

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, 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 21, 2010
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 –Police Chaplain Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. SURGICAL TECHNOLOGISTS WEEK IN EL PASO**
- 2. CANDLELIGHTERS WALK OF HOPE DAY**
- 3. LINCOLN PARK DAY**

RECOGNITION

STEPHEN ARMIJO,
ALL-AMERICA CITY AWARD DESIGN COMPETITION WINNER

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.

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 14, 2010
 [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. Placing a condemnation lien on the following properties (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

1. 3824 Jackson Avenue \$5,529.80 Elizabeth Navarro and Jorge Masqueda
District 2

2. 5833 Macias Street \$4,154.93 Manuel Lopez and Esperanza Reyes
District 3

[Environmental Services, William V. Stern (915) 599-3742]

3B. That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A) **(Districts 3, 6, 7 & 8)**

[Environmental Services, Ellen A. Smyth (915) 621-6719]

REGULAR AGENDA – PUBLIC HEARINGS

4. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES:

An Ordinance authorizing the issuance of “City of El Paso, Texas, Water And Sewer Revenue Refunding Bonds, Series 2010A;” and resolving matters which are necessary to effectuate said issuance, including the delegation of matters relating to the sale and issuance of the Bonds to an authorized City officer or employee within certain specified parameters. **(All Districts)**

[El Paso Water Utilities Public Service Board, Edmund G. Archuleta, (915) 594-5501]

5. PLANNING AND ECONOMIC DEVELOPMENT:

- 5A. An Ordinance changing the zoning of Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of Dyer Street and north of Mesquite Flor Drive. Applicant: Jobe Materials, LP. ZON10-00045 **(District 4)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4027]

- 5B. An Ordinance changing the zoning of Parcel A – A 1.451 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone C-1/C, Parcel 5 in Ordinance 15672); Parcel B – 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone C-3/C Parcel 6 in Ordinance 15672); Parcel C – An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone R-3A/C, Parcel 7 in Ordinance 15672) from C-1/C (Commercial/Conditions, C-3/C (Commercial/Conditions) and R-3A/C (Residential/Conditions) to A-O/C (Apartment-Office/Conditions) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Northern Pass and north of Paseo Del Norte Drive. Applicant: Cimarron Hunt Communities, LLC. ZON10-00048. **(District 1)**
[Planning and Economic Development, Linda Castle, (915) 541-4029]

- 5C. An Ordinance amending Ordinance No. 016528 to allow for three consecutive two-year terms of office for board members of the board of directors of the Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas. **(District 8)**
[Planning and Economic Development, Kathryn B. Dodson, (915) 541-4670]

6. DEPARTMENT OF TRANSPORTATION:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso City Code by adding Angora Loop south from Dyer Street to Railroad Drive to Subsection G, forty miles per hour; the penalty being as provided in Section 12.84.010 (Violation--Penalty) of the El Paso City Code. **(District 4)**
[Department of Transportation, Ted Marquez, (915) 621-6814]

7. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 7A. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) Sections 18.02.103.1.1.6 (Prerequisite to Issuance of Permits) and 18.02.103.9.1.2.1 (Prerequisite to Issuance of Certificate of Occupancy), of the El Paso City Code, to amend the requirements for issuance of conditional building permits and certificates of occupancy for lots with conditional building permits, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 7B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code, by repealing Chapter 18.02 in its entirety and adopting a new Chapter 18.02 in its place, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 7C.** An Ordinance adopting the 2009 edition of the International Building Code and amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code, to provide for local amendments to the 2009 International Building Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7D.** An Ordinance adopting the 2009 edition of the International Residential Code and amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code), of the El Paso City Code, to provide for local amendments to the 2009 International Residential Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7E.** An Ordinance adopting the 2009 edition of the International Mechanical Code and amending Title 18 (Building and Construction), Chapter 18.12 (Mechanical Code), of the El Paso City Code, to provide for local amendments to the 2009 International Mechanical Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7F.** An Ordinance adopting the 2008 edition of the National Electrical Code and amending Title 18 (Building and Construction), Chapter 18.16 (Electrical Code), of the El Paso City Code, to provide for local amendments to the 2008 National Electrical Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7G.** An Ordinance adopting the 2009 edition of the International Plumbing Code and amending Title 18 (Building and Construction), Chapter 18.20 (Plumbing Code), of the El Paso City Code, to provide for local amendments to the 2009 International Plumbing Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7H.** An Ordinance adopting the 2009 edition of the International Fuel Gas Code and amending Title 18 (Building and Construction), Chapter 18.24 (Gas Code), of the El Paso City Code, to provide for local amendments to the 2009 International Fuel Gas Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7I.** An Ordinance adopting the 2009 edition of the International Existing Building Code and amending Title 18 (Building and Construction), Chapter 18.28 (Existing Building Code), of the El Paso City Code, to provide for local amendments to the 2009 International Existing Building Code, the penalty being as provided in Section 18.02.107 (Violations Penalties) of the El Paso City Code. **(All Districts)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 7J.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape), of the El Paso City Code, to provide additional definitions, clarify the

landscape requirements for parking lots, lower the percentage of plants required from the plant list, and add an exemption to the landscape requirements, the penalty being as provided in Section 18.46.180 (Violations Penalties) of the El Paso City Code. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 7K.** An Ordinance adopting the 2009 edition of the International Energy Conservation Code and amending Title 18 (Building and Construction), to add Chapter 18.70 (Energy Conservation Code), to the El Paso City Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)** [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 7L.** An Ordinance adopting the 2009 edition of the International Fire Code and amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), of the El Paso City Code, to provide for local amendments to the 2009 International Fire Code, the penalty being as provided in Section 9.52.030.19 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Fire, Otto Drozd, (915) 771-1000]

8. MUSEUMS AND CULTURAL AFFAIRS:

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.030 (Advisory Board – Created – Members – Appointment), Section 2.40.040 (Advisory Board – Members - Terms), 2.40.050 (Advisory Board – Officers and Quorum), 2.40.060 (Art Museum Advisory Board – Duties), 2.40.070 (Cultural Affairs Advisory Board – Duties), 2.40.080 (Museum of History Advisory Board), and 2.40.090 (Museum of Archaeology Advisory Board) of the El Paso City Code to sunset the current boards and to create a central board for the Museums and Cultural Affairs Department to be called the Museums and Cultural Affairs Advisory Board; to codify and clarify the Ordinances creating the Public Art Program and the Public Art Committee and to repeal Ordinances Nos. 16324 and 17165. **(All Districts)**

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

REGULAR AGENDA – OTHER BUSINESS

9. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council approve the following affordable rental housing projects recommended by the Director of Community and Human Development, as listed below: (1) El Paso Collaborative for Community and Economic Development (Land acquisition and construction of 6 Rental Units) 8911 & 8915 Herbert Street (\$521,492) (Dist. 2); (2) Housing Authority City of El Paso (HACEP) with Affordable Housing Acquisition, Inc. (Rehabilitation of 369 multi-family rental units) (\$1,000,000) (Dist. 3); (3) Canutillo Palms, Ltd. (Construction of 172 multi-family rental units) Parcel south of Canutillo High School and 200 ft. west of I/10 (\$100,000) (Dist. 1); (4) TVP Non-Profit Corporation – Community Housing Development Organization (CHDO) (Land acquisition and construction of 10 Rental Units) 3824-3830 Lincoln Street (Dist. 2); (5) PV Community Development Corporation – Community Housing Development Organization (CHDO) (Land acquisition and construction of 10 Rental Units) 3722 & 3730 Pera Street (Dist. 3). Further, that the City Manager, on behalf of the City, be authorized to sign the applicable Investor HOME Written Agreement or Community Housing Development Organization (CHDO) HOME Written Agreement, in a form substantially similar to the form contract as specified by

and between the City and each respective project developer, a Deed of Trust and/or Builder's and Mechanic's Lien Contract and Deed of Trust by and between the City, the respective CHDO, and the selected construction contractors, as well as any related contract documents necessary to effectuate the awards and to secure and protect the City's lien interest. **(Districts 1, 2 and 3)**

[Community and Human Development, William Lilly, (915) 541-4643]

10. ENVIRONMENTAL SERVICES:

For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on August 19, 2010, as submitted by Representative Susie Byrd; and

Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:

- a) Tire pyrolysis plant for scrap tire disposal.
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- b) A staff report on the Friedman Recycling Facility expansion.
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]
- c) A staff report on air quality standards and attainment status.
[Engineering, Miguel Parra, (915) 599-6235]
- d) Potential revisions to Chapter 9.08, (Junked Vehicles) of the City Code as relating to Junk Vehicles.
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- e) Potential revisions to City Code provisions relating to Flea Markets.
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]

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.** Workers' Compensation Subrogation Interest Regarding Lucinda Chavez (551.071)
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- EX2.** Javier Adame v. City of El Paso, Cause Number 2009-1736, Our File No. 09-S-16 (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 THURSDAY AT THE ADDRESS BELOW:

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