

AGENDA FOR REGULAR COUNCIL MEETING

December 17, 2013

COUNCIL CHAMBERS, CITY HALL

8:00 AM

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE

300 N. CAMPBELL

MAIN CONFERENCE ROOM, 2ND FLOOR

December 16, 2103

9:00 AM

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., 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 CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

WILLIAM SLIDER ELEMENTARY

BRANDON HAWKINS

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 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.

RECOGNITIONS

CITY EMPLOYEES

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 December 10, 2013, the Legislative Review Meeting of the Whole of December 2, 2013, and the Legislative Review Meeting of the Whole of December 9, 2013.
[Municipal Clerk, Richarda Duffy Momsen, (915) 212-0049]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- 3.1. That the sale and service of alcoholic beverages by Kirby Productions, LLC in the closed portions of City rights-of-way on Stanton Street between Texas Avenue and Mills Avenue from 7:00 p.m. Tuesday, December 31, 2013, to 2:00 a.m. Wednesday, January 1, 2014, is a permissible activity in conjunction with The Old Downtown Ball Drop New Year's Eve Bash. (CSEV13-00041)

(District 8)

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

- 3.2. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the City of Horizon, Texas, for the period of September 1, 2013 through August 31, 2014, for the provision of public health and environmental services by the City of El Paso for the City of Horizon.

(All Districts)

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

- 3.3. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the City of Anthony, Texas, for the period of September 1, 2013 through August 31, 2014, for the provisions of public health and environmental services by the City of El Paso for the City of Anthony.

(All Districts)

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

- 3.4. That the Mayor be authorized to sign an Interlocal Agreement and First Amendment for the transfer of Judicial Information Management System "JIMS" Municipal Court system to the City, to include the hardware, software and maintenance support agreements. The City shall pay \$33,050 for the purchase of hardware and software, in addition to \$78,000 for system maintenance for the period of October 31, 2013 to December 31, 2015.

(All Districts)

[Information Technology, Enrique Martinez, Jr., (915) 541-4621]

REGULAR AGENDA - PUBLIC HEARING

4. CITY ATTORNEY:

- 4.1. An Ordinance granting to Oneok, Inc., an Oklahoma Corporation, permission and authority to assign and transfer to Onegas, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 15316, by which Oneok, Inc. assumed the right and obligations granted to Southern Union Company under Ordinance No. 014360 as amended by Ordinance No. 014496

which granted certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas a natural gas distribution system.

(All Districts)

[City Attorney's Office, Matthew Behrens, (915) 212-1109]

REGULAR AGENDA - OTHER BUSINESS

5. CITY ATTORNEY:

- 5.1. Discussion and action on a Resolution to authorize El Paso Electric to implement Rate Schedule 08-Government Street Lighting and Signal Service Rate, effective January 1, 2014.

(All Districts)

[City Attorney's Office, Matthew Behrens, (915) 212-0033]

REGULAR AGENDA – PUBLIC HEARINGS

6. DEPARTMENT OF TRANSPORTATION:

- 6.1. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow Away Zone), Paragraph A (No Parking or Standing, Tow-Away Zone), of the El Paso City Code, to add a new location in the alley between Stanton Street and Kansas Street, the penalty being as provided in Section 12.84.010 of the El Paso City Code.

(District 1)

[Department of Transportation, Ted Marquez, (915) 621-6757]

7. CITY DEVELOPMENT:

- 7.1. 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]

- 7.2. 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]

- 7.3. 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]

- 7.4. 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]

- 7.5. 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. [POSTPONED FROM 11-19-2013]

(All Districts)

[City Development, Carlos Gallinar, (915) 541-4662]

- 7.6. 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 18.02.111 (Violations and Penalties) of the El Paso City Code.

(All Districts)

[City Development, Victor Morrison-Vega, (915) 541-4556]

- 7.7. An Ordinance vacating a portion of Campbell Street Right-of-Way, adjacent to Lot 16 and the North 4.0 feet of Lot 17, Block 273, Campbell's Addition, City of El Paso, El Paso County, Texas. Subject Property: 1012 N. Campbell Street. Property Owner: RAL Investments, LLC. SURW13-00008.

(District 8)

[City Development, Nelson Ortiz, (915) 541-4931]

- 7.8. An Ordinance vacating a portion of Campbell Street Right-of-Way, adjacent to Lots 11, 12 and 13, Block 273, Campbell's Addition, City of El Paso, El Paso County, Texas. Subject Property: 1020 N. Campbell Street. Property Owner: La Posada Home, Inc. SURW13-00009(1).

(District 8)

[City Development, Nelson Ortiz, (915) 541-4931]

- 7.9. An Ordinance vacating a portion of Campbell Street Right-of-Way, adjacent to Lots 14 and 15, Block 273, Campbell's Addition, City of El Paso, El Paso County, Texas. Subject Property: 1014 N. Campbell Street. Property Owner: La Posada Home, Inc. SURW13-00009(2).

(District 8)

[City Development, Nelson Ortiz, (915) 541-4931]

- 7.10. An Ordinance vacating a portion of Campbell Street Right-of-Way, adjacent to the South 22 feet of Lot 17 and all of Lots 18, 19 and 20, Block 273, Campbell's Addition, City of El Paso, El Paso County, Texas. Property Owner: Torreon Properties Incorporated. SURW13-00010.

(District 8)

[City Development, Nelson Ortiz, (915) 541-4931]

- 7.11. An Ordinance vacating a portion of the North Gate Outlet Channel Right-Of-Way out of Castner Heights Unit One, City Of El Paso, El Paso County, Texas and authorizing the City Manager to sign a Deed Without Warranty to convey a 1.24 acre parcel, more or less, being a portion of the vacated drainage Right-Of-Way to Joseph C. Weissmiller and Iris L. Roland or their successors or assigns. SURW12-00018

(District 4)

[City Development, Raul Garcia, (915) 541-4935]

- 7.12. An Ordinance granting a Special Privilege License to Mills Plaza Parking, LP for the use of portions of City Right-of-Way along Oregon Street adjacent to the property located at 303 N. Oregon to place one "A" Frame informational sign, one portable valet parking podium, and for a vehicle drop off and pick up zone for valet parking for a term of one year with two one-year options to renew. (NESV12-00022)

(District 8)

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

- 7.13. 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 [POSTPONED FROM 12-03-2013]

(District 2)

[City Development, Michael McElroy, (915) 541-4238]

REGULAR AGENDA -- OTHER BUSINESS

8. CITY DEVELOPMENT

- 8.1. 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. [POSTPONED FROM 11-12-2013 AND 12-03-2013]

(District 2)

[City Development, Michael McElroy, (915) 541-4238]

- 8.2. 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. [POSTPONED FROM 12-03-2013]

(District 2)

[City Development, Mathew McElroy, (915) 541-4193]

- 8.3.** 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.

[POSTPONED FROM 12-03-2013]

(District 2)

[City Development, Mathew McElroy 541-4193]

- 8.4.** 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 south of Sunset Drive and west of River Bend Drive, legally described as Tract 3A2, Block 2, Upper Valley Surveys, City of El Paso, El Paso County, Texas.

(District 8)

[City Development, Arturo Rubio, (915) 541-4633]

- 8.5.** Presentation on updated land use assumptions and capital improvements plan as required by Chapter 395 of the Texas Local Government Code, prior to the re-evaluation of the existing impact fee structure for water and wastewater services.

(All Districts)

[City Development, Mathew McElroy, (915) 541-4193]

- 8.6.** Discussion and action that the Mayor is hereby authorized to sign on behalf of the City of El Paso a First Amendment to the Interlocal Agreement between the City of El Paso (the "City"), the El Paso Metropolitan Planning Organization ("MPO"), and the Camino Real Regional Mobility Authority for the Bike Share Project in order to adjust the scope of the project due to a loss in funding.

(All Districts)

[City Development, Marty Howell, (915) 541-4925]

9. DEPARTMENT OF TRANSPORTATION:

- 9.1.** Discussion and action that the City Manager is hereby authorized to sign an Advance Funding Agreement For Voluntary Maintenance By A Local

Government (On-System) by and between the City of El Paso (the “City”) and the State of Texas, acting by and through the Texas Department of Transportation, whereby the City agrees to maintain the landscaping and other aesthetic improvements within the right of way of IH-10 at Airway Blvd, upon completion of the Airway Aesthetic Improvement project by the Camino Real Regional Mobility Authority.

(District 3)

[Department of Transportation, Ted Marquez, (915) 621-6757]

10. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 10.1.** Discussion and action that the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and HKS, Inc., a Texas Corporation, for a project known as “Multipurpose Cultural & Performing Arts Facility, Cultural Center and Children’s Museum” for an amount not to exceed \$614,980; and that the City Engineer be authorized to approve up to \$50,000 in additional services, for a total contract amount not to exceed \$664,980; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

(All Districts)

[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

11. PARKS AND RECREATION:

- 11.1.** Discussion and action that the City Manager be authorized to sign a Contract of Sale and any necessary related documents between the City of El Paso and 2101 Cypress, L.P., a Texas Limited Partnership, for the purchase of the property for a recreation center with a library area located at 2119 Cypress, El Paso, Texas and more particularly described as Lots, 5, 6, 7 and 8, Block 120, in the unplatted portion of Bassett Addition, an Addition to the City of El Paso, El Paso County, Texas for a purchase price of \$1,671,500.

(District 8)

[Parks and Recreation, Liza Ramirez-Tobias, (915) 541-4599]

12. MAYOR AND COUNCIL:

- 12.1.** Discussion and action to direct City Development and Parks Departments to amend Title 19 (Subdivisions) to reduce or waive parkland fees/requirements for churches that are built in older neighborhoods.

[Representative Emma Acosta, (915) 212-0003]

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

EX1. City of San Antonio v. Wu, et al, Cause No. 13-0755, before the Texas Supreme Court (551.071)
[City Attorney's Office, John Batoon, (915) 546-2993]

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/>