

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

September 9, 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 – Fire Chaplain Ed Sinke
Pledge of Allegiance

RECOGNITIONS

TRIBUTE TO 9/11 ANNIVERSARY

MAYOR'S PROCLAMATIONS

1. **2ND MISSILE BATTALION, 71ST ARTILLERY'S 50TH ANNIVERSARY**
2. **LA FERIA DE LA FAMILIA DAY**
3. **NATIONAL SUICIDE PREVENTION WEEK**

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.

REGULAR AGENDA – OTHER BUSINESS

1. MUNICIPAL CLERK:

Discussion and action on the appointment of one of the following applicants to the position of Judge, Municipal Court 4, to fill an expired term. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

1. Rick Olivo
2. Marlene Gonzalez
3. Cheryl Lay

2. ECONOMIC DEVELOPMENT:

Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Hawkins Regency L.L.C., a Delaware limited liability company (“Applicant”), to provide for a grant from the City to the Applicant in an amount not to exceed \$8,000,000 Net Present Value in connection with the Applicant’s removal of the blighted conditions and redevelopment of the approximately 55-acre property located at 8889 Gateway West Boulevard in El Paso, Texas, subject to the terms and conditions provided in the Agreement. [General Fund] **(District 3)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

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

3. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of September 2, 2008.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

4. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

5. RESOLUTIONS:

5A. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gateway Mission Training and Conference Center for \$180,000 for the purchase of real property located at 600 South Piedras, El Paso, El Paso

County, Texas, for the Chamizal Neighborhood Revitalization Strategy Area project. **(District 8)** [Community and Human Development, William Lilly, (915) 541-4643]

5B. A Resolution that the City of El Paso agrees to create a joint "Complete Count Committee" in partnership with the County of El Paso to encourage participation in the U.S. Census through outreach programs and events that bring positive awareness of the 2010 Census to all the people of El Paso. **(All Districts)** [Development Services/Planning, Chuck Kooshian, (915) 541-4632]

5C. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 4, & 7)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

5D. That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Community Health Preparedness Coordinator is hereby created as specified in the duties and responsibilities attached hereto. The Code is 22255. The Grade is PM 132. Salary Range: \$54,542.78 - \$83,450.45. Fund Source: 41150023 – 06335 - 41000G2008. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]

6. BOARD RE-APPOINTMENTS:

6A. Maceo Crenshaw Dailey, Jr. to the Art Museum Advisory Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

6B. Teri M. Spicer to the Art Museum Advisory Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

7. BOARD APPOINTMENTS:

7A. Mary Castillo to the City Accessibility Advisory Committee to fill an unexpired term by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

7B. Bernard J. Sargent to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

7C. Ken Walters to the Building and Standards Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

8. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER:

Request that the Purchasing Manager for Financial Services be authorized to issue a purchase order to Landscape Structure Inc., a contractor under U.S. Communities Cooperative Purchasing Alliance, Contract No. 040377, for procurement of playground equipment for Salvador Rivas Park. Participation by the City of El Paso in the U.S. Communities program was approved by Mayor and Council on July 5, 2006.

Department: Parks & Recreation
Account No.: 99331117 – 508009 – 27263 – PCP08PA01
Funding Source: Parks Proportionality Furniture & Fixtures, FY2006 CO's
Total Estimated Award: \$55,901.75

Reference No.: 2009-025
District: 5
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

9. 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.**

9A. 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 to add Helen of Troy Drive. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 1)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2008, FOR ITEM 9A

9B. An Ordinance granting Special Permit No. ZON08-00050 to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2 described as Lots 24, 25, and 26, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5911, 5913, and 5915 Cleveland Avenue to serve Parcel 1, described as Lots 4, 5, 6, and 7, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5928 Trowbridge Drive, pursuant to Section 20.10.410 of the El Paso City Code. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject properties: (Parcel 1) 5928 Trowbridge Drive; (Parcel 2) 5911, 5913, and 5915 Cleveland Avenue. Applicant: Holy Light Church of God in Christ, Inc. ZON08-00050 **(District 3)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2008, FOR ITEM 9B

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

10. DEVELOPMENT SERVICES:

10A. An Ordinance granting Special Permit No. ZON08-00038 to allow for retail uses within the SRR (Special Residential Revitalization) Zoning District on the property described as Lot 11, Block 87, Campbell Addition, City of El Paso, El Paso County, Texas, more commonly known as 700 South Oregon Street, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicant: A&R Urbina. ZON08-00038 **(District 8)**

[Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 10B.** An Ordinance changing the zoning of Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: De Leon Drive north of Fiesta Drive and south of Mesa Street. Applicant: Albert Gomez Builders, Inc. ZON08-00014 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10C.** An Ordinance granting Special Permit No. ZON08-00048 to allow for a planned residential development with reduced setbacks, and reduced lot depth on Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code, and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: De Leon Drive north of Fiesta Drive and south of Mesa Street. Applicant: Albert Gomez Builders, Inc. ZON08-00048 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10D.** An Ordinance changing the zoning of a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) 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: North Zaragoza Road at Rich Beem Drive. Applicant: River Oaks Properties, LTD. ZON08-00015 **(District 5)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10E.** An Ordinance releasing a condition placed on property by Ordinance No. 8527 which changed the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, and which imposed certain conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6540 Mohair. Applicant: Eduardo Guzman. ZON07-00154 **(District 4) THIS IS AN APPEAL CASE.**
[Development Services/Planning, Ismael Segovia, (915) 541-4027] POSTPONED FROM 09-02-08
- 10F.** An Ordinance changing the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, from C-4/SC (Commercial/Special Contract) to M-2 (Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6540 Mohair. Applicant: Eduardo Guzman. ZON07-00125 **(District 4)**
THIS IS AN APPEAL CASE.
[Development Services/Planning, Ismael Segovia, (915) 541-4027] POSTPONED FROM 09-02-08
- 10G.** An Ordinance extending the term of Ordinance 16013 which granted a Special Privilege to Mario Hernandez, Hector Cobos, Jr., Eber Martinez, Maria Cobos, Margarita Cobos, Juan Torres, Pedro Orona, Hector Cobos, Maria Prieto, Maria Grado, Jack Kellog, Jesus Hernandez, Eusebio Coronel, Victor Ochoa, Carmen Cox, Maria Chavez, Eunise Morales, Maria Barraza, Santiago Aguilar, and Brandon Palma to encroach onto a portion of various public rights-of-way with a food-vending concession in the Downtown Area. Applicant: City of El Paso. **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 09-02-08

11. CITY MANAGER:

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to amend Section 2.92.070, Subsection A, to eliminate the requirement that financial disclosure forms be filed annually by City Board and Commission members. **(All Districts)** [City Manager's Office, Joyce A. Wilson, (915) 541-4071] **POSTPONED FROM 06-17-08**

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

Discussion and action on directing the City Manager to establish the appropriate course of action in addressing the concerns relating to the Love Road neighborhood. [Representative Beto O'Rourke, (915) 541-4123] **POSTPONED FROM 08-19-08**

13. DEVELOPMENT SERVICES

Discussion and action on Conditional B permit for Tierra Del Este Unit 50 Subdivision. **(District 5)** [Development Services, Larry F. Nichols, (915) 541-4557]

14. ENVIRONMENTAL SERVICES:

Discussion and action on the R. W. Beck presentation on Revenue Enhancements Options and Flow Control. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

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. Claim of the estate of Gregory Smith; our file No. 08-C-167. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550] **POSTPONED FROM 09-02-08**

EX2. Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550] **POSTPONED FROM 08-26-08 AND 09-02-08**

- EX3.** City of El Paso vs. Public Utility Commission of Texas, Cause No. D-1-Gv-04-002035, 201st Judicial District Court, Travis County, Texas. (551.071)
[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX4.** Juana Patricia Acosta et al. vs. City of El Paso, et al.; Cause No. 2006-1380. (551.071)
[City Attorney's Office, Laura P. Gordon, (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/>