

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

June 2, 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 – Reverend Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

YSLETA EDUCATION FOUNDATION DAY

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 May 26, 2009, and the revised Minutes for the Regular City Council Meeting on May 19, 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 submit to the U.S. Department of Housing and Urban Development (HUD) a request to approve a change in grantee status, pursuant to 24 C.F.R. Section 583.405, from the City to La Posada Home, Inc. for the Supportive Housing Program (SHP) renewal grant Project No.: TX0130B6T03080; and be authorized to execute any and all agreements, documents, or transfers necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development. **(All Districts)**

[Community and Human Development, Thomas Serrano, (915) 541-4642]

3B. That the City Council approves the expenditure of additional available funding in the amount of \$30,155.40 to Vistacon, Inc. to modify camera types and locations to enhance the coverage and functionality of the security system for the EPIA Terminal Modifications & Additional Public Concessions, Contract Number 2008-056. This approval is for change order 18. The new contract sum, including change order 18, \$9,773,702.52. (62620028/508016/41077/PAP0037)

(All Districts) [Engineering, R. Alan Shubert, (915) 541-4423]

4. NOTICE OF CAMPAIGN CONTRIBUTIONS:

For notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contributions by Mayor John F. Cook: Phillip Rothstein, \$500; A.E. Parker, \$100; El Paso Building Trades PAC, \$100; John F. Abrams, \$1,000; Amanda Abrams, \$1,000; Jim Darnell, \$250; Jeff Sivils \$50; Eugene and Connie Finke, \$35; David and Marcia Turner, \$25; Leslie Sutherland, \$20; Louis and Miriam Rosenbaum, \$100; Ralph Seitsinger, \$100; Ike Monty, \$500; Nick and Lupe Delgado, \$250; Rosa Maria Richardson, \$500; Margaret Bartoletti, \$50; CH2M HILL TEXAS PAC, \$500; James Scherr, \$2,000; Elma Carreto, \$3,000; Marc and Ana Maria, \$250; John and Ruth Foster, \$250; Yolanda Arriola, \$500; Bill and April Terrell, \$1,000; Randy and Margo Kuykendall, \$1,000; Deborah King, \$100; Andre Karam, \$100; Chris and Katherine Cummings and Brennand, \$500; John Trien, \$500; Richard Saab, \$165; Robert Saab, \$165; Marissa Garland Rogers, \$100; Bernadine and Peggy McNiel Living Trust, \$100; Russell and Marty Vandenburg, \$500; Tony and Elodia Conde, \$250; William Correa, \$300; Carl and Betty Daniel, \$500; Steve and Marie Franco, \$250; Oscar Venegas,

\$200; Raba-Kistner PAC, \$1,000; Jonathan Schwartz, \$50; Jody Schwartz, \$50; Lee Chayes, \$500; Allan Sharpe, \$250; Mary Cano, \$250; Edgar Songy, \$500; Stanley Jobe, \$1,000; Eduardo Orozco, \$500; Alejandro Orozco, \$500; Georgina and Arturo Muñoz, \$500; Sergio Cabada, \$500; Ernesto Anaya, \$300; Thanh Berlit, \$100; Miguel Cervantes, \$200; Deane Miller, \$300; William Saab, \$165; Randy and Roman Brock and Bustillos, \$250; Mervin and Linda Moore, \$250; Rodney Kroeger, \$250; and Leonard and Nancy Nordell, \$250. [Mayor John F. Cook, (915) 541-4145]

5. DISCRETIONARY FUNDS:

Request authorization to allocate the use of District 2 Discretionary Funds in the amount of \$2,500 to fund an appraisal for 9.577 acres located in all of C.R. Morehead Survey and a portion of Hill Terrace Addition, City of El Paso, Texas. (Dept. ID #01153003; Account #504420; Fund #16502; Class #01001, Project PD20423) [Representative Susie Byrd, (915) 541-4416]

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 REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to INX Inc., the State Department of Information Resources (DIR) contractor, under the DIR State Contract DIR-SDD-239, for \$257,246.92 for network equipment products for the Phase I of the fiber ring deployment.

Participation by the City of El Paso in the DIR Program was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology
Account No.: 14200500 – 508016 – 27264 – PSTM06-PW542
Funding Source: Contractual Architect & Design Equipment – Storm 2006 - Fiber Optic Link to City Hall – Certificates of Obligation
Total Estimated Award: \$257,246.92
Reference No.: 2009-240
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. 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.**

8A. An Ordinance amending Title 2 (Administration and Personnel) by adding Chapter 2.22 (Open Space Advisory Board) to create the Open Space Advisory Board to assist in the preservation and acquisition of open space. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

- 8B. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.20 (Board of Parks and Recreation) in its entirety. **(All Districts)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

PUBLIC HEARING WILL BE HELD ON JUNE 9, 2009, FOR ITEMS 8A – 8B

- 8C. An Ordinance changing the zoning of a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: south of Pebble Hills Boulevard and east of Tim Foster Street. Applicant: Ranchos Real IV, LTD. ZON09-00014 **(Adjacent to Districts 5 & 6)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON JUNE 23, 2009, FOR ITEM 8C

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

9. ENGINEERING:

- 9A. Discussion and action on the award of Solicitation No. 2009-145 for the Glory Road Transit Terminal to Arrow Building Corp. a total amount of \$8,994,000.

Department:	Mass Transit / Sun Metro
Award to:	Arrow Building Corp.
Project:	Glory Road Transit Terminal
Base Bid:	\$8,994,000
Total Estimated Award:	\$8,994,000
Account No.	60600011/508027/11711/PCP09MT003 14400100/508027/27265/PCP09MT003 60600011/508027/11702/PCP09MT003 60600011/508027/11703/PCP09MF003
Funding Source:	\$5,318,692.10 American Recovery & Reinvestment Act (ARRA), \$891,093.90 2009 Certificates of Obligation, \$1,747,123.00 FTA Grant TX-90-X841 and \$1,037,091 FTA Grant TX-95-X015
District:	8

Arrow Building Corp. was selected by the Mass Transit Department Board as the highest ranked Proposal and City staff has negotiated a contract that provides the best value to the Mass Transit Department of the City of El Paso.

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 \$25,000.00 per numbered change order without further authorization by The Mass Transit Board.

This is a lump-sum contract.

The Engineering and Mass Transit/Sun Metro Departments recommend award to the offer who submitted the highest ranked proposal.

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

- 9B. Discussion and action that the City be authorized to enter into negotiations with Vistacon, Inc. who submitted the highest ranked proposal for the Mission Valley Transit Terminal project, as per recommendations from the Engineering Department and Sun Metro. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: Sun Metro
 Account No.: 60600011/508027/11629/G600405
 Funding Source: FTA Grant TX-90-X606 and 2009 Certificates of Obligation
 Proposal No.: 2009-200

District: 7

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

- 9C. 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 Camp Dresser & McKee, Inc. for a project known as "Dallas Outfall Drainage Improvements" for an amount not to exceed \$615,955 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$665,955. Funding - 14400100/508016/27265/PSTM06 PW540. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

- 10A. An Ordinance changing the zoning of Tracts 1D-2C, 1D-2A1, Block 35, Ysleta Grant, 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: 8450 Alameda Avenue. Property owners: Martin and Maria Isela Armendariz. ZON08-00094 **(District 7)**
 [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 10B. An Ordinance changing the zoning of Lots 9 and 10, Block 63, East El Paso Addition, 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: 3015 Gateway Boulevard West. Property owner: Miguel A. Garcia. ZON08-00098 **(District 8)**
 [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 10C. An Ordinance granting special permit no. ZON09-00010 to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2 described as Block 270 and Block 277, the alley, and the closed portion of St. Vrain Street, Campbell Addition, and Block 277, Pierce Findley Addition, City of El Paso, El Paso County, Texas, more commonly known as 805 Montana Avenue, to serve Parcel 1, described as Lots 1 through 7, Block 260, Campbell Addition, City of El Paso, El Paso County, Texas, more commonly known as 815 and 823 East Yandell Drive, pursuant to Section 20.10.410 of the El Paso City Code. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject property: Parcel 1: 815 and 823 East Yandell Drive; Parcel 2: 805 Montana Avenue. Property owners: Parcel 1: Centro de Salud Familiar La Fe, Inc.; Parcel 2: First Baptist Church. ZON09-00010 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10D. An Ordinance amending Ordinance No. 014543 which changed the zoning and imposed conditions on Tract 6, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, and repealing Ordinance No. 16684 which amended and released certain conditions placed on a portion of Tract 6, and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, by Ordinance 014543. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: Desert Boulevard South at Montoya Lane and north of Coates Road. Property owners: Prime Desert Properties, LLC. ZON08-00100 **(District 1)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10E. An Ordinance changing the zoning of a portion of Tract 7D, First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-1 (Apartment) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 6001 Transmountain Road. Property owner: David Harrell. ZON08-00113. **(District 4)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A. Discussion and action on taking the necessary steps to enable to develop a public-private partnership for the "Coronado Pocket Park" project.
[Representative Beto O'Rourke, (915) 541-4123]
- 11B. Discussion and action to have a presentation from the City Manager or her designee on the Day Care and the Summer Camp services for children of all ages at Veteran's Park Recreation Facility; to include any further cuts in programs at any Northeast Recreational Facilities. [Representative Melina Castro, (915) 541-4400]

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.** MOMAR, L.P. vs. the City of El Paso; Cause No. 2007-4830. (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/>