D2C, 1E, 2, 3, 4, 5A, 5B1, 6A, 6B, 6C, 6D1, 6F, 6H, 6K, 6K1, 6J, 6I, 6L, 7A, 7C, 8, 9, 10, 12, 14A, 15, Block 43, Ysleta Grant; Tracts 1A, 1B1, 1C, 1D, 2A, 2B, 3, 4, 5, 6, 6A, 6B, 6C, 7A, 7B, 11B, 12, 13B, 13C, 13D, 15, 16, 17, 18, 19A, 19B, 19B1, 19C, 20, Block 44, Ysleta Grant; Tracts 1, 2A, 2B, 3, 5, 6, 7, 9B, 9B1, 9B2, 9B3, 9C, 10A, 10B, 10D, 10C, 10E, 11, 12A, 12B, 12C, 13, 14A, 14B, 15A, 15B1, 15B3, 16B, 16D, 16E, 16F, 16G, 16J, 23A, 23B, 24, 25A, 25B, 26, 27A, 28, 30A, 31, 32, 33A, 33C, 33B, Block 45, Ysleta Grant; Tracts 1A, 2A, 2C, 3A, 3B, 3D, 3E, 3F, 3F1, 3F2, 3F3, 3J, 3G, 3H, 5, 5A, 6, 7, 8A, 9B, 9C, 10B, 10B1, 10C1, 10C1A, 10C1B, 10C, 10C2, 10C3, 10C3A, 10C4, 10C5, 10C6, 10C7, 10C8, 10C8A, 10C9, 10C10, 10C11, 10C11A, 10C12, 10C12A, 10C13, 10C14, 10C14A, 10D, 10D1, 10D3, 10E, 10J, 10I, 10F, 10F1, 10G, 10H, 10I1, 10L, 10L1, 11, 12A, 12A1, 12A1A, 12B, 12C, 12C1, 12C1A, 12C2, 12C4, 12C5, 12C6, 12C4A, 12D2, 12D4, 12E, 12E2, 12G1A, 12G2, 12F, 12H, 12H1, 12H4, 12H5, 12H6, 12J, 12K, 12L, 12L1, 12L2, 12N, 12O, 12P, 12Q, 12R, 12R1, 12R1A, 12R2, 12S, 12S1, 12T, 12U, 12U1, 12U2, 12V, 12V1, 13A, 13A1, 14A1, 14B, 15A, 15B, 15B1, 15C, 15D, 16, 17A, 17A1, 18A, 18B, 18B1, 18C, 19, 20, 21, 22, 23A, 23A1, 23B, 23B1, 24, 24A, 25, 26, 27A, 27A1, 27C, 27D, 27D1, 28A, 28B, 28C, 29, 30, Block 46, Ysleta Grant; Tracts 6E, 6F, 6F1A, 6F1B, 6F2, 6F3, 6F3A, 6F2A, 6F2B, 6F2B1, 6F2B2, 6F2C, 6F4, 6F4A, 6F4B, 6F4B1, 6F5, 6F5A, 7A1, 7A2, 7B, Block 47, Ysleta Grant; Tracts 1B, 2, 2A, 3A, 3B, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 5B, 7, 8, 9A, 11A, 12, 13A, 13B, 15, 18, 19A, 9A1, 19B, 19B1, 20, 21, 22, Block 48, Ysleta Grant; Tracts 10, 11, 12, 12A, 12A1, 12B, 12D, 13, Block 49, Ysleta Grant; Apodaca Subdivision; Lots 55 through 74, a portion of Lot 1, Lots 2 through 25, and Lots 49 through 54, Alexander Addition to Ysleta; Lone Star Subdivision; Estrada Replat A; Valumbrosa, Lots 1 through 11, Lots 13 through 33, Lots 34 through 42, Block 1, and Lots 12 through 21, Block 2; Valumbrosa Replat; Home Improvement No. 1; Home Improvement No. 2; Indian Town Subdivision; Frymuth Subdivision; J.R. Lopez Subdivision; Lots 1 through 16, Lots 17 through 32, and Lots 33 through 49, North Valumbrosa; Lots 101 through 110, North Valumbrosa No. 2; a portion of Tract 1 and Tracts 2 through 10, Franklin

Place; a portion of Tract 11 and Tracts 12 through 22, Franklin Place Replat; Tracts 25 through 31 and Tracts 16 through 24, Sunland Gardens; Tracts 3 through 17 and Tracts 18 through 33, Block B, Spohr Addition; Tract 12 and a portion of Tract 13, Spohr Addition; Arizona Subdivision; Lydia Dixon; Lydia Dixon No. 2; Gemotes; Shanks Carpenter; Shanks Carpenter Replat A; Yoshida Subdivision; Lots 1 through 5, Block 1, and a portion of Lot 25, Block 1, and Lots 4, 5, and 6, Block 2, Frutas Place; Pullman Subdivision; Harris Subdivision; Carpenter & Ammons; Trice; Phelps; Phelps Replat of Lot A; Valle Hermosa; and a portion of Lot 2, Block 24, Capistrano Park Unit Four as described in Volume 1279, Page 1443 and Volume 2379, Page 2053, Real Property Records of El Paso County, Texas, from their current zoning district to SCZ (SmartCode Zone); the penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: Multiple. PZRZ12-00036 **(District 6)**
 [City Development, Harrison Plourde, (915) 541-4114]
 [POSTPONED FROM 04-16-13]

- 9K.** An Ordinance granting a Special Privilege license to Texas Tech University Health Sciences Center for the construction, maintenance, use and repair of a surface parking lot within portions of City right-of-way along Alberta Avenue beneath the Reynolds Street overpass bridge for a term of four years with a renewable four year term followed by an additional two year term (NESV12-00039) **(District 3)** [City Development, Mirian Spencer, (915) 541-4482]

10. FIRE:

- 10A.** An Ordinance granting a franchise to Dominion Ambulance, LLC to operate a non-emergency ambulance transfer service. **(All Districts)**
 [Fire Department, Sam Pena, (915) 485-5600]
- 10B.** An Ordinance granting a franchise to Elite Medical Transport of Texas, LLC to operate a non-emergency ambulance transfer service. **(All Districts)**
 [Fire Department, Sam Pena, (915) 485-5600]
- 10C.** An Ordinance granting a franchise to Life Ambulance Service, Inc. to operate a non-emergency ambulance transfer service. **(All Districts)**
 [Fire Department, Sam Pena, (915) 485-5600]

11. MASS TRANSIT:

- 11A. 1.** An Ordinance amending Ordinance Nos. 016796, 016927, 016928, 016793, 016795, 016929 in their entirety, granting a non-exclusive franchise to El Paso Bench ADS, LLC, to place benches at bus stops on city rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)**
 [Mass Transit, Jay Banasiak, (915) 534-5810]
- 2.** An Ordinance amending Ordinance No. 016925 in its entirety, granting a non-exclusive franchise to River Elms, LLC, to place benches at bus stops on city rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)**
 [Mass Transit, Jay Banasiak, (915) 534-5810]
- 3.** An Ordinance amending Ordinance No. 016794 in its entirety, granting a non-exclusive franchise to Pinnacle Media, LLC, to place benches at bus stops on

city rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)**
[Mass Transit, Jay Banasiak, (915) 534-5810]

12. CITY DEVELOPMENT:

- 12A.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.44 (Grading), Section 18.44.150 (Work Hours Specified), of the El Paso City Code, to provide a permit process for after hours grading, the penalty being as provided in Sections 18.02.111 (Violations and Penalties) and 18.44.201 (Penalty – Severability) of the El Paso City Code. **(All Districts)**
[City Development, Mathew McElroy, (915) 541-4193]
- 12B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building And Construction Administrative Code), of the El Paso City Code, to add Section 18.02.105.20.1 establishing construction work hours and providing a permit process for after hours construction work, the penalty being as provided in Section 18.02.111 (Violations And Penalties) of the El Paso City Code. **(All Districts)** [City Development, Mathew McElroy, (915) 541-4193]
- 12C.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.120 (Exemptions), Paragraph D (Exemptions Associated with Construction) of the El Paso City Code, to amend the exemption for construction during established construction work hours and to provide a permit process for exemption for construction after hours, legal holidays and weekends, the penalty being as provided by Section 9.40.140 (Violation - Penalty) of the El Paso City Code. **(All Districts)** [City Development, Mathew McElroy, (915) 541-4193]

REGULAR AGENDA – OTHER BUSINESS

13. CITY DEVELOPMENT:

- 13A.** Discussion and action that Schedule C, attached to the FY 2013 Budget Resolution and effective September 1, 2012, shall be amended as set forth in Attachment A to the Resolution Amending Schedule C for the City of El Paso FY 2013 Budget, to establish the amounts of permit fees related to the newly established permits for after hours construction, after hours grading and after hours noise exemption and made necessary by the proposed revisions to Title 9 (Health and Safety) and Title 18 (Building and Construction). **(All Districts)**
[City Development, Mathew McElroy, (915) 541-4193]
- 13B.** 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 AND 04-02-13]
- 13C.** Presentation and discussion by Project Arriba on a mid-year report on status of fundraising activities during the fiscal year, use of grant funds and progress in the performance measures required under the agreement with the City of El Paso. **(All Districts)** [City Development, Marty Howell, (915) 383-8217]

14. MUSEUMS AND CULTURAL AFFAIRS:

Discussion and action on a Resolution that the Mayor be authorized to sign an Agreement by and between the City of El Paso, a home rule municipal corporation (the "CITY") and Tigua Tribe of Ysleta del Sur Pueblo, Tribal Empowerment Department ("Tigua Tribe") to provide for an exhibition and educational opportunities at the El Paso Museum of History (the "Program"), which would serve the public purpose and governmental purpose of providing cultural experiences and enhances museum services to the residents and visitors of El Paso. **(All Districts)**

[Museums and Cultural Affairs, Sean McGlynn, 915-541-4898]

15. CITY MANAGER:

City Manager's report of current events and issues:

Presentation and discussion on the 2nd Quarter Financial Report for FY 2013.

[City Manager's Office, Carmen Arrieta-Candelaria, (915) 541-4527]

16. MAYOR AND COUNCIL:

Discussion and action for City Staff to issue two separate City Development Department initiated "Request for Proposals" for the disposition and redevelopment of City owned properties located at 216 S. Florence Street and 700 W. San Francisco Street.

[Representative Cortney 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 |

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.

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