

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

**November 1, 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 – Chaplain Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. EL PASO SCOTTISH RITE APPRECIATION DAY**
- 2. AGING AND DISABILITY RESOURCES CENTER OF EL PASO AND FAR WEST TEXAS DAY**
- 3. PROFESSOR T. ANDRÉ FEAGIN DAY**
- 4. EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK**

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 25, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. BOARD APPOINTMENTS:

3A. Theresa Welch Fordham to the Parks and Recreation Advisory Board by Representative Michiel Noe, District 5. [Representative Michiel Noe, (915) 541-4701]

3B. Roger Freund to the Animal Shelter Advisory Committee by Representative Cortney Carlisle Niland, District 8.
[Representative Cortney Carlisle Niland, (915) 541-4268]

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

REGULAR AGENDA - INTRODUCTIONS

4. 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.**

4A. An Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; adopting said amendments as required by Section 311.011(E) Texas Tax Code; also providing a severability clause. **(District 8)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 8, 2011, FOR ITEM 4A

4B. An Ordinance amending Title 15 (Public Services) to amend Chapter 15.08 to add Section 15.08.011 (Definitions) to define terms; and to amend Section 15.08.120 (Special Privilege Licenses and Permits), to clarify the process and timeline for filing an appeal, to make the City Manager the appeals official; and to identify the Downtown Management District as the entity to which applicants seeking a special privilege permit for events in the Downtown Improvement Area must submit their application. **(All Districts)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 15, 2011, FOR ITEM 4B

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

5. PLANNING AND ECONOMIC DEVELOPMENT:

- 5A.** An Ordinance changing the zoning of a portion of Lot 1, Block 34, Tierra Del Este Unit Five, City of El Paso, El Paso County, Texas from R-3A (Residential) to C-1 (Commercial). The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 12401 Edgemere Boulevard. Applicant: Socorro Independent School District. PZRZ11-00029 **(District 5)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 5B.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 (Special Exceptions), of the El Paso City Code to amend the special exceptions for front and side street yard setbacks, duplex and single-family rear yard setbacks, carport over a driveway, and to delete the special exception for condemnation or eminent domain. The penalty is as provided in Chapter 20.24 (Enforcement-Penalty) of the El Paso City Code. **(All Districts)** [Planning and Economic Development, Linda Castle, (915) 541-4029]
- 5C.** An Ordinance amending Title 2 (Administration and Personnel) Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.020 (Powers), Section 2.16.030 (Variances) and Section 2.16.060 (Administration) of the El Paso City Code to add the authority to approve variances specified in Title 21 (SmartCode) of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Linda Castle, (915) 541-4029]
- 5D.** 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 and Economic Development, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 9-20-2011, 10-04-11 AND 10-18-11
- 5E.** An Ordinance vacating all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, City of El Paso, El Paso County, Texas. **(District 7)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 5F.** An Ordinance amending Title 15 (Public Services) Chapter 15.22 (Water and Wastewater Impact Fees) of the El Paso City Code to delete Section 15.22.170 (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]

5G. An Ordinance vacating a utility easement measuring 10 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]

6. ENGINEERING AND CONSTRUCTION MANAGEMENT:

An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code) Section 18.02.108.5.2. (Bond Requirements), of the El Paso City Code, decreasing the term of the required bond from two years to one year, 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]

7. ENVIRONMENTAL SERVICES:

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]

REGULAR AGENDA – OTHER BUSINESS

8. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action requesting the City Council to waive the requirement that an application for infill development meet two criteria as stated in Section 20.18.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 5520 Milray Drive, legally described as Lot 5, Block 3, Emerald Valley Estates Replat A, City of El Paso, El Paso County, Texas. **(District 1)**

[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

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. Discussion and action on litigation strategies in pending or contemplated utility rate cases. (551.071) [City Attorney's Office, Charlie McNabb (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/>