

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**

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**OCTOBER 15, 2013  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.**

**AND**

**LEGISLATIVE REVIEW MEETING OF THE WHOLE  
300 N. CAMPBELL  
MAIN CONFERENCE ROOM, 2<sup>ND</sup> FLOOR  
OCTOBER 14, 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, FIRE AND CIMA CHAPLAIN SAM FARAONE**

#### **PLEDGE OF ALLEGIANCE**

|                         |                          |
|-------------------------|--------------------------|
| <b>DANIEL SARMIENTO</b> | <b>DOMINIQUE ORDONEZ</b> |
| <b>MARIANA MEZA</b>     | <b>JADYNNE SANDHU</b>    |
| <b>ISABELLA ROMERO</b>  | <b>ELIZABETH THOMAS</b>  |
| <b>DEVON ESQUIVEL</b>   | <b>ELIZABETH ROY</b>     |

#### **MAYOR'S PROCLAMATION**

- 1. PHYSICAL THERAPY MONTH**
- 2. WHITE CANE SAFETY MONTH**
- 3. BOEING EL PASO 30TH ANNIVERSARY DAY**

## 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 October 8, 2013, the Legislative Review Meeting of the Whole of October 7, 2013, and the Special City Council Meeting of October 3, 2013 (Strategic Planning and Goal Setting).

[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 an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas for the temporary closure and use of State owned portions of Montana Avenue (US 62/180), Joe Battle Boulevard (Loop 375), and Zaragoza Road (FM 659) during the Cycle for Change Challenge on Sunday, October 27, 2013 from 7:30 a.m. to 12:00 p.m., an event scheduled to exceed four hours in length and found by the City to serve a public purpose. (LPAR13-00053) **(Districts 5 and 6)** [City Development, Shamori Whitt, (915) 541-4477]

**3B.** That the sale and service of alcoholic beverages by El Paso Sun City Pride Organization, in the closed portions of City rights-of-way on Prospect Street between Los Angeles Drive and Stewart Court and Corto Way between Prospect Street and the alley between Prospect Street and Yandell Drive from 12:00 p.m. to 10:00 p.m. Saturday, October 26, 2013 in conjunction with The Sunset Heights Block Party, is a permissible activity (NESV13-00029) **(District 8)** [City Development, Shamori Whitt, (915) 541-4477]

**3C.** That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and PC Automated Controls, Inc., a Texas Corporation and RJ Shelton, LLC, a Texas Limited Liability Company ("Applicants"), in relation to the Applicants' development of a warehouse and office facility in El Paso, Texas. **(District 4)** [City Development, Mathew McElroy, (915) 541-4193]

**3D.** That the City Manager be authorized to execute a First amendment to a Chapter 380 Economic Development Agreement between the City and Joe Battle Partners, L.P. ("Applicant") regarding the Applicant's construction of a large-scale multi-family housing development in El Paso, Texas, which extends the deadline

to obtain a certificate of occupancy for the development and provides additional consideration to the City for the agreed upon extension. **(District 5)**  
[City Development, Mathew McElroy, (915) 541-4193]

**4. BOARD RE-APPOINTMENTS:**

- 4A.** Adam E. Gurrola to the Parks and Recreation Advisory Board by Representative Larry Romero, District 2. [Representative Larry Romero, (915) 541-4996]
- 4B.** Ann F. Kruzich to the Museums and Cultural Affairs Advisory Board by Representative Carl L. Robinson, District 4.  
[Representative Carl L. Robinson, (915) 541-4400]
- 4C.** William E. Moody to the Museums and Cultural Affairs Advisory Board by Mayor Oscar Leeser. [Mayor Oscar Leeser, (915) 541-4145]

**5. BOARD APPOINTMENTS:**

- 5A.** Roy Gilyard to the Zoning Board of Adjustment, as a regular member, by Representative Carl L. Robinson, District 4.  
[Representative Carl L. Robinson, (915) 541-4400]
- 5B.** Roy Gilyard to the Parks and Recreation Advisory Board by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson, (915) 541-4400]
- 5C.** Sylvia Carreon to the Parks and Recreation Advisory Board by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]
- 5D.** Analinda Moreno to Museums and Cultural Affairs Advisory Board by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]
- 5E.** Othon Medina, Jr. to the Zoning Board of Adjustment, as a regular member, by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]
- 5F.** Luis Leon to the Capital Improvements Advisory Committee by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]
- 5G.** Jim Graham to Zoning Board of Adjustment, as an alternate member, by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]
- 5H.** Richard O. Martinez to the Public Service Board Selection Committee by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4124]

**6. NOTICE OF CAMPAIGN CONTRIBUTIONS:**

For notation pursuant to Section 2.2.110 of the City Code: receipt of campaign contributions by Representative Carl L. Robinson, in the amount of \$25 from Teresa Quezada; in the amount of \$50 from Edward J. Beck; in the amount of \$50 from Janette and William Coon; in the amount of \$50 from Richard L. Davis; in the amount of \$50 from Jeanie L. or Starr A. Palmer; in the amount of \$400 from Kimberly Isaac Smith; in the amount of \$100 from Patrick B. Haggerty; in the amount of \$500 from Robert and Lilly Jean Petta; in the amount of \$100 from Patrick B. Haggerty; in the amount of \$25 from Tony Harder; and in the amount of \$1,250 from American Federation of State, County and Municipal Employees-AFL-CIO.  
[Representative Carl L. Robinson, (915) 541-4400]

**REGULAR AGENDA - INTRODUCTIONS****7. 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.**

- 7A.** An Ordinance amending Title 2, Chapter 2.64 of the El Paso City Code (City Employees' Pension Fund) to clarify that the Pension Plan is exclusive to City Employees; to reflect a compensation ceiling for calculating contribution or benefit accruals; to reflect that vested benefits and employee contributions are non-forfeitable should the plan terminate; to define compensation and gross compensation; to clarify that an employee shall not forfeit any contributions should they leave service before reaching retirement age; to reflect a limit on plan benefits paid out in accordance with the Internal Revenue Code; to allow beneficiaries to have any portion of an eligible distribution paid directly to an eligible plan; to replace the terms "earnings" and "gross earnings" with "compensation" and "gross compensation"; to allow non-spousal beneficiaries to make direct rollovers; and to replace the term "permanent part-time" with "regular part-time". **(All Districts)**

[City Attorney's Office, Matthew K. Behrens, (915) 541-4550]

[Pension Office, Robert Ash, (915) 541-4765]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 29, 2013, FOR ITEM 7A**

- 7B.** An Ordinance granting Special Permit No. PZST13-00021, to allow for a television broadcasting antennae and equipment facility on the property described as a portion of Lot 2, Block 3, Alto Mesa Unit 3, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.700 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 200 S. Alto Mesa. Property Owner: 99 CA, LP. PZST13-00021 **(District 8)** [City Development, Arturo Rubio, (915) 541-4633]

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 5, 2013, FOR ITEM 7B**

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 HEARING****8. INTRODUCTION AND PUBLIC HEARING – CITY MANAGER:**

An Ordinance authorizing the issuance of "City of El Paso, Texas, General Obligation Pension Refunding Bonds, Taxable Series 2013"; levying a continuing direct annual ad valorem tax for the payment of said Bonds; and resolving other 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 official within certain specific parameters. **(All Districts)** [City Manager's Office, Carmen Arrieta-Candelaria, (915) 541-4011]

## THE CITY COUNCIL MEETING WILL RECESS TO CONVENE THE DOWNTOWN DEVELOPMENT CORPORATION MEETING.

### REGULAR AGENDA – OTHER BUSINESS

#### ITEMS 9A AND 9B - RELATED TO THE BALLPARK

#### 9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

**9A.** Discussion and action that the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and AMEC Environmental & Infrastructure, Inc., a Nevada Corporation, for a project known as “Construction Testing and Inspection Services for El Paso Ballpark” for an amount not to exceed \$349,474 and that the Project Engineer – El Paso Ballpark be authorized to approve up to \$50,000 in additional services, for a total contract amount not to exceed \$399,474; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement. **(District 8)** [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**9B.** Discussion and action regarding a Resolution that the City acknowledges and accepts the terms of the Supplement to Ballpark Development Agreement signed by Mountain Star Sports Group, LLC - El Paso Baseball Club Series (Mountain Star), on September 27, 2013; and

That the City finds that Mountain Star has deposited or caused to be deposited cash or an irrevocable and unconditional letter of credit with the Bond Trustee in the amount of the Mountain Star Portion of GMP (\$8,145,750); and

That the City Manager be authorized to sign the Guaranteed Maximum Price Amendment to the modified AIA A133-2009 Standard Form of Agreement between Owner and Construction Manager as Contractor, for the El Paso Ballpark, for a guaranteed maximum construction price not to exceed \$60,691,560 once the Bond Trustee confirms to the City that it has received the Mountain Star Portion of GMP; and

That in no event shall the City be responsible for any portion of the Guaranteed Maximum Price which is in excess of \$52,545,810 or total Ballpark costs in excess of \$64 million; and

That the City Manager be authorized to sign, in consultation with the Mayor, change orders for construction upon written approval by Mountain Star that they agree to the change order and will be responsible for any increased cost of the change order and confirmation that Mountain Star has increased its letter of credit or made an additional cash deposit in the amount of any cost increase associated with the approved change order. **(All Districts)**

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

### REGULAR AGENDA – PUBLIC HEARINGS

#### 10. CITY DEVELOPMENT:

**10A.** An Ordinance approving an amendment to a Detailed Site Development Plan on planned residential development Special Permit No. SU-00005 approved

June 27, 2000, to reduce side and cumulative (side and side street) setbacks for Lot 11, Block 1, Montoya Oaks Estates, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150 and 20.10.470. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Adriana Elena Del Valle Garcia, Location: 700 Montoya Oak Lane, PZDS13-00015. **(District 1)**  
[City Development, Arturo Rubio, (915) 541-4633]

- 10B.** 1. An Ordinance changing the zoning of a portion of Lot 27, Lots 28 to 32, Block 54, Bassett Addition, and all of Blocks 55 & 56 and CLSD Streets BTW, 2201 Mills, City of El Paso, El Paso County, Texas, from M-1 (Manufacturing) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2201 Mills. Property Owner: E.P.I.L.D., Inc. PZRZ13-00016 **(District 8)**  
[City Development, Michael McElroy, (915) 541-4238]
2. An Ordinance granting Special Permit No. PZST13-00011, to allow for Infill Development with an 83 percent parking reduction in the C-4 (Commercial) zoning district, on the property described as a portion of Lot 27, Lots 28 to 32, Block 54, Bassett Addition, and All of Blocks 55 & 56 and CLSD Streets BTW, 2201 Mills, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2201 Mills. Property Owner: E.P.I.L.D., Inc. PZST13-00011 **(District 8)**  
[City Development, Michael McElroy, (915) 541-4238]
- 10C.** An Ordinance releasing a condition placed on property by Ordinance No. 4795 which changed the zoning of All of Tract 4H1D and 4H1E, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas and imposing condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Mesa Street and East of Confetti Drive. Property Owner: Daren Kenda Homes, LLC. PZCR13-00006 **(District 8)**  
[City Development, Andrew Salloum, (915) 541-4633]
- 10D.** An Ordinance granting Special Permit No. PZST13-00017, to allow for Infill Development with reduced lot width on the property described as a portion of Tract "C" of the Country Club Place Southside, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 918 & 920 W. Sunset Road. Property Owner: VIA Mirada I, L.P. PZST13-00017 **(District 8)**  
[City Development, Andrew Salloum, (915) 541-4633]
- 10E.** An Ordinance granting Special Permit No. PZST13-00008, to allow for infill development with a 50 percent parking reduction on the property described as Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5000 Riley. Property Owner: RNR Properties. PZST13-00008 **(District 2)**  
[City Development, Michael McElroy, (915) 541-4238]

**REGULAR AGENDA – OTHER BUSINESS****11. CITY DEVELOPMENT:**

- 11A.** 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]  
[POSTPONED FROM 09-17-2013]
- 11B.** Discussion and action on a request from Richard Telles-Goins for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for the property located at 7350 Gateway East Blvd. **(District 3)** [City Development, David A. Coronado, (915) 541-4632]
- 11C.** Presentation and discussion by Medical Center of the Americas on their annual report on status of activities during the fiscal year, use of grant funds and progress in the performance measures required under the agreement with the City of El Paso. On February 7, 2012 Council approved a Chapter 380 Economic Development Program Grant Agreement between the City of El Paso and the Medical Center of the Americas Foundation (“The Applicant”), in relation to undertaking of an economic development project consisting of biomedical cluster specific and infrastructure programs; in approving the agreement; City Council waived the Impact Fund policy requirements, which restricted the use of funds for land acquisition in the MCA area to the City only, because it was more cost-effective for the applicant to acquire land itself. Per the agreement, MCA is required to deliver an annual presentation to City Council, on status of activities during the fiscal year, use of funds and progress in the performance measures. **(All Districts)** [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.** John F. Cook vs. Tom Brown Ministries, et al., Cause No. 2011-DCV-02792 (551.071)  
[City Attorney’s Office, Kenneth Krohn (915) 541-4550]

- EX2.** Claim of EP Hotel Partners LP and Spokane Equities Limited Partnership, Our file no. 13-1003-362 (551.071) [City Attorney's Office, Laura P. Gordon (915) 541-4550]
- EX3.** Cesar Sanchez v. The City of El Paso, et. al., Cause No. EP-13-CV-0235-DB (551.071) [City Attorney's Office, Kenneth Krohn, (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](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/>