

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

**October 18, 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 – Police Chaplain Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

1. EL PASO NAVY WEEK
2. AMIGO AIRSHO WEEK
3. FOOD DAY
4. RESPIRATORY CARE WEEK
5. EL PASO BUFFALO SOLDIERS MOTORCYCLE CLUB
2ND ANNUAL CHARITY BANQUET DAY

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 October 11, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. BOARD RE-APPOINTMENTS:

- 3A.** Gilbert Guillen to the Empowerment Zone Advisory Board by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson, (915) 541-4400]
- 3B.** Abel Saucedo to the Museums and Cultural Affairs Advisory Board by Representative Michiel Noe, District 5.
[Representative Michiel Noe, (915) 541-4701]

4. BOARD APPOINTMENTS:

- 4A.** Bernie Page to the Animal Shelter Advisory Committee by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]
- 4B.** Jason Lee Brewer to the Empowerment Zone Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915) 541-4182]

5. RESOLUTION:

That the City Manager be authorized to sign the Fourth 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 design services in the amount of \$207,000 thereby extending the contract amount from \$2,674,120 to \$2,881,120. The consultant was originally selected to perform three tasks in the process of updating the City's Comprehensive Plan. This amendment adds additional services to Task Order 3 for the development of multiple design scenarios for the Public Service Board (PSB) Northwest Properties along Transmountain Road and the presentation of those plans at a public workshop. **(All Districts)**

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

POSTPONED FROM 10-11-2011

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.**

- 6A.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.020 (Adopted), 105.6 (Operational Permits) by adding Subsection 105.6.52 (Outside Storage of Combustible Material); the penalty as provided in El Paso City Code Subsection 9.52.030.19 (Violation Penalties). **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
[Fire, Orlando Arriola, (915) 771-1016]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2011, FOR ITEM 6A

- 6B.** An Ordinance releasing all conditions placed on property by Ordinance No. 9264 which changed the zoning of a portion of Lot 2, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 470 Eagle Drive. Property owner: The Foundation for the Los Robles Church. PZCR11-00002 **(District 8)**
[Planning & Economic Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 15, 2011, FOR ITEM 6B

Public Hearings will be held as part of the regular City Council meeting that 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 Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

7. PLANNING AND ECONOMIC DEVELOPMENT:

- 7A.** An Ordinance changing the zoning of the following real property known as: Parcel 1: Lot 25 and a portion of Lot 24, Block 1, Colonia Verde, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-2 (Commercial) and imposing a condition. Parcel 2: Lot 1, Block 35, Colonia Verde Unit Six, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) and imposing a condition. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 5720 and 5728 Fairbanks Drive and 10005 Dyer Street. Applicant: Heller Associates Properties VLT. PZRZ11-00033 **(District 4)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 7B.** An Ordinance releasing all conditions placed on property by Ordinance No. 5941 which changed the zoning of a portion of Lots 1 and 2, Block 10, Pecan Grove Subdivision Unit-2, City of El Paso, El Paso County, Texas, and which imposed

conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9002 Betel Drive. Applicant: La Jolla Place, LLC. PZCR11-00001 **(District 6)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 7C.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape) of the El Paso City Code, to modify the definition of landscapable area, reduce the required number of one gallon plant materials, reduce the height of one inch caliper project tree substitutions, allow project tree substitutions for five gallon plant materials, reduce the frontage landscape buffer for certain shopping centers, adopt a designated landscape infill development area, reduce the landscape requirements for properties within the area, and add a plant coverage option. The penalty being as provided in Section 18.46.180 (Violations – Penalty) of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

- 7D.** An Ordinance granting Special Permit No. PZST11-00008, to allow for a ground-mounted 75 foot Personal Wireless Service Facility on the property described as Tract 1M, Section 28, Block 81, Township 1, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 5301 Wadsworth Avenue. Applicant: Verizon Wireless. PZST11-00008 **(District 4)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

POSTPONED FROM 10-04-2011

- 7E.** 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]

POSTPONED FROM 9-20-2011 AND 10-04-11

- 7F.** An Ordinance amending Title 15 (Public Services) Chapter 15.20 (Water and Wastewater Impact Fees) of the El Paso City Code to delete section 15.20.170 (Certification of Compliance). The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, Kevin Smith, (915) 541-4903]

- 7G.** An Ordinance vacating a utility easement measuring 7 feet in width, located within a portion of Lots 1 and 2, Block 1, International Industrial Center, City of El Paso, El Paso County, Texas. Applicant: Crawford Properties, Ltd. SUET11-00002 **(District 3)** [Planning and Economic Development, Kevin Smith, (915) 541-4903]

8. DEPARTMENT OF TRANSPORTATION:

An Ordinance granting a Special Privilege License to J.D. Abrams, LP. for the construction, installation, maintenance and repair of a 115 linear foot subsurface HMAC TY C temporary water line within portions of City right-of-way beneath George Orr Road

between Ben Swain Drive and Highway LP375 (Cesar Chavez Highway) for a term of five years with one renewable five year term. **(District 3)**

[Department of Transportation, Mirian Spencer, (915) 541-4482]

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

9A. An Ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code), of the El Paso City Code, by adding Section 18.10.265 (Protection of Water Service Entrance) and Section 18.10.266 (Plumbing within exterior walls) to help prevent pipes from freezing during severe weather, 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]

9B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.20 (Plumbing Code), of the El Paso City Code, by adding Section 18.20.240 (Protection of Water Service Entrance) and Section 18.20.250 (Plumbing within exterior walls) to help prevent pipes from freezing during severe weather, 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]

9C. An Ordinance amending Title 18 (Building and Construction), Chapter 18.28 (Existing Building Code), of the El Paso City Code, by adding Section 18.28.060 (Plumbing Repairs) to help prevent pipes from freezing during severe weather, the penalty being as provided in Section 18.02.107 (Violation and Penalties) of the El Paso City Code. **(All Districts)**

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

9D. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) Section 18.02.108.5.1 (Bond Required), of the El Paso City Code, decreasing the required bond amount for contractors from \$50,000 to \$25,000 and allowing for additional exceptions to the \$25,000 bond requirement, 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]

10. ENVIRONMENTAL SERVICES:

An Ordinance granting a non-exclusive franchise to Cemex Construction Materials South, LLC, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein; the penalty as provided in Section 9.04.630 of the El Paso City Code.

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

REGULAR AGENDA – OTHER BUSINESS

11. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council amend the Neighborhood Stabilization Program (NSP) component of the City's 2008-2009 Annual Action Plan of the Consolidated Plan for 2005-2010 by adding to the list of eligible Census Tracts for

acquisition, rehabilitation and homebuyer assistance activities by including Census Tract 39.03, for the purpose of building a 12-15 unit multifamily project with \$1,763,653 in NSP funds, based upon established criteria; and that the City Manager be authorized to take any actions necessary to accomplish the intent of the resolution, upon approval by the City Attorney's Office and Director of Community and Human Development Department. **(Districts 6 and 7)** [Community and Human Development, Art Gloria (915) 541-4697]

12. PLANNING AND ECONOMIC DEVELOPMENT / ENGINEERING AND CONSTRUCTION MANAGEMENT:

12A. Discussion and action to direct the City Manager to initiate the process of creating a Tax Increment Reinvestment Zone (TIRZ) for property owned by the City of El Paso and the Medical Center of the Americas Foundation or its affiliates, in the noncontiguous area within the boundaries south of Interstate 10, north and west of Paisano Drive, and east of Boone Street, as shown in the Exhibit provided, and any other public or private property owners in the Medical Center of the Americas Master Plan Area who request to be included. **(District 3)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

12B. Discussion and action on a Resolution that the City Manager be authorized to execute a Lease Agreement by and between the City of El Paso, Texas and MCA Tech Park, Inc., for the redevelopment and use of approximately 11.7 acres of land adjacent to Interstate Highway I-10 between Revere and Euclid Streets, located in El Paso, County of El Paso Texas, subject to the adoption of an Ordinance adopting a Final Project Plan and Final Reinvestment Zone Financing Plan for a Tax Increment Reinvestment Zone, which includes the subject property, the Lease Agreement being substantively in the form attached to the Resolution. **(District 3)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

13. MAYOR AND COUNCIL:

13A. Discussion and action on the approval of travel for Mayor John F. Cook to attend the National League of Cities Congress of Cities and Exposition and board meetings in Phoenix Arizona as a member of the Board of Directors from November 8 – November 12, 2011. [Mayor John F. Cook, (915) 541-4145]

13B. Discussion and action that City Council declares a municipal purpose to use City Council District 8 discretionary funds for rental of Union Depot Hall to support Juarez Competitiva event being held on October 22, 2011. The amount is \$600 and this event serves a municipal purpose as it is one of the many events of Juarez Competitiva will have from October 13 – October 27, 2011. This event is to help promote individual talents, art, culture, technological and scientific fields for both communities of Juarez and El Paso.
[Representative Cortney Carlisle Niland, (915) 541-4123]

13C. Presentation and action on comments prepared by Nestor Valencia and his team for the San Jacinto Plaza Park Concept Plan. **(All Districts)**
[Representative Steve Ortega, (915) 541-4124]

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.** Portions of Lot 1, Block 1, Hawkins Plaza, El Paso, Texas (551.071 and 551.072)
[City Attorney's Office, Laura P. Gordon (915) 541-4550]
- EX2.** Discussion and action on litigation strategies as it relates to pending or contemplated utility rate cases. (551.071) [City Attorney's Office, Charlie McNabb, (915) 541-4550]
- EX3.** American Promotional Events of Texas, LLP vs. City of El Paso; Cause No. 2009-2983 (551.071) [City Attorney's Office, Kenneth Krohn, (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/>