

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**

**December 6, 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. Operation Santa Claus**
- 2. Hector "El Pipo" Barragan 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](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 November 29, 2011.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. BOARD RE-APPOINTMENTS:**

- 3A.** Representative Eddie Holguin, Jr. is re-appointed to the Board of Directors of the El Paso Central Appraisal District Board to fill the term commencing January 1, 2012 through December 31, 2013. [Mayor John F. Cook, (915) 541-4145]
- 3B.** Representative Ann Morgan Lilly is re-appointed to the Board of Directors of the El Paso Central Appraisal District Board to fill the term commencing January 1, 2012 through December 31, 2013.  
[Mayor John F. Cook, (915) 541-4145]

**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 to tax tangible personal property in transit held temporarily at a location in El Paso, Texas, which would otherwise be exempt pursuant to Texas Tax Code Section 11.253 and repeal ordinance No. 16798. **(All Districts)**  
[City Manager's Office, Lynly Leeper, (915) 541-4777]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 13, 2011, FOR ITEM 4A**

- 4B.** An Ordinance granting a lease to Transtelco, Inc. of a portion of the City's existing underground Conduit System in Downtown and South El Paso for a fiber optic cable telecommunications system. The following consideration is to be paid to the City: Annual Lease Fee \$12,524.70. **(All Districts)**  
[Information Technology, Miguel Gamino, (915) 541-4746]  
[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- 4C.** An Ordinance granting a license to Transtelco, Inc. to construct, maintain and use a single conduit innerduct on the Stanton Street International Bridge property for the purpose of installing fiber optic cable for its telecommunications network; the following consideration is to be paid to the City: Annual License Fee \$25,526,

and Annual Bridge Fee \$7,068. Fees shall be subject to a 5% annual escalation.  
**(All Districts)** [Information Technology, Miguel Gamino, (915) 541-4746]  
 [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 20, 2011, FOR ITEMS 4B - 4C**

- 4D.** An Ordinance amending Title 21 (SmartCode), Chapter 21.80 (Tables) of the El Paso City Code to modify standards for the T4O transect (General Urban Zone – Open) to increase the height and number of building stories allowed in T4O. The penalty is as provided for in Chapter 21.60 of the El Paso City Code. **(All Districts)** [Planning and Economic Development, Melissa Granado, (915) 541-4730]

**PUBLIC HEARING WILL BE HELD ON JANUARY 3, 2012, FOR ITEM 4D**

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 annexing the following real property described as all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue. Subject Property: east of Zaragoza Road and south of Gambusino Avenue, Property Owner: River Oaks Properties, Ltd. AN08-002 (SUB08-00090) **(East ETJ/Adjacent to District 5)**  
 [Planning & Economic Development, Geena Maskey, (915) 541-4192]
- 5B.** An Ordinance annexing the following real property described as all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragoza Road. Subject Property: north of Zaragoza Road and south of Montana Avenue. Property Owner: River Oaks Properties, Ltd. AN08-005 (SUB08-00093) **(East ETJ/Adjacent to District 5)**  
 [Planning & Economic Development, Geena Maskey, (915) 541-4192]
- 5C.** An Ordinance changing the zoning of all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of Zaragoza Road and south of Gambusino Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00037 **(ETJ/Adjacent to District 5)**  
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 5D.** An Ordinance changing the zoning of all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and

being a portion of the rights-of-way of Montana Avenue and Zaragoza from R-F (Ranch and Farm) 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: south of Montana Avenue and west of Zaragoza Road. Applicant: River Oaks Properties, Ltd. PZRZ11-00038 **(ETJ/Adjacent to District 5)**  
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 5E.** An Ordinance changing the zoning of Lots 12, 13, 14 save & except that portion of Lot 13 previously conveyed to the State of Texas in warranty deed recorded in Volume 211, Page 313, Real Property Record, Block 52, Map No 2. of Government Hill Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4131 Trowbridge Drive. Applicant: Gateway Mission Training & Conference Center, Inc. PZRZ11-00036 **(District 2)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 5F.** An Ordinance granting Special Permit No. PZST11-00009, to allow for transitional housing on the property described as Lots 14-18, Block 117, Campbell's Addition, 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: 510 S. Oregon Street. Applicant: Opportunity Center for the Homeless. PZST11-00009 **(District 8)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 5G.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.18 (Sign Regulations) of the El Paso City Code to add a definition and establish standards for temporary real estate banners, and to amend other standards for both on premise and off premise signs. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]
- 5H.** An Ordinance changing the zoning of Tract 4B1 and 4B2, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1000 Robert E. Lee Road. Property Owner: W. W. Paddy Littlefield. PZRZ11-00044 **(District 3)**  
[Planning & Economic Development, Esther Guerrero, (915) 541-4720]
- 5I.** An Ordinance changing the zoning of a portion of Block P-4, portion of 20' alley and portion of Block P-3, Garden Subdivision, City of El Paso, El Paso County, Texas from A-3/sp (Apartment/special permit) to S-D (Special Development) and removing a Special Permit placed on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2914 Paisano Drive. Property Owner: International Communications of El Paso, Inc. PZRZ11-00042 **(District 8)** [Planning & Economic Development, Esther Guerrero, (915) 541-4720]

**REGULAR AGENDA – PUBLIC HEARINGS / OTHER BUSINESS****6. A. AIRPORT:**

An Ordinance amending Title 14 (Aircraft and Airports), Chapters 14.04 (General Provisions and Definitions) and 14.20 (Airport Vehicular Traffic Regulations), to amend sections thereunder to clarify the penalties under the title and provide that parking violations are civil violations; and to delete Section 14.20.250 (Meters); the penalty being as provided in Section 14.04.040, Sections 1.08.010 – 1.08.030, and Chapter 12.85 of the El Paso City Code. **(All Districts)**

[Airport, Monica Lombrana, 915-780-4724]

**B. DEPARTMENT OF TRANSPORTATION:**

An Ordinance amending Title 12 (Vehicles and Traffic) to amend various sections thereunder: to revise the provisions relating to granting parking enforcement authority under the Title; to properly reference state statutory and City Code provisions and the establishment of fees; to update the provisions relating to parking in special situations; to limit the fee exemption for disabled parking when the time limit for parking is exceeded; to clarify the penalties for parking, standing and stopping violations in the City Code and clarify which provisions within Title 12 are penal violations; and to clarify the dates and times at which a parking ticket hearing can be requested; the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(All Districts)**

[Department of Transportation, Daryl W. Cole, (915) 621-6750]

**C. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

An Ordinance amending Title 5 (Business taxes, Licenses and Regulations) of the El Paso City Code, by repealing Title 5 in its entirety and adopting a new Title 5 in its place, the penalty being as provided in Chapter 1.08 of the El Paso City Code. **(All Districts)** [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**D. CITY MANAGER:**

Discussion and action to amend Schedule C attached to the FY 2012 Budget Resolution, to amend all of the provisions relating to court fines and fees for parking violations that relate to and are necessary in conjunction with amendments to the parking provisions in Titles 12 and 14 effective January 23, 2011; to correct the description of the disposal fees for waste tires effective December 12, 2011; and to establish the amounts of the fees that relate to and are necessary in conjunction with amendments to provisions in Title 5 (Business License and Permit Regulations) effective February 29, 2012. **(All Districts)**

[City Manager's Office, Lynly Leeper, (915) 541-4777]

**REGULAR AGENDA – OTHER BUSINESS****7. DEPARTMENT OF TRANSPORTATION:**

Discussion and action that City Council adopt the Final Report and Approve Pro Forma for "Loading Zone, Parking & Special Issues". This report includes staff's

recommendations regarding parking and loading zones for the Downtown, Oregon Street/Hospital, and UTEP/Cincinnati areas. **(Districts 1 and 8)**  
[Department of Transportation, Daryl W. Cole, (915) 621-6480]

**8. PLANNING AND ECONOMIC DEVELOPMENT:**

Discussion and action on a report on the progress of the Redevelopment of the Northgate Transit Oriented Development. **(All Districts)**  
[Planning and Economic Development, Shamori Whitt (915) 541-4477]

**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.** Petition of El Paso Electric Company for Review of City of El Paso's Rate Resolutions and Request for Expedited Relief before the Public Utility Commission of Texas, Docket Nos. 39868 and 39924. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX2.** H. Warren Hoyt and Jesus Chapel vs. The City of El Paso, et. al.; Cause No. 3:11-CV-00485 KC (551.071) [City Attorney's Office, Kenneth A. 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/>