

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**

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**April 21, 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, Fire, & CIMA Chaplain Sam Faraone  
Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. AREA 19 SPECIAL OLYMPICS SPRING GAMES WEEK**
- 2. EL PASO HOLOCAUST MUSEUM AND STUDY CENTER WEEK**
- 3. NATIONAL REBUILD DAY**
- 4. CRIME VICTIMS' RIGHTS WEEK**
- 5. CELEBRATING THE RENOVATED PASO DEL NORTE INSPECTION STATION**

### **RECOGNITIONS**

- 1. INTRODUCTION OF NEW FIRE CHIEF OTTO DROZD**
- 2. HENRY KELLEN - CONQUISTADOR AWARD**

### **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 14, 2009.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTIONS:**

**3A.** That City Council approve submission of a grant application for the Neighborhood Stabilization Program to the Texas Department of Housing and Community Affairs (TDHCA); and that the City Manager be authorized to sign the grant application including all understandings, certifications, and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$1,648,634 for the purpose of neighborhood restoration efforts; that the City Manager be authorized to sign any related paperwork, including authorize budget transfers and submit any necessary revisions to the operational plan; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease, or de-obligate program funds provided that no City funds are required and any documents to request and accept an extension of the award ending date for the grant. **(All Districts)**  
[Community and Human Development, William Lilly, (915) 541-4643]

**3B.** That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Huitt-Zollars, Inc. for a project known as "Intelligent Transportation System Expansion CM 2009 (240)" for an amount not to exceed \$371,798 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$421,798. (100% TXDOT funded; City serving as Project Manager)  
**(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]

**3C.** That the City Manager be authorized to submit funding requests for projects eligible for funding under the American Recovery and Reinvestment Act (ARRA) to meet deadlines established by either federal or state agencies. The intent is to have the City submit for all eligible projects and programs. Funding agreements

or accepting grants for projects or programs selected for ARRA funding will follow the City's established approval procedures. **(All Districts)**  
[Engineering, R. Alan Shubert, (915) 541-4423]

- 3D.** That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Sign Language Interpreter is hereby created as specified in the duties and responsibilities. The Code is 10935. The Grade is PM 125. This position will be in the Municipal Clerk's Office and funding was budgeted. Salary Range: \$39,553.61 – \$58,499.78. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]

**4. BOARD APPOINTMENTS:**

- 4A.** Lilia Ruiz to the Complete Count Committee by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 4B.** Rebecca Rojas to the Animal Shelter Advisory Committee by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

**5. NOTICE OF CAMPAIGN CONTRIBUTIONS:**

- 5A.** For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Susie Byrd on April 8, 2009, in the amount of \$500 from Electric Political Involvement Committee; and on March 30, 2009, in the amount of \$1,000 from Texas Association of Realtors Political Action Committee. [Representative Susie Byrd, (915) 541-4416]
- 5B.** For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Mayor John F. Cook, in the amount of \$25 from Dr. Sara Weiner; \$500 from Albert and Barbara Teran; \$500 from Maria Teran; \$5,000 from the Texas Association of Realtors PAC; and \$100 from Charles and Diane Wakeem. [Mayor John F. Cook, (915) 541-4145]
- 5C.** For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on March 4, 2009, in the amount of \$500 from Linebarger, Goggen, Blair & Sampson, LLP; on April 6, 2009, in the amount of \$500 from J. A. Cardwell, and in the amount of \$500 from Robert Wingo; on April 7, 2009, in the amount of \$500 from Russell and Martha Vandenburg; and on April 13, 2009, in the amount of \$1,000 from Larry Medina. [Representative Steve Ortega, (915) 541-4108]

**6. 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]

**7. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS:**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order(s) to Tom Growney Equipment, Inc. the sole authorized agent in the El Paso, Texas, area of John Deere Proprietary Parts & Services. Estimated annual amount is \$70,000. Total estimated three-year award is

\$210,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services  
Account No.: 37370510 – 503121 – 45202  
Funding Source: General Services Department, Internal Service Fund  
Annual Estimated Amount: \$70,000  
Total Estimated Award: \$210,000 (3-year total)  
Sole Source No.: 2009-185  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**8. BID:**

The award of Solicitation No. 2009-149 (Spring Crest Street Improvements) to Allen Concrete, Inc. for a total estimated amount of \$143,569.29.

Department: Engineering  
Award to: Allen Concrete, Inc.  
El Paso, TX  
Base Bid I: \$98,893  
Base Bid II: \$44,676.29  
Account No.: 14200500 – 508027 – 27264 – PSTM06 PW43-0B  
31255008 – 508027 – 27695 – PSTM06 PW43-0B  
Funding Source: Storm 2006 and PSB  
Total Est. Award: \$143,569.29  
**District: 1**

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 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 Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsible bidder.  
[Engineering, R. Alan Shubert, (915) 541-4423]

**REGULAR AGENDA – PUBLIC HEARINGS****9. DEVELOPMENT SERVICES:**

- 9A.** 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]
- 9B.** A Resolution releasing restrictions and conditions contained in an agreement between The Medical Center Corporation and the City of El Paso dated July 9, 1953, which imposed conditions on a portion of Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas, and releasing a Special Contract condition placed on the same property on September 25, 1984, and amended February 19, 1985. Subject property: 1600 and 1700 East Cliff Drive. Property owners: City View Investors, LLC. ZON08-00101 and ZON09-00005 **(District 8)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 9C.** An Ordinance changing the zoning of Lots 15 through 26 and east 15.48 feet of Lot 14, Block 4, Hughes Subdivision of Block 2 of Alameda Acres, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 5713 and 5717 Welch Street. Applicant: Jorge Valenzuela. ZON08-00120 **(District 3) THIS IS AN APPEAL CASE**  
[Development Services/Planning, Ismael Segovia, (915) 541-4027] **POSTPONED FROM 04-14-09**

**10. MAYOR AND COUNCIL:**

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] **POSTPONED FROM 04-07-09**

**REGULAR AGENDA – OTHER BUSINESS****11. ENGINEERING:**

Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Walter P. Moore and Associates, Inc. for a project known as "Video Surveillance and Count Stations CM 2009 (243)" for an amount not to exceed \$527,183.51 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$577,183.51. (100% TXDOT funded; City serving as Project Manager) **(All Districts)**  
[Engineering, R. Alan Shubert, (915) 541-4423]

**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 Jorge Valenzuela Jr., Our File No. 08-C-177. (551.071)  
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX2.** Claim of Blair-Hall Co., Inc./Westside Sport Complex; Our File No. 09-C-059. (551.071)  
[City Attorney's Office, Kenneth Krohn, (915) 541-4550]
- EX3.** Discussion and action regarding strategies and options related to Asarco bankruptcy.  
(551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX4.** Maria Mora, et al. vs. City of El Paso; Cause No. EP-08-CV-0466. (551.071)  
[City Attorney's Office, Kenneth Krohn, (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/>