

**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

**REVISED**

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

---

**March 17, 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 Chaplain Clift Barnes**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AWARENESS MONTH**
- 2. EL PASO COMMISSION FOR WOMEN HALL OF FAME INDUCTION DAY**
- 3. POISON PREVENTION WEEK**

### **OFFICIAL RECOGNITION**

**WELCOME TO COMMANDING GENERAL OF THE 1ST ARMORED DIVISION, MAJOR GENERAL MARK HERTLING AND COMMAND SERGEANT MAJOR ROGER P. BLACKWOOD ON THEIR FIRST OFFICIAL VISIT TO EL PASO AND A BRIEF PRESENTATION BY DEPUTY CITY MANAGER PATRICIA D. ADAUTO REGARDING COMMUNITY PREPARATIONS FOR THE ARRIVAL OF THE 1ST ARMORED DIVISION.**

**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](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 10, 2009.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

Mayor John F. Cook

**3. RESOLUTIONS:**

**3A.** That the City Manager be authorized to sign an agreement granting an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Northeast Regional Park Complex. Said property being more particularly described as a portion of Sec 30, BLK 80, TSP 1, T & P R. R. Surveys, El Paso, El Paso County, Texas. **(District 4)**  
[Engineering, R. Alan Shubert, (915) 541-4423]

**3B.** That the City Manager be authorized to sign an agreement for electric service and an agreement granting an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the City park at 12600 Pebble Hills Blvd., El Paso, Texas. Said property being more

**3C.** particularly described as a portion of Lot 83, Block 12, Tierra Del Este Unit 1, El Paso, El Paso County, Texas. **(District 5)**  
[Engineering, R. Alan Shubert, (915) 541-4423]

**3D.** That the City Engineer is hereby authorized and directed to designate eight offset angle parking spaces on the south side of east California Avenue, between north Oregon Street and the alley to the east at the address of 1220 North Oregon Street. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Nestor Valencia to the Art Museum Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

**4B.** Tim Gray to the Construction Board of Appeals by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

**5. BOARD APPOINTMENTS:**

**5A.** Daniel Armendariz to the Community Development Steering Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**5B.** Anna Aleman to the Art Museum Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

**6. NOTATION OF CAMPAIGN CONTRIBUTIONS:**

**6A.** For notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contribution by Mayor John F. Cook on March 6, 2009, in the amount of \$1,000 from Linebarger Goggan Blair & Sampson, LLP. [Mayor John F. Cook, (915) 541-4145]

**6B.** For notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contribution by Representative Steve Ortega on March 11, 2009, in the amount of \$500.00 from Ann Morgan Lilly's campaign.  
[Representative Steve Ortega, (915) 541-4108]

**7. APPLICATIONS FOR TAX REFUND:**

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]

**8. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.:**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2007-131 (Thermoplastic Material) with Sherwin Williams Company d/b/a DOBCO for two additional years pursuant to the provisions to an award approved by City Council on May 1, 2007. Contract period is April 30, 2009, to April 29, 2011.

Department: Street  
Option: One [of one]  
Annual Estimated Amount: \$200,000 (total for 2-year extension)

Account No.: 99331117-27263-508027-PCP06ST019  
Funding Source: 2006 Certificates of Obligation  
**Districts:** All  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**9. BID:**

The award of Solicitation No. 2009-087 [Allison Proprietary Parts and Service (Re-Bid)] to Stewart and Stevenson, LLC, for a total estimated award of \$360,000.

Department: Fire  
Award to: Stewart and Stevenson, LLC  
El Paso, TX  
Items: Part I (Parts) and Part II (Service)  
Option: One year  
Annual Estimated Amount: \$100,000 (Parts) and \$20,000 (Service)  
Account No.: 22010320 – 502228 – 01101  
Funding Source: General Fund  
Total Estimated Award: \$360,000  
**Districts:** All

This is a low bid, price-list contract.

This is a thirty-six month requirements type contract for Allison Proprietary Parts and Service (re-bid).

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 Fire 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 releasing conditions placed on property by Ordinance No. 15897 which vacated a portion of a 20-foot wide alley abutting Lots 3 & 4, Block 1, Mills Map, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: west of Oregon Street and south of Franklin Avenue. Property owner: Branca, L.P. **(District 8)**  
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

**10B.** An Ordinance vacating to public vehicular traffic a portion of a sixteen-foot wide alley, 0.096 acres of land, being all of the alley in Block 224, Alexander Addition,

City of El Paso, El Paso County, Texas. Subject property: east of Glory Road and south of Mesa Street. Property owner: City of El Paso **(District 1)**  
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

**PUBLIC HEARING WILL BE HELD ON MARCH 24, 2009, FOR ITEMS 10A – 10B**

- 10C.** An Ordinance changing the zoning of Tract 6A2, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from A-O (Apartment/Office) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 3865 Emory Way. Property owner: AVE, Inc. ZON08-00111 **(District 8)**  
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10D.** An Ordinance changing the zoning of Lot 4, Block 11, Beaumont Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 4305 Fred Wilson Drive. Property owners: Alfredo and Celia Espinoza. ZON08-00119 **(District 2)**  
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

**PUBLIC HEARING WILL BE HELD ON APRIL 7, 2009, FOR ITEMS 10C – 10D**

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:**

- 11A.** Discussion and action on the award of Solicitation No. 2009-086 (Ambulances) to LFG El Paso Truck Services, LP for a total estimated amount of \$906,177.

Department: Fire  
Award to: LFG El Paso Truck Services, LP  
North Richland Hills, Texas  
Items: 1, Options: O1-6, O8, O10-14, O17-38, O40-42, O44-46 (Fire)  
2, Options: O3, O18-26, O28-38, O40, O44-46 (Airport)  
Account No.: 37150068 – 508006 – 27507  
62620020 – 508006 – 41022 – P500004  
Funding Source: City Fleet Replacement Fund, Airport  
Total Estimated Award: \$906,177 (4 Ambulances; 3-Fire, 1-Airport)  
**Districts: 2, 3, 5, and 6**

This is a thirty-six month requirements type contract.

The City, at its sole discretion, may purchase up to 200% of the original contract quantities.

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, Fire, General Services, and Airport recommend award to LFG El Paso Truck Services, LP, the vendor offering the best value bid.

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

- 11B.** Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Checkpoint Services, Inc., a state Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-890 for Dell 755 Optiplex Computers in the amount of \$16,050.01. This purchase coupled with the purchase of previous computers (\$123,949.92) will increase the total purchases for computers for this vendor to \$139,999.93 in this fiscal year. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Fire  
Account No.: 22010090-503101-01101  
22150024-508035-07175 Grant 2206007  
Funding Source: Fire Administration, Equipment Purchases and  
Fire Department Grants Communications  
Equipment, OPS & Safety Program FY06  
Total Amount: \$16,050.01 (fiscal year total \$139,999.93)  
Reference No: 2009-172  
**Districts: All**

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

### **REGULAR AGENDA – PUBLIC HEARINGS**

**12. ENGINEERING:**

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]

**13. PARKS AND RECREATION:**

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]

**REGULAR AGENDA – OTHER BUSINESS**

**14. PARKS AND RECREATION:**

Discussion and action on a Resolution amending Schedule C relating to certain fees by the Parks and Recreation Department relating to senior citizen leisure interest classes. **(All Districts)** [Parks and Recreation, Judy Weiss, (915) 541-4259]

**15. MAYOR AND COUNCIL:**

Discussion and action on a second 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 amend paragraph 1 to restate the language of the Measure for the ballot. **(All Districts)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**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

**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/>