

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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**DECEMBER 3, 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  
DECEMBER 2, 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. – 8:30 a.m.** 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 CHAPLAIN CARLOS FLORES**

### **PLEDGE OF ALLEGIANCE**

**MARION MANOR ELEMENTARY SCHOOL  
HUGO PAGE  
LOURDES PAGE**

### **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. **PEDALING FOR JUSTICE DAY**
2. **evolve FEDERAL CREDIT UNION CELEBRATION OF LIGHTS 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 November 19, 2013, the Legislative Review Meeting of the Whole of November 18, 2013, and the Special City Council Meeting of November 18, 2013 (Recruitment and Hiring of City Manager).

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

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:****3. RESOLUTION:**

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 Mesa Street and Texas Avenue (SH20) during the City of El Paso Celebration of Lights Christmas Tree Lighting Ceremony and Holiday Lights Parade on Saturday, December 7, 2013 from 12:00 p.m. to 10:00 p.m., an event scheduled to exceed four hours in length and found by the City to serve a public purpose. (CSEV13-00027) **(District 8)**

[City Development, Shamori Whitt, (915) 541-4477]

**4. BOARD APPOINTMENTS:**

**4A.** Edith Brannon to the City Plan Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

**4B.** Ismael F. Olivas to the Community Development Steering Committee by Representative Lily Limón, District 7. [Representative Lily Limón, (915) 541-4108]

**REGULAR AGENDA - INTRODUCTIONS****5. 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.**

- 5A.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.070 (Fences), of the El Paso City Code, to allow electrified fences adjacent to residential zones provided certain conditions are met, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**  
[City Development, Victor Morrison-Vega, (915) 541-4556]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 17, 2013, FOR ITEM 5A**

- 5B.** An Ordinance changing the zoning of Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision, City of El Paso, El Paso County, Texas from PR-1/c (Planned Residential 1/Condition) to PR-II (Planned Residential 2); and releasing all conditions placed on the subject property by Ordinance No. 16586 which changed the zoning of Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: East of Westwind and North of Belvidere. Property Owner: DVEP Land, LLC. PZRZ13-00007 & PZCR13-00007 **(District 1)**  
[City Development, Michael McElroy, (915) 541-4238]
- 5C.**
- 1.** An Ordinance amending conditions placed on the property by Ordinance No. 5029 which changed the zoning of a Portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8250 North Loop. Property Owner: OPM Capital Management. PZCR13-00008 **(District 7)** [City Development, Michael McElroy, (915) 541-4238]
  - 2.** An Ordinance granting Special Permit No. PZST13-00023 to allow for infill development with a reduced rear setback on the property described as a Portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, 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: 8250 North Loop. Property Owner: OPM Capital Management. PZST13-00023 **(District 7)**  
[City Development, Michael McElroy, (915) 541-4238]

**PUBLIC HEARING WILL BE HELD ON JANUARY 2, 2014, FOR ITEMS 5B – 5C**

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**

**6. POLICE:**

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]

**7. CITY DEVELOPMENT:**

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****8. CITY DEVELOPMENT:**

**8A.** Discussion and action requesting the City Council to waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 5000 Riley, legally 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. **(District 2)**  
[City Development, Michael McElroy, (915) 541-4238]  
[POSTPONED FROM 11-12-2013]

**8B.** Discussion and action that the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and RNR Properties, a Texas general partnership, pursuant to the City's Infill Development Incentive Policy, for the construction of an apartment complex at 5000 Riley Ct., El Paso, Texas. **(District 2)** [City Development, Mathew McElroy 541-4193]

**8C.** 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 RNR Properties, a Texas general partnership, pursuant to the City's Infill Development Incentive Policy for the construction of an apartment complex at 5000 Riley Ct., El Paso, Texas. **(District 2)**  
[City Development, Mathew McElroy 541-4193]

**9. CITY MANAGER:**

**9A.** Discussion and action that the Mayor be authorized to execute a Section 560 Reimbursable Fee Agreement and Annex between the City and U.S. Customs and Border Protection ("CBP") to allow for the reimbursement of additional CBP staffing hours to reduce wait times at the City's ports of entry (PDN and Ysleta). **(All Districts)** [City Manager's Office, Jane Shang, (915) 541-4327]

**9B.** Discussion and action on a Resolution amending Schedule C to the FY 2014 Budget Resolution to reflect a \$0.50 increase to the international bridge fees for passenger and commercial vehicles effective January 26, 2014. **(All Districts)**  
[City Manager's Office, Jane Shang, (915) 541-4327]

**10. MAYOR AND COUNCIL:**

- 10A.** Discussion and action on expanding the Blue Parking Permit Program in Sunset Heights. [Representative Cortney Niland, (915) 541-4123]
- 10B.** Discussion and action regarding termination of Real Estate Management Services Contract 2012-121R by and between the City of El Paso and TVO North America. [Mayor Oscar Leeser, (915) 541-4145]

**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.

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| 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.** Disposition of City owned real property. (551.071 and 551.072)  
[City Attorney's Office, Sylvia Borunda Firth, (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/>