

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 23, 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, Fire, & CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. IHOP'S NATIONAL PANCAKE DAY**
- 2. NATIONAL TRIO DAY**
- 3. BOB MARLEY WEEK**
- 4. JUNIOR WOMAN'S CLUB OF EL PASO WEEK**

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 16, 2010, and the Special City Council Meeting (Billboards) of February 16, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a sub-recipient grant contract between the City of El Paso and El Paso Independent School District in connection with the City's Weed and Seed Department of Justice Grant program, awarding an amount not to exceed \$10,000 to fund 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) 541-4643]

3B. That the City Manager or her designee be authorized to sign a three year renewable Lease Agreement between the City of El Paso and Larry Boaz, for the El Paso Police Department. **(All Districts)** [Financial Services, Liza Ramirez-Tobias, (915) 541- 4074]

3C. That the City Manager be authorized to sign a First Amendment to the Consulting Agreement by and between the City of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization ("MPO") for the El Paso Urban Transportation Study Area, hereinafter referred to as "City", and the International Communities Research Center ("ICRC"), a non-profit research organization, amending the scope of services to be provided by ICRC and increasing the consideration to be paid by the MPO by \$80,300. **(All Districts)**
[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735, ext. 13]

3D. A Resolution to allow the City Manager be authorized to sign the Interlocal Agreement entitled Temporary Advertising Services Agreement between the City of El Paso and the County of El Paso, Texas, ("County") for support of general promotion and tourist advertising services effective October 5, 2009 – September 30, 2010 by which the City will provide out of town advertising of the Walters Art Museum Traveling Exhibition of Bedazzled: 5000 Years of Jewelry to be displayed at the Museum of Art, which will be partly funded by way of reimbursement awarded by the County from the County Hotel Occupancy Tax

funds. Moreover, to allow the City Manager to sign any amendment to the Agreement that does not impact the budget. **(All Districts)**
[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

- 3E.** Approve a Resolution authorizing the Parks and Recreation Department to apply for an Outdoor Recreation Grant through the Texas Parks and Wildlife Department (TPWD) in the amount of \$115,526 for the purpose of Jorge Montalvo Park Expansion, a neighborhood park located on 6500 Tiger Eye, and authorizing the City Manager to sign grant agreements, and to expend the funds on this project should the grant application be successful. **(District 4)**
[Parks and Recreation, Joel McKnight, (915) 541-4354]
- 3F.** Approve a Resolution that prohibits the drilling for oil and gas and mining or reopening of any abandoned oil or gas well or mine in the City of El Paso's Jorge Montalvo Park. **(District 4)** [Parks and Recreation, Joel McKnight, (915) 541-4354]
- 3G.** That the City Manager be authorized to submit a grant proposal to the Criminal Justice Division (Office of the Governor of the State of Texas) for the General Victim Assistance – Direct Services grant program in the amount of \$174,979.88 with a required local cash match of \$43,744.97 for a total of \$218,724.85. Cash match of \$43,744.97 is being provided from the Police Department General Fund. Funding agency requires submittal of Resolution. **(All Districts)**
[Police Department, Eric Shelton, (915) 564-7357]
- 3H.** That the City Manager be authorized to submit a grant proposal to the Criminal Justice Division (Office of the Governor of the State of Texas) for the Operation Border Security grant program in the total amount of \$750,000 with no required local cash match. Funding agency requires submittal of Resolution. **(All Districts)** [Police Department, Eric Shelton, (915) 564-7357]

4. BOARD RE-APPOINTMENTS:

- 4A.** Kathleen Campbell Walker to the Committee on Border Relations by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4B.** Mary Elizabeth (Betty) Hoover to the Animal Welfare Advisory Committee by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

5. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER:

- 5A.** Request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a purchase order to Facilities Connection under TXMAS State Contracts #3-7511A010, #3-7110400, #3-7110160, and #3-711050 for office furnishings and equipment related to the MSC Building 1 Renovation. Total expenditures are \$117,895.94.

The participation by the City of El Paso in the TXMAS Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department:	General Services – Facilities Division
Funding Source:	Facility Rehabilitation
Total Estimated Amount:	\$117,895.94

Reference No.: 2010-157
District: 7
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [General Services, Stuart Ed, (915) 621-6822]

5B. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue Purchase Order to Accela, Inc., the sole source provider for Accela Software Products, Licensing, Maintenance and Service.

Department: Environmental Services
 Funding Source: Data Processing Equipment
 Amount: \$447,000
 Reference No.: 2008-171
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Environmental Services, Ellen Smyth, (915) 621-6719]

6. BID:

The award of Solicitation No. 2010-020 (Building Space Rental – North Central WIC Clinic) to Robert Malooly for a total estimated award of \$144,000.

Department: Department of Public Health – WIC Program
 Award to: Robert Malooly
 El Paso, TX
 Items: All
 Option: 1: \$154,800 (first 3-year option)
 Option: 2: \$165,600 (second 3-year option)
 Funding Source: TDH WIC Services-Building Leases-WIC Administration
 Total Estimated Award: \$144,000 (3 years)
District: 8

The Departments of Financial Services, Purchasing Division, and Public Health – WIC Program recommend award to Robert Malooly, the vendor offering the best value bid.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

7. BUDGET TRANSFERS:

Approve a budget transfer for \$95,000 to increase appropriations in Development Services to pay for Third Party Inspections for the remainder of FY2010. Funds transferred from contingency account to provide appropriations for unfunded third party inspections. Activity on inspections is particularly significant in the roofing inspection area due to hail damage sustained by residents in the fall of this year.

Decrease \$95,000 from Operating
 Increase \$95,000 to Contracts
(All Districts) [Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA - INTRODUCTIONS

8. 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.**

- 8A.** An Ordinance amending Title 12 (Vehicles and Traffic) to create Chapter 12.22 (Wireless Communications Devices) of the El Paso City Code, to prohibit the use of wireless communication devices while operating a motor vehicle, and creating an offense; the penalty being as provided in Sections 1.08.010 - 1.08.030 and Section 12.84.010 of the El Paso City Code. **(All Districts)**
[Representative Rachel Quintana, (915) 541-4189]

PUBLIC HEARING WILL BE HELD ON MARCH 9, 2010, FOR ITEM 8A

- 8B.** An Ordinance changing the zoning of Lots 1, 2, and the south 8 feet of Lot 3, Block 88, Campbell Addition, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 719 and 721 S. Oregon Street. Applicant: Rosa Guzman. ZON09-00084 **(District 8)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON MARCH 16, 2010, FOR ITEM 8B

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

9. FINANCIAL SERVICES:

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 (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]

POSTPONED FROM 02-16-10

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

10A. An Ordinance changing the zoning of a portion of Lot 2, Block 1, Sandstone Ranch Estates Unit Two, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-3 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Sean Haggerty Drive and south of Marcus Uribe Drive. Applicant: EPT Land Assets, LP. ZON09-00071 **(District 4)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

10B. An Ordinance granting Special Permit No. ZON09-00076 to allow an infill development with reduced side yard setbacks to 4 feet and reduced lot area in order to construct a 2,540 square foot duplex on a 6,000 square foot lot on the property described as Lots 26 and 27, Block 115, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, and imposing a condition, 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: 3330 Lincoln Avenue. Property owners: Xavier Neyra. ZON09-00076 **(District 2)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

10C. An Ordinance granting Special Permit No. ZON09-00073 to allow for a 56% parking reduction on the property described as Lots 1 - 10, Block 223, Alexander Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 2401 N. Stanton Street. Property owners: Clinton H. Dean. ZON09-00073 **(District 1)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

10D. An Ordinance granting Special Permit No. ZON09-00022 to allow for governmental uses and buildings on the property described as being all of Tracts 3A, 3A1, G.M. Collingsworth Survey No. 14, a portion of Tract 1B, Guadalupe

Lucero Survey No. 45, a portion of Tract 15 B, Ysleta Grant, Block 21, a portion of United States Parcel No. 3, a portion of Ascarate Street also known as First Street, and a portion of the Old River Bed known as Tract 4, (described July 9, 1938, in Book 632, Page 559, Deed Records, El Paso County, Texas) City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 6314 Delta Drive. Property owner: County of El Paso. ZON09-00022 **(District 3)**.
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

- 10E.** An Ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1/C (Commercial/Condition), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Ranchos Real IV, LTD. ZON09-00041 **(District 5)** [Development Services/Planning, Michelle Padilla, (915) 541-4903]

11. EL PASO WATER UTILITIES:

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]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

- 12A.** Discussion and action regarding adoption of the City of El Paso 2010 Federal Legislative Priorities and FY 2011 Appropriations Requests and the City of El Paso Interim State Legislative Priorities in preparation for 82nd Legislative Session. **(All Districts)** [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

- 12B.** Review of bike parking requirements and whether requirements are being implemented at all and per the Municipal Code.
[Representative Susie Byrd, (915) 541-4416] **POSTPONED FROM 02-16-10**

12C. Legislative Review Committee Report:

1. For notation: Formal Report of the Intergovernmental Affairs Legislative Review Committee meeting held on February 11, 2010, as submitted by Mayor John Cook, 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. Regarding proposed State Legislative agenda.
 - b. Regarding proposed Federal Legislative agenda.
[Mayor John F. Cook, (915) 541-4145]

13. CITY ATTORNEY’S OFFICE:

Discussion and action on an Amended and Restated Agreement by and between the City of El Paso, Texas and the Camino Real Regional Mobility Authority. **(All Districts)**
 [City Attorney’s Office, Charlie McNabb, (915) 541-4550]

14. ECONOMIC DEVELOPMENT:

Discussion and action on a Resolution that the City Manager be authorized to execute a First Amendment to Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Centro Mayapan, Inc., a Texas Corporation (“Applicant”), in connection with the extension and rearrangement of the time and manner of repayment of the City’s loan to Applicant, subject to the terms and conditions specified therein. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

15. PARKS AND RECREATION:

Discussion and action of the Parks and Recreation Master Plan Implementation Progress Report conducted by Half Associates for the period of September 2006 through November 2009. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

16. CITY MANAGER:

City Manager’s report of current events and issues:

16A. Discussion and action to approve a budget transfer for the funds received from the Agreement for Funding and Implementation of El Paso Particulate Matter Reduction Project (“Agreement”) in the amount of \$1,500,000 to allow for funding of unpaved roads, alley-ways, parking lots and/or medians. **(All Districts)**
 [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

16B. Discussion and action to direct that the City Manager reprogram prior year approved Certificates of Obligation in the amount of \$6,164,938 to Street and Information Technology critical priorities as shown below:

FROM:

Source	Reprogramming Amount
2009 Certificates of Obligation	\$5,200,000
1993A Certificates of Obligation	1,849
1994A Certificates of Obligation	75,000
1998B Certificates of Obligation	113,630
2000 Certificates of Obligation	101,118
2003 Certificates of Obligation	673,341
Total Sources	\$6,164,938

TO:

Project	Reprogramming Amount
Street Resurfacing	\$3,500,000
Bataan Railway Reconstruction	1,700,000
Downtown Circulation Plan	225,030
Street Lighting	17,050
IT Capital Acquisitions	722,858
Total Uses	\$6,164,938

(All Districts) [Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]

16C. Discussion and action on the Capital Improvement Program including:

1. Staff overview of the Proposed 2010 Capital Plan – Revised.
2. A Resolution establishing the list of capital projects totaling approximately \$40,000,000 as the list of Capital Improvement Program projects for 2010 utilizing Certificates of Obligation and other funding mechanisms pursuant to the City’s Debt Management Policy; and authorizing the City Manager to establish the funding sources for these projects and make all necessary budget transfers at the appropriate times for execution of the projects, and to appropriate red light camera funds to supplement bond funds to specific capital projects and for certain amounts as allowed under state statute. **(All Districts)**

[Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]

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. City of Alpine et al. vs. Greg Abbott, Texas Attorney General and the State of Texas, Defendants, in the United States District Court for the Western District of Texas, Pecos Division, Cause No. P09CV59. (551.071)
[City Attorney's Office, Charlie McNabb, (915) 541-4550]

EX2. Raquel Baca vs. City of El Paso; Cause No. 2006-5874 (551.071)
[City Attorney's Office, Karla M. Nieman, (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/>