

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 16, 2010
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 Chaplain Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. POISON PREVENTION WEEK**
- 2. FRANKLIN MOUNTAINS POPPIES PRESERVATION DAY**
- 3. PURCHASING MONTH**

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 9, 2010.
[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 properties (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:

1. 6047 Deer Avenue	\$3,460.85	John D. Hunt	District 4
2. 5320 Garry Owen Drive	\$3,859.82	Rafael Carrillo	District 2
3. 3023 Morehead Avenue	\$2,994.03	D. Carr's Incorporation	District 2
4. 2927 Mountain Avenue	\$6,440.57	Manuel Correa, Jr., Alfonso Correa, Bertha Correa, Arturo Correa, Estate Of Manuel Correa, Jr., Karen Ann Pelletier, Daniel Mena, Ana Rosa Fernandez, and Ricardo Correa	District 2

[Development Services, Victor Q. Torres, (915) 541-4557]

3B. That the passenger common-carrier vehicle routes for the City of El Paso are hereby approved. **(All Districts)**

[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

3C. That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Agreement between the City of El Paso (the "City") and Disney Worldwide Services, Inc. ("Disney") for the purpose of the purchase, sale, loan and/or donation of zoo animals between the two parties and that the City Manager is authorized to sign, on behalf of the City of El Paso the Transaction Forms contemplated in the Agreement for the purchase, sale, loan or donation of zoo animals pursuant to the applicable laws and the City's purchasing policies.

(District 3) [Zoo, Steve Marshall, (915) 521-1850]

4. BOARD APPOINTMENTS:

4A. Francisco Ortega to the Ethics Review Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

4B. Terry Smith to the Foster Grandparent Program Advisory Council by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4151]

4C. Stephanie Caviness to the Committee on Border Relations by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

4D. Karen Pharr to the City Accessibility Advisory Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

5. 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]

6. REQUEST TO ISSUE PURCHASE ORDER:

Request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a purchase order to Mythics, Inc. under the Department of Information Resources (DIR) contract number DIR-VPC-03-018 for continued Oracle service and support for the Oracle Business Intelligence software used by the El Paso Police Department for various query, reporting, and analysis information uses, etc. for a total estimated amount of \$75,057.84.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology
Funding Source: Information Technology General Fund FY2010
Total Estimated Amount: \$75,057.84
Reference No.: 2010-166

Districts: All
[Information Technology, Terrence Freiburg, (915) 541-4188]
[Information Technology, Art Armas, (915) 541-4288]

7. BIDS:

7A. Award of Solicitation No. 2010-096 for the Father Pete Martinez Senior Center Addition to CK Construction Inc. for a total estimated amount of \$455,457.

Award to: CK Construction, Inc.
Base Bid I: \$455,457
Funding Source: Community Development Block Grant 34th year

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.

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 design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Parks and Recreation and Engineering Departments recommend award to the offeror who submitted the highest ranked proposal. **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 7B. The award of Solicitation No. 2010-111 (Uniform Rental Service) to Prudential Overall Supply for a total estimated award of \$164,472.

Department: Zoo
Award to: Prudential Overall Supply
El Paso, TX
Items: All
Option: 2 years
Annual Estimated Amount: \$41,118
Funding Source: Zoo Gate Operations / Gate Revenues
Total Estimated Award: \$164,472 (4 years)
Districts: All

This is a forty-eight 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 Zoo recommend award as indicated to the lowest responsive, responsible bidder.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

[Zoo, Steve Marshall, (915) 521-1850]

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 authorizing the City Manager of the City of El Paso to sign a Special Warranty Deed and any other documents required, such as but not limited to, a Disclaimer of interest in Property, to convey to the State of Texas, approximately 3.304 acres of land known as Parts 1, 2, 3, 6, 7, and 9 of Parcel 4 along and adjacent to Fred Wilson Road at Marshall Road and being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, for the Spur 601 Highway Project. **(District 2)** [El Paso Water Utilities Public Service Board, Jim Shelton, (915) 594-5511]

- 8B. An Ordinance granting a Special Privilege to Texas Tech University Health Sciences Center El Paso permitting the construction, regulation, installation, and maintenance of one emergency telephone on a portion of public right-of-way at Alberta Avenue and the regulation and maintenance of fiber optic telecommunications cable within four 1.25” subsurface conduits along portions of public right-of-way at Reynolds Street, Concepcion Street, and Alberta Avenue. **SPL09-00018 & SPL09-00022 (District 3)** [Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

- 8C. 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 delete the prohibition of parking on

Mills Avenue between Ochoa Street and Virginia Street, south side; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON MARCH 23, 2010, FOR ITEMS 8A – 8C

- 8D. An Ordinance changing the zoning of a portion of Lots 1 and 15, save and except two portions thereof attached hereto, Block 3, Lots 2 through 14, Block 3, WFF Industries Park Unit One Replat A, City of El Paso, El Paso County, Texas, from M-1/SC (Manufacturing/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: Railroad Drive, north of Deer Avenue. Property owner: DBB Holdings, Inc. ZON09-00094 **(District 4)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8E. An Ordinance changing the zoning of Lots 14 through 16, Block 59, east El Paso, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 3429 Gateway West Boulevard. Property owner: Z-Lighting Sales, Inc./Richard Zant. ZON09-00081 **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8F. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions); Chapter 20.06 (Zoning Districts and Maps), Section 20.06.010 (Districts Established and Enumerated) and 20.06.020 (Purpose of Districts) and Chapter 20.10 (Supplemental Use Regulations), 20.16 (Screening and Fencing) and Appendix A (Table of Permissible Uses) and Appendix B (Table of Density and Dimensional Standards) of the El Paso City Code, to add a definition for Natural Open Space, establish a Natural Open Space District; establish standards for supplemental uses in Open Space Districts; to establish permissible use and density and dimensional standards in Open Space Districts. The penalty is as provided for in chapter 20.24 of the El Paso City Code. **(All Districts)** [Development Services/Planning, Fred Lopez, (915) 541-4322]

PUBLIC HEARING WILL BE HELD ON APRIL 6, 2010, FOR ITEMS 8D – 8F

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 – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

- 9A. 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]

- 9B. A Resolution approving a detailed site development plan for Lots 1, 2, and the south 8 feet of Lot 3, Block 88, Campbell Addition, City of El Paso, El Paso County, Texas, imposed by Ordinance No. ZON09-00085. 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. ZON09-00085
(District 8) [Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 9C. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 (Special Exceptions), of the El Paso City Code to amend the Special Exceptions for front, side street, and rear yard setbacks, reduction of off street parking requirements, and carport over a driveway. The penalty is as provided in Chapter 20.24 (Enforcement-Penalty) of the El Paso City Code. **(All Districts)**
[Development Services/Planning, Linda Castle, (915) 541-4029]
- 9D. A Resolution that the El Paso City Council hereby designates the entire length of the street currently known as Spur 601, which is located between Patriot Freeway U.S. Highway 54 and Purple Heart Loop 375, and authorizes the City Manager to take the necessary steps to designate the name Liberty Expressway in addition to Spur 601. This is located within the City of El Paso, El Paso County, Texas. **(District 4)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

10. ENGINEERING:

- 10A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited during Certain Hours on Certain Streets), Subsection J (No Parking 7:00 a.m. to 4:00 p.m.), of the El Paso City Code by adding Hadlock Street from a point 50 feet south of Alameda Avenue to Dunne Avenue, west side only; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
(District 3) [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 10B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.48 (Loading Zones, Bus and Taxistands), Section 12.48.040 (Public Carrier Stops, Stands, and Routes – Authority to Designate), requiring the Traffic Engineer to designate routes and stops for passenger common-carrier vehicles and repealing Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.081 (Schedule VIIIA – Common Carrier Passenger Route Established); the penalty being as provided in Chapter 12.84 (Violations – Penalty) of the El Paso City Code..
(All Districts) [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

11. MUSEUMS AND CULTURAL AFFAIRS:

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]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

- 12A. Discussion and action on a Resolution of the City of El Paso to request that the Texas Legislature and Governor of Texas take action to compel payday and auto

title lenders to stop usurious lending and comply with the same standards as licensed consumer lenders in Texas. [Representative Susie Byrd, (915) 541-4416]

12B. Legislative Review Committee Report:

1. For notation: Formal Report of the Planning and Development Legislative Review Committee meeting held on March 4, 2010, as submitted by Representative Ann Morgan Lilly, 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) Recommending changes to the bicycle parking requirements in Title 20 (Zoning) of the City Code, as follows:
 - (1) Clarifying that 100% of the required bicycle parking shall be maintained, whether or not an off-street parking reduction is granted by City Council or under administrative approval;
 - (2) Changing the requirement so that bicycle racks are located within fifty feet of a building's main entrance; and
 - (3) Considering opportunities for placement of bicycle parking within adjoining public rights-of-way where no other location is available within a private property, and maintaining public safety in all instances.

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

12C. DEVELOPMENT AND INFRASTRUCTURE:

1. Discussion and action to direct that the City Manager initiate a change to the bicycle parking requirements in Title 20 (Zoning) of the City Code, as follows:
 - A) Clarifying that 100% of the required bicycle parking shall be maintained, whether or not an off-street parking reduction is granted by City Council or under administrative approval;
 - B) Changing the requirement so that bicycle racks are located within fifty feet of a building's main entrance; and
 - C) Considering opportunities for placement of bicycle parking within adjoining public rights-of-way where no other location is available within a private property, and maintaining public safety in all instances.

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

13. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution approving a third round of the Neighborhood Improvement Program funding for twelve public improvement projects and program administration costs; and authorizing waiver of the per project funding cap and per district fund apportionment program requirements so that the recommended projects may be considered for approval with positive balances to fund District projects without sufficient balances. Any amount allocated from a District with excess funds shall be

reimbursed from the District receiving excess funds during the next round of the Neighborhood Improvement Program. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

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/>