

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

May 15, 2007
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*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.

Invocation – Reverend Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. BINATIONAL MUSEUMS WEEK**
- 2. PATSY KIMBLE DAY**
- 3. CHILDREN'S MENTAL HEALTH DAY**
- 4. NATIONAL TOURISM 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 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.

Requests to speak must be received by 9:00 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 May 8, 2007, and the Special City Council Meetings of May 4, 2007 (ASARCO), and May 8, 2007 (District 5 Discretionary Funds). [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 Surrender of Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Aerolitoral S.A. De C.V. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. The City Council of the City of El Paso hereby adopt amended standards for Department of Community and Human Development loan delinquency management in connection with (1) Loan Restructuring in Lieu of Foreclosure; and that the Director of Community and Human Development be authorized to take any and all action consistent with this Resolution necessary to remedy such delinquencies. **(All Districts)**
[Community and Human Development, William Lilly. (915) 541-4241]

3C. That the City Manager be authorized to sign a Multiple-Use Agreement between the City of El Paso and the State Of Texas, by and between the Texas Department Of Transportation, to permit the construction, maintenance, and operation of a public underground storm sewer on the highway right-of-way on Mesa Street and Coronado Ditch. **(Districts 1 and 8)**
[Engineering, Javier Reyes, (915) 541-4630]

3D. That the Solid Waste liens on the attachment posted with this agenda be approved. **(All Districts)** (See Attachment A).
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3E. That the City Manager be authorized to sign the grant application, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$50,000 from the City of El Paso Police Department to the Office of the Attorney General, Crime Victim Services Division, for the purpose of continuing the efforts of the El Paso Police

Department's Other Victim Assistance Grants (OVAG) program. The City of El Paso agrees to provide a cash match of \$33,984. Confiscated Funds, Account #21150060-500231-16371, for a total of \$83,984. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]

3F. That the City Manager be authorized to sign the grant application, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$39,000 from the City of El Paso Police Department to the Office of the Attorney General, Crime Victim Services Division, for the purpose of continuing the efforts of the El Paso Police Department's Victim Coordinator and Liaison Grants (VCLG) program. The City of El Paso agrees to provide a cash match in the amount of \$7,694. Confiscated Funds, Account #21150060-500231-16371, for a total of \$46,694. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]

4. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment B)

5. BID:

Request rejection of all bids for Solicitation No. 2007-145, Zaragosa Bridge DCL Safety Lighting, as recommended by Financial Services - Purchasing Division, Engineering, and Streets Departments due to the bids being advertised without federal clauses and certifications because the federal funding source was not identified.
[Engineering, Rick Talamo, (915) 541-4884]

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 authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 4708 Atlas Avenue, as more particularly described in the Ordinance, to Jose M. Uresti in accordance with Section 34.05. **(District 2)**
[Tax Office, Carmen I. Perez, (915) 545-5481]

6B. An Ordinance granting a Special Privilege to Government Employees Credit Union (GECU) permitting the encroachment of two subsurface storm drain pipelines beneath a portion of public right-of-way on Robert E. Lee Road. Fee: \$1,760.00. SP-06007 **(District 3)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

6C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts) and Section 12.88.180 (No Stopping or Standing – Tow-Away Zone) of the El Paso City Code to add an area on Campestre Lane. The

penalty being as provided in Section 12.88.180F (Violation - Penalty) of the El Paso City Code. **(District 7)**

[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON MAY 29, 2007, FOR ITEMS 6A – 6C

- 6D.** An Ordinance changing the zoning of Lots 27 and 28, Block 72, Government Hill, City of El Paso, El Paso County, Texas, from C-1/H (Commercial/Historic) to R-4/H (Residential/Historic). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 4308 Hueco Avenue. Applicants: Will Dylan Investments, Inc. ZON07-00020 **(District 2)**

[Development Services/Planning, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON JUNE 5, 2007, FOR ITEM 6D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 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 Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

7. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 7A.** An Ordinance changing the zoning of a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Casa Drive and North of Montana Avenue. Applicant: Casa Ford Lincoln Mercury. ZON07-00006 **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 7B.** An Ordinance changing the zoning of the following real property described as: Parcel 1: Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 3: A portion of Tracts 1A, 2, and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Dyer Street and North of Ashley Road. Applicant: MIMA Properties, LLC and Newman Ranch Partners, LP. ZON07-00016 **(District 4)**

[Development Services/Planning, Melissa Granado, (915) 541-4730]

POSTPONED FROM 05-08-07

REGULAR AGENDA – OTHER BUSINESS

8. MAYOR AND COUNCIL:

- 8A.** Discussion and action to direct that the City Manager evaluate and submit staff recommendations to the City Council for the purpose of issuing a variance to Alamo Fireworks, Inc. located at 13690 Montana Avenue.
[Representative Presi Ortega, Jr., (915) 541-4701]
- 8B.** Discussion and action on a Resolution of the City Council of the City of El Paso, Texas, El Paso County, Texas, supporting passage by the Texas Legislature of House Bill 3181 regulating the stoppage of trains blocking streets, railroad crossings, or public highways.
[Representative Beto O'Rourke, (915) 541-4268]

9. FINANCIAL AND ADMINISTRATIVE SERVICES:

Discussion and action that the City Manager be authorized to sign a Memorandum of Agreement by and between the City of El Paso and the Firemen and Policemen Pension Fund, El Paso, Texas, relating to the resolution of the underfunding of the Fund..
(All Districts) [Financial and Administrative Services, William Studer, (915) 541-4215]

10. CITY MANAGER:

City Manager's report of current events and issues:

- 10A.** Discussion and action on issues related to Storm 2006.
[Development Services, R. Alan Shubert, (915) 541-4557]
- 10B.** Overview of the project management services provided for the 2000 Quality of Life Bond Program by Perspectiva + 3D/International (P+3). **(All Districts)**
[Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]
- 10C.** Discussion and action on an overview of the proposed regulations submitted by the Building & Zoning Advisory Committee and the City Plan Commission pertaining to zoning, landscaping, and licensing regulations. **(All Districts)**
[Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]
- 10D. 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.**

- 10D1.** An Ordinance amending Title 20 (Zoning) of the El Paso City Code by replacing Title 20 (Zoning) in its entirety in order to establish zoning regulations; create use districts in accordance with the comprehensive plan; regulate within such districts the height, bulk and use of buildings and structures, the size of yards, open spaces, use of land for commercial, industry, residence, and other purposes; adopting a zoning district map; provide for the role and authority of the City Plan Commission, Zoning Board of Adjustment and City Council; regulate the density of dwellings and other structures and the percentage of lot that

may be occupied by structures; provide for site plan approval; provide for nonconforming uses and structures; define certain terms as used within this ordinance; provide for special use permits; specify minimum requirements for off-street parking of motor vehicles and off-street loading areas; provide for overlay districts; provide for development standards for all uses; provide for regulations regarding signage; provide for enforcement including penalties of a fine not to exceed \$2,000 or civil penalty not to exceed \$500 for each and every offense; provide for injunctive relief; and provide for the following: findings of fact; repealer; severability, effective date; and proper notice and a hearing.

(All Districts)

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 10D2.** An Ordinance amending Title 18 (Building and Construction) of the El Paso City Code by creating Chapter 18.46 (Landscape) in order to establish the minimum standards for installation and maintenance of irrigation and landscape within the corporate limits of the City; and providing for a criminal penalty, Class C misdemeanor not to exceed two thousand dollars (\$2,000) and civil penalty up to five hundred dollars (\$500) for violation of the Code. **(All Districts)**

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 10D3.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02. (Building and Construction Administrative Code), Section 18.02.109 (Permit Fees), Subsection 18.02.109.2.5 (Plan Deposit) of the El Paso City Code to delete the exception for a deposit for a sign permit, the penalty being as provided in Section 18.02.107 of the El Paso City Code. **(All Districts)**

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 10D4.** An Ordinance amending Title 9, Health and Safety, of the El Paso City Code by deleting Chapter 9.20 (Tree Pest Control) in its entirety. **(All Districts)**

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 10D5.** An Ordinance amending Title 9 (Health and Safety) of the El Paso City Code by adding Chapter 9.11, Tree Care, which will define the care, destruction, and planting of trees located on City property and to prevent certain hazards and nuisances created by trees located on private property, the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code. **(All Districts)**

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 10D6.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.30 (Construction Board of Appeals), Section 2.30.060 (Powers) of the El Paso City Code to add additional powers to the Construction Board of Appeals. **(All Districts)**

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 10D7.** An Ordinance amending Title 5 (Business Taxes, Licenses, and Regulations) of the El Paso City Code by adding Chapter 5.30 (Flea Market Operator Permit), Chapter 5.34 (Home Occupation License) and Chapter 5.94 (Sign Permit Fees, Licenses, and Bonds) in order to set

forth the requirements for licensing, permits, fees, and revocation of such licenses. Providing for a criminal penalty of a Class C misdemeanor and a fine not to exceed two thousand dollars (\$2,000); and a civil penalty not to exceed five hundred dollars (\$500) per day. **(All Districts)**
[Development and Infrastructure Services, Patricia D. Aduato, (915) 541-4853]

PUBLIC HEARING WILL BE HELD ON JUNE 5, 2007, FOR ITEMS 10D1 – 10D7

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.) 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. Alfred Corona vs. City of El Paso; Cause No. 2003-5296. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550] **POSTPONED FROM 05-08-07**

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 FRIDAY AT THE ADDRESS BELOW:

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