

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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**REVISED**

NOVEMBER 19, 2013  
COUNCIL CHAMBERS, CITY HALL  
8:00 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE  
300 N. CAMPBELL  
MAIN CONFERENCE ROOM, 2<sup>ND</sup> FLOOR  
NOVEMBER 18, 2013  
9:00 a.m.

### NOTE:

- The City Council Agenda has been reorganized as directed by City Council on November 12, 2013 to allow for a **Call to the Public at 8:00 a.m., immediately following the Invocation and Pledge of Allegiance.** Requests to speak must be received by **8:00 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.
- Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council.

### ROLL CALL

### INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

### NATIONAL ANTHEM

RIVERSIDE HIGH SCHOOL CHOIR  
MONICA GUTIERREZ, DIRECTOR  
DEMI WILLIAMS  
VICTORIA CHACON  
JASMINE SAMANIEGO  
ALIZA PARRA  
ASHLEY DELGADO  
ODALYS DELGADILLO  
GISSELLE CASTAÑEDA  
CHEYENNE TAME

**BRIANA PAYAN**  
**PATRICIA RODARTE**

**PLEDGE OF ALLEGIANCE**

**SAGELAND MICROSOCIETY ELEMENTARY**  
**BELANNA CASTILLO**  
**TRINITY PAYAN**  
**ALYSSA VITE**  
**MICHAEL SILVA**  
**CHRISTINA ARANGO**

**8:00 a.m. – 8:30 a.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.

**MAYOR'S PROCLAMATIONS**

- 1. NATIONAL HOSPICE MONTH**
- 2. NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH**

**RECOGNITION**

**DOWNTOWN MANAGEMENT DISTRICT – NATIONAL AWARD**

**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 November 12, 2013, the Legislative Review Meeting of the Whole of November 11, 2013, and the Legislative Review of the Whole/Work Session Minutes of November 12, 2013.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTION:**

That the sale and service of alcoholic beverages by NV Ultra Lounge and Sun City Nightlife within designated areas of the closed portions of City rights-of-way on San Antonio Avenue between Anthony Street and Durango Street, from 9:00 p.m. Wednesday, November 27, 2013, through 2:00 a.m. Thursday, November 28, 2013, is a permissible activity in conjunction with the Event. (CSEV13-00030) **(District 8)**  
[City Development, Shamori Whitt, (915) 541-4477]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Michael Bray to the El Paso Housing Finance Corporation by Mayor Oscar Leeser. [Mayor Oscar Leeser, (915) 541-4145]

**4B.** Jerry Romero to the El Paso Housing Finance Corporation by Mayor Oscar Leeser. [Mayor Oscar Leeser, (915) 541-4145]

**4C.** Elia Perez to the Museums and Cultural Affairs Advisory Board by Representative Carl L. Robinson, District 4.  
[Representative Carl L. Robinson, (915) 541-4400]

**5. BOARD APPOINTMENTS:**

**5A.** Carina Ramirez to the Museums and Cultural Affairs Advisory Board by Representative Eddie Holguin, Jr., District 6.  
[Representative Eddie Holguin, Jr., (915) 541-4178]

**5B.** James L. Pritchard to the Greater El Paso Civic, Convention and Tourism Advisory Board by Mayor Oscar Leeser. [Mayor Oscar Leeser, (915) 541-4145]

**5C.** Steve A. Lujan to the Museums and Cultural Affairs Advisory Board by Representative Larry Romero, District 2.  
[Representative Larry Romero, (915) 541-4996]

**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 12 (Vehicles and Traffic) of the El Paso City Code by adding a new Chapter, 12.77 (Golf Carts for Holiday Parcel Delivery) authorizing the limited operation of golf carts on public streets during the winter holiday season and providing for a penalty as provided in Section 12.77.040 (Offense) of the El Paso City Code. **(All Districts)**  
[El Paso Police Department, Michelle Gardner, (915) 564-7301]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 3, 2013, FOR ITEM 6A**

- 6B.** An Ordinance changing the zoning of a portion of Lots 17, 18, and 19, Block 1, Valley View Heights, 6400 Montana Ave., City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Poe Investments Ltd., Location: 6400 Montana Avenue, PZRZ13-00029 **(District 3)**  
[City Development, Arturo Rubio, (915) 541-4633]
- 6C.** An Ordinance changing the zoning of Tract 1G1 and Tract 5A, J.M. Jett Survey No. 155, 150 Sunset Drive, City of El Paso, El Paso County, Texas, from M-1 (Manufacturing) to G-MU (General Mixed Use) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Nicjak Investments, LLC, Location: 150 Sunset Drive, PZRZ13-00028 **(District 8)** [City Development, Arturo Rubio, (915) 541-4633]
- 6D.** An Ordinance granting Special Permit No. PZST12-00022, to permit an expansion of an assisted living facility on the property described as a portion of Lot 61, Block 23, Valley Gate Subdivision, 180 C.R. Croom Drive, 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: 180 C.R. Croom Drive. Property Owner: Elizabeth Lara and Daniel Cordero. PZST12-00022 **(District 3)**  
[City Development, Andrew Salloum, (915) 541-4633]
- 6E.** An Ordinance amending Title 20 (Zoning) of the El Paso City Code, by amending Chapter 20.02 General Provisions and Definitions to delete the definition of School and add Elementary and Secondary Schools, Chapter 20.08 (Appendix A), Table of Permissible Uses, by designating that a Detailed Site Plan shall be required for Community Recreational Facility, Library, Museum, and School-Elementary; amending Chapter 20.10, Supplemental Use Regulations, by adding a new Section 20.10.145, Civic Buildings, Public Spaces, and Educational Facilities, and providing for a penalty as provided in Chapter 20.24 of the code. **(All Districts)** [City Development, Carlos Gallinar, (915) 541-4662]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 17, 2013, FOR ITEMS 6B – 6E**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:00 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, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – PUBLIC HEARINGS**

**7. DEPARTMENT OF TRANSPORTATION:**

An Ordinance granting a license to United States General Services Administration (Licensee) for construction and operation of security enhancements and temporary structures on a portion of City Right of Way located on City-owned bridge property and on South Zaragoza Road between Loop 375 and abutting the Ysleta Land Port of Entry (Ysleta LPOE) that are necessary to support the Department of Homeland Security, Customs and Border Protection's (DHS-CBP) inspection of outbound vehicular traffic, at no cost to the City. **(District 6)** [Department of Transportation, Ted Marquez, (915) 621-6757]

**8. CITY DEVELOPMENT:**

- 8A.** An Ordinance granting Special Permit No. PZST13-00020, to permit an expansion of an assisted living facility on the property described as Lots 17 through 20, Block 76, Supplemental Map No. 1 of East El Paso, 3330 E. Yandell Drive, 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: 3330 E. Yandell Drive. Property Owner: Oscar and Rosemary Melendez. PZST13-00020 **(District 2)**  
[City Development, Andrew Salloum, (915) 541-4377]
- 8B.** An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions); Article VII Public Hearings Section 20.04.520 (Notice) of the El Paso City Code to require that notice of proposed changes in zoning classification be provided to property owners and to multifamily dwellings and that notice be posted on the site of the proposed zoning change. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**  
[City Development, Carlos Gallinar, (915) 541-4662]
- 8C.** An Ordinance vacating a utility easement described as a portion of Tract 1-F, (said portion of Tract 1-F, now known as all of Tract 1-F-6) Block 1, Ascarate Grant, and being a portion of Lot 1, Block 1, Desierto Loma Subdivision, City of El Paso, El Paso County, Texas. SUET13-00001 **(District 7)**  
[City Development, Raul Garcia, (915) 541-4935]
- 8D.** 1. An Ordinance changing the zoning of Lot 12, Block 21, Map #2 of French Addition, 4301 E. Missouri, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4301 E. Missouri. Property Owner: Armando & Irma Araiza. PZRZ13-00022 **(District 2)**  
[City Development, Michael McElroy, (915) 541-4238]
2. An Ordinance granting Special Permit No. PZST13-00016, to allow for Infill Development with reduced rear, side, and side street setbacks, as well as a 60 percent parking reduction, on the property described as Lots 12 to 16, Block 21, Map #2 of French Addition, 4301 E. Missouri, 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: 4301 E. Missouri. Property Owner: Armando & Irma Araiza. PZST13-00016 **(District 2)**  
[City Development, Michael McElroy, (915) 541-4238]

**REGULAR AGENDA – OTHER BUSINESS**

**9. CITY DEVELOPMENT:**

- 9A.** Discussion and action that the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Armando and Irma Araiza pursuant to the City's Infill Development Incentive Policy, for the

construction of a residential apartment complex on the vacant lot located at 4301 E. Missouri, El Paso, Texas 79903. **(District 2)**  
[City Development, Mathew McElroy, (915) 541-4193]

- 9B.** Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Armando and Irma Araiza pursuant to the City's Infill Development Incentive Policy for the construction of a residential apartment complex on the vacant lot located at 4301 E. Missouri, El Paso, Texas 79903. **(District 2)** [City Development, Mathew McElroy, (915) 541-4193]
- 9C.** 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 AND 10-15-2013]
- 9D.** Discussion and action that the City Manager be authorized to sign a Developer Participation Agreement for over-width paving between the City of El Paso and Camino Real Investments I, Ltd., to allow the City to participate in the cost of construction of improvements for Desert Pass Street, in an amount not to exceed \$861,247.43 in accordance with Local Government Code Section 212.071. **(District 8)** [City Development, Mathew McElroy, (915) 541-4238]
- 9E.** Discussion and action on a Resolution amending the City's Infill Development Incentive Policy for the City of El Paso. **(All Districts)**  
[City Development, Mathew McElroy, (915) 541-4193]

## **CITY MANAGER ITEMS WILL NOT BE HEARD BEFORE 12:30 P.M.**

### **10. CITY MANAGER:**

- 10A.** Presentation and discussion on the Rental Assistance Demonstration Program (Housing Authority of the City of El Paso).  
[Community and Human Development, William Lilly, (915) 541-4643]
- 10B.** Presentation and discussion on the City of El Paso's support for Low Income Housing Tax Credit Developments.  
[Community and Human Development, William Lilly, (915) 541-4643]

### **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.** Economic development incentives for redevelopment project in Northeast El Paso.  
(551.072 and 551.087) [City Development, Mathew McElroy, (915) 541-4193]

**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/>