

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 8, 2011
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**

RECOGNITIONS

- 1. Chief Otto Drozd - Patriotic Employer**
- 2. Ted Marquez - Patriotic Employer**
- 3. Department of Defense - National Committee for Employer Support of the Guard and Reserve**

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.

REGULAR AGENDA – OTHER BUSINESS

- 1. **WEATHER EVENT UPDATE AND RELATED UTILITY ISSUES**
[City Manager, Joyce Wilson, (915) 541-4071]

CONSENT AGENDA

- 2. **APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of February 1, 2011 and the Special Work Session Meeting of January 27, 2011 (Strategic Planning).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

- 3. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

Representative Emma Acosta.

- 4. **RESOLUTIONS:**

- 4A. That the City Manager be authorized to begin termination proceedings for an Industrial Site Lease between the City of El Paso and Bobrow Family Limited Partnership for the following property: a portion of Lot 9, Block 5, El Paso International Airport Tracts, Unit 3, City of El Paso, El Paso County, Texas, more commonly known and numbered as 1633 Airway Blvd., El Paso, Texas.
(All Districts) [Airport, Monica Lombrana, (915) 780-4724]

- 4B. That the City Manager be authorized to sign a First Amendment to the Air Cargo Center Agreement by and between the City of El Paso and DHL Express (USA), Inc. to allow an option to extend the lease at 301 George Perry Blvd., Suite G, El Paso, Texas, for an additional six months. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4793]

- 4C. That the City Manager be authorized to sign a sub-recipient grant contract with El Paso Independent School District in connection with the City's Weed and Seed Department of Justice Grant Program (FY '10), awarding an amount not to exceed \$10,000 to support a tutoring program for at-risk youth in elementary and middle schools within the Chamizal Neighborhood Weed and Seed boundary, subject to the terms and conditions of the grant contract. **(Districts 3 and 8)**
[Community and Human Development, William Lilly, (915) 541-4241]

- 4D. That the City Manager be authorized to sign a Services Agreement between the City of El Paso and Outsource Connection for temporary part-time 911 non-emergency call center personnel in an amount not to exceed \$45,163.34.

(All Districts) [Fire, Otto Drozd, (915) 771-1000]
[Police, Diana Kirk, (915) 832-6892]

- 4E. That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2010 through December 31, 2010. **(All Districts)**
[Police, Eric Shelton, (915) 564-7309]
- 4F. That the City Manager be authorized to sign the First Amendment to the Property and Parking Management Services Agreement by and between the City Of El Paso and SMG for the purpose of adding the maintenance and operation of the Glory Road Transfer Center to the Agreement and exercising the City's option to extend the Agreement for one additional year, extending the term from September 1, 2011 to August 31, 2012. **(All Districts)**
[Sun Metro, Jay Banasiak, (915) 534-5810]
- 4G. That the City Manager be authorized to sign the Lease and Concession Agreement by and between the City of El Paso and Daniel H. Morales DBA Big Boy Concessions, for the operation of food and beverage concessions at the City's Bert Williams Downtown Santa Fe Transfer Center. **(All Districts)**
[Sun Metro, Jay Banasiak, (915) 534-5810]

5. BOARD RE-APPOINTMENTS:

- 5A. Yolanda J. Barbe to the Animal Shelter Advisory Committee by Representative Susie Byrd, District #2. [Representative Susie Byrd, (915) 541-4996]
- 5B. Yolanda J. Barbe to the Animal Welfare Advisory Committee by Representative Susie Byrd, District #2. [Representative Susie Byrd, (915) 541-4996]
- 5C. Ira L. "Joe" Barbe to the Animal Shelter Advisory Committee by Representative Susie Byrd, District #2. [Representative Susie Byrd, (915) 541-4996]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Tiburon, Inc., the sole source provider for the annual maintenance of various Fire Department software and software components in the total amount of \$57,575. Tiburon, Inc. is the owner of the software and software components used by the Fire Department.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Department:	Information Technology
Award to:	Tiburon, Inc. Pleasanton, CA
Total Estimated Award:	\$57,575
Funding Source:	Information Technology General Funds
Sole Source No.:	2011-140
Districts:	All

This is a Sole Source, services type contract.
 [Information Technology, Art Armas, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

7. 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.**

- 7A.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and Sadie Leilani Sanchez which will allow the City to convey Lot 16, Block 17, Sun Ridge Subdivision Unit Five Addition, City of El Paso, El Paso County, Texas to Sadie Leilani Sanchez. **(District 5)**
 [Community and Human Development, William Lilly, (915) 541-4241]
- 7B.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and Vianey Estrella Ramirez which will allow the City to convey Lot 24, Block 135, Tierra Del Este Unit Thirty Four Addition, City of El Paso, El Paso County, Texas to Vianey Estrella Ramirez. **(District 5)**
 [Community and Human Development, William Lilly, (915) 541-4241]
- 7C.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to delete Southwestern Drive, Northwestern Drive, and an unnamed east-west collector arterial as collector arterials north of Redd Road, south of Helen of Troy Drive, and east of Interstate Highway 10. **(District 1)**
 [Planning and Economic Development, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 15, 2011, FOR ITEMS 7A – 7C

- 7D.** An Ordinance changing the zoning of Tract 1A, Block 26, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-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: 7516 Alameda Avenue. Applicant: Jimmy C. Happ. ZON10-00098 **(District 3)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 7E.** An Ordinance changing the zoning of the following real property known as:
 Parcel 1: a portion of Section 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-3 (Commercial) and imposing a certain condition;
 Parcel 2: a portion of Section 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-3 (Commercial) and imposing a certain condition;

Parcel 3: a portion of Section 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Mesquite Hills Drive out of Mesquite Hills Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-3 (Commercial) and imposing a certain condition;

Parcel 4: a portion of Sections 16 and 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a Portion of Mesquite Hills Drive out of Mesquite Hills Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-1 (Commercial);

Parcel 5: a portion of Sections 16 and 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Mesquite Hills Drive out of Mesquite Hills Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Patriot Freeway/US 54, West of Mesquite Hills Drive. Property Owner: Newman Ranch Properties, LLC. ZON09-00065 **(District 4)**

[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON MARCH 1, 2011 FOR ITEMS 7D – 7E

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 Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

8. INFORMATION TECHNOLOGY:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Dell Marketing LP, a contractor under the Department of Information Resource (DIR) Contract No. DIR-SDD-1014, for a three-year Microsoft software license agreement. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Department:	Information Technology
Award to:	Dell Marketing LP Round Rock, TX
Year 1 Estimated Amount:	\$538,232.82
Year 2 Estimated Amount:	\$702,270.40
Year 3 Estimated Amount:	\$702,270.40
Total Estimated Award:	\$1,942,773.62 (3 years)
Funding Source:	Data Process Services – General Funds

Reference No.: 2011-115
Districts: All

This is a Cooperative, services contract.
 [Information Technology, Art Armas, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

9. PLANNING AND ECONOMIC DEVELOPMENT:

- 9A.** An Ordinance granting Special Permit No. ZON10-00088, to allow for infill development and a 100% parking reduction on the property described as Lot 10 and north 20 feet of Lot 9, Block 192, Alexander Subdivision, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 and 20.14.070 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2419 N. Stanton Street. Applicant: Quality Company Investments. ZON10-00088 **(District 1)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 9B.** An Ordinance changing the zoning of the following real property known as: Parcel 1: A portion of Tract 1A, Nellie D. Mundy Survey 242 and Tract 1B5C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-3A (Residential); Parcel 2: A portion of Tracts 1A and 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-3A (Residential); Parcel 3: A portion of Tracts 1 and 1A1, Nellie D. Mundy Survey 242 and Tracts 1B5C and 1B5B2, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-3/c (Commercial/Condition) to R-3A (Residential); and Parcel 4: A portion of Tracts 1 and 3A, Nellie D. Mundy Survey 242 and Tract 1B4C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-3/c (Commercial/Condition) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Paseo Del Norte Road, West of Northern Pass Drive. Property Owner: Hunt Communities Holding, LLC. ZON10-00085 **(District 1)**
 [Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 9C.** An Ordinance releasing a condition placed on property by Ordinance No. 15672 which changed the zoning of the following real property known as: Parcel 1: Portion of Tracts 1 and 1A1, Nellie D. Mundy Survey 242 and Tracts 1B5C and 1B5B2, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, and Parcel 2: Portion of Tracts 1 and 3A, Nellie D. Mundy Survey 242 and Tract 1B4C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Paseo Del Norte Road, West of Northern Pass Drive. Property Owner: Hunt Communities Holding, LLC. ZON10-00086 **(District 1)** [Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 9D.** An Ordinance changing the zoning of Lot 2, Block 6, Castner Range Unit One, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El

Paso City Code. Subject Property: Stahala Drive, East of Kenworthy Street. Property Owner: Northeast 58 TBH/IT, LLC. ZON10-00016 (District 4) [Planning and Economic Development, Esther Guerrero, (915) 541-4720]

10. DEPARTMENT OF TRANSPORTATION

- 10A. 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 to Prohibit Parking on University Avenue Between Kansas Street and Ochoa Street; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. (District 1) [Department of Transportation, Keith Bennett, (915) 621-6882]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A. Presentation by Cherokee Development Corporation for a Project known as FM659 Road Improvement. [Mayor John F. Cook, (915) 541-4015]
- 11B. Discussion and action to direct the City Manager to amend Title 20 to allow static digital monument signs at schools, to include amending the governmental exemption or sign requirements in residential zones as necessary. (District 7) [Representative Steve Ortega, (915) 541-4124]

12. MUSEUMS AND CULTURAL AFFAIRS:

- 12A. Discussion and action regarding the proposed redistribution of \$200,000 in HOT funds originally allocated for "Texas vs. the Nation" to cultural activities downtown. (District 8) [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]
 POSTPONED FROM 1-25-11

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

Discussion and action on the following:

- EX1.** Maria Esquivel vs. City of El Paso; Cause No. 2008-4910 (551.071)
[City Attorney's Office, Kenneth A. Krohn, (915) 541-4550]
- EX2.** Arlene Casillas vs. Steven Smith and City of El Paso; Cause No. EP-10-CV-415-FM
(551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX3.** Clear Channel Outdoor, Inc. vs. The City of El Paso; Cause No. 2009-3939 (551.071)
[City Attorney's Office, Kenneth A. Krohn, (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 THURSDAY AT THE ADDRESS BELOW:

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