

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 19, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
June 18, 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 Carlos Flores

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. Dump the Pump Day
2. Southwest Airlines Week
3. International Day Against Drug Abuse and Illicit Trafficking
4. 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.

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 12, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Susie Byrd.

3. DISCRETIONARY FUNDS:

That the City Council declares that the expenditure of District 5 discretionary funds in an amount not to exceed \$6,000 to pay towards the costs of equipment rental, license fees for a series of movies, permits, staff time and other related items necessary for the support of the first "Movies in the Park" event, a series of movie nights in parks located within District 5 or any parks adjacent to District 5, and this expenditure serves the municipal purpose of providing recreational and cultural activities to the residents of and visitors of the City of El Paso, which benefits the community and instills community pride, and is authorized; and

That the City Manager be authorized to accept donations for sponsorship of the events, to negotiate and sign contracts as approved by the City Attorney, and to appropriate and ensure that the funds are properly expended for the municipal purpose. **(District 5)**
[Representative Michiel Noe, (915) 541-4189]

4. BOARD APPOINTMENTS:

4A. Joe Rosales to the Capital Improvement Advisory Committee by Representative Emma Acosta, District 3 [Representative Emma Acosta, (915) 541-4515]

4B. Veronica Carbajal to the Fair Housing Task Force as an advocate for human/civil rights within the community by Representative Susie Byrd, All Districts.
[Representative Susie Byrd, (915) 541-4416]

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 City Code Title 2 (Administration and Personnel) Chapter 2.40 (Museums and Cultural Affairs Department) Section 2.40.070 (Art in Municipal Places) Subsection 2.40.070 (C) (Funding of the Public Art Program) to exclude the City of El Paso Street Infrastructure Capital Plan for FY 2013-2019 as a funding source. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

PUBLIC HEARING WILL BE HELD ON JUNE 26, 2012, FOR ITEM 5A

- 5B.** An Ordinance amending the Master Zoning Plan approved on August 12, 2008, by Ordinance No. 016959 for the rezoning to GMU of Sections 9, 10, 15, 16, 17, and 18, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 11, 14, and 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 11, 12, 13, 14, 19, 20, and 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 7, 17, 18, 19, 20, and 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys, 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: north of U.S. 54 and east of McCombs Street. Property owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00008 **(District 4)** [City Development, Michael McElroy, (915) 541-4238]

PUBLIC HEARING WILL BE HELD ON JULY 17, 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:

- 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. **THIS IS AN APPEAL CASE (District 5)**
[Planning and Economic Development, Michael McElroy, (915) 541-4238]
POSTPONED FROM 05-29-12

7. DEPARTMENT OF TRANSPORTATION

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.20 (Traffic-Control Devices), Section 12.20.190 (School Flasher Signal Installations), of the El Paso City Code, to amend the financial responsibility for the design and installation of a school flasher signal, the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)**

[Department of Transportation, Rudy Pino, (915) 599-6204]

8. EL PASO WATER UTILITIES:

An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 0.971 acres of city land, an El Paso Water Utilities Public Service Board Water Well Site Number 25, and a Drainage Easement for highway purposes of 0.032 acres (1,394 square feet) on adjacent Parcel 49E, both under the jurisdiction of the El Paso Water Utilities Public Service Board, to the State of Texas, acting by and through its Texas Department of Transportation for the Loop 375 Transmountain Road Project, from U.S. 54 (Patriot Freeway) to BU 54 (Dyer Street), just east of Rushing Road, El Paso, El Paso County, Texas and authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date.

(All Districts) [El Paso Water Utilities, Marcela Navarrete (915) 594-5614]

REGULAR AGENDA – OTHER BUSINESS**9. CITY DEVELOPMENT:**

9A. Discussion and action that the City initiate an application to name the Reynolds Street overpass (located south of Durazno and north of Alameda Avenue) as “Regent Francis Overpass” and that the City provide funding for the application to be processed. **(District 3)** [City Development, Kimberly Forsyth, (915) 541-4668]

9B. Discussion and presentation on a report submitted by the Center for Regional Economic Competitiveness and the University of North Texas’ Center for Economic Development and Research that assesses the City of El Paso’s incentive programs and policies and provides a list of recommendations on how to better leverage current incentive programs. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

10. FINANCIAL SERVICES:

Discussion and action that the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and ANDRE KARAM COMPANY, a Texas general partnership, for the purchase of the property commonly known as 120 W. San Antonio, El Paso, Texas more particularly described as a portion of Lot E and a portion of Lot F, Block 15, Mills Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the records thereof, recorded in Volume 2103, Page 0972 of the Official Records of El Paso County, Texas of El Paso County, Texas. And that the City Manager, or her designee, be authorized to sign any necessary documents and make any necessary and appropriate budget transfers to accomplish the intent of this Resolution. **(All Districts)**

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

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action pertaining to the Issuance of the Request for Qualification (RFQ) for the Transit Oriented Development (TOD) of the site formerly known as North Park Mall located at Dyer and Diana. **(District 4)**
[Representative Carl Robinson, (915) 541-4400]
- 11B.** Discussion and action to clarify or amend central preparation facility requirements in Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), Section 9.12.810 (Temporary, recurrent and seasonal establishments), of the El Paso City Code. **(All Districts)**
[Representative Michiel Noe, (915) 541-4189]
- 11C.** Discussion and action regarding the El Paso Water Utilities concern regarding water conservation at the City of El Paso's parks.
[Representative Cortney Carlisle Niland, (915) 541-4268]
[Representative Steve Ortega, (915) 541-4178]
- 11D.** Discussion and action regarding the removal of the chain link fence around the park located at the corner of Doniphan and Country Club Road in the Upper Valley. [Representative Cortney Carlisle Niland, (915) 541-4268]
- 11E.** Discussion and action on asking for a humanitarian release of Jabin Akeem Bogan, a United States citizen, currently incarcerated in Mexico.
[Representative Carl Robinson, District 4 (915) 541-4400]

12. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on a presentation by TxDOT on the Loop 375 Border Highway West Extension Project, alignment options, project limits, access to the downtown area and update on agency and public scoping meetings.

[Deputy City Manager, Jane Shang, (915) 541-4686; Eduardo Calvo, TxDOT]

ITEMS 13 AND 14 TO BE HEARD AT 11:00 A.M. OR LATER

REGULAR AGENDA - PUBLIC HEARING

13. COMMUNITY AND HUMAN DEVELOPMENT:

Public Hearing on program performance and on the Proposed Annual Action Plan 2012-2013 of the Consolidated Plan for 2010-2015, and adoption of a Final Action Plan for 2012-2013, including the 38th Year (2012-2013) Community Development Block Grant Program, and the 2012-2013 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

14. COMMUNITY AND HUMAN DEVELOPMENT:

- A.** 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 2012-2013 of the Consolidated Plan for 2010-2015, hereby adopts a Final Action Plan for 2012-2013, including the 38th Year (2012-

2013) Community Development Block Grant Program, and the 2012-2013 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]

- B. 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 2012-2013; 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 2012-2013 Annual Action Plan and corresponding programs. **(All Districts)**

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

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.** Interim Rate Adjustment Request filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2012. (551.071)
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

- EX2.** Application of El Paso Electric Company to amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket No. 39973 (551.071) [City Attorney's Office, Sylvia Borunda Firth, (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/>