

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

REVISED

AGENDA FOR REGULAR COUNCIL MEETING

May 1, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
April 30, 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 Clift Barnes

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. National Visiting Nurse Association Week
2. Older Americans Awareness Month
3. GenTX Day
4. Opportunity Days in El Paso, Texas
5. May Day – An El Paso CPR Training Event

RECOGNITIONS

1. Jimmy Torres and Juan Varela – Highway Angels
2. Elaine S. Hengen – Star on the Mountain Award
3. Eric Shelton, Assistant Chief, El Paso Police Department
4. Winners of the Recycle Right Video Contest

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 24, 2012 and the Special City Council Meeting of April 18, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. BOARD RE-APPOINTMENT:

Paula Villalobos-Jimenez to the Ethics Review Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4515]

4. BOARD APPOINTMENTS:

4A. Isela Ocegueda to the Museums and Cultural Affairs Department Advisory Board by Representative Michiel R. Noe, District 5. [Representative Michiel R. Noe, (915) 541-4701]

4B. Cesar Gomez to the Historic Landmark Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

REGULAR AGENDA - INTRODUCTIONS

5. 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.**

- 5A.** An Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; adopting said amendments as required by Section 311.011(E) Texas Tax Code. **(District 8)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

PUBLIC HEARING WILL BE HELD ON MAY 15, 2012, FOR ITEM 5A

- 5B.** An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.080 (Animal facilities, animal kennel, animal training facility, veterinary treatment center, clinic or hospital), Appendix A (Table of Permissible Uses) of the El Paso City Code to allow Animal facilities, animal kennel, animal training facility, veterinary treatment center, clinic or hospital in M-1 (Light Manufacturing Zone District). 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]

PUBLIC HEARING WILL BE HELD ON MAY 29, 2012, FOR ITEM 5B

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

6. PLANNING AND ECONOMIC DEVELOPMENT:

- 6A.** An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code, to add a section establishing standards for an environmental and wildlife research conservancy overlay. 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]
- 6B.** An Ordinance amending Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.030 (Nonconforming Uses), Section 20.22.040 (Nonconforming Structures), and Section 20.22.070 (Registration and Certificate of Occupancy Required) of the El Paso City Code, to revise the registration procedures for a non-conforming building or use. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Linda Castle, (915) 541-4029]

- 6C.** An Ordinance granting special permit No. PZST12-00001, to allow for a planned residential development overlay with reduced cumulative setbacks on Lots 4 through 24, Block 36, Sandstone Ranch #8, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Northtowne Village Joint Venture. Subject Property: North of Marcus Uribe Drive and West of Sean Haggerty Drive. PZST12-00001 **(District 4)**
[Planning and Economic Development, Michael McElroy, (915) 541-4238]
- 6D.** An Ordinance changing the zoning of Tracts 9A1, 9A1A and 9A2, Block 79, Section 32, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Montana Avenue and west of Dominican Street. Property Owner: Acala Investments, LLC. PZRZ12-00001 **(District 5)**
[Planning and Economic Development, Michael McElroy, (915) 541-4238]
- 6E.** An Ordinance granting Special Permit No. PZST11-00013, to allow for infill development with reduced lot width on the property described as all of Lots 21 and 20 Except the Westerly 3 Feet of 20, Block 73D, Logan Heights Addition First Revised Plat, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3604 Keltner Avenue. Property Owner: Stone Nest LLC. PZST11-00013 **(District 2)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
POSTPONED FROM 3-6-2012 AND-4-3-12

7. ENGINEERING AND CONSTRUCTION MANAGEMENT:

An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Sections 5.13.040 (Permit Term) and 5.13.050 (Permit Renewal) of the El Paso City Code to provide an option for a one year permit in certain cases, the penalty being as provided in Chapter 1.08 of the El Paso City Code.
(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

8. DEPARTMENT OF TRANSPORTATION:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule I - One-Way Streets) of the El Paso City Code, to delete San Antonio Avenue from El Paso Street to Florence Street, 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]

9. FIRE

- 9A.** An Ordinance granting a franchise to Life Ambulance Service Inc. to operate a non-emergency ambulance transfer service. **(All Districts)**
[Fire, Otto Drozd, (915) 485-5605]
- 9B.** An Ordinance granting a franchise to Elite Medical Transport to operate a non-emergency ambulance transfer service. **(All Districts)**
[Fire, Otto Drozd, (915) 485-5605]

- 9C.** An Ordinance granting a franchise to Dominion Ambulance, LLC to operate a non-emergency ambulance transfer service. **(All Districts)**
[Fire, Otto Drozd, (915) 485-5605]
- 9D.** An Ordinance granting a franchise to American Medical Response Ambulance Service, Inc. to operate a non-emergency ambulance transfer service.
(All Districts) [Fire, Otto Drozd, (915) 485-5605]

REGULAR AGENDA – OTHER BUSINESS

10. MAYOR AND COUNCIL:

- 10A.** Discussion and action on a resolution that the City of El Paso strongly opposes the decision made by the Chancellor and requests that the Board of Regents reverse the Chancellor's decision and reinstate the Julio César Chávez, Jr. vs. Andy Lee fight scheduled to take place at the UTEP campus Sun Bowl Stadium on June 16, 2012. **(All Districts)** [Mayor John F. Cook, (915) 541-4145]
- 10B.** Discussion and action concerning council direction as it relates to the city's current shared funding practices for school zones.
[Representative Steve Ortega, District 7, (915) 541-4124]

11. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action on a request from Ray Mancera, on behalf of Jose de la Torre, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a daycare for the property located at 2921 George Dieter #F. (District 5)
[Planning and Economic Development, Michael McElroy, (915) 541-4238]

12. ENVIRONMENTAL SERVICES:

Discussion and action on the Annual Sustainability Plan Progress Update.
(All Districts) [Environmental Services, Marty Howell, (915) 541-4925]

ITEMS 12 AND 13 TO BE HEARD AT 10:00 A.M. OR LATER

REGULAR AGENDA - PUBLIC HEARING

13. COMMUNITY AND HUMAN DEVELOPMENT:

Public Hearing on the adoption of the Proposed 2012-2013 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 38th Year Program, the Emergency Solutions Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program, and the Housing Opportunities for Persons with AIDS (HOPWA) Program. **(All Districts)**
[Community and Human Development, William L. Lilly, 541-4643]

REGULAR AGENDA – OTHER BUSINESS

14. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that the City Council, having conducted a Public Hearing and received comment, hereby adopts the Proposed 2012-2013 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 38th Year Program, the Emergency Shelter

Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program and the Housing Opportunities for Persons with AIDS (HOPWA) Program, and hereby directs that the notice of availability, including the Proposed 2012-2013 Annual Action Plan Budgets for the CDBG, ESG, HOME and HOPWA Programs, be published in the El Paso Times on Sunday, May 6, 2012, to provide the public with an opportunity to review the Proposed 2012-2013 Annual Action Plan, including the Proposed Budgets, and submit comments to the Department of Community and Human Development. The deadline for submission of written comments will be 6:00 p.m., on Thursday, June 7, 2012. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 19, 2012, for the purpose of receiving comments from the public and adopting the Final 2012-2013 Annual Action Plan, including the CDBG, ESG, HOME and HOPWA Budgets, for submission to the U.S. Department of Housing and Urban Development. **(All Districts)**

[Community and Human Development, William L. Lilly, (915) 541-4643]

15. CITY MANAGER'S UPDATE:

Discussion and action on downtown fire after incident report, internal review of current codes and protocols, recommendations for code and other protocol changes, due process issues and preventive inspections for downtown commercial properties, and other related topics.

[Deputy City Manager David Almonte, Fire Chief Otto Drozd, and other staff]

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

Discussion and action on the following:

EX1. Discussion and action on Cause No. 2011-1886, City of El Paso, Texas v. Currey Adkins Cook. (55.071) [City Attorney's Office, Kenneth A. 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/>