

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

**March 10, 2009
Council Chambers, City Hall
9:00 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 Hospice Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. EL PASO OPERA WEEK**
- 2. CAPTAIN DAVID TOKOPH DAY**

RECOGNITION

3RD NEIGHBORHOOD LEADERSHIP ACADEMY

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City expend additional available funding in the amount of \$84,615.56 to Martinez Bros. Contractors, L.L.C. to fund additional labor and materials for in change order 6 to Contract Number 2008-219, Citywide Unpaved Street Improvements Phase III. Funding Source: 31255008/508027/27695/PBE04ST136. **(District 1)** [Engineering, R. Alan Shubert, (915) 541-4423]

3B. That the City expend additional available funding in the amount of \$228,866.99 to JAR Concrete, Inc. to fund additional labor and materials for replacing existing structures for the Montoya main lateral at the crossing with White Spur Drain, install a box culvert at White Spur and increase the contract time 35 days [change order 4] for Contract Number 2008-197, Storm 2006: Upper Valley Drainage Improvements Phase II. Funding Source: 14200500/508027/27264/PSTM06 PW25-0. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

3C. That the City Manager be authorized to sign the Second Amendment to the Agreement for Engineering Services by and between the City of El Paso and WH Pacific, Inc., for a project known as "Stanton Toll Facility Improvements" for an amount not to exceed \$70,650.08 and thereby increasing the contract value from \$380,761.00 to \$451,411.08. Funding Source: 32000080/ 508016/ 43005/PBR06003. **(District 8)** [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 2, 4, 6, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3E. Resolution appointing the election officials and election judges for the General Election for the Election of Officers in the City of El Paso and the Special Election for the submission of a measure on May 9, 2009. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3F. That the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at an presently estimated cost of \$103,609 to provide election services and equipment for the May 9, 2009 City Elections; that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary.

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

3G. That the Mayor be authorized to sign the following Interlocal Governmental Agreements between the City of El Paso and the below listed Independent School Districts to allow for joint elections between the City and each Independent School District on May 9, 2009 for purpose of sharing the costs.

A. El Paso Independent School District

B. Socorro Independent School District

C. Ysleta Independent School District

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

3H. An amendment to the 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, to correct paragraph 7, and by amending Exhibit A (List of Polling Places). **(All Districts)**

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

3I. An amendment to the Resolution providing for the 2009 Special Election in the City of El Paso for the Submission of a measure to be held within the city on May 9, 2009, to correct paragraphs 1 and 5, to restate the ballot proposition, and by amending Exhibit A (List of Polling Places). **(All Districts)**

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

3J. That the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and Mahaffey Fine Art LLC, an Oregon Limited Liability Company ("Mahaffey"), to design, fabricate, and oversee installation of public art to be known as the El Paso International Airport Public Art Project in the amount of \$90,000. **(District 3)**

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

3K. That the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and artist Saxe-Patterson, Inc., to design, fabricate, and install public art to be known as the Downtown Transfer Terminal Public Art Project in the amount of \$75,000. **(District 8)**

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

4. BOARD RE-APPOINTMENTS:

4A. Saul Frank to the International Bridge Commission by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

4B. Ivan Ramirez to the Committee on Border Relations by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

5. BOARD APPOINTMENTS:

- 5A.** Gracia M. Sandoval to the Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5B.** Richard I. Falvo to the Parks and Recreation Advisory Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5C.** Martin Walton to the Accessibility Advisory Committee by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

6. DISCRETIONARY FUNDS:

Request authorization to allocate the use of District 5 discretionary funds in the amount of \$286.86 to purchase a second-hand manhole cover and a second-hand manhole cover ring to secure an unsafe ponding area in the Hueco Mountain Estates neighborhood. (Dept. ID #01010005; Account #504420; Fund #01101)
[Representative Rachel Quintana, (915) 541-4701]

7. NOTATION OF CAMPAIGN CONTRIBUTION:

For notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contributions by Mayor John Cook on February 26, 2009, in the amount of \$500 from Richard Teschner. [Mayor John F. Cook, (915) 541-4145]

8. BEST VALUE PROCUREMENT:

- 8A.** The award of Solicitation No. 2009-008 (Janitorial Services – Fire Facilities) to Total Cleaning Services, for a total estimated award of \$159,000.

Department:	General Services
Award to:	Total Cleaning Services
	El Paso, TX
Items:	All
Option:	Two years
Annual Estimated Amount:	\$53,000
Account No.:	31010327 – 502206 – 01101
Funding Source:	Maintenance Services
Total Estimated Award:	\$159,000
Districts:	All

This is a thirty-six month 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 General Services recommend award as indicated to Total Cleaning Services, the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8B.** The award of Solicitation No. 2009-081 (Document Storage/Retrieval System) to Commercial Records Center for a total estimated award of \$122,431.

Department: Information Technology
Award to: Commercial Records Center
El Paso, TX
Items: All
Option: Two 3-year periods
Account No.: 39010348 – 502215 – 01101
Funding Source: Information Technology, Outside Contracts
Total Estimated Award: \$122,431
Districts: All

This is a three-year contract.

The Departments of Financial Services, Purchasing Division, and Information Technology recommend award to Commercial Records Center, the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8C.** The award of Solicitation No. 2009-006 (Janitorial Services – South El Paso, Grandview, Eastside, and Polly Harris Senior Citizen Centers) to Lucy’s Cleaning Services for a total estimated award of \$143,879.16.

Department: Parks and Recreation
Award to: Lucy’s Cleaning Services
El Paso, TX
Items: All
Option: One year
Account No.: 51010363 – 502206 – 01101
Funding Source: Parks–Operating Account–Janitorial Maintenance Contracts
Total Est. Award: \$143,879.16
Districts: 2, 5, and 8

This is a thirty-six month contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award to Lucy’s Cleaning Services, the vendor offering the best value bid. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

9. BID:

- The award of Solicitation No. 2009-113 (Crack Seal Material) to Deery American Corporation for a total estimated award of \$218,700.

Department: Street
Award to: Deery American Corporation
Fruita, CO
Items: All
Annual Estimated Amount: \$72,900
Account No.: 32010200-503203-01101
Funding Source: Street Maintenance

Total Estimated Award: \$218,700
Districts: All

This is a thirty-six month requirements type contract for Crack Seal Material.

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]

REGULAR AGENDA - INTRODUCTIONS

10. 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.**

10A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to prohibit parking on Trawood Drive between Ben Hogan Drive and Estrada Drive; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 7)**
 [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

10B. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas, Park and Recreation Fee Authorization, Facility Rental Fees), of the El Paso City Code to allow certain types of room rentals at no cost for recognized Neighborhood Associations.
(All Districts) [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

PUBLIC HEARING WILL BE HELD ON MARCH 17, 2009, FOR ITEMS 10A – 10B

10C. An Ordinance changing the zoning of Tracts 12B and a portion of Tract 12A, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 8772 Alameda Ave. Applicant: Jose M. Chavez. ZON08-00077 **(District 6)**
 [Development Services/Planning, Ismael Segovia, (915) 541-4027]

10D. An Ordinance changing the zoning of a portion of Tract 7A, H.A. Chadwick Survey No. 253, and a portion of Tract 2A, Pedro Perez Survey 157, and a portion of tract 4A, A.L. Walton Survey No. 140, in the City of El Paso, El Paso County Texas, from R-4 (Residential) to M-2 (Heavy Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 3500 Doniphan Drive. Applicant: JRBR-Texas, LLC. ZON08-00110 **(District 8)**
 [Development Services/Planning, Andrew Salloum, (915) 541-4027]

- 10E. An Ordinance changing the zoning of Lot 14, Ranchland Commercial District Unit Two, an addition to the City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 7790 Gateway East Boulevard. Applicant: Cimarron Commercial Group. ZON08-00122 **(District 3)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON MARCH 31, 2009, FOR ITEMS 10C – 10E

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

11. FINANCIAL SERVICES:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Continental Corporation, the sole source provider of Automatic Vehicle Locator (AVL) System currently used by the El Paso Police and Fire Departments, in the estimated annual amount of \$275,000 for maintenance of hardware and software support. Three year estimated total of \$825,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: Information Technology
 Account No.: 39010352 – 502229 – 01101
 Funding Source: Information Services, Communication - Operating Account, Maintenance Contracts
 Total Estimated Amount: \$825,000 – 3-year total (Police and Fire Departments)
 Sole Source No.: 2008-160
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – OTHER BUSINESS

12. FINANCIAL AND ADMINISTRATIVE SERVICES:

Discussion and action regarding a Resolution approving and authorizing publication of a notice of intention to issue certificates of obligation. **(All Districts)**
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

13. INTERNATIONAL BRIDGES:

Discussion and action on the International Bridge Commission's recommendations to the Mayor and City Council in a positive attempt to improve matters affecting the aesthetic appearance, safety, and efficient flow of commerce and people across the international bridges in El Paso. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]

REGULAR AGENDA – PUBLIC HEARINGS**14. DEVELOPMENT SERVICES:**

- 14A.** An Ordinance granting Special Permit No. ZON08-00093 to allow government buildings and uses for construction of a new transit terminal for Sun Metro on the property described as Parcel 1: Lots 10 to 15 and portions of Lots 16 to 17, Block 20, Harris Tract, an addition to the City of El Paso, El Paso County, Texas; Parcel 2: Tracts 20D and 20A, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas; and Parcel 3: Tracts 20B and 20A1, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: Parcel 1: 122 Zaragoza Road, 123 Zaragoza Road, and 118 Harris Road; Parcel 2: 115 Zaragoza Road and 9045 Alameda Avenue; Parcel 3: 9051 and 9065 Alameda Avenue. Applicant: Sun Metro. ZON08-00093 **(District 7)** [Development Services, Tony De La Cruz, (915) 541-4329]
- 14B.** A Resolution approving a detailed site development plan to reduce lot area, width, and setbacks for the southerly 130 feet of Lot 20, Block 2, Old Farm Subdivision Replat "A", an addition to the 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: 5851 Oleaster Drive. Applicant: Edmundo A. Lewis. ZON08-00074 **(District 1)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 14C.** An Ordinance amending Title 2, (Administration and Personnel) Chapter 2.80 requiring that meetings of the Capital Improvements Advisory Committee be video streamed or cablecast and that certain disclosures be made concerning financial interests. **(All Districts)** [Development Services, John Neal, (915) 541-4285]

15. ECONOMIC DEVELOPMENT:

An Ordinance approving the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas. **(District 8)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

16. ENGINEERING:

An Ordinance amending Ordinance No. 8961, an Ordinance creating a City Accessibility Advisory Committee, to revise the criteria for membership and the definition of a quorum; and repealing Ordinance Nos. 11194 and 11525, relating to the name and number of members of the committee. **(All Districts)** [Engineering, William Bennett, (915) 541-4243]
POSTPONED FROM 03-03-09

17. POLICE DEPARTMENT:

An Ordinance amending Title 12, (Vehicles and Traffic) to amend Chapter 12.08 (Administration and Enforcement), Section 12.08.220 (Impounding Vehicles), of the El Paso Municipal Code by adding subsection 12.08.220 A.21, authorizing a police officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility. **(All Districts)**
[Police Department, Gregory Allen, (915) 564-7302]

REGULAR AGENDA – OTHER BUSINESS

18. MAYOR AND COUNCIL:

- 18A.** Discussion and action regarding the Phase One Governance Practices Report of the Public Service Board prepared by Hector Gutierrez, Public Affairs Consulting. [Mayor John F. Cook, (915) 541-4145]
- 18B.** Discussion and action regarding action to seek legislative action to amend the Texas Government Code to increase the number of members on the Public Service Board. [Mayor John F. Cook, (915) 541-4145]
- 18C.** Discussion and action on the report from the Committee on Border Relations based on their findings from the recently held Forum on the drug-related violence occurring in our sister city Ciudad Juarez and the recommendations of the participants. [Mayor John F. Cook, (915) 541-4145]
- 18D.** Discussion and action on a Resolution that the City Council of the City of El Paso supports the passage of Texas H.B. 873 and its companion S.B. 605, which relate to offering incentives for the film, television, video, and digital interactive media production industries to film in Texas. **(All Districts)**
[Mayor John F. Cook, (915) 541-4145]
- 18E.** Discussion and action to exempt citizens over the age of 55 who cannot afford to pay for park programs and waive any fees charged to them for room usage. [Representative Eddie Holguin, (915) 541-4178]
- 18F.** Discussion and action to direct the City Manager to open access to all walking paths of Marty Robbins Park and not to restrict access to any ball fields in which walk paths are used by constituents until an alternative route can be found. [Representative Eddie Holguin, (915) 541-4178]
- 18G.** Discussion and action to request for City Manager and staff to evaluate for traffic control devices at the following intersections:
 - Kellogg and Blossom
 - Snark Drive and Zeus Place
 - Pickerel and Snark Drive
 - Nike Lane and Zeus Place
 - Arjay Lane and Umbria Drive
 - Bluewing and Bobwhite
 - Bluewing and Macaw
 - Bluewing and Dolphin
 - Bluewing and Tarpon
 - Bluewing and Sturgeon
 - Bluewing and Teal
 - Bluewing and Swallow Lane[Representative Melina Castro, (915) 541-4400]

19. DEVELOPMENT SERVICES:

- 19A.** Discussion and action on a Resolution that the City Manager be authorized to sign an amendment to the May 6, 2008, Development Agreement by and

between the City of El Paso, the El Paso Water Utilities - Public Service Board, and Haciendas Del Rio Partners, LP to amend Exhibit B, Development Plan, to increase the residential lots from 118 to 188 and to modify the cross section to delete the sidewalks. The density will not exceed 2.5 dwelling units per acre as required by the development agreement. Subject property: Strahan Southeast of Moore. Applicant: Haciendas del Rio Partners, LP.

(West ETJ, near District 1)

[Development Services/Planning, Christina Ainsworth, (915) 541-4930]
POSTPONED FROM 02-24-09 AND 03-03-09

- 19B. Discussion and action on providing direction to the City Manager to research, review and provide recommendations to the City Council reference a request from EPT Land Assets, LP to amend a special warranty deed to remove certain restrictions from the deed for property sold by the City to EPT Land Assets, LP, such property located in Sandstone Ranch and Sandstone Ranch Estates, City of El Paso, El Paso County, Texas. **(District 4)**

[Development Services/Planning, Mathew McElroy, (915) 541-4056]

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.

- | | |
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| 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 |

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/>