

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

AGENDA FOR REGULAR CITY COUNCIL MEETING

**January 19, 2010
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 Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATION

EL PASO NURSING HOME & ASSISTED LIVING ACTIVITY DIRECTORS WEEK

RECOGNITION

**El Paso Police Department –
El Paso's Latest Designation as the 2nd Safest City in the United States**

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 12, 2010.
[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 Loan Assumption Agreement and Modification of HOME Financial Terms Contract, Notes, and Lien (the "Agreement") by and among the City of El Paso, Al Rivera, Martha Rivera, Gregory D. Rivera, El Paso Rivera Investments, Ltd., and Robert Malooly, concerning the City's consent to the transfer of the property located at 1326 Wyoming, El Paso, Texas, to Robert Malooly and assumption of all borrower obligations under the loan documents, including modifications thereto. **(District 8)** [Community and Human Development, William Lilly, (915) 541-4643]

3B. That the City Manager be authorized to sign a Memorandum of Understanding between the City of El Paso and the Housing Authority of the City of El Paso ("HACEP") concerning the procedures for the City's Relocation Office advisory assistance in conjunction with the City's code enforcement activities and its referral of income-eligible tenant households to HACEP under the displaced person/family preference for admission to public housing or other publicly-assisted housing. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

3C. Placing a condemnation lien on the following property (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 City Code:

| | | |
|---------------------|------------|---|
| 2710 Piedras Street | \$8,773.49 | Antonio R. Chavez (a/k/a A.R. Chavez and Luz G. Chavez, Luz Guerra, Mike Chavez, Robert Chavez, Huberto S. Enriquez, Estate of A.R. Chavez) |
|---------------------|------------|---|

(District 2)

[Development Services, Victor Q. Torres, (915) 541-4557]

- 3D. That the City Manager be authorized to sign a Developer Participation Agreement between the City of El Paso and EPT Land Assets, LP, to allow the City to participate in the cost of construction of improvements within a 30' wide pedestrian right-of-way located in Sandstone Ranch Estates Unit Five subdivision in an amount not to exceed \$12,997.82, pursuant to Texas Local Government Code, Chapter 212, Subchapter C, Section 212.071, and with Section 19.10.040 of the City Subdivision Code. **(District 4)**
[Development Services/Planning, Raul Garcia, (915) 541-4935]
- 3E. That the City Manager be authorized to sign an agreement with the El Paso Electric Company for the purpose of providing electrical service to the Cielo Vista Library, 1300 Hawkins, El Paso, Texas. Said property being more particularly described as a portion of Tract 4A-31-C, Block 2, Ascarate Grant Subdivision, El Paso, El Paso County, Texas. **(District 3)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3F. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 5, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. BOARD RE-APPOINTMENTS:

- 4A. Heinrich Uhrmacher to the Foster Grandparent Program Advisory Council by Representative Carl Robinson, District 4.
[Representative Carl Robinson, (915) 541-4400]
- 4B. Ann F. Kruzich to the El Paso Museum of Archaeology Advisory Board by Representative Carl Robinson, District 4.
[Representative Carl Robinson, (915) 541-4400]

5. BOARD APPOINTMENT:

Kristi K. Borden to the City Plan Commission (to serve an unexpired term) by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

6. APPLICATIONS FOR TAX REFUNDS:

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

7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 7A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase order(s) to Bazaar Uniforms & Men's Store, LeHigh Safety Shoe Company, and Northern Imports, Inc. d/b/a Work Wear Safety Shoes, under the Region 19 Cooperative Purchasing Program Contract 08-6133 for work uniforms and shoes to various departments as the need arises in an estimated amount of \$75,000. This is in addition to previous purchase orders in the amount of \$75,000. Total projected expenditures are \$150,000.

The participation by the City of El Paso in the Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department: Various
Account No.: Various
Funding Source: Various
Total Estimated Amount: \$75,000 (Total Projected Expenditure is \$150,000)
Reference No.: 2010-107
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 7B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Kinloch Equipment & Supply, Inc.; the sole authorized sales and parts distributor in the El Paso, Texas, for Elgin Sweeper proprietary parts. Estimated annual amount is \$85,000. Total estimated three year award is \$255,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services
Airport
Annual Estimated Amount: \$85,000
Account No.: 37370510 – 503121 – 45202
62620003 – 503121 - 40101
Funding Source: General Services, Internal Service Fund
Airport Cost Centers
Total Estimated Award: \$255,000 (3 years)
Sole Source No.: 2010-065
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[General Services, Stuart Ed, (915) 621-6822]
[Airport, Monica Lombrana, (915) 780-4724]

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.**

- 8A. An Ordinance amending Title 19 (Subdivisions), Chapter 19.15 (Roadways), Section 19.15.110 (Street Width and Design), of the El Paso City Code to remove 36-foot wide paving widths on local, single family residential streets. The penalty as provided in Chapter 19.42 of the El Paso City Code. **(All Districts)**
[Development Services/Planning, Eddie Garcia, (915) 541-4638]
- 8B. An Ordinance amending Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), clarifying the application processing and license issuance provisions in 5.32.060 and 5.32.070; moving the correction and re-inspection, suspension, revocation, and appeals processes to Chapter 9.48; adding a water sampling fee to Section 5.32.140 (Fees); the penalty as is provided in Section 5.32.160 of the El Paso City Code.
(All Districts) [Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 8C.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), to delete references to bacteriological water sampling; to clarify signage in Section 9.48.130; to clarify violation categories in Section 9.48.150; to clarify suspension criteria in Section 9.48.250; to add revocation and appeal language in Sections 9.48.255 and 9.48.270, respectively; the penalty as provided in Section 9.48.260 of the El Paso City Code.
(All Districts) [Environmental Services, Ellen A. Smyth, (915) 621-6719]

PUBLIC HEARING WILL BE HELD ON JANUARY 26, 2010, FOR ITEMS 8A – 8C

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. FINANCIAL SERVICES:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase order(s) to Spectrum Wireless, Inc. d/b/a Comtex Communications under the State's TXMAS Contract No. 9-23V030 to purchase a Mobile Incident Command Vehicle for the El Paso Fire Department Emergency Operations Center for the total estimated amount of \$899,974.19. The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Fire
Account No.: 22150024 – 07189 – 502225 – G220908
Funding Source: FEMA - FY 2008 Homeland Security Grant Program (HSGP) - Urban Areas Security Initiative (UASI)
Total Estimated Award: \$899,974.19
Reference No.: 2010-124
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Fire Department, Ralph Johnson, (915) 838-3263]

REGULAR AGENDA – PUBLIC HEARING

10. DEVELOPMENT SERVICES:

An Ordinance changing the zoning of a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: southeast corner of US Highway 54 and McCombs Street. Property owner: E P Plaza Partners, L.P. ZON09-00028 **(District 4)**
[Development Services/Planning, Fred Lopez, (915) 541-4322] **POSTPONED FROM 01-05-10**

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

11A. Presentation by Mayor Cook regarding the National League of Cities Board training and meeting. [Mayor John F. Cook, (915) 541-4145]

11B. Legislative Review Committee Report:

1. For notation: Formal report of the Transportation Legislative Review Committee meeting held on January 7, 2010, as submitted by Representative Beto O'Rourke; and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Presentation, discussion and action on creating bicycle rental stations within the City of El Paso.
 - b. Presentation, discussion and action on a parking meter Pilot Demonstration of Duncan Technologies "Pay by Space" and IPS Group "Single Space Parking Meter" systems that allow multiple payment options including credit and debit cards
 - c. Presentation and discussion of Sun Metro performance measures and goals for the time period of Fiscal Year 2009 and Fiscal Year 2010. [Mobility Services, Jane Shang, (915) 541-4686]

11C. Discussion and action to send a resolution to the Texas State Board of Education supporting the inclusion of Cesar Chavez, Civil Rights Activist, in the Texas Textbook Curriculum. [Representative Eddie Holguin, (915) 541-4178]

12. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that a waiver of the program cap on the maximum amount of assistance under the City's Single Family Owner-Occupied Reconstruction Program be approved so that the City can provide additional funds of approximately \$8,000 to the homeowner for completion of the owner-occupied home reconstruction project located at 604 S. Campbell, El Paso, and the owner's compliance with the City's International Fire Code requirements. Funding: HOME Program Funds – Single Family Owner-Occupied Reconstruction Program – 505205 – G7106HM – 09759. **(District 8)**
[Community and Human Development, William Lilly, (915) 541-4643]

13. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on Quarterly Financial Report: 1st Quarter Financial Report for Fiscal Year 2010. **(All Districts)**
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]

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.** Application of El Paso Electric Company to implement an interim fuel refund before the Public Utility Commission of Texas, Docket No. 37788. (551.071)
[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX2.** Application of El Paso Electric Company to change rates, to reconcile fuel costs, to establish formula-based fuel factors, and to establish an energy efficiency cost recovery factor, and intervention on behalf of the City of El Paso regarding such application before the Public Utility Commission of Texas, Docket No. 37690. (551.071)
[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX3.** 1725 Arizona. (551.071 and 551.072) [City Attorney's Office, Charlie McNabb, (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/>