

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 9, 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 Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. PAPELEROS WITH A PURPOSE DAY**
- 2. NATIONAL HEALTHY MARRIAGE WEEK**

RECOGNITION

NATIONAL 2-1-1 DAY

PRESENTATION

RED KETTLE RING-OFF WINNER

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 February 2, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager is hereby authorized to sign a Maintenance Facility and Land Lease for Auto Rental Concession by and between the City of El Paso ("Lessor") and Simply Wheelz LLC d/b/a Advantage Rent A Car ("Lessee") for the following described property: a portion of Lot 4, Block 1-C, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, consisting of 64,695 square feet of land, including 3,400 square feet of building and site improvements; municipally known and numbered as 6535 de Havilland, El Paso, 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:

5959 Ybarra Court \$10,756.87 Juan F. Jacquez and Maria Jacquez
(District 6) [Development Services, Victor Q. Torres, (915) 541-4557]

3C. That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the Texas Parks and Wildlife Department, Franklin Mountains State Park (the "FMSP"), for the purpose of FMSP to operate and maintain a public restroom facility owned by the City of El Paso located across the road from the FMSP office facility ("the facility") which fulfills a governmental function and service included in providing parks and recreation services to the citizens of the City of El Paso. **(District 2)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

3D. That the City Manager be authorized to sign a License Agreement by and between the City of El Paso and Union Valet LLC for the use of City owned

property known as Union Depot Parking Lot #4 and managed by the City of El Paso's Mass Transit Department for the purpose of the operation of a valet parking lot. **(All Districts)** [Sun Metro, Lynly Leeper, (915) 533-1220]

4. BOARD APPOINTMENTS:

- 4A.** Suzanne Todd to the Community Development Steering Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 4B.** Sergio Vasquez to the FAIR Housing Task Force by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 4C.** Manuela Yolanda Torres to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Carl Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]
- 4D.** Kelly M. Sorenson to the Building and Standards Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 4E.** Linda T. Vick to the Building and Standards Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS:

- 5A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to Physio-Control, Inc., a division of Medtronic, Inc., the sole source provider for LIFEPAK Defibrillator/monitor products for the purchase of 20 LIFEPAK1000 Defibrillators in the estimated amount of \$57,089.86 and 5 LIFEPAK12 Defibrillator/Monitors in the estimated amount of \$88,674.41 for the El Paso Fire Department. Total estimated amount is \$145,764.27.

Department: Fire
 Funding Source: Department of State Health Services matching Grant
 Metropolitan Medical Response System (MMRS) Grant
 Total Estimated Amount: \$145,764.27
 Sole Source No.: 2010-147
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Fire Department, Chris D. Celaya, (915) 771-1000]

- 5B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to Portable Computer Systems, a State Department of Information Resources (DIR) contractor under Contract DIR-SDD-531 to purchase 85 Panasonic Tough Book mobile computer terminals in the estimated amount of \$346,290 and for vehicle mounting hardware under Contract DIR-SDD-518 in the estimated amount of \$85,085 for the El Paso Police Department. The participation by the City of El Paso in the DIR Program was approved by Mayor and City Council on February 27, 2007.

Department: Police
 Funding Source: Community Oriented Policing Services (COPS)

Technology FY09
 Total Estimated Amount: \$431,375
 Reference No.: 2010-141
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Police Department, Gregory Allen, (915) 564-7302]

- 5C.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Johnson Controls, Inc., the Harris County Department of Education (HCDE) contractor under Choice Facility Partners Contract No. 09/023DR (HVAC Equipment, Installation, Service and Related Items), for HVAC equipment for MSC Building 1 Renovation. Total expenditures are \$168,538.

The participation by the City of El Paso in the Harris County Department of Education Cooperative (HCDE) Purchasing Program was approved by Mayor and City Council on August 18, 2009.

Department: General Services – Building Maintenance
 Funding Source: MSC Improvements – FY98 CO
 Total Estimated Amount: \$168,538
 Reference No.: 2010-146
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [General Services, Stuart Ed, (915) 621-6822]

6. BID:

The award of Solicitation No. 2010-087 (Speed Humps and Speed Cushions) to Traffic Logix for a total estimated award of \$280,440.

Department: Engineering
 Award to: Traffic Logix
 Spring Valley, NY
 Items: All
 Annual Estimated Amount: \$93,480
 Funding Source: FY 2009 Certificates of Obligation
 Total Estimated Award: \$280,440 (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 Engineering recommend award as indicated, to the lowest responsive, responsible bidder.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

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 amending Ordinance 16013 to extend the term of Ordinance 16013 which granted a Special Privilege to Mario Hernandez, Hector Cobos, Jr., Eber Martinez, Maria Cobos, Margarita Cobos, Juan Torres, Pedro Orona, Hector Cobos, Maria Prieto, Maria Grado, Jack Kellog, Jesus Hernandez, Eusebio Coronel, Victor Ochoa, Carmen Cox, Maria Chavez, Eunise Morales, Maria Barraza, Santiago Aguilar, and Brandon Palma to encroach onto a portion of various public rights-of-way with a food-vending concession in the Downtown Area. **(District 8)**

[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

7B. An Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable to All Platting Procedures), Section 19.01.030 (Exemptions) of the El Paso City Code to allow an exemption for duplexes and to clarify an application requirement for exemptions. The penalty is as provided for in Section 19.42 of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Eddie Garcia, (915) 541-4638]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 16, 2010, FOR ITEM 7A – 7B

7C. An Ordinance releasing conditions placed on Tract 12 and 12A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, 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: southwest corner of George Dieter Drive at Montana Avenue. Property owner: Saadatkah Ardolkarim. ZON09-00079. **(District 5)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2010, FOR ITEM 7C

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

8. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2010-036 (Grounds Maintenance – City Medians) to Delta Unlimited, Inc. and Ransom Lawn Service, Inc. for a total estimated award of \$849,350.76.

Department: Street

Award to: Vendor 1: Delta Unlimited, Inc.
El Paso, TX
Items: Group I and IV
Option: Two years
Annual Estimated Amount: \$242,068.90

Award to: Vendor 2: Ransom Lawn Service, Inc.
El Paso, TX
Items: Groups II and III
Option: Two years
Annual Estimated Amount: \$41,048.02

Funding Source: General Funds
Total Estimated Award: \$849,350.76 (3 years)
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 that one bidder be disqualified as non-responsible, and the contract be awarded to Delta Unlimited, Inc. and Ransom Lawn Service, Inc., the vendors offering the best value bid.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Street Department, Daryl Cole, (915) 621-6750]

REGULAR AGENDA – PUBLIC HEARINGS

9. ENGINEERING:

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]

10. FINANCIAL SERVICES:

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]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action on a Resolution condemning the violence in Juárez and offering specific policy proposals to improve the situation in our region.
 [Representative Beto O'Rourke, (915) 541-4123]
 [Representative Steve Ortega, (915) 541-4108]

11B. Legislative Review Committee Report:

For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on January 14, 2010, as submitted by Representative Susie Byrd. [Environmental Services, Ellen A. Smyth, (915) 621-6719]

11C. Legislative Review Committee Report:

1. For notation: Formal Report of the Planning and Development Legislative Review Committee meeting held on January 28, 2010, as submitted by Representative Ann Morgan Lilly, Chair; 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) Requiring a downzoning of El Paso Water Utilities – Public Service Board held property as recommended by the Open Space Advisory Board pursuant to Recommendation A-1 contained within the Green Infrastructure Plan for the City of El Paso, and subject to the following:
 - i. Excluding properties zoned PMD (Planned Mountain Development District);
 - ii. Checking with bond counsel on any impact of the downzoning to the fiduciary responsibility or land value of the properties;
 - iii. Determining which undeveloped lands have surveys and developing a cost estimate for surveying the remaining parcels;
 - iv. Developing a financial plan for funding the survey work; and
 - v. Identifying other areas for exception to the downzoning.
 - B) Submitting items for the City's 2010 Federal Legislative Agenda and 2011 State Legislative Agenda.
 [Development & Infrastructure, Patricia D. Adatao, (915) 541-4853]

11D. DEVELOPMENT AND INFRASTRUCTURE:

Discussion and action to direct that the City Manager initiate a downzoning of El Paso Water Utilities – Public Service Board held property pursuant to the Green Infrastructure Plan for the City of El Paso, Recommendation A-1, and that the following issues be reviewed and presented to the City Council prior to the processing of the application:

- i. Excluding properties zoned PMD (Planned Mountain Development District);
- ii. Checking with bond counsel on any impact of the downzoning to the fiduciary responsibility or land value of the properties;

- iii. Determining which undeveloped lands have surveys and developing a cost estimate for surveying the remaining parcels;
 - iv. Developing a financial plan for funding the survey work; and
 - v. Identifying other areas for exception to the downzoning.
- (All Districts)** [Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]

12. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council approve the proposed El Segundo Barrio Neighborhood Revitalization Strategy as a neighborhood revitalization plan for the Segundo Barrio. **(District 8)**
 [Community and Human Development, Mark Alvarado, (915) 541-4918]

13. ECONOMIC DEVELOPMENT:

13A. Discussion and action on a Resolution that City Council approve amendments to the City's Green Building Grant Program and Program Guidelines, as recommended by the Economic Development Department Director.
(All Districts) [Economic Development, Kathryn B. Dodson, (915) 541-4872]

13B. Discussion and action on a Resolution establishing a Multi-Family Housing Green Building Grant Program and approving Program Guidelines; and authorizing the City Manager to execute any and all documents related to the establishment and operation of the City's Multi-Family Housing Green Building Grant Program, including standard grant agreements. **(All Districts)**
 [Economic Development, Kathryn B. Dodson, (915) 541-4872]

13C. Discussion and action on a Resolution adopting City of El Paso Incentives Policy - Guidelines & Criteria (Chapter 380). **(All Districts)**
 [Economic Development, Kathryn B. Dodson, (915) 541-4872]

13D. Discussion and action on a Resolution adopting City of El Paso Incentives Policy- Blighted Properties. **(All Districts)**
 [Economic Development, Kathryn B. Dodson, (915) 541-4872]

14. ENGINEERING:

Discussion and action that the City Manager be authorized to sign a Local Project Advance Funding Agreement between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation for the construction of canopies with lighting on two border crossings, Santa Fe Street Bridge and Stanton Street Bridge, landscaping, bus stop improvements, and fountain and gazebo construction at Lions Placita Park. The Agreement is required under the American Recovery and Reinvestment act of 2009 provisions relating to construction funding, inspection of books and records, reporting requirements and Office of Management and Budget audit requirements. No additional funding is required under this action since Council had previously dedicated TxDOT match funding from 2006 Certificates of Obligation as the City's portion of the project funding. The funding allocation remains the same.
(District 8) [Engineering, R. Alan Shubert, (915) 541-4423]

15. FINANCIAL SERVICES:

Discussion and action on a proposal to develop, construct, and operate a Municipal Vehicle Storage Facility to streamline the vehicle recovery process and provide a “One-Stop Shop” for the public and that the City Manager be authorized to execute any and all documents necessary to effectuate the proposal. **(All Districts)**
 [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

16. PARKS AND RECREATION:

Discussion and action at the request of the Open Space Advisory Board regarding recommendations pertaining to the General Land Office (GLO) that would require the GLO to consult with the City of El Paso prior to any land transactions within the city limits and ETJ. **(All Districts)** [Parks and Recreation, Shamori Whitt, (915) 541-4020]

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 at the request of Representative Susie Byrd and Representative Carl Robinson on directing the City Manager to negotiate for parcels on the east side of the mountain owned by Daniel T. Knapp, R. E. Knapp, Palo Verde Properties LP, R.E. and R.A. Knapp for the purpose of open space preservation. (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/>