

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 10, 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 – Fire Chaplain Ed Sinke
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. NATIONAL HEALTHY MARRIAGE WEEK**
- 2. GO DIRECT/DIRECT EXPRESS MONTH**
- 3. MANUEL UNZUETA HOMECOMING DAY**

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 3, 2009.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

- 3A.** That The New O.P.E.P be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 6:00 p.m., Tuesday, February 24, 2009, to 2:00 a.m., Wednesday, February 25, 2009. **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 3B.** That Kern Place Merchants Association be authorized for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Baltimore Avenue, Cincinnati Avenue, and the adjacent alley between Mesa Street and Stanton Street from 6:00 p.m., Tuesday, February 24, 2009, to 2:00 a.m., Wednesday, February 25, 2009. **(Districts 1 and 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 3C.** That the City Manager be authorized to sign an agreement granting an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Yucca Park site at 620 Yarbrough, said property being more particularly described as a portion of Lot 3, Municipal Service Center Subdivision, El Paso, El Paso County, Texas. **(District 7)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3D.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 3, 4, 6, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3E.** That the City Council declare the weeks of February 23 – March 7, 2009, “Amnesty Week” for the El Paso Public Library (“the Library”) to allow borrowers of items from the Library to return overdue items or items previously considered lost, without payment of applicable overdue fines or fees for lost items, and to allow the Library to accept return of such items without payment of such fines or fees. **(All Districts)** [Library, Carol Brey-Casiano, (915) 543-5413]

- 3F. That the City Council of the City of El Paso declares an amnesty week effective February 23, 2009, through March 7, 2009, ending at 12:00 midnight on March 7, 2009. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fines and collection fees reduced to zero, leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 3G. Operation Serious Habitual Offender Comprehensive Action Program (SHOCAP) Full Force grant application to the Office of the Governor, Criminal Justice Division; and that the City Manager be authorized to sign grant related documents including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$35,226 with an in-kind match of \$11,949. The funding agency requires a resolution be submitted with grant application. **(All Districts)**
[Police Department, Eric Shelton, (915) 564-7309]
- 3H. Approve a Resolution authorizing the City Manager to approve to electronically submit a grant proposal to the Criminal justice Division (Office of the Governor of the State of Texas) for Law Enforcement, Prosecution, Court, and Training Programs targeting victims of Domestic Violence, Sexual Assault, and Stalking – Law Enforcement Law DART Officers, in the amount of \$248,908.30 with a local cash match of \$112,177.65. **(All Districts)**
[Police Department, Eric Shelton, (915) 564-7309]
- 3I. Approve a Resolution authorizing the City Manager to approve to electronically submit a grant proposal to the Criminal justice Division (Office of the Governor of the State of Texas) for General Victim Assistance, Direct Services – General Victim Services in the amount of \$148,782.65 with a local cash match of \$36,520.62. **(All Districts)** [Police Department, Eric Shelton, (915) 564-7309]

4. MAYOR AND COUNCIL:

Revocation of the City Council action on February 3, 2009, asking City staff to contact Texas Amateur Athletic Federation (TAAF) and Amateur Athletic Union (AAU) asking for a clarification on whether not the City would be sanctioned or if city leagues would be harmed if we allowed ineligible teams that included girls on boys' teams to participate in competitive league play during the regular season. [Representative Susie Byrd, (915) 541-4416]

5. BOARD RE-APPOINTMENTS:

- 5A. Luis M. Ruiz to the History Museum Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5B. Rodney Haldon Hansen to the Ethics Review Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5C. Richard Anthony Cordova as a regular Board Member to the Zoning Board of Adjustment by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

6. BOARD APPOINTMENT:

Ricardo D. Gonzalez to the Historic Landmark Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

7. BID:

The award of Solicitation No. 2009-054 (CJ4 Motor Oil) to C & R Distributing Inc. and Nunn Waste Management Company for a total estimated award of \$330,000.

Department:	General Services
Award to: Vendor 1:	C & R Distributing Inc. El Paso, TX
Items:	Group I
Option:	Two years
Award to: Vendor 2	Nunn Waste Management Company Anthony, TX
Items:	Group II (Buyback – Revenue to City)
Option:	Two years
Annual Estimated Amount:	\$110,000 (Group I Expenditure)
Account No.:	37370510 – 503121 – 45202
Funding Source:	General Services, Inventory Purchasing-Materials and Supplies
Total Estimated Award:	\$330,000 (3-year total)
Districts:	All

This is a thirty-six month requirements type contract for CJ4 Motor Oil and buyback of recycled oil, filters, and antifreeze.

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 General Services recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

8. BUDGET TRANSFERS:

BT2009-0479 AIRPORT

Transfer of funds to set up appropriation for the upgrade of the fiber optic cable from the existing 6 and 12 strand cables to 72 strand cables at the International Airport.

Increase	\$125,000.00	to	Construction
Increase	\$125,000.00	to	Operating Transfer In
Increase	\$125,000.00	to	Fund Balance Transfer
Increase	\$125,000.00	to	Operating Transfer Out

(All Districts)

[Airport, Monica Lombrana, (915) 780-4724]

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

REGULAR AGENDA – INTRODUCTIONS

9. 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 amending Ordinance No. 8961 which created the Accessibility Advisory Committee and that set the quorum for the committee to be a majority of the members present based on nine members. **(All Districts)** [Engineering, William Bennett, (915) 541-4243]

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

10. DEVELOPMENT SERVICES:

10A. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions), 20.02.304, of the El Paso City Code to amend the definition for "Domestic Storage". The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

10B. An Ordinance annexing the following real property described as: Parcel 1: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, El Paso County, Texas; and, Parcel 2: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Subject property: east of Zaragoza Road near Pebble Hills Boulevard. Applicant: Ranchos Real IV, LTD. AN08010
(east ETJ: adjacent to Districts 5 & 6)
[Development Services, Christina Ainsworth, (915) 541-4930] **POSTPONED FROM 01-27-09**

10C. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and Parcel 3: a portion of Section 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and Parcel 4: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, and Parcel 5: a portion of Section 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and Parcel 11: a portion of Section 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from

R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; and, Parcel 2: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to R-5 (Residential); and, Parcel 6: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-1 (Commercial) and imposing conditions; and, Parcel 7: a portion of Sections 38 and 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from C-2 (Commercial) to GMU (General Mixed Use) and approving a master zoning plan; and, Parcel 8: a portion of Sections 38 and 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to GMU (General Mixed Use) and approving a master zoning plan; and, Parcel 9: a portion of Section 38, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to PR-II (Planned Residential); and, Parcel 10: a portion of Sections 38 and 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Zaragoza Road near Pebble Hills Boulevard. Applicant: Ranchos Real IV, LTD. ZON08-00085

(east ETJ: adjacent to Districts 5 & 6)

[Development Services, Christina Ainsworth, (915) 541-4930] **POSTPONED FROM 01-27-09**

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

11A. Discussion and action on authorizing a standing weekly Special City Council meeting for City Council agenda review. [Mayor John F. Cook, (915) 541-4145]

11B. Discussion and action to authorize the Mayor to sign a Resolution to appoint one board member for each Camino Real Regional Mobility Authority Board position from the list of nominees below:

Position 2

- 1. Adrian Quintela
- 2. Marisa Barrio
- 3. Brenda Ehrlich

Position 4

- 1. Tanny Berg*
- 2. Belen Robles
- 3. Ike Monty

Position 6

- 1. Tony Payan*
- 2. Margarita Licon
- 3. Stuart Schwartz

*Incumbent Board Member

**Position previously held by J.O. Stewart (Mayor John Cook)

[Mayor John F. Cook, (915) 541-4145]

11C. Discussion and action on entering into an interlocal agreement for participation in Project: Fresh Start, a program aimed toward increasing the availability of quality affordable housing for El Paso families. All other taxing entities within the city have approved the agreement. [Representative Susie Byrd, (915) 541-4416]

12. DEVELOPMENT SERVICES:

Discussion and action on a Resolution resetting the Public Hearing on the land use assumptions and capital improvements plan under which an impact fee may be imposed from February 24, 2009, to March 24, 2009; such rescheduling due to adjustments required to the population and service unit calculations for service areas developed by the El Paso Water Utilities. **(All Districts)** [Development Services, John Neal, (915) 541-4285]

13. MUNICIPAL CLERK:

13A. 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]
POSTPONED FROM 02-03-09

13B. Discussion and action on a Resolution providing for the 2009 General Election in the City of El Paso, calling for an election of the Mayor, four District Representatives, five Municipal Court Judges, and the Judge of the Municipal Court of Appeals to be held within the City on May 9, 2009; and making provisions for the conduct of the election. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

13C. Discussion and action on a Resolution calling a special election in the City of El Paso for the submission of a measure to be held within the City on May 9, 2009; and making provisions for the conduct of the election.
(All Districts) [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

14. OFFICE OF MANAGEMENT AND BUDGET:

Discussion and action to authorize the City Manager to execute a budget transfer, reducing the City's General Fund Appropriations in various departments by \$7,065,688 as outlined in the Quarterly Financial Report - 1st Quarter, FY 2009 presentation to Council on February 3, 2009, as directed by Council. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]

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.** Diana Kirk vs. City of El Paso, Cause No. 2008-3447. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Arthur Salguero, et al vs. City of El Paso, et al; Cause No. EP-08-CV-0442. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)
[City Attorney's Office, Laura P. Gordon, (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/>