

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 31, 2009
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 Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. SENIOR GAMES**
- 2. NATIONAL COMMUNITY COLLEGE 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 24, 2009.
[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 Municipal Code:

- | | | | |
|----|--|------------|--|
| 1. | 8918 Ruiz Road
(District 6) | \$486.46 | Antonio Z. Gonzalez |
| 2. | 8232 McElroy Avenue
(District 7) | \$3,316.82 | Maria Baxley, Executrix of
the Estate of Angelica Reyes |
- [Development Services, Victor Q. Torres, (915) 541-4557]

3B. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gloria Enedina Limas for the purchase of the following parcel for the Stanton Street Toll Plaza Project, and the total purchase price which shall not exceed \$75,000: south 24 feet of Lot 13 and north 1 foot of Lot 14, Block 47, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in the Real Property Records, El Paso County, Texas, and more commonly known as 1004 S. Mesa Street, El Paso, El Paso County, Texas. Project #: PBR06003; Fund: 43005; Department: 32000080; Account: 508000. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

4. BOARD RE-APPOINTMENT(S):

4A. Trinidad B. Acosta to the Foster Grandparent Program Advisory Council by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

4B. William H. Wickline to the Retired and Senior Volunteer Program Advisory Council (RSVP) by Representative Melina Castro, District 4.
[Representative Melina Castro, (915) 541-4400]

4C. Jane Ratcliff to the Art Museum Advisory Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

5. BOARD APPOINTMENTS:

- 5A.** Nancy Denise Harvey to the Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5B.** Nancy Denise Harvey to the Animal Welfare Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5C.** Steven A. Wnorowski to the City Plan Commission by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 5D.** Charles Carlton Hooten to the Animal Shelter Advisory Committee by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.:

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Applied Concepts Inc., the H-GAC contractor under contract number EF04-07-06 and the current provider of Stalker II Handheld Moving/Stationary Doppler Radar, in the amount of \$54,000. The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Police
 Account No.: 21150060 – 508007 – 16371 – P500231
 Funding Source: Police Restricted Federal Confiscated Funds, Public Safety Equipment
 Total Est. Award: \$54,000
 Reference No.: 2009-178
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

7. 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.**

- 7A.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to amend Sections 2.92.010 through 2.92.090 and Section 2.92.150; to add new definitions and standards of conduct, revise the duties and procedures of the Ethics Review Commission, revise the process for receiving and reporting gifts, create restrictions for officers and employees leaving City service, revise the complaint process, and create additional violations; the penalty being as provided in Sections 2.92.150 and 1.08.010 - 1.08.030 of the El Paso City Code. **(All Districts)** [Council Rules LRC Chair, Representative Eddie Holguin, (915) 541-4178]
- 7B.** An Ordinance amending the final Project Plan and final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of

El Paso, Texas; adopting said amendments as required by Section 311.011(E) Texas Tax Code; also providing a severability clause. **(District 8)**
[Economic Development, Kathryn B. Dodson, (915) 541-4872]

7C. 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 by adding Kerbey Avenue from Oregon Street to the alley east thereof, north side only, and from Oregon Street to a point 40 feet east thereof, south side only and from Mesa Street to a point 17 feet west thereof, south side only. 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]

7D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.32 (Pedestrians), Section 12.32.070 (Crosswalk on Piedras Street at Grant Avenue), of the El Paso City Code by repealing Section 12.32.070 (Crosswalk on Piedras Street at Grant Avenue). The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 2)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

7E. An Ordinance granting a renewal of the franchise for Dominion Ambulance, LLC to operate a non-emergency ambulance transfer service. **(All Districts)**
[Fire Department, Manuel Chavira, (915) 771-1000]

PUBLIC HEARING WILL BE HELD ON APRIL 7, 2009, FOR ITEMS 7A – 7E

7F. An Ordinance changing the zoning of Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas, from C-3/SC (Commercial/Special Contract), C-1 (Commercial), and A-O (Apartment/Office) to GMU (General Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1600 and 1700 East Cliff Drive. Property owners: City View Investors, LLC. ZON08-00102 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON APRIL 21, 2009, FOR ITEM 7F

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 BUSINESS

8. DEVELOPMENT AND INFRASTRUCTURE:

8A. Update on Fort Bliss growth and the associated housing impacts on the City of El Paso and surrounding community, as presented by Colonel Edward Manning, Fort Bliss Garrison Commander. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4872]

- 8B. Discussion and action on a Resolution establishing the Multi-family Housing Needs Incentives Policy and Chapter 380 Grant Program. Source of funding - General Fund. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

- 8C. Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Kolmar Laboratories Inc., a Delaware Corporation ("Applicant:), in relation to the applicant's development of a Pharmaceuticals and Cosmetics manufacturing facility and headquarters in El Paso, Texas. Source of Funding – General Fund. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4872]

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. FINANCIAL SERVICES:

- 9A. Discussion and action on the award of Solicitation No. 2009-009 (Temporary Personnel Backup Service for Various City Departments) to Adecco Employment Services, Advance'd Temporaries Inc., and Temporary Alternatives Inc. d/b/a DM Dickason Personnel Services for a total estimated amount of \$610,330.

Department: Human Resources
Award to: Vendor 1: Adecco Employment Services
El Paso, TX
Items: 1A, 1B
Option: Two years
Estimated Amount: \$39,000 (3-year total)

Award to: Vendor 2: Advance'd Temporaries Inc.
Tyler, TX
Items: 2A, 2B, 3A, 3B, 4A, 4B, 8A, 8B
Option: One year
Estimated Amount: \$162,240 (3-year total)

Award to: Vendor 3: Temporary Alternatives Inc.
d/b/a DM Dickason Personnel Services
El Paso, TX
Items: 5A, 5B, 6A, 6B, 7A, 7B, 9A, 9B, 10A, 10B
Option: One year
Estimated Amount: \$409,090 (3-year total)

Account No.: Various
Funding Source: Various
Total Estimated Award: \$610,330 (3-year total)
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 Human Resources recommend award as indicated to the vendors offering the best value bid. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 9B.** Discussion and action on the award of Solicitation No. 2009-075 (Janitorial Services – WIC Clinics) to The Eagle Janitorial Services for a total estimated amount of \$780,000.

Department: Health
Award to: The Eagle Janitorial Services
El Paso, TX
Items: All
Option: Two years
Annual Estimated Amount: \$260,000
Account No.: 41150011 – 502206 – 06341 – G4108AD
41150020 – 502215 – 06226 – G410906
Funding Source: Health Department
Total Estimated Award: \$780,000 (3-year total)
Districts: All

This is a thirty-six month requirements type contract for Janitorial Services – WIC Clinics.

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 Health recommend award as indicated to The Eagle Janitorial Services, the vendor offering the best value bid. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

- 10A.** 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]

- 10B.** 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]

- 10C.** 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]

11. EL PASO WATER UTILITIES:

An Ordinance authorizing the City of El Paso to sell approximately 1,448.9250 acres and three identified access easements, being a portion of Sections 3, 4, 9, 15, 16, 17, 18, 23 & 24, Block 81, Township 1, Texas & Pacific Railway Company Surveys, El Paso, El Paso County, Texas, and approximately 210.0026 acres being a portion of Tract 1A, S.J. Larkin Survey No. 269 and Tract 1, S.J. Larkin Survey No. 268, El Paso, El Paso County, Texas, to the State of Texas, acting by and through the Texas Parks & Wildlife Department, for inclusion in the Franklin Mountains State Park. **(Districts 1 and 4)** [El Paso Water Utilities, Jim Shelton, (915) 594-5511]

12. PARKS AND RECREATION:

An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas), of the El Paso City Code to revise provisions relating to rentals and other uses of Parks and Recreation facilities by government officials and members of the public. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

13. TAX OFFICE:

- 13A.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 2731 Portland Avenue to the El Paso Preservation Alliance in accordance with section 3405 (1) of the tax code. **(District 2)**
[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

- 13B.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 1123 - 1125 Missouri Avenue to Hector Duran in accordance with section 34.05 (h) of the tax code. **(District 8)**
[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS

14. MAYOR AND COUNCIL:

Request allocation of \$1,500 from District 4 discretionary funds to pay for installation of stop signs at the following locations:

Snark Drive and Zeus Place
Pickerel and Snark Drive
Nike Lane and Zeus Place

Nike Lane and Pickerel
 Vanguard & Pickerel
 Bluewing and Bobwhite
 Bluewing and Macaw
 Bluewing and Dolphin
 Bluewing and Tarpon
 Bluewing and Sturgeon
 Bluewing and Teal
 Bluewing and Swallow Lane
 Add crosswalk at Blossom and Kellogg
 [Representative Melina Castro, (915) 541-4400]

15. DEVELOPMENT SERVICES:

Discussion and action on an appeal by property owners of the Manhattan Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC09-00005; 3200 Wheeling, El Paso, Texas, on February 2, 2009, to approve a Certificate of Appropriateness for the referenced property.

(District 2) [Development Services, Victor Q. Torres, (915) 541-4557]
 POSTPONED FROM 02-24-09 AND 03-24-09

16. CITY MANAGER:

Discussion and action regarding the Master Stormwater Management Plan for El Paso and the Community Advisory Report as recommended and approved by the El Paso Water Utilities Public Service Board. **(All Districts)**

[El Paso Water Utilities Public Service Board, Ed Archuleta, (915) 594-5501]

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.** Discussion and action regarding strategies and options related to Asarco bankruptcy. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX2. The purchase, exchange, lease, or value of property in the Franklin Mountains above Scenic Drive consisting of the land commonly known as the Star on the Mountain. (551.071 and 551.072) [City Attorney's Office, Elaine Hengen, (915) 541-4550]

EX3. Workers' Compensation Subrogation Interest regarding Norberto Delgado. (551.071) [City Attorney's Office, Maria Guadalupe Martinez, (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/>