

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

REVISED

AGENDA FOR REGULAR CITY COUNCIL MEETING

**February 15, 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, Fire, and CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

1. NATIONAL LULAC WEEK
2. NATIONAL TRiO 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 8, 2011 and the Corrected Minutes for the Regular City Council Meeting of February 1, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. 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:

3002 E. San Antonio Av \$23,760.81 **District 8** Petra S. Gallego
[Environmental Services, William V. Stern, (915) 599-3742]

3B. A Resolution authorizing the City Manager to approve the submittal of a grant application to the Criminal Justice Division (Office of the Governor of the State of Texas) for the Operation Border Security FY11 grant program in the total amount of \$200,000 with no required local cash match. The signature of the "Highest Elected Official" is not required for electronic submittal; Resolution is required by funding agency. **(All Districts)** [Police, Eric Shelton, (915) 564-7309]

3C. A Resolution that the City Council adopts an alternative method for determining the fair market value for the sale or conveyance of land dedicated to the City as a public street, alley, or easement when such sale or conveyance is to the abutting property owner owning the underlying fee simple and establishing criteria for city initiated vacation of such land.
[Planning and Economic Development, Eduardo Garcia, (915) 541-4638]

4. FINANCIAL SERVICES:

Authorize the Mayor to sign an Interlocal Agreement between the City of El Paso ("El Paso") and the Town of Horizon City ("Horizon City") to allow the City of El Paso to sell Horizon City's surplus vehicles through El Paso's auctioning process.
(All Districts) [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

5. BOARD RE-APPOINTMENTS:

- 5A.** Ira L. Barbe to the Building and Standards Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]
- 5B.** Eileen Karlsruher to the Civil Service Commission by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5C.** Notification of the re-appointment of William Studer to the Fire and Police Pension Fund Board of Trustees by City Manager Joyce Wilson. [City Manager, Joyce Wilson, (915) 541-4071]
- 5D.** Kelly M. Sorenson to the Building and Standards Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915)-541-4996]
- 5E.** Matt Bohannon to the Building and Standards Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]
- 5F.** Ben Bohannon to the Building and Standards Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

6. BOARD APPOINTMENTS:

- 6A.** Andrew Haggerty to the Building and Standards Commission by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson, (915) 541-4400]
- 6B.** Jesse Sanchez to the Building and Standards Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 6C.** Charles L. Hurst to the Construction Board of Appeals by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 6D.** Notification of the appointment of Carmen Arrieta-Candelaria to the Fire and Police Pension Fund Board of Trustees by Mayor John Cook [Mayor John F. Cook, (915) 541-4145]

7. 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]

8. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Oracle America Inc., a contractor under Department of Information Resources (DIR) No. DIR-VPC-03-018 for license updates and technical support and service for various software components through August 31, 2011. 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 Resources (DIR) was approved by the 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: Oracle America Inc
Redwood Shores, CA
Total Estimated Award: \$115,598.84
Funding Source: Data Processing Services/General Funds
Reference No.: 2011-174
Districts: All

[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. ZON10-00043, to permit infill development, on the property described as Tract 33, Pavo Real Subdivision, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 254 Carnes Road. Property Owner: Elder Ramirez. ZON10-00043 **(District 6)**

[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

9B. 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]

9C. 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]

POSTPONED FROM 2-8-11

10. COMMUNITY AND HUMAN DEVELOPMENT

10A. 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]

- 10B.** 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]

REGULAR AGENDA – OTHER BUSINESS

11. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 11A.** Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Brock & Bustillos, Inc., a Texas Corporation, for a project known as “Butterfield Trail Industrial Park – Street & Landscaping Improvements” for an amount not to exceed \$820,847.60 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$870,847.60. **(District 2)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 11B.** Discussion and action that the City Manager be authorized to sign a Developer’s Participation Agreement between the City of El Paso and Northeast 58 THB/IT, LLC for the construction of a roadway bridge over the Northgate Outlet Channel and right-of-way improvements on Stahala Drive, in accordance with Local Government Code Section 212.071. There is no cost to the City. **(District 4)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 11C.** Discussion and action on a Resolution to amend Schedule C of the 2011 City Budget Resolution relating to fees charged for plumbing repairs. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

12. MAYOR AND COUNCIL:

- 12A.** Discussion and action to waive the process and permit fee with anything related to plumbing repairs due to weather crisis. **(All Districts)**
[Representative Eddie Holguin, Jr., (915) 541-4178]
- 12B.** Discussion and action on the creation of a three person citizen utility review commission. **(District 7)** [Representative Steve Ortega, (915) 541-4124]
- 12C.** 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]
POSTPONED FROM 2-8-11

13. FINANCIAL SERVICES:

- 13A.** Discussion and action on Resolution to authorize the City Manager to sign a lease between Paso del Norte Investment Property, L.P. and the City of El Paso for the El Paso Fire Department’s administrative use at 425 N. Kansas, El Paso,

Texas, for a term of sixty months in an increasing annual rental amount set to begin at \$230,940. **(District 8)** [Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

- 13B.** Discussion and action on a Resolution to authorize the City Manager to sign a lease between the City of El Paso and Southwest Hyundai, L. P., for a portion of the property located at 8600 Montana, El Paso, Texas, for an initial term of five years with two automatic renewal terms of an additional five years each in an increasing annual rental amount set to begin at \$230,940. **(District 3)**
[Financial Services, Liza Ramirez-Tobias, (915)-541-4074]

14. PLANNING AND ECONOMIC DEVELOPMENT:

- 14A.** Discussion and action that the Mayor be authorized to sign an Interlocal Agreement with the University of Texas at El Paso (“UTEP”) under which the Institute for Policy and Economic Development (“IPED”) of UTEP shall provide economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessments services, all as requested by the Economic Development Department of the City. This Agreement shall be for a term of one year, subject to renewal on mutual agreement, with a maximum of cost to the City of \$30,000 per year.
(All Districts) [Planning and Economic Development, Kathryn Dodson, (915) 541-4670]
- 14B.** Discussion and action that the City Council approve amendments to the City of El Paso Incentives Policy for Blighted Properties, as recommended by the Director of the Planning and Economic Development Department. **(All Districts)**
[Planning and Economic Development, Kathryn Dodson, (915) 541-4670]
- 14C.** Discussion and action on an appeal by property owners of the Manhattan Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC11-00002; 3200 Copper Avenue, El Paso, Texas on January 10, 2011, to approve a Certificate of Appropriateness for the referenced property. **(District 2)**
[Planning and Economic Development, Providencia Velazquez, (915) 541-4027]

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.** Investigation into power outages in El Paso Electric's service area before the Public Utility Commission of Texas, PUC Docket No. 39134. (551.071)
[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX2.** Claim of Carole Feuerman; Our File No. 11-C-026 (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 FRIDAY AT THE ADDRESS BELOW:

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