

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 21, 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 – Border Patrol Chaplain Jesse Alvarez
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

Dr. Herb Ortega Day

RECOGNITIONS

**City Representative Rachel Quintana
City Representative Beto O'Rourke**

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 June 14, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. A Resolution that Brick & Mortar is authorized to provide for the sale and service of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 9:00 p.m. Saturday, June 25, 2011 to 2:00 a.m. Sunday, June 26, 2011. NESV11-00020 **(District 8)**
[Department of Transportation, Sandra Hernandez, (915) 541-4048]

3B. 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]

3C. A Resolution dedicating as parkland approximately 3.516 acres of City property located just south of the southeast corner of Pershing Drive and Radford Street. **(District 2)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

3D. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

3804 Edgar Park Avenue \$5,889.81 District 4
Regina R. Arnold, Debra A. Bremer, Ronald L. Arnold and Sherrie L. Lynch
(District 4) [Environmental Services, William V. Stern, (915) 599-3742]
POSTPONED FROM 06-14-2011

4. APPLICATIONS FOR TAX REFUNDS:

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

5. BID:

Award of Solicitation No. 2011-219 for the Chihuahuita Park Improvements to Desert Pacific Construction for a total estimated amount of \$149,344.

Department:	Engineering and Construction Management
Award to:	Desert Pacific Construction
Base Bid:	\$149,344
Total Estimated Completion:	\$149,344
Funding Source:	Community Development Block Grant (CDBG) 36 th Year
District:	8

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management and Parks Department recommend award as indicated to the lowest responsible bidder.
[Engineering and Construction Management, R. Alan Shubert, (915)541-4423]

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 amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III-Parking prohibited at all times on certain streets) of the El Paso City Code, by adding Kerbey Avenue between N. Florence Street and N. Virginia Street, both sides. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 1)**
[Department of Transportation, Ted Marquez, (915) 621-6750]

- 6B.** An Ordinance authorizing the City Manager to sign a contract of sale and any other necessary documents between the City of El Paso and the Housing Authority of the City of El Paso which will allow for the City to convey property commonly known as 8909 Old County Line Road, El Paso, El Paso County, Texas, including the improvements thereon. **(District 7)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
 [Community and Human Development, William Lilly, (915) 541-4643]

PUBLIC HEARING WILL BE HELD ON JUNE 28, 2011, FOR ITEMS 6A – 6B

- 6C.** An Ordinance changing the zoning of all of Lots 16, 17, 18 and 19, Block 2, Hughes Subdivision, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5625 Frutas Avenue. Property Owner: Ponce Rentals Property, LLC. PZRZ11-00011 **(District 3)**
 [Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 6D.** An Ordinance zoning Parcel 1: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, to C-2 (Commercial), Parcel 2: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to R-5 (Residential) and Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Pebble Hills Boulevard and East of John Hayes Boulevard. Applicant: Ranchos Real IV, LTD. ZON10-00106 **(District 5)**
 [Planning and Economic Development, Arturo Rubio, (915) 541-4633]
- 6E.** An Ordinance annexing the following real property described as a portion of Sections 37 and 48, Block 79, Sections 7 and 18, Block 78, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Property Owner: Ranchos Real IV, LTD. AN10-003 (ZON10-00075) **(East ETJ, Adjacent to District 5)**
 [Planning and Economic Development, Ernesto Arriola, (915) 541-4723]
- 6F.** An Ordinance granting Special Permit No. PZST11-00005, to allow for infill development for lot width and lot size reduction on the property described as Lot 39, Block 1, Alexander addition to Ysleta, City of El Paso, El Paso County, Texas, pursuant to section 20.04.320 of the El Paso City Code. The penalty being as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 461 Gonzales. Applicant: Javier Martinez. PZST11-00005 **(District 6)**
 [Planning and Economic Development, Geena Maskey, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON JULY 12, 2011, FOR ITEMS 6C –6F

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 – PUBLIC HEARINGS**7. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES:**

An Ordinance authorizing the issuance of “City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds, Series 2011;” and resolving matters which are necessary to effectuate said issuance, including the delegation of matters relating to the sale and issuance of the Bonds to an authorized City officer or employee within certain specified parameters. **(All Districts)**

[Bond Counsel, Paul A. Braden, (915) 351-6053]

[El Paso Water Utilities Public Service Board, Marcela Navarrete, (915) 594-5614]

8. MAYOR AND COUNCIL:

Discussion and action on the appeal by property owner of decision of Historic Landmark Commission concerning improvements to property located at 209 N. Stanton St.

(District 8) [Representative Beto O'Rourke, (915) 541-4268]

POSTPONED FROM 06-14-2011

9. PLANNING AND ECONOMIC DEVELOPMENT:

9A. Discussion and action on an appeal regarding a decision rendered by the Historic Landmark Commission (HLC) on June 13, 2011 to deny a certificate of appropriateness application for the demolition of the main façade, construction of a new façade and the construction of a rooftop addition for the structure located at 209 N. Stanton within the Downtown Historic District. Subject Property: 209 N. Stanton. Applicant: Miguel Fernandez, PHAP11-00020. **(District 8)**
[Planning and Economic Development, Providencia Velazquez, (915) 541-4027]

9B. An Ordinance changing the zoning of Tract 10, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from C-2 (Commercial) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4716 Hondo Pass Drive. Property Owner: EP Hillcrest Real Estate, LP. PZRZ11-00010 **(District 2)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

9C. An Ordinance changing the zoning of the following legally described parcel of land being Lots 1 through 12, 13, 14, 22 through 24, Block 2, Lots 1 through 16, 19 through 24, and a portion of Lot 17, Block 3, Lots 9 and 10, Block 5, Lots 1 through 9, 13 through 24 and portions of Lots 10 through 12, Washington Park Addition, Lots 11 through 15, 8 through 10 and portion of Lots 6 and 7, Block 4, portion of Lots 8, 9 and 10, Block 3 ½, Woodlawn, portion of Lot 1 and Lots 2 through 30, Block 2, and Block 3, Tobins Washington Park, Lots 1 through 30, Block 1, Lots 1 through 54, Block 2, Lots 1 through 26, Block 3, Lots 1 through 17, Block 5, Lots 1 through 5, Block 6, Tobins Second, Block 1, Martinez Homestead Addition, Orchard Park Subdivision, Hadlock Subdivision, Val Verde Subdivision, Block 11, tracts 1, 2, 2a, 2d1, 6 through 24, 25a, 25b, 25d, 26, 26a, 26b, 27b, 33a, 34, 34a, 35a, 35b, 36, 37b, 37b1, 37b2, 37c, 38c, 38c2, 39a1, E. Bennett Survey no. 11, Gateway Subdivision, Wilkins Replat, portion of E.R. Talley Surveys 6 and 7 (El Paso Zoo), Block 9, Lots 8 through 25 and portion of

Lots 5, 6, 7, 26 and 27, Block 10, Blocks 13 through 24, Lincoln Park Addition, portion of Lots 1 and 2, Blocks 16, 17 and 32, French Addition, Block 3 and a portion of Block 4, Chula Vista Addition, Tobins fourth Addition, Lots 67 through 77, Block 5, Lots 81 through 91, Lots 100 through 109, Block 6, Lots 111 through 122, Block 7, El Valle Addition, F. Neve Survey no. 8, portion of Block 3, portion of Lot 6 and Lots 7 through 41 and a portion of 42, Block 6, portion of Lot 1 and Lots 2 through 44, Block 9, Lots 1 through 56, Block 14, Block 15, portion of Lots 16 and 17, Lots 18 through 23 and a portion of 24, Block 16, portion of Lot 12, Lots 13 through 28 and a portion of Lot 29, Block 17, Block 18, Block 19, Lots 1 through 14 and a portion of 15, Block 20, Lots 1 through 7, Block 21, Lots 1 through 7, Block 22, Lots 1 through 14, Lot 17 through 32, Block 24, Brentwood Heights, Medina Subdivision, portion of all streets, railroads, alleys, laterals within the above described parcels, save and except Lots 1 to 3 and 7 to 11 and the east 18.50 feet of Lot 6, Block 12, Tobins Fourth and a 28.189 acre portion of E.R. Talley Survey no. 6, City of El Paso, El Paso County, Texas, from their current zoning district to SCZ (SmartCode Zone), the penalty is as provided for in Chapter 21.60 of the El Paso City Code. Subject Property: South of Interstate 10, north and west of Paisano Drive and east of Boone Street. PZRZ11-00014 **(District 3)** [Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

9D. An Ordinance vacating a portion of an alley being a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition, City of El Paso, El Paso County, Texas. **(District 8)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]

9E. 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 add Plexxar as a north-south Collector Arterial with Bike Lanes, connecting the extensions of La Mesa Avenue and Hoover Avenue, across Trans Mountain Road, east of Resler Drive and west of the extension of Paseo del Norte Road. **(District 1)** [Planning and Economic Development, Todd Taylor, (915) 541-4114]

9F. An Ordinance amending The Plan for El Paso and the year 2025 General Land Use Map by amending the Medical Center of the Americas Master Plan as a specific study area plan. PLRG11-00011 **(District 3)**
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]

10. DEPARTMENT OF TRANSPORTATION:

An Ordinance granting a Special Privilege License to MCAmericas Realty, Inc. for the maintenance, and repair of three surface posts attached to the structure located at 440 Reynolds Boulevard located within portions of City right-of-way along Rosa Street for a term of ten years. (NESV11-00012) **(District 3)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

11A. Legislative Review Committee Report:

1. For notation: Formal report of the Economic Development, Planning and Tourism Legislative Review Committee meeting held on June 9, 2011, as submitted by Representative Steve Ortega, Chair; and
2. Discussion pertaining to the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action on the Hub of Human Innovation Inc. grant funding request for a Hub and Clean Energy Incubator Program, a Proof of Concept Program, a Certification Center and Odyssey Program as detailed in the Hub of Innovation's Proposal to the City of El Paso for activities over a four year periods in the amount of \$2,305,000.
[Planning and Economic Development, Ernesto Gamboa, (915) 541-4670]
 - b. Discussion and action on regulating the placement of signs on City of El Paso right of way.
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
 - c. Discussion and action on terms, conditions, and requirements for City approval of the extension of the City's waiver of PILOT (Payment In Lieu Of Taxes) fees from the Housing Authority of the City of El Paso (HACEP) pursuant to the parties' Cooperation Agreement as amended.
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
- 11B.** Discussion and action on proposed City opposition to the location of a bar at 9037 Alameda. **(District 6)** [Representative Eddie Holguin, Jr., (915) 541-4178]

12. INFORMATION TECHNOLOGY:

Discussion and action to approve and authorize the City Manager to execute the following agreements related to the Shared Datacenter Project:

1. Interlocal Agreement between the City of El Paso and the County of El Paso related to enhance connectivity and data security through the sharing of Data Centers, Fiber and Microwave Technology.
2. County of El Paso's lease of space in the City of El Paso's Data Center located at the Municipal Services Center, 1059 Lafayette Dr.
3. City of El Paso's lease of space in the County of El Paso's MDR Data Center located at 800 E. Overland on the 4th floor. **(All Districts)**
[Information Technology, Miguel A. Gamiño, Jr., (915) 541-4288]

13. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action on providing pedestrian access to designated state trailheads. **(All Districts)** [Planning and Economic Development, David Coronado, (915) 541-4632]

14. MUNICIPAL CLERK:

Discussion and action on a Resolution to canvass the votes cast in the 2011 City of El Paso General Election Run Off. **(All Districts)**

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

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.** Gregory E. Whited v. City of El Paso; Cause No. 2009-4416 (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX2.** Claim of Alberto Lujan, Jr., Our File No. 10-C-200 (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX3.** Claim of Isidro Gama, Our File No. 10-C-185 (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX4.** Alejandro Hernandez v. The City of El Paso, et al; Cause No. EP-08-CV-222-PRM (551.071) [City Attorney's Office, Karla M. Nieman, (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/>