

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

June 5, 2007
Council Chambers, City Hall
9:00 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.

9:00 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. **WILLIAM BEAUMONT ARMY MEDICAL CENTER (WBAMC)
CANCER SURVIVOR'S AWARENESS DAY**
2. **BRITTANY ENDLICH 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 29, 2007, and the Special City Council Meeting of May 31, 2007 (Tri-City).
 [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 the First Amendment to a Professional Services Agreement by and between the City of El Paso and Dunkin, Sefko & Associates, Inc., for a project known as the Subdivision Ordinance Update amending the Scope of Work to include additional tasks, to increase the amount of total compensation by an additional \$28,080, and extending the term of the Agreement to August 30, 2007. **(All Districts)**
 [Development Services/Planning, Kelly Carpenter, (915) 541-4139]
- 3B.** That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Halff Associates for a project known as City of El Paso Annexation and Undeveloped Areas Assessment and Strategy - Phase II in an amount not to exceed \$389,250. **(All Districts)**
 [Development Services/Planning, Kelly Carpenter, (915) 541-4193]
- 3C.** 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]
- 3D.** That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Salvador Gonzalez-Ayala to employ Salvador Gonzalez-Ayala as a Transportation Planning & Program Manager for the Metropolitan Planning Organization at a biweekly rate of \$3,846.15. The term of the contract shall be for the period of July 1, 2007, through June 30, 2008. Funding Source: 68150009-501011-68000-G780703. **(All Districts)**
 [Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]

4. SPECIAL APPOINTMENTS:

Appointment of Hadley A. Huchton as Assistant City Attorney effective July 9, 2007, and appointment of Bertha A. Ontiveros as Assistant City Attorney effective July 2, 2007. **(All Districts)** [Charlie McNabb, City Attorney; 915-541-4550]

5. DISCRETIONARY FUNDS:

Authorization to disburse \$1,000 from District 5 Discretionary Funds (Account No. 504420, Dept. ID 01153007, Fund 16505, Project PD50426) as stated in the Donation Agreement approved between the City on behalf of Parks and Recreation Department, and Playground Connection on July 26, 2005. [Representative Presi Ortega, (915) 541-4701]

6. APPLICATIONS FOR TAX REFUND:

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

7. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2007-160R (Services to Provide Retail Market Analysis and Best Retail Matches) to The Buxton Company for a total award of \$70,000.

Department:	Economic Development
Award to:	The Buxton Company Fort Worth, TX
Items:	All
Account No.:	72010268 – 01101 - 502215
Funding Source:	Economic Development, Operating Account, Outside Contracts
Total Award:	\$70,000
Districts:	All

The Departments of Financial Services and Economic Development recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. 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.**

8A. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) to transfer the enforcement authority over bus bench franchises to the Mass Transit Department and transfer all required franchise payments to the Mass Transit Department. **(All Districts)**
[City Attorney's Office-Raymond L. Telles-541-4550]

- 8B. An Ordinance granting to Paul Berube a non-exclusive franchise for litter receptacles on sidewalks and other City property. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 8C. That the Mayor be authorized to sign an Ordinance granting a franchise for Elite Medical Transport to operate a Non-Emergency Ambulance Transfer Service. **(All Districts)** [Fire Department, Janet Walker, (915) 771-1000]
- 8D. That the Mayor be authorized to sign an amendment to the Ordinance for Sun City Ambulance Service, Inc., dba Rio Grande Ambulance Service, to provide an amendment to the rate schedule. **(All Districts)**
[Fire Department, Janet Walker, (915) 771-1000]

PUBLIC HEARING WILL BE HELD ON JUNE 12, 2007, FOR ITEMS 8A – 8D

- 8E. An Ordinance changing the zoning of a portion of Tracts 1B4, 3, and 8, O. A. Danielson Survey #315, City of El Paso, El Paso County, Texas, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Rojas Drive and west of Joe Battle Blvd. Applicant: Rumanas, L.P. ZON07-00025 **(District 7)** [Development Services/Planning, Frank Delgado, (915) 541-4238]
- 8F. An Ordinance changing the zoning of Lot 2, Block 1, A & M Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) and R-F (Ranch-Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Interstate Highway 10 and east of Joe Battle Blvd. Applicant: Cinco Properties, LP. ZON07-00026 **(District 7)** [Development Services/Planning, Frank Delgado, (915) 541-4238]

PUBLIC HEARING WILL BE HELD ON JUNE 26, 2007, FOR ITEMS 8E – 8F

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

9. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 9A. 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]

- 9B.** 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 AND 05-15-07 AND 5-29-07
- 9C.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to remove the proposed minor arterial between the proposed extensions of Pebble Hills and Rich Beem. **(District 5)** [Development Services, Chuck Kooshian, (915) 541-4632] POSTPONED FROM 05-29-07
- 9D.** An Ordinance vacating a portion of a 20-foot alley abutting Lots 1,2, 3, 4, and Lots 24, 25, 26, out of Block 89-A, Logan Heights Addition, City of El Paso, El Paso County, Texas. Subject property: East of Alabama Street and North of Fred Wilson Avenue. Applicant: City of El Paso. **(District 2)**
[Development Services/Planning, Christina Stokes, (915) 541-4627]
- 9E.** 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]

- 9F.** 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]
- 9G.** 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]
- 9H.** 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]
- 9I.** 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]
- 9J.** 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]
- 9K.** 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. Aauto, (915) 541-4853]

10. PUBLIC HEARING – MAYOR AND COUNCIL:

An Ordinance limiting the use of the Power of Eminent Domain on non-blighted private property in the redevelopment districts of the Downtown 2015 Plan. **(District 8)**
 [Representative Melina Castro, (915) 541-4400]
 POSTPONED FROM 03-27-07 AND 04-03-07

11. PUBLIC HEARING – ECONOMIC DEVELOPMENT:

An Ordinance repealing Ordinance Number 013472 which authorized the Twelve Travelers Review Committee and provided for the appointment of and defined the duties of members of the committee. **(All Districts)**

[Economic Development, Kathryn Dodson, (915) 541-4670]

12. PUBLIC HEARINGS – FINANCIAL SERVICES:

12A. An Ordinance authorizing the City of El Paso to Quitclaim a 1.6529 acre parcel, more or less, being a portion of the O.A. Danielson Survey No. 315, El Paso County, Texas, to Crinco Lands, Ltd. **(District 6)**

[Financial Services, Gonzalo Cedillos, (915) 541-4074]

12B. An Ordinance authorizing the City of El Paso to sell a 0.596 acre parcel, more or less, being all of Lot 1 and portions of Lots 2, 3, 4, 5, 24, 25, 26 and a portion of tract 1 and a portion a 20-foot alley (vacated), Block 89-A, Logan Heights Addition, El Paso, El Paso County, Texas, to Rick Marquez. **(District 2)**

[Financial Services, Gonzalo Cedillos, (915) 541-4074]

13. PUBLIC HEARING – PARKS AND RECREATION:

13A. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090a. (Bonus Reduction Applicability) to provide regulations for bonus reduction, if any, for private park amenities provided within single-family, two-family, and multi-family development and specifying the criteria, and amending Subsection 19.12.120 (Applicability) to address the applicability of the amendment, the penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)** [Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

13B. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) to prohibit applicability in underserved park zones, to add a requirement concerning necessary improvements, and to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development and amending Subsection 19.12.120 (Applicability) to address the applicability of the amendment, the penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)** [Representative Steve Ortega, (915) 541-4124] **POSTPONED FROM 05-22-07**

REGULAR AGENDA – OTHER BUSINESS

14. MAYOR AND COUNCIL:

Discussion and action to file a complaint with the Federal Communications Commission against T-Mobile for their failure to comply with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties in the installation of a cell tower located at 2219 Piedras Street.

[Representative Susie Byrd, (915) 541-4996]

15. DEVELOPMENT SERVICES:

Discussion and action for Quail Park Subdivision to obtain permission from the City Council for a Conditional "B" permit as per Section 18.02.103.1.1.6., Prerequisite to Issuance of Permits. **(District 4)**
[Development Services, R. Alan Shubert, (915) 541-4557]

16. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.
[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

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:

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/>