

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

AGENDA FOR REGULAR CITY COUNCIL MEETING

**February 3, 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 Chaplain Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. BLACK HISTORY MONTH**
- 2. PERIANESTHESIA NURSE AWARENESS WEEK**

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 27, 2009.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for February 17, 2009 is hereby canceled. **(All Districts)**
[City Attorney, Charlie McNabb, (915) 541-4550]

3B. A Resolution to approve the revisions to the Cultural Funding Guidelines.
(All Districts) [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]
POSTPONED FROM 01-27-09

3C. That the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso and the University of Texas at El Paso in an amount not to exceed \$75,000 for the University of Texas at El Paso to provide a graduate certificate program in Urban and Regional Planning to employees of the Development Services Department – Planning Division in order to enhance the employees knowledge and skills and the service quality and efficiency of department staff, and that the City Manager may increase the number of City employee participants and pay additional compensation at the amounts set forth in the Agreement. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]

3D. Authorize the City Manager to sign an agreement with the AARP Foundation to provide free tax aide programs to senior citizens at designated City Senior Citizen Centers throughout the City. **(All Districts)**
[Parks and Recreation, Judy Weiss, (915) 541-4259]

4. BOARD RE-APPOINTMENTS:

4A. Katherine L. Updike to the City Plan Commission by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

4B. Ruben Chavez to the Historic Landmark Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

4C. Mary Castillo to the City Accessibility Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

5. BOARD APPOINTMENTS:

- 5A.** Elizabeth Widmer to the Animal Welfare Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5B.** Ruth Reyes to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5C.** Margaret J. (Peggy) Kirk to the Animal Shelter Advisory Committee (ASAC) by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 5D.** Margaret J. (Peggy) Kirk to the Animal Welfare Advisory Committee (AWAC) by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 5E.** Lisle H. Davis to the Fair Housing Task Force by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 5F.** Yolanda Barbe to the Animal Shelter Advisory Committee by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

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. BIDS:

- 7A.** That the Purchasing Manager is authorized to notify Apache Barricade & Sign that the City is terminating Contract No. 2007-005 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of February 3, 2009. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
- 7B.** The award of Solicitation No. 2009-062 (Barricade Rental Service) to Contractor's Barricade Service Inc. for a total estimated award of \$210,000.

Department:	Street
Award to:	Contractor's Barricade Service, Inc. El Paso, TX
Items:	All
Option:	Either one or two years
Annual Estimated Amount:	\$70,000
Account No.:	32010200 – 502411 – 01101
Funding Source:	General Fund
Total Estimated Award:	\$210,000 (3-year total)
Districts:	All

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated

minimum 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 Street recommend award as indicated to the lowest responsive, responsible bidder. [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 changing the zoning of a portion of tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Pebble Hills and east of Tierra Blanda Drive. Applicant: JNC Land Inc. ZON08-00099 **(District 5)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 24, 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:

An Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-3 (Commercial) 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: west of Rich Beem Boulevard and north of Montana Avenue. Applicant: East Montana Joint Venture. ZON08-00058 **(District 5)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
POSTPONED FROM 11-11-08 AND 01-06-09

10. ENGINEERING:

10A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Parking Time Limited on Certain Streets), of the El Paso City Code by changing 12.88.060.A, Number 54, Texas Avenue, to remove limits on the parking time on the south side of the avenue. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
POSTPONED FROM 01-27-09

- 10B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone) of the El Paso City Code by adding Fourth Avenue between El Paso Street and Santa Fe Street, north side only; and Father Rahm Avenue between El Paso Street and the first alley to the west of El Paso Street, south side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)**
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035] **POSTPONED FROM 01-27-09**
- 10C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Parking Prohibited During Certain Hours on Certain Streets), Subsection H (No Parking 7:00 a.m. to 5:00 p.m.), of the El Paso City Code by adding Ascarate from Alameda Avenue to a point 400 feet south of Alameda, east side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 3)**
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035] **POSTPONED FROM 01-27-09**
- 10D.** 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 deleting: 62, Oregon Street from Rim Road to College Avenue, both sides; 230, Oregon Street from Cincinnati Avenue to Baltimore Drive, east side; 327, the east side of Oregon Street, from Schuster Avenue to Rim Road; and 426, Oregon Street from University Avenue to a point 380 feet northwest, west side only; and amending Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), of the El Paso City Code by adding Oregon Street between Schuster Avenue to Glory Road, both sides. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
POSTPONED FROM 01-27-09

11. FINANCIAL SERVICES:

An Ordinance approving and authorizing the execution of a Credit Agreement and an Issuing and Paying Agency Agreement with respect to the City of El Paso, Texas, Water and Sewer Commercial Paper Notes, Series A, amending the Ordinance authorizing the issuance of such notes; and resolve matters which are necessary to effectuate said matters. **(All Districts)** [Bond Counsel, Paul A. Braden, (915) 351-6053]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

Discussion and action regarding modifications to the City of El Paso State Legislative Agenda to include the following:

1. Statement of support for additional funding for libraries through the Lonestar Libraries Programs.
2. Seek passage of legislation that would allow the expansion of the number of Public Service Board members from 5 to 9.

3. Seek passage of legislation that would allow a city to create a special assessment in lieu of a lien to recoup expenses incurred in connection with demolition of unsafe structures and other measures to address matters of health, safety, and welfare.
4. Seek passage of legislation that would allow a city to create civil penalties for matters involving health, safety and welfare thereby allowing citations to be issued by civilian employees.
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

13. BUDGET TRANSFERS:

Discussion and action on the following Budget Transfers:

13A. BT2009-453 POLICE

This transfer will establish appropriations for state confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$248,570.23	to	Miscellaneous Non Operating Revenue
Increase	\$167,610.83	to	Outside Contracts NOC
Increase	\$ 49,131.91	to	Public Safety Equipment
Increase	\$ 4,400.00	to	Furniture & Fixtures
Increase	\$ 26,924.64	to	Data Processing Equipment
Increase	\$ 502.85	to	Animals

(All Districts)

[Office of Management and Budget, David Almonte, (915) 541-4777]

[Police Department, Tom Whitten, (915) 564-7304] **POSTPONED FROM 01-27-09**

13B. BT2009-454 POLICE

This transfer will establish appropriations for federal confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$1,904,217.63	to	Miscellaneous Non Operating Revenue
Increase	\$ 350,000.00	to	Desktop Software Supplies
Increase	\$ 343,131.70	to	Public Safety Equipment
Increase	\$ 161,900.51	to	Data Processing Equipment
Increase	\$ 25,000.00	to	Animals
Increase	\$1,024,185.42	to	Construction

(All Districts)

[Office of Management and Budget, David Almonte, (915) 541-4777]

[Police Department, Tom Whitten, (915) 564-7304] **POSTPONED FROM 01-27-09**

14. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that the City Council approve amendments to the Community and Human Development Housing Programs Handbook Chapter 5, which relate to the City's Program for the Rehabilitation of Investor-Owned Properties to be re-named Chapter 5 Rental Housing Program, as recommended by the Community and Human Development Department Director. **(All Districts)**

[Community and Human Development, William Lilly, (915) 541-4643]

15. FINANCIAL SERVICES:

Discussion and action on a Resolution that interest accrued from the Palo Verde Performance Standards Awards be equally allocated to the Business Incentives Program for Energy Efficiency Uses and Dark Sky Compliance Program and that the City Manager is authorized to effectuate all necessary budget transfers to comply and implement the approved initiatives. **(All Districts)**

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293] **POSTPONED FROM 01-27-09**

16. MUNICIPAL CLERK:

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

Michele Locke
Sheldon Myers
Roger Rodriguez

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

17. PARKS AND RECREATION:

17A. Discussion and action on the Open Space Implementation Plan and Annual Report. **(All Districts)** [Parks and Recreation, Shamori Whitt, (915) 541-4020]

17B. Discussion and action to authorize the Parks and Recreation Department to continue to use the current rules regarding gender eligibility in sports leagues offered by the City of El Paso. **(All Districts)**

[Parks and Recreation, Judy Weiss, (915) 541-4259]

POSTPONED FROM 01-20-09 AND 01-27-09

17C. Discussion and action on a Resolution authorizing the Parks and Recreation Department to apply for an Outdoor Recreation Grant through the Texas Parks and Wildlife Department in the amount of \$150,000 for the purpose of developing a dog park at Westside Park, 7400 High Ridge Drive, and authorizing the City Manager to sign grant agreements and to expend the funds on this project should the grant application be successful. **(District 1)**

[Parks and Recreation, Judy Weiss, (915) 541-4259] **POSTPONED FROM 01-27-09**

18. CITY MANAGER:

City Manager's report of current events and issues:

Quarterly Financial Report: 1st Quarter Financial Report for Fiscal Year 2009.

[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]

POSTPONED FROM 01-27-09

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.** City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480. (551.071)
[City Attorney's Office, Jennifer F. Callan, (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/>