

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REVISED

AGENDA FOR REGULAR CITY COUNCIL MEETING

January 13, 2009
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, Fire, & CIMA Hospice Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATION

DR. MARTIN LUTHER KING, JR. DAY

RECOGNITION

STAR ON THE MOUNTAIN AWARD - JOE OLVERA

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 January 6, 2009.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Lessor’s Approval of Sublease between the City of El Paso (“Lessor”), Trajen Flight Support, LP a/k/a Atlantic Aviation (“Lessee”), and Southwest Medevac (“Sublessee”) regarding a portion of the premises located at 1751 Shuttle Columbia, El Paso, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. That the Acting Director of Aviation be authorized to sign and submit grant applications and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP), Project No. 3-48-0077-26-09; and that upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney’s Office. **(District 2)** [Airport, Monica Lombrana, (915) 780-4724]

3C. Placing a condemnation lien on the following properties (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

3830 Johnson Avenue (District 2)	\$7,543.81	Veronica S. Jarosz
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3029 Tularosa Avenue (District 8)	\$4,607.12	Maria L. Montes
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[Development Services, Victor Q. Torres, (915) 541-4557]

- 3D.** That the City Manager be authorized to sign an Amendment to License Agreement by and between the City of El Paso (“the City”) and Cemex Construction Materials South, LLC. (“CEMEX”) amending that certain License Agreement dated February 25, 2003, by and between the City and Jobe Concrete Products Inc. (“Jobe”) acknowledging CEMEX as Jobe’s successor in interest and adding certain environmental requirements for the City to fulfill.
(District 2) [Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. BOARD RE-APPOINTMENTS:

- 4A.** Randy Bowling to the Zoning Board of Adjustment, as a regular appointment, by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 4B.** Michael Santamaria to the Zoning Board of Adjustment, alternate appointment, by Representative Melina Castro, District 4.
[Representative Melina Castro, (915) 541-4400]

5. BOARD APPOINTMENTS:

- 5A.** Roman Bustillos to the Airport Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5B.** Jeannine Kennedy to the Parks and Recreation Advisory Board by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4151]
- 5C.** William H. Wickline to the Retired and Senior Volunteer Program (RSVP) Advisory Council, filling an unexpired term, by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 5D.** Sergio Chiu to the Committee on Border Relations, filling an unexpired term, by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

6. APPLICATIONS FOR TAX REFUND:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. COMPETITIVE SEALED BID:

Request that the City be authorized to enter into negotiations with Matyear Construction Co. Inc. who submitted the highest ranked proposal for the EPIA – U.S. Customs and Border Protection Facility (Re-Bid) as per recommendations from the Engineering Department and El Paso International Airport. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: El Paso International Airport
Account No.: 62620026 – 508027 – 41088 – PAP0048
Funding Source: Airport Enterprise Fund
Proposal No.: 2009-046
District: 2

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. 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.**

An Ordinance authorizing the City Manager to sign a Lease Agreement between the City of El Paso and Teens In Action for the facility commonly known as the Ysleta Park Recreation Building located at 9068 Socorro Road, El Paso, Texas. **(District 6)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

PUBLIC HEARING WILL BE HELD ON JANUARY 20, 2009, FOR THE ITEM

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 Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

9A. An Ordinance changing the zoning of a portion of Lot 28, Block 22A, Vista Granada Unit Two Replat B, City of El Paso, El Paso County, Texas, from A-2/SC (Apartment/Special Contract) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: south of Taffy Bagley Drive and west of George Dieter Drive. Applicant: Doniphan Property, L.P. ZON08-00083 **(District 7)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

9B. A Resolution releasing conditions placed on property by a contract dated November 8, 1983, which imposed conditions on a portion of Lot 28, Block 22A, Vista Granada Unit Two Replat B, 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: south of Taffy Bagley Drive and west of George Dieter Drive. Applicant: Doniphan Property, L.P. ZON08-00084 **(District 7)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

9C. An Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 100 Crown Point. Applicant: Jaime Portillo. ZON08-00072 **(District 1)**
[Development Services/Planning, Ismael Segovia, (915) 541-4027]
POSTPONED FROM 12-23-08 AND 01-06-09

9D. An Ordinance changing the zoning of Lots 52 through 56, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D

(Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2101 Central Avenue. Applicant: Martin Beltran. ZON08-00071 **(District 8)**
 [Development Services/Planning, Mirian Spencer, (915) 541-4192] POSTPONED FROM 01-06-09

9E. An Ordinance changing the zoning of Lot 58 and a portion of Lot 59, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2031 Central Avenue. Applicants: Alfredo and Veronica Gutierrez. ZON08-00052 **(District 8)**
 [Development Services/Planning, Mirian Spencer, (915) 541-4192] POSTPONED FROM 01-06-09

10. ENGINEERING:

10A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 Schedule XIV (Speed Limits), G (Forty-Miles per Hour), of the El Paso City Code by adding Helen of Troy Drive between Desert North Boulevard and the east City Limits; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
 POSTPONED FROM 11-11-08 AND 12-16-08

10B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 Schedule III (Parking Prohibited at All Times on Certain Streets), of the El Paso City Code by adding Helen of Troy Drive from Desert Boulevard north to a point five hundred feet east of Resler Drive. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

10C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 Schedule III (Parking Prohibited at All Times on Certain Streets) of the El Paso City Code by amending Number 331 (Both Sides of Belvidere from Tudor Way to White Cliffs Drive) to Belvidere Street from Tudor Way to De Los Santos Way, Both Sides. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

11A. Discussion and action regarding a Resolution approving the City of El Paso's Legislative Agenda for the 81st Texas Legislative Session and adopting a statement of policy for the City of El Paso regarding legislation in the 81st Texas Legislature and actions before State administrative agencies.
 [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

11B. Discussion and action regarding a Resolution that the City of El Paso supports the El Paso Legislative Delegation in their efforts to re-establish gaming on the Ysleta del Sur Pueblo Reservation. [Representative Eddie Holguin, (915) 541-4178]

- 11C. Discussion and action regarding a Resolution of the City Council of the City of El Paso, Texas, supporting legislative action to create programs and provide funding for the enhancement of public transportation including relocation of freight rail lines. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- 11D. Discussion and action regarding a Resolution of the City of El Paso City Council requesting the members of the 81st Legislative Session of the State of Texas support legislation that increases funding for the Texas Recreation & Parks Account Local Park Grant Program and the Texas State Park System. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- 11E. Discussion and action regarding a Resolution that the City Manager be authorized to exercise the City's first option to renew the Professional Services Agreement by and between the City of El Paso and Patricia A. Shipton for legislative and lobbying services in Austin, Texas. This renewal period will be from January 29, 2009, through January 28, 2010. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

12. ENGINEERING:

Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Carl Daniel Architects for a project known as "Abraham Chavez Theater Renovation" for an amount not to exceed \$997,197 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$1,047,197. Funded by Hotel/Motel Occupancy Tax. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

13. MUNICIPAL CLERK:

Discussion and action on the appointment of part-time Associate Municipal Court Judges:

Michele Locke
Sergio Chavez
Sheldon Myers
Patricia Palafox
Roger Rodriguez

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

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.) 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 the City lease of 10 Civic Center Plaza, El Paso, El Paso County, Texas. (551.071 and 551.072) [City Attorney's Office, Theresa Cullen, (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 FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>