

OSCAR LEESER
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

REVISED

JULY 2, 2013

COUNCIL CHAMBERS, CITY HALL

8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE

300 N. CAMPBELL

MAIN CONFERENCE ROOM, 2ND FLOOR

JULY 1, 2013

9:00 a.m.

NOTE: The City Council Agenda has been reorganized as directed by City Council on June 25, 2013. The schedule for the City Council meetings will be:

8:30 a.m.

- Roll Call
- Invocation and Pledge of Allegiance
- Ceremonial items: Proclamations and Recognitions

9:00 a.m., or immediately following the Ceremonial items.

- Business of City Council: Actionable items.
- Executive Session items will be considered after the business of Council is concluded.

12:15 p.m. – 12:45 p.m.: Call to the Public will be conducted.

If necessary, Council will stop the business of Council portion or will delay the Executive Session portion of the agenda to hear Call to the Public at 12:15 p.m.

1:00 p.m. - Legislative Review of the Whole/Work Session (When items are scheduled)

Briefings on Major Issues Coming Forward in Near Future

1. Council Items on upcoming issues.
2. Staff Updates on upcoming items.

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 the end of the regular agenda items or after call to the public, whichever comes first or as determined by the Presiding Officer.*

ROLL CALL

INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATION

NATIONAL PARKS AND RECREATION MONTH

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 25, 2013, the LRC of the Whole of June 24, 2013, the Special City Council Meeting of June 20, 2013 (Canvass the Returns of the June 15, 2013 Run Off Election), and the Special City Council Meeting of June 24, 2013 (Canvass the Returns of the June 15, 2013 Run Off City Election for District 4).

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Ann Morgan Lilly

3. BOARD RE-APPOINTMENT:

Richard V. Teschner to the Open Space Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4515]

4. BOARD APPOINTMENTS:

4A. Mary S. Newton to the Retired and Senior Volunteer Program Advisory Council by Representative Emma Acosta, District 3.
[Representative Emma Acosta, (915) 541-4515]

4B. Pifas Silva to the Greater El Paso Civic, Convention and Tourism Advisory Board, to fill an unexpired term, by Representative Lily Limón, District 7.
[Representative Lily Limón, (915) 541-4124]

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.**

An Ordinance amending Ordinance No. 17924 amending Title 5 (Business License and Permit Regulations) of the El Paso City Code to add Chapter 5.17 (Credit Access Businesses) in order to set forth registration requirements and credit extension guidelines, to amend the effective date of Ordinance No. 17924.
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

PUBLIC HEARING WILL BE HELD ON JULY 16, 2013, FOR ITEM 5

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, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

6. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES:

An Ordinance authorizing the issuance of "City of El Paso, Texas, General Obligation Refunding Bonds, Series 2013" in an amount not to exceed \$27 million for debt service savings to the City. **(All Districts)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4011]

7. CITY ATTORNEY:

An Ordinance Establishing Deadlines and Procedures For Placing Matters on the Agenda For City Council Meetings and Repealing Ordinance No. 017616.
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

8. CITY DEVELOPMENT:

8A. An Ordinance granting Special Permit No. PZST13-00004, to allow for infill development with reduced rear setbacks on the property described as a portion of Block B, Britton Davis Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Daniel Enriquez, Location: 8424 Dyer Street PZST13-00004.
(District 4) [City Development, Arturo Rubio, (915) 541-4633]

8B. An Ordinance granting Special Permit No. PZST13-00005, to allow for infill development with reduced lot area, and lot width on the property described as Lots 4, 5, & 6, Block 1, Los Escondidos Subdivision, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso

City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Juan and Ana Ramirez, Location: 7916, 8000 and 8004 Mitzie Ram Place, PZST13-00005. **(District 4)**
[City Development, Arturo Rubio, (915) 541-4633]

- 8C.** An Ordinance changing the zoning of a portion of Lot 3, Block 5, Castner Range Subdivision No. 1, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C- 3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Investment Builders Inc.: Location: 9301 Dyer Street, PZRZ13-00006. **(District 4)**
[City Development, Arturo Rubio, (915) 541-4633]
- 8D.** An Ordinance changing the zoning of Lot 9 and 10, Block 3, Alameda Acres, City of El Paso, El Paso County, Texas from A-2/sp (Apartment/special permit) and R-4 (Residential) to R-MU (Residential-Mixed Use) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: 125 Glenwood LLC, Location; 125-127 Glenwood Street. PZRZ13-00021. **(District 3)** [City Development, Arturo Rubio, (915) 541-4633]
- 8E.** An Ordinance granting Special Permit No. PZST13-00009, to allow for infill development with reduced front, and rear setbacks on the property described as Lots 6 and 7, Block 4, Emerald Valley Estates Replat A, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Winton and Associates, Location: 5524-5528 Woodgreen Drive, PZST13-00009. **(District 1)**
[City Development, Arturo Rubio, (915) 541-4633]
- 8F.** An Ordinance releasing a condition placed on property by Ordinance No. 014240 which changed the zoning of the south 1/3 of Lots 16-20, Block 67, Harts Survey No. 9 of Satterwaite Addition, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Revery Investments, LLC, Location: 1000 N. Mesa Street, PZCR13-00002. **(District 8)** [City Development, Arturo Rubio, (915) 541-4633]
- 8G.** An Ordinance granting Special Permit No. PZST12-00023, to allow for a Facility-Mounted Personal Wireless Service Facility (PWSF) and imposing a condition on the property described as Lot 19 and a portion of Lot 17, Block 138, Chaparral Park Unit 30, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 6520 Loma De Cristo Drive. Applicant: Ascension Lutheran Church. PZST12-00023 **(District 1)**
[City Development, Arturo Rubio, (915) 541-4633]
- 8H.** 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]
[POSTPONED FROM 06-18-13]

81. 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]
[POSTPONED FROM 06-18-13]
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]
[POSTPONED FROM 06-18-13]

9. **DEPARTMENT OF TRANSPORTATION:**

An Ordinance amending the 2025 Proposed Thoroughfare System, as incorporated into Plan El Paso, to add River Bend Drive as a collector arterial from Frontera Road to Sunset Drive, to delete a portion of Mills Avenue from Oregon Street to San Francisco Street currently designated as a minor arterial and to delete a portion of El Paso Street from San Francisco Street to the northerly intersection with San Antonio Avenue currently designated as a minor arterial. **(District 8)**
[Department of Transportation, Kevin Smith, (915) 346-1787]

REGULAR AGENDA – OTHER BUSINESS

10. **COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution that City Council amend the City's Annual Action Plan 2012-2013 of the Consolidated Plan for 2010-2015 by deleting two public service activities in the 38th Year (2012-2013) Annual Action Plan and transferring those funds to the CDBG Contingency Account to be reprogrammed for future use; and that the City Manager be authorized to take any actions necessary to accomplish the intent of the resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

11. CITY ATTORNEY:

Discussion and action on Interim Rate Adjustment Request filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2013.
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

12. MAYOR AND COUNCIL:

Discussion and action to direct the Mayor and City Manager to work with the Texas Department of Transportation on implementation of an infrastructure fee at the Texas Department of Transportation Border Safety Inspection Site located adjacent to the Bridge of the Americas in an effort to improve the safety, health and wellness of the citizens of Chamizal neighborhood and Segundo Barrio neighborhoods and to relieve the undo stress of current bridge and El Paso roadway infrastructure.
[Representative Cortney Carlisle Niland, (915) 541-4123]
[Representative Michiel R. Noe, (915) 541-4189]

13. CITY MANAGER:

Report back to Council on Council's June 25, 2013 directive regarding outreach to Mountain Star Group, LLC for personal guarantees.
[City Manager Joyce Wilson, (915) 541-4071]

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

12:15 P.M. – 12:45 P.M. 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 **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.

1:00 P.M. WORK SESSION/LEGISLATIVE REVIEW COMMITTEE OF THE WHOLE

- 14.** Briefing by City Staff on proposed reprogramming of existing bond authorization to finish the (Mulligan) Luther Building, 218 Campbell St.
[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4431]

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/>