

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

**February 2, 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 Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. BLACK HISTORY MONTH**
- 2. GO DIRECT/DIRECT EXPRESS MONTH**
- 3. NOLAN RICHARDSON DAY**
- 4. BOB MARLEY WEEK**

RECOGNITIONS

City Employees

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 26, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the Mayor be authorized to sign an Interlocal Cooperation Contract between the City of El Paso and the University of Texas at Austin which will allow the Center for Public Policy Dispute Resolution to provide mediation services related to the Hawkins Plaza leases for portions of Lot 1, Block 1, Hawkins Plaza, City of El Paso, El Paso County, Texas. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. 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:

21 Half Moon Drive \$753.44 Daniel and Gloria Irene Chavez
(District 3) [Development Services, Victor Q. Torres, (915) 541-4557]

3C. That 1914, Brick-n-Mortar, Manhattan, Republic, Shadow Lounge, The Garden, and The Plum be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Western Street, the adjacent alleys between Anthony Street and Durango Street and a portion of the sidewalks on Durango Street and Anthony Street from 6:00 p.m. Tuesday, February 16, 2010, to 2:00 a.m. Wednesday, February 17, 2010. (SPL09-00039)
(District 8) [Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

3D. That O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 8:00 p.m. Tuesday,

February 16, 2010, to 2:00 a.m. Wednesday, February 17, 2010. (SPL10-00003)
(District 8) [Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

3E. That Kern Place Merchants Association be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portions of Baltimore Avenue, Cincinnati Avenue, and the adjacent alley between Stanton Street and Mesa Street from 12:00 p.m. Tuesday, February 16, 2010, to 2:00 a.m. Wednesday, February 17, 2010. (SPL10-00004) **(Districts 1 and 8)**
[Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

3F. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Martha Villareal a/k/a Martha Villarreal, Eduardo Villarreal, Jr., Nephtali Villarreal, and Ismael Villarreal for the purchase of the following parcel for the Health Administration Building Phase III Project for \$75,821: Lots 1 and 2, Block 1, Hadlock's Suburban Gardens, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 12, Page 20, Plat Records of El Paso County, Texas. This expenditure is funded through 2002 Certificates of Obligation. Project #: PHE0203; Fund: 60504; Department: 31250204; Account: 508000. **(District 3)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3G. That the City Manager be authorized to sign a lease agreement between DLB Properties JV ("Landlord") and the City of El Paso ("Tenant") regarding the El Paso Police Department Internal Affairs Division's rental of office space in the Compass Bank Building located at 6044 Gateway Blvd East, El Paso, Texas for a term of 10 years. **(All Districts)** [Police Department, Laura Garcia, (915) 564-7000]

3H. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Village of Vinton, Texas, for the provision of public health services and related matters, by the City of El Paso, for the period of September 1, 2009, through August 31, 2010. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]

4. BOARD APPOINTMENTS:

4A. Carlos Gallinar to the Capital Improvements Advisory Committee (to serve an unexpired term) by Representative Susie Byrd, District 2.
[Representative Susie Byrd, (915) 541-4416]

4B. Frederick Gromand to the City Accessibility Advisory Committee by Representative Emma Acosta. [Representative Emma Acosta, (915) 541-4572]

5. APPLICATIONS FOR TAX REFUNDS:

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]

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

6A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2008-081 Maintenance of Overhead Doors at City Facilities with Desert Garage

Doors for two additional years pursuant to the provisions of an award approved by the City Council on March 18, 2008. Extended contract period will be from March 18, 2011, to March 17, 2013.

Department: General Services – Building Maintenance Division
 Option: One [of one]
 Estimated Amount: \$150,000 (total for 2 year extension)
 Funding Source: General Fund
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [General Services, Stuart Ed, (915) 621-6822]

- 6B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City’s option to extend current Contract 2008-058 (Washing of Heavy Duty Equipment) with Texas Truckwash and Detail for 2 additional years pursuant to the provisions of an award approved by the City Council on March 18, 2008. Extended contract period will be from March 18, 2011, to March 17, 2013.

Department: General Services – Fleet Division
 Option: One [of one]
 Funding Source: Internal Service Fund
 Total Estimated Amount: \$342,000 (total for 2 year extension)
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [General Services, Stuart Ed, (915) 621-6822]

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2010-081 (Blueprint Duplication and Printing Services) to P3001, LLC for a total estimated award of \$109,374.

Department: Engineering
 Award to: P3001, LLC
 El Paso, TX
 Items: 1 – 4
 Option: Two years
 Annual Estimated Amount: 36,458
 Account No.: Various
 Funding Source: Various
 Total Estimated Award: \$109,374
Districts: All

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated value. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Engineering recommend award to P3001, LLC, the vendor offering the best value bid.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Engineering, R. Alan Shubert, (915) 541-4423]

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 to renew and extend a Special Privilege to St. Mark's United Methodist Church to permit and regulate the construction, maintenance, and use of one subsurface storm water drainage pipe within a portion of Oleander Way, City of El Paso, El Paso County, Texas, for a term of fifteen years with one renewable term of fifteen years. SPL09-00032 **(District 8)**
[Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]
- 8B.** An Ordinance authorizing the City of El Paso to sell approximately 1,856 square feet, being a portion of O.A. Danielson Survey, Number 315, El Paso, El Paso County, Texas, to the State of Texas, acting by and through the Texas Department of Transportation, said parcel to be included in a highway construction project for I-10 at loop 375. **(District 6)**
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 9, 2010, FOR ITEMS 8A – 8B

- 8C.** An Ordinance changing the zoning of a portion of Lot 2, Block 1, Sandstone Ranch Estates Unit Two, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-3 (Apartment) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Sean Haggerty Drive and south of Marcus Uribe Drive. Applicant: EPT Land Assets, LP. ZON09-00071 **(District 4)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 8D.** An Ordinance granting Special Permit No. ZON09-00076 to allow an infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square foot duplex on a 6,000 square foot lot on the property described as Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, and imposing a condition, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 3330 Lincoln Avenue. Property owners: Xavier Neyra. ZON09-00076 **(District 2)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 8E.** An Ordinance granting Special Permit No. ZON09-00073 to allow for a 56% parking reduction on the property described as Lots 1 - 10, Block 223, Alexander Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 2401 N. Stanton Street. Property owners: Clinton H. Dean. ZON09-00073 **(District 1)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

8F. An Ordinance granting Special Permit No. ZON09-00022 to allow for governmental uses and buildings on the property described as being all of Tracts 3A, 3A1, G.M. Collingsworth Survey No. 14, a portion of Tract 1B, Guadalupe Lucero Survey No. 45, a portion of Tract 15 B, Ysleta Grant, Block 21, a portion of United States Parcel No. 3, a portion of Ascarate Street also known as First Street, and a portion of the Old River Bed known as Tract 4, (described July 9, 1938, in Book 632, Page 559, Deed Records, El Paso County, Texas) City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 6314 Delta Drive. Property owner: County of El Paso. ZON09-00022 **(District 3)**. [Development Services/Planning, Andrew Salloum, (915) 541-4027]

8G. An Ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1/C (Commercial/Condition), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Ranchos Real IV, LTD. ZON09-00041 **(District 5)** [Development Services/Planning, Michelle Padilla, (915) 541-4903]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 23, 2010, FOR ITEMS 8C – 8G

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 BUSINESS

9. BUDGET TRANSFER:

Discussion and action on requesting approval of a budget transfer for the funds received from the Agreement for Funding and Implementation of El Paso Particulate Matter Reduction Project to allow for unpaved roads, alley-ways, parking lots and/or medians and to reprogram 2006 Certificate of Obligations in order to increase the facility rehabilitation budget to allow for the renovation of the AB Fall Mansion. Funding source is 2006 Certificates of Obligations.

Increase \$1,497,682.36 to Construction
(District 8) [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
 POSTPONED FROM 01-26-10

10. CITY MANAGER:

City Manager's report of current events and issues:

Presentation of findings of the impact of El Paso's professional arts sector and its audiences on the local economy. The Museums of Cultural Affairs Department (MCAD) commissioned the study from Americans for the Arts and in partnership with the University of Texas at El Paso's (UTEP) Institute for Policy and Economic Development. The findings demonstrate the importance of continued investment in the arts and the role

the local arts sector contributes to El Paso's continued economic development. The study was underwritten with a generous donation from the El Paso Electric Company. **(All Districts)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

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.** Claim of Victoria A. Navarro, Our File No. 10-C-003 (551.071)
[City Attorney's Office, Audrey Hare, (915) 541-4550]
- EX2.** Paula Bell and Ricky Bell vs. the City of El Paso et al., Cause No. EP-08-CA-331-FM.
(551.071) [City Attorney's Office, Karla M. Nieman, (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/>