

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 16, 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 Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. AGING AND DISABILITY RESOURCES CENTER DAY**
- 2. NATIONAL GIRLS AND WOMEN IN SPORTS WEEK**
- 3. NATIONAL ENGINEERS WEEK**
- 4. ESTHER CHAVEZ CANO 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 9, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City dedicate a .107 acre of land out of a .341 acre Tract of land, Elijah Bennett Survey No. 11, City of El Paso, El Paso County, Texas and being more fully described by metes and bounds and survey, for use as a public right-of-way to allow Alameda Avenue to be widened. **(District 3)** [Development Services/Planning, Raul Garcia, (915) 541-4935]

3B. 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, 2009, through December 31, 2009. **(All Districts)**
[Police Department, Eric Shelton, (915) 564-7357]

3C. That the Mayor and City Council accept the recommendation from the Citizen's Advisory Committee to name the new Westside Transfer Center located at 7535 Remcon Circle the Al Jefferson Westside Transfer Center. **(All Districts)**
[Sun Metro, Jay Banasiak, (915) 534-5810]

4. 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]

REGULAR AGENDA - INTRODUCTIONS

5. 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.**

5A. An Ordinance amending Ordinance No. 16324, amended by Ordinance No. 17165 relating to the Public Art Program, to exclude information technology projects. **(All Districts)**
[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

- 5B.** An Ordinance authorizing the City Manager of the City of El Paso to sign a Special Warranty Deed conveying approximately 20.0155 acres of land being a portion of Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company surveys, City of El Paso, El Paso County, Texas, to Jobe Materials, L.P. Also authorizing the City Manager to sign any and all documents necessary to complete the sale of the land. **(District 4)**
 [EPWU, Robert D. Andron, (915) 594-5511]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 23, 2010, FOR THE ITEMS 5A – 5B

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

6. FINANCIAL SERVICES:

- 6A.** Discussion and action on the award of Solicitation No. 2010-067 (Security Guard Services – International Bridges) to Ruiz Protective Services, Inc. for a total estimated amount of \$1,462,746.

Department:	International Bridges Department
Award to:	Ruiz Protective Services, Inc. El Paso, Texas
Items:	All
Option:	Two years
Estimated Annual Amount:	\$487,582
Funding Source:	Security Contracts
Total Estimated Award:	\$1,462,746
Districts:	6 and 8

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 International Bridges Department recommend award as indicated to the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [International Bridges, Said Larbi-Cherif, (915) 858-3842]

- 6B.** Discussion and action on the award of Solicitation No. 2010-077 (Street Construction Materials) to Cemex Materials South, LLC and Jobe Materials, L.P. for a total estimated amount of \$3,399,885.

Department: Street
 Award to: Vendor 1: Cemex Materials South, LLC
 El Paso, TX
 Items: Group II, all items
 Group III, items 1 and 3
 Group IV, items 1-4 and 7-13
 Estimated Annual Amount: \$1,035,895

Award to: Vendor 2: Jobe Materials, L.P.
 El Paso, TX
 Items: Group I, all items
 Option: Two years
 Estimated Annual Amount: \$97,400

Funding Source: Public Accesses – Maintenance & Repair
 Total Estimated Award: \$3,399,885.00 (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 award as indicated to the lowest responsive, responsible bidder.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Street Department, Daryl Cole, (915) 621-6750]

REGULAR AGENDA – PUBLIC HEARINGS

7. DEVELOPMENT SERVICES:

- 7A.** An Ordinance granting Special Permit No. ZON09-00074 to allow for an infill development and reduce the side street yard setback for a boarding house on the property described as Lots 15 and 16, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 1230 Myrtle Avenue. Applicant: David Gillooly, Opportunity Center. ZON09-00074 **(District 8)**
 [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 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]

8. ENGINEERING:

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]

REGULAR AGENDA – OTHER BUSINESS

9. MAYOR AND COUNCIL:

9A. Legislative Review Committee Report:

1. For notation: Formal report of the Economic and Community Development, Quality of Life, and Tourism Legislative Review Committee meeting held on January 21, 2010, at 9:00 a.m., as submitted by Representative Steve Ortega, Chair; and,
2. Discussion pertaining to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - A) The creation of a Multi-Family Green Building Program to provide for the increase in the number of sustainable multi-family housing buildings within the City of El Paso.
 - B) Amending the Green Building Grant Program to allow a reduction of the minimum square footage requirement for construction, renovation, or remodeling of a project building to 5,000 square feet, subject to the following:
 - (i) The Program participant will be investing over five million dollars as a total investment for the project;
 - (ii) In all other circumstances the minimum square footage requirement for grant eligibility shall remain at 15,000 square feet.
[Economic Development, Kathryn B. Dodson, (915) 541-4872]
 - C) Submitting items for the City's 2010 Federal Legislative Agenda and 2011 State Legislative Agenda.
[City Attorney's Office, Taylor Moreno, (915) 541-4304]

9B. Legislative Review Committee Report:

1. For notation: Formal report of the Health and Public Safety Legislative Review Committee meeting held on February 4, 2010, as submitted by Representative Eddie Holguin Jr., 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. The approval of the September 17, 2009 Health and Public Safety LRC Minutes.
 - b. To provide direction regarding implementation of options to increase citizen awareness of food establishment inspection scores.
[Public Health, Michael Hill, (915) 771-5702]
 - c. To provide direction on possible labeling requirements for, or prohibition of trans-fats in food service establishments in El Paso.
[Public Health, Michael Hill, (915) 771-5702]
 - d. To provide direction regarding changes to Chapter 7 (Animals) of the City Code, to call for a differential (higher) animal registration fee for dogs and cats that have not been spayed or neutered; as proposed by the Animal Welfare Advisory Committee.
[Public Health, Michael Hill, (915) 771-5702]
 - e. To provide direction regarding changes to Chapter 7 (Animals) of the City Code, to require that pet stores not sell dogs or cats that have not been spayed or neutered unless a permit for such animal has been obtained; as proposed by the Animal Welfare Advisory Committee.
[Public Health, Michael Hill, (915) 771-5702]
 - f. To provide direction regarding changes to Chapter 7 (Animals) of the City Code, to prohibit advertising dogs or cats for sale or adoption without displaying the city required litter permit number (Chapter 7.24.080); as proposed by the Animal Welfare Advisory Committee.
[Public Health, Michael Hill, (915) 771-5702]
 - g. To provide direction on the City of El Paso Fire Prevention Inspection Process. [Representative Eddie Holguin, (915) 541-4178]
 - h. To provide direction regarding possible items for either the City's 2010 Federal Legislative Agenda or the City's 2011 State Legislative Agenda. [City Attorney's Office, Taylor Moreno, (915) 541-4304]
 - i. To evaluate the merits of the Social Host Ordinance proposal, creating criminal penalties relating to particular acts of negligent supervision, and receive counsel from the City Attorney's Office.
[Representative Susie Byrd, (915) 541-4416]
- 9C.** Discussion and action to have the Public Utility Regulation Board operate under the Texas Open Meeting Act and have meetings televised on Channel 15.
[Representative Eddie Holguin, (915) 541-4178]
- 9D.** Discussion and action on allowing outdoor rummage sales at Senior Citizens centers. [Representative Eddie Holguin, (915) 541-4178]
- 9E.** Discussion and action on the hours of operation for all Senior Centers, specifically Father Martinez. [Representative Eddie Holguin, (915) 541-4178]

- 9F. Review of bike parking requirements and whether requirements are being implemented at all and per the Municipal Code. [Representative Susie Byrd, (915) 541-4416]
- 9G. Discussion and action concerning a formal update from the Health Department on the status and procedures for allowing sidewalk food vendors in the downtown district. [Representative Steve Ortega, (915) 541-4108]
- 9H. Discussion and action concerning giving direction to the El Paso CVB to work with the UTEP Athletic Department in proposing a bid package for the 2011 Conference USA Men's and Women's Basketball Tournament. [Representative Steve Ortega, (915) 541-4108]

10. MUSEUMS AND CULTURAL AFFAIRS:

Discussion and action on a Resolution to approve the revisions to the Cultural Funding Guidelines. **(All Districts)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

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. Claim of Luis Terrones; Our File No. 09-C-131. (551.071) [City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX2. Legal Issues regarding Franchise Agreement with ONEOK WesTex Transmission, LLC (551.071) [City Attorney's Office, Bertha A. Ontiveros, (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/>