

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

**SEPTEMBER 17, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
SEPTEMBER 16, 2013
9:00 a.m.**

NOTE:

- The City Council Agenda has been reorganized as directed by City Council on June 25, 2013 to allow for a **Call to the Public at 12:15 p.m. – 12:45 p.m.** Requests to speak must be received by **9:00 a.m.** on the date of the meeting. Three minutes may be allowed for each speaker. Thirty minutes in total will be devoted for Call to the Public.
- 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.
- 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 CHAPLAIN CARLOS FLORES

MAYOR'S PROCLAMATIONS

- 1. ECI STROLLER-A-THON DAY**
- 2. NATIONAL PREPAREDNESS MONTH**
- 3. SURGICAL TECHNOLOGISTS WEEK IN EL PASO**

PRESENTATION

DAVID REISMAN, EXECUTIVE DIRECTOR OF THE TEXAS ETHICS COMMISSION

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 September 10, 2013, the Legislative Review Meeting of the Whole of September 9, 2013, and the Legislative Review of the Whole/Work Session of September 10, 2013.

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. BOARD RE-APPOINTMENTS:

3A. Robert Garland to the Zoning Board of Adjustment, as a regular member, by Representative Ann Morgan Lilly, District 1.

[Representative Ann Morgan Lilly, (915) 541-4886]

3B. Lamar Skarda to the Zoning Board of Adjustment, as an alternate member, by Representative Ann Morgan Lilly, District 1.

[Representative Ann Morgan Lilly, (915) 541-4886]

3C. Michael B. Churchman to the Tax Increment Reinvestment Zone Number #5 by Mayor Oscar Leeser. [Mayor Oscar Leeser 541-4145]

3D. Frederic Dalbin to the Tax Increment Reinvestment Zone Number #5 by Mayor Oscar Leeser. [Mayor Oscar Leeser 541-4145]

3E. Sal Masoud to the Construction Board of Appeals by Representative Cortney Carlisle Niland, District 8. [Representative Cortney Carlisle Niland, (915) 541-4268]

4. BOARD APPOINTMENTS:

4A. Patricia E. White to the Open Space Advisory Board by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]

4B. Sussette Kenney to the Fair Housing Task Force by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson 915-541-4400]

4C. Holt Grambling to the City Plan Commission by Representative Cortney Carlisle Niland, District 8. [Representative Cortney Carlisle Niland, (915) 541-4268]

5. FOR NOTATION:

Appointment of City Representative Larry Romero to the Board of Directors of the Rio Grande Council of Governments by Mayor Oscar Leeser.

[Mayor Oscar Leeser 541-4145]

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.**

An Ordinance granting an exclusive Special Privilege License to the Central Business Association of El Paso, Inc. to permit sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso. (NESV13-00014) **(District 8)**
[City Development, Shamori Whitt, (915) 541-4477]

PUBLIC HEARING WILL BE HELD ON OCTOBER 1, 2013, FOR THE ITEM

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

7. CITY DEVELOPMENT:

- 7A.** An Ordinance changing the zoning of Tract 1-D-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from R-3 (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: North of Album and East of McRae. Property Owner: LUCMOR, LLC. PZRZ13-00017 Owner Information: LUCMOR, LLC, 1400 Texas Avenue, El Paso, TX 79901 **(District 3)**
[City Development, Michael McElroy, (915) 541-4238]
- 7B.** An Ordinance changing the zoning of a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, 14400 Pebble Hills Blvd., City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 14400 Pebble Hills Boulevard. Property Owner: Socorro Independent School District. PZRZ13-00025 **(District 5)** [City Development, Andrew Salloum, (915) 541-4633]
- 7C.** An Ordinance approving a detailed site development plan for a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys; located at 14400 Pebble Hills Boulevard, and to permit an increase in height from the height limit regulations of the S-D (Special Development) zone district, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.360A5 the penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 14400 Pebble Hills Boulevard. Property Owner: Socorro Independent School District. PZDS13-00010 **(District 5)** [City Development, Andrew Salloum, (915) 541-4633]
- 7D.** An Ordinance granting Special Permit No. PZST13-00013, to permit a skilled nursing facility on the property described as a portion of Tract 2A, Block 1, Ysleta Grant, 9641 North Loop Road, 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: 9641 North Loop Road. Property Owner: Ben L. Ivey, LTD. PZST13-00013 **(District 6)**
[City Development, Andrew Salloum, (915) 541-4633]

- 7E. An Ordinance vacating a 2.6478 acre portion of Edgar Road Right-of-Way between Ethel Road and Desert Boulevard South, more particularly described as a portion of Edgar Road out of S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas. Applicant Information: Prime Desert Properties, LLC SURW13-00012 **(District 1)**
[City Development, Raul Garcia, (915) 541-4935]

8. HUMAN RESOURCES:

- 8A. An Ordinance amending Ordinance 8064 (Classification and Compensation Plan), to amend the Ordinance to comport with the recent amendments to the Charter of the City of El Paso, Texas, and to make other non-substantive revisions to various sections of the Ordinance. **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]
[POSTPONED FROM 8-27-2013 AND 09-10-2013]

- 8B. An Ordinance amending Ordinance 8065 (Civil Service Rules and Regulations), to amend various sections of Rule Nos. 2, 4, 5, 6, 8 and 10 to comport with the recent amendments to the Charter of the City of El Paso, Texas; to delete Rule No. 3 and mark as "RESERVED;" to amend Rule No. 6 to correspond with City personnel policies; and to correct a scrivener's error in Rule No.2.
(All Districts) [Human Resources, Linda Ball Thomas, (915) 541-4509]
[POSTPONED FROM 8-27-2013 AND 09-10-2013]

9. TAX OFFICE:

An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real properties described as part of Tract 2-A, Block 6, Ascarate Grant, and known as Tract 2-V-1-F, an addition to the City of El Paso, El Paso County, Texas, as further described in Volume 926, Page 1635, deed records, El Paso County, Texas to Marcelino Arriaga, in accordance with Section 34.05 (h) of the Tax Code. **(District 7)** [Tax Office, David Childs, (915) 541-4598]

REGULAR AGENDA – OTHER BUSINESS

10. CITY DEVELOPMENT:

- 10A. Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: PHAP13-00020; 2801 Silver Avenue, El Paso, Texas, on August 19, 2013 to deny a certificate of appropriateness application for the referenced property, PHAP13-00020. **(District 2)** [City Development, Andrew Salloum, (915) 541-4633]
- 10B. Discussion and action on a recommendation from the City Planning Commission to update the Drainage Design Manual.
[City Development, Carlos Gallinar, (915) 541-4662]
[Larry Nance, Chair, City Plan Commission]
- 10C. Discussion and action on a Resolution that the City Council approves the recommendation of the Board of Directors of the El Paso Downtown

Management District that the following persons be reappointed as Directors of the District:

<u>Position</u>	<u>Incumbent</u>	<u>Last Appt Date</u>	<u>Term#</u>
Place 8	H. Wayne Soza	05/2013*	1
Place 9	T.J. Karam	04/2010	2
Place 10	Chris Kleberg	05/2010	2
Place 11	Jim Dove	07/2011*	1
Place 12	Tripper Goodman	12/2011*	1
Place 13	Brent Harris	08/2011	2
Place 14	Arlene Carroll	08/2011	2

*First full term to be served as previously appointed for unexpired terms by the Board of Directors.

(District 8) [City Development, Mathew McElroy, (915) 541-4193]

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.** City of El Paso, Texas vs. Currey Adkins Cook; Cause No. 2012-1886 (551.071)
[City Attorney's Office, Kenneth Krohn, (915) 541-4550]
- EX2.** City of El Paso EMS Self-Disclosure to the Office of Inspector General for the United States Department of Health and Human Services (551.071)
[City Attorney's Office, Kenneth Krohn (915) 541-4550]
- EX3.** Michael Joseph Lynch vs. America Tirado, et. al., Cause No. 2009-393 (551.071)
[City Attorney's Office, Kenneth Krohn (915) 541-4550]
- EX4.** Dominga Pena vs. City of El Paso, and J.A.R. Concrete, Inc. Cause No. 2012-DCV01219 (551.071) [City Attorney's Office, Kenneth Krohn, (915) 541-4550]
- EX5.** Bankruptcy of El Paso Lighthouse for the Blind; Case Number 12-30264 (551.071)
[City Attorney's Office, Kristen Hamilton, (915) 541-4550]

- EX6.** PUC Project No. 41622 Rulemaking to Propose New Substantive Rule 25.245, relating to the Recovery of Expenses for Ratemaking Proceedings. (551.071)
[City Attorney's Office, Matthew Behrens, (915) 541-4550]
- EX7.** PUC Docket 41763-Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for two additional generating units at the Montana Power Station El Paso County. (551.071) [City Attorney's Office, Matthew Behrens, (915) 541-4550]
- EX8.** PUC Docket 41803-Petition of El Paso Electric Company for Authority to Revise Fixed Fuel Factor. (551.071) [City Attorney's Office, Matthew Behrens, (915) 541-4550]
- EX9.** PUC Docket 41663-Petition of El Paso Electric Company for Approval to Revise Base Discount Recovery Factor Tariff. (551.071)
[City Attorney's Office, Matthew Behrens, (915) 541-4550]

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 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/>