

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, 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**

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**July 8, 2008**  
**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.

8:30 a.m.: Roll call and Executive Session\*  
9:00 a.m.: Invocation and Pledge of Allegiance  
9:00 a.m.: 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 Carlos Flores**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

1. **COMMUNITY COVENANT WEEK**
2. **PROJECT SABEMOS**
  - ◆ **HONORARY CITIZEN CERTIFICATES**
  - ◆ **KEY TO THE CITY TO LAURA IRENE DINO MORALES FROM PROJECT SABEMOS**

### **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](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 July 1, 2008.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**3. RESOLUTIONS:**

**3A.** That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee"), and Integrated Airline Services, Inc. ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas 79925. **(District 3)**  
[Airport, Patrick Abeln, (915) 780-4724]

**3B.** A Resolution approving a detailed site development plan for a portion of Lot 26, Block 1, Montwood Heights Unit Four, El Paso, El Paso County, Texas, pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 12370 Montwood. Applicants: West Texas Credit Union. ZON08-00030 **(District 6)**  
[Development Services/Planning, Ismael Segovia, (915) 541-4027]

**3C.** That the City Manager be authorized to sign a one year Professional Services Agreement between the City of El Paso and Moreno Cardenas, Inc., a Texas Corporation, to perform consulting services for a project known as "EPIA On-Call Civil Engineering Services" for a contract amount not to exceed \$750,000. **(District 2)** [Engineering, R. Alan Shubert, (915) 541-4423]

**3D.** That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this agreement is described as an expansion to the computerized signal systems at Hawkins, McCombs, Reynolds, Cobia, Alabama, Dyer, Pershing, Val Verde, Lee Trevino, El Paso Drive, Airport, Montana, and Alameda. **(Districts 2, 3, 4, 5, 7, and 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

**3E.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**4. BOARD RE-APPOINTMENTS:**

- 4A. Cecilia Levine to the Committee on Border Relations by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]
- 4B. Gerald G. Mangrum to the Ethics Review Commission by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]

**5. BOARD APPOINTMENTS:**

- 5A. Fred Jackson to the Airport Board by Representative Emma Acosta, District 3.  
[Representative Emma Acosta, (915) 541-4572]
- 5B. Richard Sheldon to the City Accessibility Advisory Committee, filling an unexpired term, by Representative Melina Castro, District 4.  
[Representative Melina Castro, (915) 541-4400]
- 5C. Armando Gonzalez to the Information Technology Advisory Board by Representative Ann Morgan Lilly, District 1.  
[Representative Ann Morgan Lilly, (915) 541-4151]
- 5D. Stephanie Karr Dodson to the Fair Housing Task Force by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]
- 5E. Brian D. Wickstrom to the Parks and Recreation Advisory Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5F. Xavier J. Saenz to the Revolving Loan Fund Board by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]
- 5G. Richard De Santos to the Revolving Loan Fund Board by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]
- 5H. Kenneth J. Gezelius to the Zoning Board of Adjustment, as alternate member, by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5I. Jose L. Lares, Jr. to the City Plan Commission, filling an unexpired term, by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 5J. James H. Tolbert to the Tree Board by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]
- 5K. Larry M. Medina to the Civil Service Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5L. Servando Hernandez to the Zoning Board of Adjustment by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 5M. Larry Nance to the Zoning Board of Adjustment, as an alternate member, by Representative Ann Morgan Lilly, District 1.  
[Representative Ann Morgan Lilly, (915) 541-4151]

**6. DISCRETIONARY FUNDS:**

**6A.** Request authorization to transfer District 7 Discretionary Funds (Council Special Projects), Department ID No. 01153010, Account No. 504420, Fund No. 16507, Project PD70428, in the amount of \$2,500 to the Parks & Recreation Department, Department ID 51510073, Account Nos. 501011, 501100, 501101, 501129, 501130, 503111, 503115, 503116, 504422, Fund No.16308, for the purpose of providing a 4-week Club Rec Program at the Thomas Manor Park Shelter. [Representative Steve Ortega, (915) 541-4108]

**6B.** Request authorization to transfer District 3 Discretionary Funds (Council Special Projects), Department ID No. 01153004, Account No. 504420, Fund No. 16503, Project PD30424, in the amount of \$2,500 to the Parks and Recreation Department, Department ID 51510073, Account Nos. 501011, 501100, 501101, 501129, 501130, 503111, 503115, 503116, 504422, Fund No. 16308, for the purpose of providing a 4-week Club Rec Program at the Thomas Manor Park Shelter. [Representative Emma Acosta, (915) 541-4572]

**7. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS, ETC.:**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City of El Paso's option to extend Contract 2005-219R (Golf Course Management Firm) with Kemper Sports Management for one additional three year period. This contract was awarded by City Council on July 12, 2005. Extended contract period is through July 11, 2011.

Department:	Airport
Amount:	\$12,500 (Fixed Monthly Fee) plus Incentive Fee: 5% of gross annual revenues exceeding \$3,000,000
Account No.:	Revenue Contract
Funding Source:	Revenue Contract
Total Estimated Award:	\$450,000 Estimated (Fixed Fee) plus Incentive Fee: 5% of gross annual revenues exceeding \$3,000,000
<b>District:</b>	<b>3</b>

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manager execute any additional documents as necessary. Additionally, authorize the City Manager to execute budget transfers as necessary during the contract. [Financial Services/Purchasing, Terrence Freiburg, (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 vacating a portion of Denver Street (70' wide public right-of-way), City of El Paso, El Paso County, Texas. Location: Denver Street east of

Murchison Drive and west of Idaho Street. Applicant: 1810 Murchison, L.P.  
SUB07-00111 **(District 8)**  
[Development Services/Planning, Michelle Padilla, (915) 541-4903]

**PUBLIC HEARING WILL BE HELD ON JULY 15, 2008, FOR ITEM 8A**

- 8B.** An Ordinance amending the El Paso City Code by adding Title 21, Smart Code, to establish the Smart Code regulations, to create Smart Code use districts in accordance with the Comprehensive Plan, regulate within such districts the height, scale, location and use of buildings and structures, the size of yards and setbacks, civic spaces, use of land for commercial, industry, residence and other purposes; regulate the density of dwellings and other structures and the percentage of lot that may be occupied by structures; define certain terms as used within this ordinance; specify requirements for off-street parking of motor vehicles and off-street loading areas; provide for development standards for all uses; provide for regulations regarding signage; provide for procedures for Smart Code zoning and development; provide for warrants and variances; provide for incentives; provide for enforcement including penalties of a fine not to exceed \$2,000 or civil penalty not to exceed \$500 for each and every offense; provide for injunctive relief; and provide for the following: findings of fact; severability; effective date; and proper notice and a hearing. **(All Districts)**  
[Development Services, John Neal, (915) 541-4193]
- 8C.** An Ordinance changing the zoning of Lot 3, Block 1, Farah Subdivision, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8877 Gateway West Boulevard. Applicant: Hawkins Motor Lodge of El Paso; Representative: Regency Centers. ZON08-00035 **(District 3)**  
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 8D.** An Ordinance changing the zoning of a portion of Tract 4A-31A, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8929 Viscount Boulevard. Applicants: Harmon Four Star, LLC. ZON08-00029 **(District 3)**  
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 8E.** An Ordinance changing the zoning of a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Pebble Hills and west of Sunfire Boulevard. Applicants: JNC Land Inc. ZON08-00025 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 8F.** An Ordinance changing the zoning of the following real property described as Parcel 1: a portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-3/C (Commercial/Condition) and imposing conditions; and Parcel 2: a portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed to R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property:

southeast of U.S. Highway 54 and northwest of Dyer Street. Applicants: Newman Ranch Partners, LP. ZON08-00033 **(District 4)**  
[Development Services/Planning, Ismael Segovia, (915) 541-4027]

- 8G.** An Ordinance changing the zoning of the following real property described as Parcel 1: a portion of Tracts 8, 9A, 9B1, and 9C, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to C-4 (Commercial) and imposing conditions; and, Parcel 2: a portion of Tracts 8, 9A, 9B1, and 9C, Laura E. Mundy Survey No. 238, and a portion of Tracts 5A, 5B, and 6, Laura E. Mundy Survey No. 237 and a portion of Nellie D. Mundy Survey No. 244, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to R-5 (Residential) and from R-3/SP (Residential/Special Permit) to R-5/SP (Residential/Special Permit); and, Parcel 3: a portion of Tracts 9A, 9B1, and 9B, Laura E. Mundy Survey No. 238 and a portion of Tracts 4B, 4B1, 5A, 5B, and 6, Laura E. Mundy Survey No. 237, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to R-MU (Residential-Mixed Use) and approving a Master Zoning Plan; and, Parcel 4: a portion of Tracts 9B, Laura E. Mundy Survey No. 238, and a portion of Tracts 4A, 4B, 4B1, and 6, Laura E. Mundy Survey No. 237, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicants: EP Transmountain Residential, LLC. ZON08-00016 **(District 1)**  
[Development Services/Planning, Ismael Segovia, (915) 541-4027]

### **PUBLIC HEARING WILL BE HELD ON JULY 29, 2008, FOR ITEMS 8B – 8G**

Public Hearings will be held as part of the regular City Council meeting which 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 Friday, 8:00 a.m. to 5:00 p.m.

### **REGULAR AGENDA – PUBLIC HEARINGS**

#### **9. DEVELOPMENT SERVICES:**

- 9A.** An Ordinance changing the zoning of Lot 5, Block 11, Beaumont Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5400 Saint Charles Street. Applicant: Luis H. De La Cruz. ZON08-00024 **(District 2)**  
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 9B.** An Ordinance changing the zoning of Tract 14E, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F/H (Ranch-Farm/Historic) to C-1/H (Commercial/Historic) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9751 Socorro Road. Applicant: Juan & Teresa Ceballos. ZON08-00022 **(District 6)**  
[Development Services/Planning, Ismael Segovia, (915) 541-4027]
- 9C.** An Ordinance changing the zoning of the following real property described as: Parcel 1: all of Tract 4, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from M-3 (Unrestricted Manufacturing) to C-3

(Commercial) and imposing conditions; and, Parcel 2: all of Tracts 6 and 7, I.F. Harrison Survey No. 54 and Tract 3, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential), A-2 (Apartment) and M-1 (Light Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 3: a portion of Tracts 6 and 7, I.F. Harrison Survey No. 54, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) and A-2 (Apartment) to R-5 (Residential); and, Parcel 4: all of Tract 7, I.F. Harrison Survey No. 54, Tracts 3 and 3A, J. Barker Survey No. 10, and Tract 4F2B, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas, be changed from M-1 (Light Manufacturing), R-3 (Residential), and A-2 (Apartment) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Interstate Highway 10 and south of Pete Payan Drive. Applicants: EPT Montecillo Development West, LP. ZON08-00017. **(District 8)** [Development Services/Planning, Arturo Rubio, (915) 541-4633] POSTPONED FROM 07-01-08

**10. MAYOR AND COUNCIL:**

An Ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code), Section 18.10.310 (Appendix G, Swimming Pools, Spas, and Hot Tubs), of the El Paso City Code to establish standards for swimming pools, spas, and hot tubs by adding barrier requirements for residential swimming pools, spas, and hot tubs and entrapment protection for residential swimming pool and spa suction outlets; providing for a one year period to bring certain existing swimming pools, spas and hot tubs into compliance; repealing Ordinance 016867 adopted April 1, 2008, and Ordinance 016875 Changing effective dates of Ordinance 016867; with penalties not to exceed \$2,000 per day per violation as provided in section 18.02.107 of the El Paso City Code. **(All Districts)** [Representative Beto O'Rourke, (915) 541-4123]

**REGULAR AGENDA – OTHER BUSINESS**

**11. DEVELOPMENT SERVICES:**

Discussion and action on a Resolution that the City Manager be authorized to sign an amendment to the January 31, 2006, Development Agreement by and between the City of El Paso, the El Paso Water Utilities - Public Service Board, Ranchos Real IV, LTD., and River Oaks Properties, LTD. to amend Exhibit B, Development Plan, to increase the neighborhood commercial area abutting Rich Beam and Pebble Hills and Tim Foster and Pebble Hills, John Wayne and John Hayes, and Montwood and John Hayes and to allow the location of a public high school. Subject Property: Rich Beam Boulevard at Pebble Hills Boulevard. Applicant: Ranchos Real XII and River Oaks Properties LTD. **(East ETJ, Adjacent to Districts 5 and 6)** [Development Services/Planning, Christina Valles, (915) 541-4930]

**12. CITY MANAGER:**

City Manager's report of current events and issues:

**12A. Quarterly Financial Report: 3<sup>rd</sup> Quarter for Fiscal Year 2008.**  
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]

**12B. Presentation of FY 2009 Proposed Budget Operations and Maintenance Recommendations.**

[Office of Management and Budget, David Almonte, (915) 541-4777]

**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.) 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. Discussion and action regarding strategies and options related to Asarco bankruptcy process. (551.071) [City Attorney's Office, Raymond L. Telles, (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 FRIDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>