

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

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**September 20, 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**

- 1. SURGICAL TECHNOLOGISTS WEEK IN EL PASO**
- 2. LINCOLN PARK DAY**
- 3. HISPANIC HERITAGE CELEBRATION MONTH**

### **PRESENTATION**

**SAFE ROUTES TO SCHOOL PROGRAM – WALKABILITY STUDY**

### **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 September 13, 2011.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. BOARD APPOINTMENT:**

Robert Concha, Jr., to the Zoning Board of Adjustment, as a regular member, by Representative Susie Byrd, District 2.  
[Representative Susie Byrd, (915) 541-4996]

**REGULAR AGENDA – PUBLIC HEARINGS**

**4. PLANNING AND ECONOMIC DEVELOPMENT:**

**4A.** An Ordinance granting Special Permit No. ZON11-00003, to allow for Infill Development with Reduced Setbacks and a Parking Reduction on the property described as a portion of Lots 3 and 4, Block 6, Del Norte Acres, 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: 8620 Gateway North Boulevard. Property Owner: Disabled American Veterans Northeast Chapter #187. ZON11-00003 (**District 2**)  
[Planning & Economic Development, Esther Guerrero, (915) 541-4720]

**4B.** An Ordinance changing the zoning of Tract 7E3, Block 34, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch & Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8400 Block of Alameda, North of Prado Road. Property Owner: Jorge M. Sanchez. PZRZ11-00020 (**District 7**)  
[Planning & Economic Development, Esther Guerrero, (915) 541-4720]

**4C.** An Ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from A-2 (Apartment) 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: 14200 Block of Edgemere Boulevard at Tim Foster Street. Property Owner: Camino Real Properties I, LTD. PZRZ11-00027 **(District 5)** [Planning and Economic Development, Esther Guerrero, (915) 541-4720]

- 4D. An Ordinance changing the zoning of Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas from P-I/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4501 Osborne Drive. Property Owner: EP Dirtmen, LLC & CIC Limited, Inc. PZRZ11-00026 **(District 8)**  
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
  
- 4E. An Ordinance changing the zoning of a 1.174 acre (51,124 square feet) tract of land being all of Lots 1 thru 9, all of Lots 48 thru 52, all of Lot 14, a portion of Lots 10, 11, 12, 13 and 47, and a portion of a vacated alley all within Block I, Alamo Heights Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-4/H (Residential/Historic Overlay). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. PZRZ11000028 **(District 2)**  
[Planning and Economic Development, Providencia Velazquez, (915) 541-4027]
  
- 4F. An Ordinance changing the zoning of a portion of Tract 3, Kilpatrick Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8648 North Loop Drive, Applicant: Margarita Modabber, PZRZ11-00025 **(District 7)**  
[Planning and Economic Development, Justin Bass, (915) 541-4930]
  
- 4G. An Ordinance changing the zoning of all of Lot 19, Block 2, Franklin Village Amending Plat, City of El Paso, El Paso County, Texas from R-3A (Residential) to R-MU (Residential-Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6262 Transmountain Drive, Property Owner: Hilda Gastelum, PZRZ11-00032 **(District 4)**  
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]
  
- 4H. An Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8482 Alameda Avenue. Applicant: NCJ Development, Inc. and Cash Investments, Inc. ZON10-00093 **THIS IS AN APPEAL CASE (District 7)**  
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]  
**POSTPONED FROM 6-14-2011, 8-9-2011, AND 8-30-2011**
  
- 4I. An Ordinance granting a Special Privilege License to Sprint Communications Company L.P. for the construction, installation, maintenance, and repair of 1,428 linear feet of subsurface fiber optic conduit and cables for long-distance telecommunications systems within portions of City right-of-way along Mesa Hills Drive between Mesa Street and Doniphan Park Drive for a term of five years with two renewable five year terms. SPL10-00034 **(Districts 1 and 8)**  
[Department of Transportation, Mirian Spencer, (915) 541-4482]
  
- 4J. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso

County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.  
**(All Districts)** [Planning and Economic Development, Arturo Rubio, (915) 541-4633]

**5. CITY ATTORNEY:**

An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas. **(All Districts)**  
 [City Attorney's Office, Charlie McNabb, (915) 541-4550]

**6. PARKS AND RECREATION:**

Discussion and action on a Resolution that City Council approves the use of 0.141 acres of parkland to develop an extension of Cimarron Park Drive from Paso del Norte Boulevard through Cimarron Park to Brays Landing Street. **(District 1)**  
 [Parks and Recreation, Nanette Smejkal, (915) 541-4331]

**7. PUBLIC HEALTH:**

An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), to allow for the issuance of a food handler certificate rather than a food handler card and a food protection management certificate rather than a food protection management card in all applicable sections; the penalty as provided in Section 9.12.890. **(All Districts)** [Public Health, Michael Hill, (915) 771-5702]

**REGULAR AGENDA – OTHER BUSINESS**

**8. MAYOR AND COUNCIL:**

Discussion and action on all sports scheduling and the maintenance of all the parks and recreations fields.  
 [Representative Eddie Holguin, Jr. (915) 541-4178]

**9. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution that City Council approve the HOME Program funding commitment of \$282,757 for the development of four three-bedroom affordable rental housing units by PV Community Development Corporation, located at 6715 Sambrano, and that the City Manager be authorized to sign the Investor HOME Program Written Agreement between the City and PV Community Development Corporation, as well as any related contract documents necessary to effectuate the award and to secure the City's lien interest. **(District 3)**  
 [Community and Human Development, William Lilly, (915) 541-4643]

**10. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

Discussion and action that the City Manager be authorized to sign the Third Amendment to the Agreement for Professional Services by and between the City of El Paso and Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project

known as “A New Plan for El Paso – A Rewrite of the City’s Comprehensive Plan” to add additional services in the amount of \$681,000 thereby extending the contract amount from \$1,993,120 to \$2,614,120. The consultant was originally selected to perform three tasks in the process of updating the City’s Comprehensive Plan. This amendment adds task order number three. Department of Defense Community Planning Assistance Funds [Office of Economic Adjustment Grant] **(All Districts)**  
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**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.** Cause No. 2009TX944: Hotel Don Quixote, a Texas Limited Partnership, vs. El Paso Central Appraisal District and El Paso Appraisal Review Board. (551.071)  
 [City Attorney’s Office, Sylvia Borunda Firth, (915) 541-4550]
- EX2.** 701 Pendale, El Paso, Texas (551.072)  
 [City Attorney’s Office, Bertha Ontiveros, (915) 541-4550]
- EX3.** Student Memorial Park, 9425 Vicksburg Dr., El Paso, Texas (551.072)  
 [City Attorney’s Office, Bertha Ontiveros, (915) 541-4550]
- EX4.** Lucia Guerrero, et. al. vs. City of El Paso, et. al.; Cause No. EP-09-CV-0236-DB (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/>