

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

**March 2, 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 Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. 2010 CENSUS AWARENESS MONTH**
- 2. REGISTERED DIETITIAN'S DAY**
- 3. 17TH ANNUAL BEEMS CONFERENCE BILINGUAL
EDUCATION: LEADING FOR THE FUTURE**

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 23, 2010, and the Special City Council Meeting of February 23, 2010 (2011 Men's and Women's Conference USA Basketball Tournament).

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Carl Robinson

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 Municipal Code:

3511 Polk Avenue \$12,622.59 Andrea Rodriguez
(District 2) [Development Services, Victor Q. Torres, (915) 541-4557]

3B. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 3, 4, 7, and 8)**

[Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. BOARD RE-APPOINTMENTS:

4A. Kevin T. von Finger to the El Paso Museum of Archaeology Advisory Board by Representative Beto O'Rourke, District 8.

[Representative Beto O'Rourke, (915) 541-4123]

4B. Anna Philhoefer to the Cultural Affairs Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

4C. Alexander V. Neill to the Ethics Review Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

4D. Loretta Hyde to the Animal Welfare Advisory Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

5. BOARD APPOINTMENTS:

5A. Ann R. Gabbert to the History Museum Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5B. Shirley Neagle to the Community Development Steering Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

6. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment B) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to Trans American Communications, Inc. of El Paso, Texas, under Region 19 Contract 08-6138 for Structured Cabling Services for various City Departments. Total estimated expenditures not to exceed \$100,000. The previous purchase orders have exceeded the \$50,000 expenditures threshold approved by City Council for Region 19 Cooperative Purchasing Program. The participation by the City of El Paso in the Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department: Financial Services – Purchasing Division
Funding Source: Various
Total Estimated Amount: \$100,000
Reference No.: 2010-165
Districts: All
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

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 The Plan for El Paso and the Year 2025 General Land Use Map by adopting the El Paso Historic Preservation Plan. Applicant: City of El Paso. **(All Districts)** [Development Services/Planning, Tony De La Cruz, (915) 541-4329]

8B. An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to delete references to the El Paso Downtown Management District and to address solid waste collection and related service in a designated required commercial collection zone; to clarify Class B Generators in Section 9.04.040; adding requirements for the use of Class C-1 Containers in Section 9.04.050; adding requirements for certain temporary events and activities in Section 9.04.190; to clarify the frequency of collection services in Section 9.02.220, the penalty in Section 9.04.390 and the adoption of fees in Section 9.04.400A and 9.04.400C; the penalty as provided in Section 9.04.390 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

PUBLIC HEARING WILL BE HELD ON MARCH 9, 2010, FOR ITEMS 8A – 8B

- 8C.** An Ordinance changing the zoning of Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas, from A-O/C (Apartment/Office/Conditions) to C-1/C (Commercial/Conditions) and modifying Condition No. 1 placed on the property by Ordinance No. 9955, and adding two conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1900 Amy Sue Drive. Applicant: VAA Developing & Construction LP. ZON09-00088 **(District 5)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 8D.** An Ordinance changing the zoning of a portion of Lots 1–7, Block 229, Alexander Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2904 Stanton Street. Applicant: Nicolas Rich. ZON09-00080 **(District 1)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 8E.** An Ordinance changing the zoning of Lots 17-20, Block 121, amended map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-2 (Apartment) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 3830 Johnson Avenue. Applicant: TVP Non-Profit Corporation. ZON09-00090 **(District 2)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 8F.** An Ordinance granting Special Permit No. ZON09-00075 to allow for infill development on the property described as Lots 17-20, Block 121, Morningside Heights Addition, 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 for in Chapter 20.24 of the El Paso City Code. Subject property: 3830 Johnson Avenue. Applicant: TVP Non-Profit Corporation. ZON09-00075 **(District 2)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 8G.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to A-O (Apartment/ Office); and, Parcel 2A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-2/C (Commercial/Condition), and imposing conditions; and, Parcel 2B: a portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q/SC (Quarry/Special Contract) to C-2/C (Commercial/Condition), and imposing conditions; and, Parcel 3A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-4/C (Commercial/Condition), and imposing conditions; and, Parcel 3B: a portion of Tracts 5 and 8 and all of Tract 5a, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas; be changed from Q/SC (Quarry/Special Contract) to C-4/C (Commercial/Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: south of Pebble Hills Boulevard and west of Joe Battle Boulevard. Property owner: Joe Battle Partners, L.P. ZON09-00064 **(District 6)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

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. ENGINEERING:

Discussion and action on the award of Solicitation No. 2010-097 for the Upper Valley Drainage Improvements Phase 4 to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc. for a total estimated amount of \$2,638,425.64.

Award to:	J.A.R. Concrete, Inc., d/b/a J.A.R. Construction, Inc.
Base Bid 1	\$1,679,731.60 - Lindberg Ave.
Base Bid 2	\$ 771,515.04 - Equestre Dr.
Base Bid 3	\$ 128,880.00 - Water/PSB (Equestre Dr.)
Base Bid 4	\$ 58,299.00 - Sewer/PSB (Equestre Dr.)

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder. **(Districts 1 and 8)**
[Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

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]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

Legislative Review Committee Report

For notation: Formal report of the Transportation Legislative Review Committee meeting held on February 18, 2010, regarding the incorporation of a project(s), that will help to reduce border wait times, into the City's 2010 Federal Legislative Agenda, as submitted by Representative Beto O'Rourke.

[Representative Beto O'Rourke, (915) 541-4123]

12. PARKS AND RECREATION:

Discussion and action on the Parks and Recreation Youth Services Plan which outlines enhanced services that can be implemented immediately in Fiscal Year 2010 pending the approval of a budget transfer from contingency, and proposes services that can be considered for funding during the Fiscal Year 2011 budget process as well as future fiscal years. **(All Districts)** [Parks and Recreation, Judy Weiss, (915) 541-4259]

13. BUDGET TRANSFER:

Discussion and action on the approval of a budget transfer for \$61,270 to establish necessary appropriations in Parks and Recreation to pay for enhanced youth programs for remainder of Fiscal Year 2010. Funds transferred from contingency will support implementation of:

Midnight basketball in summer at 5 locations

Additional leisure instruction contracts

Outdoor education workshops and activities.

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

14. CITY MANAGER:

City Manager's report of current events and issues:

Presentation to City Council on the El Paso Mental Health/Mental Retardation 2009 Annual Report. [City Manager's Office, Leila Melendez, (915) 541-4859]

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.** Jose F. Fong d/b/a/ Tequila Sunrise, et al., vs. City of El Paso; Cause No. 2007-2900.
(551.071) [City Attorney's Office, Kenneth Krohn, (915) 541-4550]

- EX2.** American Promotional Events of Texas, L.P. vs. City of El Paso; Cause No. 2009-2983.
(551.071) [City Attorney's Office, Kenneth 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/>