

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 20, 2010**  
**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 Clift Barnes**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. ROTARY INTERNATIONAL GROUP STUDY EXCHANGE PROFESSIONALS DAY**
- 2. NATIONAL REBUILD DAY**
- 3. JUVENILE JUSTICE CENTER COMMUNITY SERVICE DAY**
- 4. DIA DE LOS NIÑOS/DIA DE LOS LIBROS DAY**
- 5. INTERNATIONAL PEACE AND PRAYER DAY FOR CIUDAD JUÁREZ**

### **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 April 13, 2010 and the Special City Council Meeting of April 13, 2010 (Texas Gas Service's Statement of Intent to Increase Rates filed December 3, 2009).

[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 Air Cargo Center Agreement by and between the City of El Paso ("Lessor") and Cargo Force ("Lessee") for space at the Air Cargo Center located at 301 George Perry Blvd, Suite C.  
**(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

**3B.** That the City Manager be authorized to file an Amendment to Passenger Facility Charge (PFC) Application No. 09-05-C-00-ELP with the Federal Aviation Administration (FAA), authorizing (i) an increase to \$4.50 per eligible enplaned passenger; (ii) submission of all and related documentation contained in the amendment or requested by the FAA; and (iii) designate the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the amendment. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

**3C.** A resolution authorizing the City Manager to sign a sub-recipient grant contract between the City and the Non-Profit Enterprise Center in connection with the City's federally-funded HHS-ARRA Strengthening Communities Fund (Community Development, Neighborhood Services Division), awarding an amount not to exceed \$105,900 to provide training and technical assistance to non-profit faith-based and community organizations so they may better serve those in need and to increase non-profit organizations' involvement in the nation's economic recovery. **(All Districts)**  
[Community and Human Development, William Lilly (915) 541-4241]

**3D.** That the City Manager be authorized to sign the First Amendment to the Agreement for Engineering Services by and between the City of El Paso and Kimley-Horn and Associates, Inc. for a project known as "Runway 8R-26L

Extension” in the amount of \$195,245.89 thereby extending the contract amount from \$844,006.64 to \$1,039,252.53. **(All Districts)**  
[Engineering, R. Alan Shubert, (915)541-4423]

**3E.** That the City Manager be authorized to sign an electrical overhead, underground and transformer easement to the El Paso Electric Company for the purpose of providing electrical service to the El Paso High School Baseball Complex, 1203 Schuster, El Paso, Texas, said property being more particularly described as a portion of Alexander Addition, Block 137, Lots 1-20, El Paso, El Paso County, Texas. **(District 1)** [Engineering, R. Alan Shubert, (915)541-4423]

**3F.** That all private requests for street light installation shall be made pursuant to the procedures established in this Resolution, and all accompanying Exhibits. That the cost of any street light and its installation as approved under this Resolution shall be subject to payment by the applicant(s) of the request. Subject to availability, discretionary funds by the City Representative in whose district the street light is requested may be used or such other appropriate funding to fund all or a portion of the cost of the street light and its installation. **(All Districts)**  
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

**3G.** That the City Manager be authorized to sign a Second Amendment to Consulting Agreement by and between the City of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization (“MPO”) for the El Paso Urban Transportation Study Area, hereinafter referred to as "City", and the International Communities Research Center (“ICRC”), a non-profit research organization, amending the scope of services to be provided by ICRC and increasing the consideration to be paid by the MPO by an additional \$92,475. **(All Districts)**  
[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]

**3H.** That the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso and the University of Texas at El Paso in an amount not to exceed \$112,000 for the University of Texas at El Paso to provide a Masters in Public Administration degree as related to the graduate certificate program in Urban and Regional Planning to employees of the city. The term of this Agreement shall begin May 1, 2010, and shall end May 31, 2012.  
**(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4777]

**4. BOARD APPOINTMENT:**

Maxey Scherr to the Ethics Review Commission by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]

**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. BID:**

The award of Solicitation No. 2010-022 (Tennant Proprietary Parts) to Tennant Sales and Service Company for a total estimated award of \$255,000.

Department: General Services  
Award to: Tennant Sales and Service Company  
Minneapolis, MN  
Item(s): All – Part A  
Annual Estimated Amount: \$85,000  
Funding Source: Internal Service Fund  
Total Estimated Award: \$255,000 (3 Years)  
**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 General Services recommend award as indicated to the sole responsive, responsible bidder.

General Services and Financial Services Departments recommend that Equipment Southwest, Inc. be deemed a non-responsive bidder because Equipment Southwest, Inc. did not meet specifications by submitting an incomplete price list.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]  
[General Services, Stuart Ed, (915) 621-6822]

### **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 granting Special Permit No. ZON09-00077, to allow for an 88% parking reduction on the property described as Lot 27 and the west 10 ft. of Lot 28, Block 69, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1319 Montana Avenue. Applicant: Christopher Swann. ZON09-00077 **(District 8)**  
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

**7B.** An Ordinance granting Special Permit No. ZON10-00023, to permit governmental use and building, on the property described as Lots 11 to 18, Block 47, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1000 Block of south Mesa Street. Property Owners: City of El Paso. ZON10-00023 **(District 8)**  
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

**PUBLIC HEARING WILL BE HELD ON MAY 11, 2010, FOR ITEMS 7A – 7B**

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 SERVICES:**

- 8A.** Discussion and action regarding Council's direction to staff on April 6, 2010, to clarify the intended effective date of the changes to the requirements of Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities), of the El Paso City Code, reducing the percentage of Type A Units from 5% to 3% pending Community Development's Analysis of Impediments to Fair Housing Choice (AI).  
**(All Districts)** [Development Services Victor Q. Torres, (915)541-4557]

**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.**

- 8B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities), Subsection 1107.6.2.1.1 (Type A Units), of the El Paso City Code, by reducing the amount of required Type A Units from five percent to three percent; the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**  
[Development Services, Victor Q. Torres, (915)541-4557]

**PUBLIC HEARING WILL BE HELD ON APRIL 27, 2010, FOR ITEM 8B**

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:**

An Ordinance changing the zoning of Tract 3A, Block 17, Ysleta Grant, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to S-D (Special Development), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City

Code. Subject property: 7860 North Loop Drive. Applicants: Jose A. and Olga Zepeda. ZON10-00001 **(District 7)**

[Development Services/Planning, Andrew Salloum, (915) 541-4027]

**10. TAX OFFICE:**

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at 634 Casa Grande Pl. to Aimee and Leonel Saldivar. **(District 6)**

[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

**REGULAR AGENDA – OTHER BUSINESS**

**11. MAYOR AND COUNCIL:**

**11A.** Presentation by Greater El Paso Chamber of Commerce regarding Chamber programs and services. [Mayor John F. Cook, (915) 541-4145]

**11B. Legislative Review Committee Report:**

1. For notation: Formal report of the Economic and Community Development, Quality of Life and Tourism and Planning and Development Services Joint Legislative Review Committee meeting held on April 1, 2010, as submitted by Representative Steve Ortega, Chair; and,

2. Discussion pertaining to the agenda item, as posted on the agenda of said Legislative Review Committee meeting, as follows:

A) Presentation and discussion on potential redesign of Mills Plaza and San Jacinto Plaza by Brent Harris with Mills Plaza Properties and Gerdo Aquino with the urban design firm SWA Group.

[Economic Development, Kathryn B. Dodson, (915) 541-4872]

B) Discussion and action on accepting a gift of the redesign of San Jacinto Plaza.

[Economic Development, Kathryn B. Dodson, (915) 541-4872]

C) Discussion and action on a requested exception to the infill provision of the City's Multi-Family Housing Needs Incentive Program. The program allows incentives for projects consisting of 10 Units or more that meet the technical definition of infill under Section 21.70.010 El Paso City Code. The Department is requesting an exception from the program requirement for the assisted living project to be located at Belvidere and Resler. This property has remained undeveloped (but was platted within the last 30 years and therefore does not meet the technical definition of infill) and otherwise meets the requirements of the City's Multi-Family Housing Needs Incentive Program.

[Economic Development, Javier Gadney (915) 541-4670]

**12. AIRPORT:**

**12A.** Discussion and action on the approval of a budget transfer setting up appropriation for the capital project known as Butterfield Trail Industrial Park Pavement Rehab and Landscaping. This is a multi-year project for improvements to the Butterfield Industrial Park that involves landscaping of the medians and street rehabilitation.

Increase	\$ 1,000	to	Legal Notice Contracts
Increase	\$ 1,000	to	Print Shop Allocations
Increase	\$ 50,000	to	Design
Increase	\$ 15,000	to	City Engineering Charges
Increase	\$ 5,000	to	Testing
Increase	\$ 5,000	to	Inspections
Increase	\$ 923,000	to	Construction
Increase	\$1,000,000	to	Intrafund Transfers In
Increase	\$1,000,000	to	Fund Balance Transfer
Increase	\$1,000,000	to	Intrafund Transfers Out

**(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

**12B.** Approve budget transfer to set-up appropriation for the capital project known as Hangar 7 Demolition and Relocation of United States Customs and Border Protection Air and Marine.

Increase	\$ 1,000	to	Legal Notice Contracts
Increase	\$ 1,000	to	Print Shop Allocations
Increase	\$ 50,000	to	Design
Increase	\$ 5,000	to	City Engineering Charges
Increase	\$ 10,000	to	Testing
Increase	\$ 10,000	to	Inspections
Increase	\$3,423,000	to	Construction
Increase	\$3,500,000	to	Intrafund Transfers In
Increase	\$3,500,000	to	Fund Balance Transfer
Increase	\$3,500,000	to	Intrafund Transfers Out

**(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

**12C.** Approve budget transfer setting up appropriation for the capital project known as Renovations of United States Customs and Border Protection. This project will entail the replacement of the interior of the United States Customs and Border Protection building.

Increase	\$151,000	to	Fund Balance Transfer
Increase	\$151,000	to	Intrafund Transfer Out
Increase	\$151,000	to	Construction
Increase	\$151,000	to	Intrafund Transfer In

**(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

**12D.** Approve budget transfer setting up appropriation for the capital project known as Cargo #2 Roof and Tenant Improvements.

Increase        \$500,000        to        Fund Balance Transfer  
Increase        \$500,000        to        Intrafund Transfer Out  
Increase        \$500,000        to        Construction  
Increase        \$500,000        to        Intrafund Transfer In  
**(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

**13. ECONOMIC DEVELOPMENT:**

Discussion and action on the establishment of a non-profit corporation (Corporation) for the purpose of applying for a New Markets Tax Credit (NMTC) allocation under federal program, approval of the Corporation's certificate of formation and bylaws, appointment of the Corporation's Board of Directors, the City staff and City attorneys to file the Corporation's certificate of formation with the Secretary of State, and the Corporation to apply for certification as a Community Development Entity and for NMTC allocations from the United States Department of the Treasury for qualified projects in designated areas. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

**14. FINANCIAL SERVICES:**

**14A.** Discussion and action on a Resolution that the City Manager be authorized to sign a Lease Agreement by and between 88 Investments, Inc. ("Lessor") and the City of El Paso ("Lessee") regarding the use of the premises upon which the "Star on the Mountain" display is located for the purpose of maintaining, and operating the Star. The term of the lease will be for fifty years, beginning May 1, 2010, and ending April 30, 2060. **(All Districts)**  
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

**14B.** Discussion and action on a Resolution that the City Manager be authorized to sign the First Amendment to the Operation and Maintenance Agreement ("Agreement") by and between the City of El Paso and the Greater El Paso Chamber of Commerce Foundation regarding the Star on the Mountain Program dated August 25, 2009, for the purposes of extending the term for an additional year expiring on April 30, 2011, amending the definition of the Reimbursable Expenses to include administrative costs, reflecting changes to the lease with 88 Investments, Inc. for the use of the site, and clarifying the billing procedure. The net costs shall not exceed \$50,000 on an annual basis. **(All Districts)**  
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

**15. CITY MANAGER:**

City Manager's report of current events and issues:

**15A.** Status update of the Red Light Camera Program, the Left Lane Truck Restriction Ordinance, the Pay Before You Pump Ordinance; and Uninsured Vehicle Impounds. **(All Districts)**  
[Police Department, Eric Shelton, (915) 564-7357]

**15B.** Discussion and action on the Annual Sustainability Plan progress update and discussion and action to approve the development of the proposed Property Assessed Clean Energy (PACE) program through the City of El Paso and to

authorize the design of a special energy finance area as described in Chapter 376, of the Local Government Code. **(All Districts)**  
[Environmental Services, Marty Howell, (915) 541-4925]

**REGULAR AGENDA – PUBLIC HEARING**

**NOTE: THIS ITEM WILL NOT BE CONSIDERED BY THE CITY COUNCIL BEFORE 6:00 P.M.**

**16. FINANCIAL AND ADMINISTRATIVE SERVICES:**

Public Hearing on the proposals to adopt Ordinances pursuant to Transportation Code Section 222.106, designating areas as Transportation Reinvestment Zone Number Two and Transportation Reinvestment Zone Number Three, City of El Paso, Texas, the designation of the zones, its benefits to the municipality and to the property in the proposed zones. **(All Districts)**

[Financial and Administrative Services, William F. Studer Jr., (915) 541-4215]

**NOTE: THIS ITEM WILL NOT BE CONSIDERED BY THE CITY COUNCIL BEFORE 6:00 P.M.**

**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.** Claim of Hernan Guardado, Our File No. 10-C-032 (551.071)  
[City Attorney's Office, Karla M. Nieman (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/>