

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

June 18, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
June 17, 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 CIMA CHAPLAIN CARLOS CLUGY-SOTO

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. AMATEUR RADIO WEEK
2. JUDY GUTIERREZ APPRECIATION DAY
3. ERIC REED DAY

RECOGNITIONS

1. STEVE ORTEGA – CONQUISTADOR AWARD
2. SUSIE BYRD – CONQUISTADOR AWARD
3. JOE GOMEZ – CONQUISTADOR AWARD
4. CENTRAL REGIONAL COMMAND CENTER
5. NORTHEAST REGIONAL COMMAND CENTER
6. EVA DEEMER
7. ALEX PASTOR
8. DIEGO CAPELETTI

RECOGNITIONS

- **RECOGNITION OF OUTGOING ELECTED OFFICIALS BY CITY MANAGER AND STAFF.**
- **RECOGNITION OF MAYOR BY CITY COUNCIL.**
- **RECOGNITION OF CITY EMPLOYEES WHO FACILITATED THE CORPORATE RELOCATION OF CITY OFFICES DURING THE JANUARY - MARCH 2013 TIME PERIOD.**

[City Manager Joyce Wilson, (915) 541-4844]

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 June 11, 2013.

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTION:

That a portion of Eastwood Park at 3110 Parkwood Street, El Paso, Texas is authorized to remain open past the normal operating hours, from 11:00 p.m. on Saturday, June 22, 2013, to 6:00 a.m. on Sunday, June 23, 2013 in accordance with El Paso City Code 13.24.040(E), including permitted uses, for the purpose of celebrating American Radio Relay League Field Day as requested by the El Paso Amateur Radio Club. **(District 3)**

[Parks and Recreation, Liza Ramirez- Tobias, (915) 541-4599]

REGULAR AGENDA – PUBLIC HEARINGS**4. CITY DEVELOPMENT:**

- 4A.** An Ordinance changing the zoning of a Portion of Tracts 12 and 13, J.M. Jett Survey 155, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4864 Doniphan Drive. Property Owner: El Paso Independent School District. PZRZ13-00003 **(District 8)**
[City Development, Michael McElroy, (915) 541-4238]
- 4B. 1.** An Ordinance changing the zoning of Parcel 1: Lots 1-2 and 4-5, Block 1, Del Mesa Additions, City of El Paso, El Paso County, Texas from C-2 (Commercial) to G-MU (General Mixed Use); Parcel 2: A portion of Tract 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas from C-2/SP (Commercial/special permit) to G-MU (General Mixed Use); Parcel 3: A portion of 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas R-4/SP (Residential/special permit) to G-MU (General Mixed Use); Parcel 4: Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas from C-1/C/SP (Commercial/condition/special permit) to G-MU (General Mixed Use) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Parcel 1: 5305 and 5331 Montana Avenue, Parcel 2: 1015 Chelsea Street, Parcel 3: 1012 Cardon Street, and Parcel 4: 1039 Chelsea Street. Property Owner: Chicos Tacos, Inc., Mora Holdings, LLC, Johanna Welsh Estate, and Omega Paving Contractors, Inc. PZRZ12-00044 **(District 2) THIS IS AN APPEAL CASE.**
[City Development, Alex Hoffman, (915) 541-4633]
- 2.** An Ordinance releasing a condition placed on property by Ordinance No. 16788 which changed the zoning of Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1039 Chelsea Street. Property Owner: Omega Paving Contractors, Inc. PZCR13-00004 **(District 2) THIS IS AN APPEAL CASE.**
[City Development, Alex Hoffman, (915) 541-4633]

5. COMMUNITY AND HUMAN DEVELOPMENT:

Public Hearing on program performance and on the Proposed Annual Action Plan 2013-2014 of the Consolidated Plan for 2010-2015, and adoption of a Final Action Plan for 2013-2014, including the 39th Year (2013-2014) Community Development Block Grant Program, and the 2013-2014 Emergency Solutions Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Budgets. **(All Districts)** [Community and Human Development, William Lilly, (915) 541-4643]

REGULAR AGENDA – OTHER BUSINESS**6. COMMUNITY AND HUMAN DEVELOPMENT:**

- 6A.** Discussion and action on a Resolution that the City Council, having conducted a public hearing in order to receive comments on program performance and on the Proposed Annual Action Plan 2013-2014 of the Consolidated Plan for 2010-

2015, hereby adopts a Final Action Plan for 2013-2014, including the 39th Year (2013-2014) Community Development Block Grant Program, and the 2013-2014 Emergency Solutions Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Program Budgets.

(All Districts) [Community and Human Development, William Lilly, (915) 541-4643]

- 6B.** Discussion and action on a Resolution that the City Manager or the Mayor be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2013-2014; Form SF-424, and all certifications contained therein; and to sign all documents related to the implementation and performance of the activities covered by the 2013-2014 Annual Action Plan and corresponding programs. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

7. CITY DEVELOPMENT:

- 7A.** Discussion and action on a Resolution that the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Summit 11 Investment Group, for the redevelopment of a building for the use of a hotel located at 325 N. Kansas El Paso, Texas 79901. **(District 8)** [City Development, Peter Wallish, (915) 541- 4747]
- 7B.** Discussion and action on a Resolution that the City Manager be authorized to sign the Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Martin Building, LLC for the redevelopment of a building at 215 Stanton and construction on the adjacent vacant lot at 212 Mills for use as residential and commercial space. **(District 8)**
[City Development, Mathew McElroy, (915) 541-4193]
- 7C.** Discussion and action on a Resolution to amend the City’s Economic Development Incentive Policy so as to include projects in Downtown El Paso and to include the Sustainable City Centers Fund as a source of additional funding for such projects. **(All Districts)** [City Development, Mathew McElroy, (915) 541-4193]

8. MAYOR AND COUNCIL:

- 8A.** Financial Audit and Oversight Committee Report:
 - 1. For Notation Only: Formal Report of the Financial Audit and Oversight Committee meetings held on November 12, 2012, January 30, 2013, and May 23, 2013.
 - 2. Discussion and action pertaining specifically to any of the Agenda Items on the Agenda of such Financial Audit and Oversight Committee, as follows:
 - A.** 1st Quarter and 2nd Quarter Audit Plan Updates.**(All Districts)** [Representative Susie Byrd, (915) 541-4416]
- 8B.** Discussion and action that City Council declare that the expenditure of discretionary funds in an amount not to exceed \$3,500 to pay towards the costs of marketing and advertising of the Southwestern International PRCA Rodeo helps to promote tourism and participation by persons residing both in and outside of El Paso and constitutes an important municipal purpose or benefit to the City and citizens of El Paso. Contributing Districts: District 1 \$500, District 2 \$250, District 4 \$2,000, District 7 \$250, District 8 \$500. **(All Districts)**
[Representative Carl L. Robinson, (915) 541-4400]

- 8C. Discussion and action on termination of the following agreements with Texas-New Mexico Newspapers Partnership: February 26, 2013 Lease Agreement, February 26, 2013 UPTT Parking Space License Agreement, and the February 26, 2013 UPTT Parking Pass Agreement.
[Representative Eddie Holguin, Jr., (915) 541-4178]
- 8D. Discussion and action to direct the City Manager to review the standards and recommend amendments to the city code for encroachments into city right of way by items such as but not limited to basketball hoops.
[Representative Michiel R. Noe, (915) 541-4701]
- 8E. Discussion and action that the City Council declare that the expenditure of District 8 discretionary funds in an amount not to exceed \$1,200 to pay towards the costs of organizing and holding the Segundo Barrio Community Dance by the Southside Neighborhood Association which fosters community pride, encourages civic engagement and celebrates the heritage and culture of one of the oldest neighborhoods in El Paso's history, and constitutes an important municipal purpose or benefit to the City and citizens of El Paso; and that the City Attorney be authorized to negotiate and the City Manager be authorized to sign an appropriate contract to ensure that the funds are properly expended for the municipal purpose. **(District 8)**
[Representative Cortney Carlisle Niland, (915) 541-4268]
- 8F. Discussion and action that City Council declare that the expenditure of discretionary funds in an amount not to exceed \$5,000 to pay towards the costs of trees to be planted as part of the Five Points Quiet Zone Landscaping project and constitutes a municipal purpose or benefit to the City and citizens of El Paso. **(District 2)** [Representative Susie Byrd, (915) 541-4416]

ITEMS 9 AND 10 NOT TO BE HEARD BEFORE 12:00 P.M.

RELATED TO THE BALLPARK

REGULAR AGENDA – PUBLIC HEARING

9. NOTICE OF INTRODUCTION AND PUBLIC HEARING:

An Ordinance Amending Ordinance No. 017880 for the purpose of approving the First Amendment to the Ballpark Lease Agreement by and among the City of El Paso, Texas, Mountain Star Sports Group, LLC - El Paso Baseball Club Series, and Mountain Star Sports Group, LLC. **(All Districts)**

[Financial Services, Carmen Arrieta-Candelaria (915) 541-4011]

REGULAR AGENDA – OTHER BUSINESS

10. FINANCIAL SERVICES AND ENGINEERING AND CONSTRUCTION MANAGEMENT:

10A. Discussion and action to approve a Resolution approving the First Amendment to the Ballpark Development Agreement by and between the City of El Paso, Texas and Mountain Star Sports Group, LLC—El Paso Baseball Club Series. **(All Districts)**

[Financial Services, Carmen Arrieta-Candelaria (915) 541-4011]

- 10B.** Discussion and action regarding a Resolution that the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Populous, Inc., a Missouri Corporation, for a project known as “El Paso Ballpark- Design Services” to add design, modification, steel detailing, and survey coordination services and to adjust engineering and construction administration fees for an additional amount not to exceed \$725,310. The original contract amount will be amended to \$3,820,680. Additionally, 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 the agreement and its amendments. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4428]
- 10C.** Discussion and action regarding a Resolution that the Target Budget for the Construction Phase Services as identified in Exhibit B of the January 8, 2013 Construction Manager at Risk Agreement between the City of El Paso and Jordan/Hunt, a Texas Joint Venture be revised to a Target Budget for Construction Phase Services in amount not to exceed \$52,545,810; and that the City Manager be authorized to establish the funding sources; make any necessary budget transfers; and execute any and all documents necessary for execution of this amendment.
(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4428]

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

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/>