

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

**June 7, 2011
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.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
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 – Police Chaplain Clift Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

1. El Paso Giants: El Paso's Mayors Day
2. Flag Observance Day
3. El Paso Night Shift Nights

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 31, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. A Resolution that the City of El Paso's Design Standards for Construction Manual, Section 5 (Earth Retention and Erosion Control) be amended to add page 5-5 Slope Drainage Bench and Down Drains.. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4428]

3B. A Resolution approving a detailed site development plan for all of Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1451 Redd Road. Applicant: EZAR Properties, L.P. PZDS11-00003 **(District 1)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

3C. Resolutions authorizing

1. The City Manager to sign an Annexation Agreement between the City of El Paso and River Oaks Properties, Ltd., for 7.161 acres of real property located east of Zaragoza Road and south of Gambusino Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property. That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. AN08002 **(East ETJ)**
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

2. The City Manager to sign an Annexation Agreement between the City of El Paso and River Oaks Properties, Ltd., for 7.887 acres of real property located east of Joe Battle Boulevard and south of Windermere Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property. That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. AN08004 **(East ETJ)**
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

3. The City Manager to sign an Annexation Agreement between the City of El Paso and River Oaks Properties, Ltd., for 8.070 acres of real property

located north of Zaragoza Road and south of Montana Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property. That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. AN08005 **(East ETJ)**

[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

4. The City Manager to sign an Annexation Agreement between the City of El Paso and River Oaks Properties, Ltd., for 42.225 acres of real property located north of Zaragoza Road and south of Montana Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property. That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. AN08006 **(East ETJ)**

[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

5. The City Manager to sign an Annexation Agreement between the City of El Paso and River Oaks Properties, Ltd., for 2.054 acres of real property located northwest of Zaragoza Road and south of Edgemere Boulevard, which will specify the terms and conditions in which the property will be annexed should the City annex the property. That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. AN08008 **(East ETJ)**

[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

POSTPONED FROM 5-31-2011

4. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.

(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

5. NOTICE OF CAMPAIGN CONTRIBUTIONS

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Eddie Holguin, Jr. in the amount of \$1,000.00 from Gerald Rubin; \$500.00 from Robert Bowling IV, \$1,000.00 from Texas Association of Realtors PAC, \$500.00 from Richard Saab, \$500.00 from GC Services L.P., \$500.00 from Robert Foster, \$500.00 from Douglas A. Schwartz and \$1,000.00 from El Paso Association of Firefighters PAC. [Representative Eddie Holguin, Jr. (915) 541-4383]

6. DISCRETIONARY FUND:

That the City Council approve a Resolution to declare that the expenditure of discretionary funds to pay for the permit fee for an open burn in order to comply with the City Code requirements and with federal law for the retirement of the flag of the United States of America benefits the community in that it promotes patriotism and respect for government regulation, serves a municipal purpose, and is authorized. **(All Districts)**

[Representative Carl L. Robinson, (915) 541-4400]

7. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2011-077R (Non-Emergency Ambulance Transportation Services) to Elite Medical Transport of Texas, LLC. This is a revenue generating contract.

Department: Fire
Award to: Elite Medical Transport of Texas, LLC
Vendor Location: El Paso, TX
Item(s): All
Initial Term: 3 years
Option: 2 years
Funding Source: Revenue Generating Contract
Districts: All

This is a Revenue generating contract.

There is no cost to this contract. The City will be reimbursed for services performed based on billing fees and penalties.

The Financial Services - Purchasing Division and Fire Departments recommends award as indicated to Elite Medical Transport of Texas, LLC, the highest ranked offeror based on evaluation factors established for this procurement.

[Fire, Otto Drozd, (915) 771-1016]

[Financial Services, Bruce D. Collins, (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 2 (Administration and Personnel), Chapter 2.92 (Ethics); to Section 2.92.120 (Ethics Training) to add requirements for receiving training on the ethics and lobbying ordinances; the penalty being as provided in Section 2.92.150 A of the El Paso City Code. **(All Districts)**
[Representative Emma Acosta (915) 541-4572]
- 8B.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) Section 15.08.120 (Special Privilege Licenses and Permits) to create an exception from the permitting requirement for events produced by the Museums and Cultural Affairs Department. **(All Districts)**
[Department of Transportation, Teresa Quezada, (915) 621-6750]
- 8C.** An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations) Section 13.20.040 (Selling of Merchandise Prohibited on and near Public Right-of-way) to allow for the sale of items authorized by Ordinance or Permit **(All Districts)**.
[Department of Transportation, Teresa Quezada, (915) 621-6750]

- 8D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.30 (Temporary Traffic Control) Section 12.30.030 (Permit Required) to create an exemption from the permitting requirement for events produced by the Museums and Cultural Affairs Department. **(All Districts)**
[Department of Transportation, Teresa Quezada, (915) 621-6750]
- 8E.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museum and Cultural Affairs) adding Section 2.40.100 (Artist Market) to create an Artist Market permitting vendors from the region to display and sell hand made or hand assembled items for the benefit of the citizens and visitors to El Paso; the penalty provided in Sections 1.08.010 through 1.08.030 of the City Code.. **(All Districts)**
[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4481]
- 8F.** An Ordinance amending Ordinance No. 017456, to provide that City health benefits shall be available to City employees and their legal spouse and dependent children and all other persons who are within an eligible class or in a class that actually received benefits under a City health benefits plan prior to November 10, 2010. **(All Districts)** [Mayor John F. Cook, (915) 541-4145]

PUBLIC HEARING WILL BE HELD ON JUNE 14, 2011, FOR ITEMS 8A – 8F

- 8G.** An Ordinance changing the zoning of Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and a portion of Lot 3, Block 1, El Paso West Unit Two, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1345 New Harvest Place. Property Owner: Helen of Troy, LP. PZRZ11-00004
THIS IS AN APPEAL CASE (District 1)
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 8H.** An Ordinance changing the zoning of the following real property known as: Parcel 1: a portion of Lot 3, all of Lots 4 thru 32, Block 1, all of Block 2, all of Billy Joe Circle and portions of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial) Parcel 2: Lots 1 thru 8, Block 3, and a portion of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Dyer Street, North of Mohair Drive. Property Owner: Hacienda Development. ZON11-00019 **(District 4)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 8I.** An Ordinance granting Special Permit No. ZON11-00021, to allow for infill development and a parking reduction on the property described as Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code and repealing Special Permit ZON09-00074. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1230 Myrtle Avenue. Applicant: TVP Non-Profit Corporation. ZON11-00021 **(District 8)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON JUNE 28, 2011, FOR ITEMS 8G-8I

Public Hearings will be held as part of the regular City Council meeting that 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 Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BUSINESS

9. CITY MANAGER:

- 9A.** Presentation of the Final San Jacinto Plaza Park Concept plan to City Council by SWA Landscape Architects. **(District 8)** [City Manager, Deborah Hamlyn, (915) 541-4686]
- 9B.** Discussion and action on a Resolution that the City Council approves the concept design for the redesign of San Jacinto Plaza, as proposed by SWA Group, Inc., and authorizes the City Manager or her designee to take any and all appropriate administrative actions necessary to comply with Title 20 of the El Paso City Code. **(District 8)**
[City Manager, Deborah Hamlyn, (915) 541-4686]

REGULAR AGENDA – PUBLIC HEARINGS

10. FINANCIAL SERVICES:

An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real properties described as Lots 1 thru 40, Block 70; Lots 13 thru 18, Block 71; and Lots 28 thru 32, Block 71, Wilco Subdivision Unit No. 2, El Paso County, Texas, to H. Daniel Pettit and Kimberly Keeton-Pettit. In accordance with the Section 34.05 (h) of the tax code. **(El Paso County)**
[Delgado, Acosta, Spencer, Linebarger, & Perez, LLP., Carmen Perez, (915) 545-5481]

11. PLANNING AND ECONOMIC DEVELOPMENT:

- 11A.** An Ordinance changing the zoning of Lot 1, Block 4, Hueco Mountain Village, City of El Paso, El Paso County, Texas from C-3/SP (Commercial/Special Permit) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11890 Montana Avenue. Applicant: SGARS, L.P. ZON11-00007 **THIS IS AN APPEAL CASE (District 5)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 11B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape) of the El Paso City Code to modify and add additional definitions, to modify the landscapable area, to require parkway and frontage area landscaping and a landscape buffer between commercial and residential development, to modify the required plant units and parking lot trees, and to add provisions for street trees. The penalty being as provided in Section 18.46.180 (Violations – Penalty) of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

- 11C.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Sections 20.18.050 (Definitions), Section 20.18.400 (General) and Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) of the El Paso City Code to modify definitions related to signs, to modify monument and pole sign regulations and to modify wall sign regulations. The penalty is as provided in Section 20.24 of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
 POSTPONED FROM 5-31-2011

- 11D.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.060 (Exclusions from dedication requirement) and Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.020 (Infill Development) of the El Paso City Code to allow for certain exclusions from the parkland dedication requirements for certain replats meeting specific criteria and to allow for the reduction of park fees on certain infill developments and adding an appendix to designate the reduction of such fees. The penalty is as provided for in Section 19.42 of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

12. ENGINEERING AND CONSTRUCTION MANAGEMENT/PLANNING AND ECONOMIC DEVELOPMENT:

- 12A.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Chapter 20.10 (Supplemental Use Regulations), Appendix A (Table of Permissible Uses) and Table C (Minimum Parking) of the El Paso City Code to add a definition for boarding home facilities and add standards for boarding home facilities and amend definitions for certain personal care facilities and clarify standards for personal care facilities. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]
 POSTPONED FROM 5-31-2011

- 12B.** An Ordinance amending Title 5 (Business Taxes, Licenses and Regulations) of the El Paso City Code by adding Chapter 5.47 (Boarding Home Facilities) in order to set forth the requirements and standards for permits, fees, inspections and revocation of such permits of boarding home facilities and providing for a criminal penalty. **(All Districts)**

[Engineering and Construction Management, Victor Morrison-Vega, (915) 541-4557]

REGULAR AGENDA – OTHER BUSINESS

13. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution to approve an Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding to Pinnacle Social Services LLC, in the amount of \$64,000, as recommended by the Director of Community and Human Development; and, that the City Manager be authorized to execute any and all loan related documents by and among the City of El Paso, Pinnacle Social Services LLC, and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

(District 8) [Community and Human Development, William Lilly, (915) 541-464]

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.** *William Austin Means v. City of El Paso, et al*; Cause No. EP10CV0207-DB (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX2.** Legal matters relating to the franchise agreement with ONEOK WesTex Transmission, LLC. (551.071) [City Attorney's Office, Bertha Ontiveros, (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/>