

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

## **REVISED**

# **AGENDA FOR REGULAR CITY COUNCIL MEETING**

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**April 5, 2011**  
**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 Lisle Davis**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. AUTO BURGLARY AND THEFT PREVENTION AUTHORITY WEEK**
- 2. NATIONAL COMMUNITY COLLEGE MONTH**
- 3. FAIR HOUSING MONTH**
- 4. OCCUPATIONAL THERAPY 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](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 29, 2011.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

### **3. RESOLUTIONS:**

**3A.** That the City Manager be authorized to sign an Assumption Agreement and Modification of Community Development Investor-Owned Financial Terms Contract, Note and Lien by and among the City of El Paso, Mario Gonzalez ("Owner") and Jose Garcia and Angela A. Garcia ("Assuming Borrowers"), concerning the City's consent to the transfer of the property located at 1115 N. El Paso, El Paso, Texas and assumption of all borrower obligations under the loan documents, including modifications thereto. The Assuming Borrowers will pay all delinquent amounts owed to the City and a five-year affordability period will be added to the property, consisting of two 2-bedroom units. **(District 8)**  
[Community and Human Development, William Lilly, (915) 541-4643]

**3B.** That the City Council approves the expenditure of additional available funding in the amount of \$173,985.39 to Medlock Commercial Contractors, Inc. for additional construction costs for Traffic Signal Upgrades 9 Locations. The change order provides for furnishing and installing 7200 lineal feet of two inch conduit – bore and traffic control, adding 75 days of contract time for Contract Number 2010-255. The new contract sum, including this change order, is \$1,736,208.84.  
**(Districts 1, 2, 3, and 8)**  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**3C.** That the City Manager be authorized to sign the Second Amendment to the Agreement for Professional Services by and between the City of El Paso and Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project known as "A New Plan for El Paso – A Rewrite of the City's Comprehensive Plan" to add additional services in the amount of \$200,000, thereby extending the contract amount from \$1,793,120 to \$1,993,120. The additional services include

creating a station area plan and Smart Code application for the Northgate Mall site and Mission Valley Transit Terminal, assisting the City in the preparation of an Request for Proposals (RFP) for development of the Northgate Mall site, and reviewing and providing recommendations regarding El Paso City Code Title 21 (Smart Code) as it relates to the Northgate Mall site and Mission Valley Transit Center. **(All Districts)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3D.** That the Mayor be authorized to sign an Second Amendment to the Resolution appointing the election officials for the 2011 General Election to revise the list of Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular election precincts of the City. **(All Districts)**

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4128]

- 3E.** That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, the Texas Commission on Environmental Quality, the El Paso Biowatch Advisory Committee and Headquarters, United States Army Garrison for Fort Bliss, Texas, for the provision of biological surveillance of El Paso and Fort Bliss, Texas. **(All Districts)** [Public Health, Michael Hill, (915) 771-5702]

- 3F.** That the City Manager be authorized to sign and submit a grant application form and other related documents for the Texas Department of State Health Services' Interlocal Immunization Program, in the amount of \$1,632,576 for the period of September 1, 2011 through August 31, 2012, to conduct activities through the City of El Paso Department of Public Health to raise vaccine coverage in El Paso. Matching funds are required in the amount of \$262,597, and the match shall be provided by the City on an in-kind basis. **(All Districts)**

[Public Health, Michael Hill, (915) 771-5702]

- 3G.** A Resolution dedicating as parkland approximately 1.269 acres of City property to be incorporated into Nolan Richardson Park. **(District 2)**

[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

**4. SPECIAL APPOINTMENT:**

Appointment of Robert Almonte II as Assistant City Attorney effective April 5, 2011.

**(All Districts)** [City Attorney's Office, Charlie McNabb, (915) 541-4550]

**5. BOARD APPOINTMENT:**

Charles Carlton Hooten to the Animal Welfare Advisory Committee by Representative Eddie Holguin, Jr., District 6.

[Representative Eddie Holguin Jr., (915) 541-4178]

**6. DISCRETIONARY FUNDS:**

Expenditure of \$2,850 of District 8 discretionary funds for the purchase and installation of a fence at Mary Webb Park. [Representative Beto O'Rourke, (915) 541-4268]

**7. 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]

**8. BID:**

Award of Solicitation No. 2011-088 for Westside Branch Library Expansion to H-Squared Industries, Inc. for an estimated total amount of \$99,000. H-Squared Industries, Inc. has provided the highest ranked proposal (85.00).

Department: Engineering and Construction Management  
Award to: H-Squared Industries, Inc.  
Base Bid: \$99,000  
Total Estimated Completion: \$99,000  
Funding Source: Library Restriction Donations  
**District: 8**

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 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**REGULAR AGENDA - INTRODUCTIONS**

**9. 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.**

**9A.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and Arturo Aguilar which will allow the City to convey Lot 19, less the Northerly 4.36 feet thereof, and less the Southerly 0.77 feet thereof, Block 3, HUECO MOUNTAIN VILLAGE REPLAT A, An addition to the City of El Paso, El Paso County, Texas, to Arturo Aguilar. **(District 5)** [Community and Human Development, William Lilly, (915) 541-4241]

**9B.** An Ordinance modifying the Rim-University Neighborhood Plan, to amend the design standards to allow certain types of solar panels to be placed on rooftops and that the City's Comprehensive Plan, "The Plan for El Paso," be amended to incorporate the modification. PLRG11-00007 **(District 1)**  
[Planning and Economic Development, Ernest Arriola, (915) 541-4723]

**PUBLIC HEARING WILL BE HELD ON APRIL 12, 2011, FOR ITEMS 9A – 9B**

- 9C.** An Ordinance changing the zoning of the following real property known as:  
Parcel 1: A portion of Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-5 (Residential) Parcel 2: A portion out of 318.9530 acre tract of land as recorded in Book 3134, Page 1607, Real Property Records of El Paso County, Texas and also being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Parcel 1: Ventana Avenue, East of Tierra Este Road; Parcel 2: Ventana Avenue, West of Rich Beam Boulevard. Property Owner: GFA, LLC. ZON11-00001 (**District 6**)  
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 9D.** An Ordinance amending Title 21, (SmartCode), Chapter 21.10 (General To All Plans), Chapter 21.30 (New Community Plans), Chapter 21.40 (Infill Community Scale Plans), Chapter 21.50 (Building Scale Plans), Chapter 21.70 (Definitions of Terms), and Chapter 21.80 (Tables) of the El Paso City Code to clarify the code and add standards for new zones. The penalty is as provided for in Chapter 21.60 of the El Paso City Code. (**All Districts**)  
[Planning and Economic Development, David A. Coronado, (915) 541-4632]

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2011, FOR ITEMS 9C – 9D**

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 Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**10. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

Discussion and action on the award of Solicitation No. 2011-169 for the Rojas Medians Landscape, to Prime Irrigation & Landscape, Inc. for a total estimated amount of \$555,116.64.

Department:	Engineering and Construction Management
Award To:	Prime Irrigation & Landscape, Inc.
Base Bid 1:	\$338,900.54
Option No. 1:	\$89,842.38
Option No. 2:	\$42,953.20
Option No. 3:	\$83,420.52
Sum Total Base Bid No. 1 and Options	\$555,116.64

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 and Construction Management Department recommends award as indicated to the lowest responsible bidder.

**(Districts 6 and 7)**

[Engineering and Construction Management, R. Alan Shubert, (915)541-4423]

**REGULAR AGENDA – PUBLIC HEARINGS**

**11. PLANNING AND ECONOMIC DEVELOPMENT:**

**11A.** An Ordinance changing the Zoning of all of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas From R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 6331 Alabama Street, Property Owner: El Maida Shrine Temple ZON10-00109.

**THIS IS AN APPEAL CASE (District 4)**

[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

**11B.** An Ordinance amending Ordinance No. 017109 which vacated a portion of Boston Avenue to allow a one year extension to complete improvements on the pedestrian walkway and to revise the quitclaim deed to reflect the extended time for completion. **(District 1)**

[Planning and Economic Development, Raul Garcia, (915) 541-4935]

**11C.** An Ordinance granting Special Permit No. ZON10-00101, to allow for infill development and a 35% parking reduction on the property described as Lots 52, 53, 54, 55, and 56, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 parking reduction and 20.10.280 infill development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2101 Central Avenue. Applicant: Pedro de Jesus Licon Gonzalez. ZON10-00101 **(District 8)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

**POSTPONED FROM 03-29-11**

**REGULAR AGENDA – OTHER BUSINESS**

**12. PLANNING AND ECONOMIC DEVELOPMENT:**

Discussion and action on a Resolution approving a detailed site development plan for Lots 52, 53, 54, 55, and 56, Block B, Bassett Addition, City of El Paso, El Paso County,

Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2101 Central Avenue. Applicant: Pedro de Jesus Licon Gonzalez. ZON10-00102 **(District 8)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

**POSTPONED FROM 03-29-11**

**13. MAYOR AND COUNCIL:**

**13A.** Discussion and action on setting a time in the evening for City Council to consider an item related to consolidating Fire Station 5 (4240 Alameda) and Fire Station 13 (5415 Trowbridge) [Representative Susie Byrd, (915) 541-4416]

**13B.** Discussion and action on asking for a rigorous review by the United States to ensure a fair trial and the humane treatment of Shohn Huckabee and Carlos Quijas, two El Paso residents and United States citizens, currently imprisoned in Juarez.

[Representative Susie Byrd, (915) 541-4416]

[Representative Steve Ortega, (915) 541-4124]

**13C.** Discussion and action on improving mobile food vending opportunities in El Paso. **(All Districts)** [Representative Beto O'Rourke, (915) 541-4268]

**POSTPONED FROM 03-22-11**

**13D.** Discussion and action to limit south-bound commercial truck traffic on the Bridge of the Americas. [Representative Beto O'Rourke, (915) 541-4268]

**13E.** Discussion and action on the following:

For Notation as Per City Charter

Districing Commission. On or before September 1 next following the publication of the results of each decennial United States census, each Representative shall nominate one qualified voter from his or her district and the Mayor shall nominate one qualified voter from the City at large. Upon approval by the Council, these nominees shall comprise the Districing Commission.

The Commission shall elect its own presiding officer. The nominees chosen shall not serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office. The Commission shall make recommendations to the Council concerning adjustments of the boundaries of the Representative districts. Upon receiving the Commission's recommendations, the Council shall review the population of each district, and as soon as possible, shall change the boundaries thereof as necessary to insure substantial equality in the populations of the districts. In addition, the Council may change the boundaries of the Representative districts more often than after each decennial census, as necessary to insure substantial equality in the populations of such Representative districts. All such changes shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas. **(All Districts)**

[Representative Emma Acosta, (915) 541-4572]

- 13F.** Discussion and action on a Report from El Paso Electric Company on the changes to the Solar Rooftop Program from what was agreed on in the Rate Case and plans by El Paso Electric to fix the program to make it more closely resemble the economics of what was presented during the rate case.

**(All Districts)**

[Representative Susie Byrd, (915) 541-4416]

- 13G.** Discussion and action regarding updates to the City of El Paso State Legislative Agenda and matters involving public utilities.

[Mayor John F. Cook, (915) 541-4015]

**14. CITY MANAGER:**

City Manager's report of current events and issues:

Presentation on 2010 Paperless Annual Report and Update on City Website Design.  
[Communications and Public Affairs, Juliet Lozano, (915) 541-4206]

**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 and the Rules of City Council.) 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 THURSDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>