

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

June 22, 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 Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. **INDEPENDENTS' WEEK**
2. **INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING**
3. **WORKFORCE SOLUTIONS UPPER RIO GRANDE SUMMER YOUTH PROGRAM AWARENESS MONTH**
4. **THE 20TH REUNION OF THE MIGHTY RANGERS OF RIVERSIDE HIGH SCHOOL - CLASS OF 1990**

RECOGNITION:

DELEGATION OF LIBRARIANS FROM CHINA

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 June 15, 2010.

[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 a Second Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Continental Airlines, Inc. for the purpose of extending the term to August 31, 2011 and replacing Exhibits "A", "B-1" and "B-2".

(All Districts) [Airport, Monica Lombrana, (915) 780-4793]

3B. That the City Manager be authorized to sign an Approval of Assignment by and among the City of El Paso ("City"), Enterprise Leasing Company – West, LLC ("Assignor") and EAN Holdings, LLC ("Assignee") of the July 1, 2006 Vehicle Rental Concession Agreement. **(All Districts)**

[Airport, Monica Lombrana, (915) 780-4793] **POSTPONED FROM 06-08-10**

3C. That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Enterprise Holdings, Inc., formerly known as Enterprise Rent-A-Car Company, ("Assignor"), and EAN Holdings, LLC ("Assignee") for the following described property: Lot 3, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, containing 33,115 square feet of land, commonly known as 6400 Convair Road, El Paso, Texas. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4793]

POSTPONED FROM 06-08-10

- 3D.** That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee") and Persistent Surveillance System ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia, El Paso, Texas. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4793]
- 3E.** A resolution authorizing the City Manager to sign a Subordination Agreement, by and among the City of El Paso, Creative Kids, Inc. ("Borrower"), and Southwest Securities, FSB, concerning the Borrower's refinancing of the first lien debt on the property located at 504 San Francisco Street and the City's continued subordinated lien interest against said property. **(All Districts)**
[Community and Human Development, Bill Lilly, (915) 541-4643]
- 3F.** That Representative Ann Morgan Lilly is reappointed to the Board of Directors of the El Paso Central Appraisal District Board to fill the term commencing from January 1, 2010 through December 31, 2011. [Mayor John F. Cook, (915) 541-4145]

4. BOARD RE-APPOINTMENTS:

- 4A.** Shirley Neagle to the Community Development Steering Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 4B.** Representative Ann Morgan Lilly to the City Employees Pension Fund Board of Trustees by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4C.** Representative Steve Ortega to the City Employees Pension Fund Board of Trustees by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4D.** Annette Stone to the Community Development Steering Committee by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4E.** Stephanie Karr to the Fair Housing Task Force by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]
- 4F.** Kenneth J. Gezelius to the Zoning Board of Adjustment as an alternate by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4G.** Tommy L. Razloznic to the Building and Standards Commission as a regular member in the architect category by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4H.** Herschel Stringfield to the Building and Standards Commission as an alternate by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5. BOARD APPOINTMENTS:

- 5A.** Getsemani Yanez to the Greater El Paso Civic, Convention and Tourism Advisory Board, by Representative Susie Byrd, District 2.
[Representative Susie Byrd, (915) 541-4996]
- 5B.** Joyce Palmer to the Community Development Steering Committee by Representative Carl L. Robinson, District 4.
[Representative Carl Robinson, (915) 541-4400]

- 5C.** Billie Brown to the City Accessibility Advisory Committee by Representative Carl L. Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 6A.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Equipment Southwest, Inc., the sole source provider for Packmat mobile roller compactor. Equipment Southwest, Inc. is the sole authorized sales, parts, and service distributor in El Paso, Texas for Labrie Environmental Group. Total estimated expenditures are \$98,706.25.

Department: Environmental Services
Funding Source: Heavy Off Road Equipment
Total Estimated Award: \$98,706.25
Sole Source No.: 2010-230

Districts: All
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
[Environmental Services, Ellen Smyth, (915) 621-6700]

- 6B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue purchase order to Time Manufacturing Company, a Texas Multiple Award Schedules (TXMAS) contractor under Contract No. 6-23V020, for one Telescopic Aerial Platform Lift in the estimated amount of \$120,892.

The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Aviation
Funding Source: Airport Capital Outlay
Total Estimated Award: \$120,892
Reference No.: 2010-238

Districts: All
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
[Airport, Monica Lombrana, (915) 780-4793]

- 6C.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue Purchase Order to MorphoTrak, the sole source provider for MetaMorpho Automated Fingerprint Identification System (AFIS) and software components, to purchase an Expert Workstation and Morpho Archive and Retrieval System (MARS). Total estimated amount is \$236,902.

Department: Police
Funding Source: Community Oriented Policing Services (COPS) AFIS
FY06
Total Estimated Award: \$236,902
Sole Source No.: 2010-239

Districts: All
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
[Police, Eric Shelton, (915) 564-7309]

- 6D.** Request that the Purchasing Manager, Financial Services, Purchasing Division be authorized to issue a purchase orders to Sigma Solutions Inc., a State Department of Information Resources (DIR) contractor under DIR State Contracts DIR-SDD-251 (\$44,833.36), DIR-SDD-259 (\$23,616.39), and DIR-SDD-600 (\$42,199.33), in the total amount of \$110,649.08 for the upgrade of the data backup system that includes hardware replacements, software upgrades and consolidation of backup environments into one version to improve reliability of the system.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department:	Information Technology
Funding Source	IT Capital Acquisitions
Total Estimated Amount:	\$110,649.08
Reference No.;	2010-241
District(s):	All
[Information Technology, Art Armas, (915) 541-4288]	
[Information Technology, Terrence Freiburg, (915) 541-4188]	

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 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) in its entirety related to Commercial Recyclables (9.04.190); to amend Construction or Demolition Waste (9.04.200), to clarify waste haulers requirements; add emergency powers (9.04.400); add flow control for Municipal Solid Waste in Article VII; clarify fee (9.04.410); clarify enforcement in 9.04.0480. The penalty being as provided in Section 9.04.510 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 7B.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.64 (City Employees' Pension Fund), of the City Code, to amend the provisions in Section 2.64.030A, relating to the holding of elections when candidates are unopposed. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

PUBLIC HEARING WILL BE HELD ON JUNE 29, 2010, FOR ITEMS 7A – 7B

- 7C.** An Ordinance granting Special Permit No. ZON10-00017, to permit an assisted living facility and a convalescent home, on the property described as Lots 17, 18, and 19, Rangers Rest Subdivision, 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: 1053

&1061 Ranger Street. Property Owners: Raymundo E. and Evelyn Spencer.
ZON10-00017. **(District 7)**

[Development Services/Planning, Andrew Salloum, (915)541-4633]

- 7D.** An Ordinance changing the zoning of a portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-3A (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of Sean Haggerty Drive and north of Stampede Drive. Applicant: Northtowne Village Joint Venture. ZON10-00019. **(District 4)**

[Development Services/Planning, Andrew Salloum, (915)541-4633]

PUBLIC HEARING WILL BE HELD ON JULY 13, 2010, FOR ITEMS 7C –7D

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

8. INFORMATION TECHNOLOGY:

Discussion and action on the request that the Purchasing Manager, Financial Services, Purchasing Division be authorized to issue a Purchase Order to Calence, LLC, dba Insight Networking, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-235 in the amount of \$1,035,165.76 for a WAN optimization appliance to improve and accelerate application performance across the wide-area network (WAN) at City Hall, Police Department (12 sites), Health Department (11 Sites), Parks & Recreation (2 sites), Armijo, Dorris Van Doren, Esperanza Acosta Moreno, Richard Burges Libraries and the El Paso Archaeology Museum and the El Paso History Museum.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology
Funding Source 2010 Certificates of Obligation
Total Estimated Amount: \$1,035,165.76
Reference No.; 2010-240
Districts: All

[Information Technology, Art Armas, (915) 541-4288]

[Information Technology, Terrence Freiburg, (915) 541-4188]

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

An Ordinance changing the zoning of a portion of Lots 2 and 3, Block 2, Pan American Center for Industry Unit One, City of El Paso, El Paso County, Texas from M-1/SC/SP

(Light Manufacturing/Special Contract/Special Permit) to C-3/SC/SP (Commercial/Special Contract/Special Permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9585 Plaza Circle. Applicant: Scott Kubitz. ZON10-00015 **(District 6)**

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

10. COMMUNITY DEVELOPMENT:

Public Hearing on program performance, the Proposed 2010-2015 Consolidated Plan for the City of El Paso and on the Proposed 2010-2011 Annual Action Plan, and adoption of a Final 2010-2015 Consolidated Plan for the City of El Paso and a Final 2010-2011 Annual Action Plan, including the 2010-2011 Annual Action Plan Budgets for the Community Development Block Grant 36th Year Program, the Emergency Shelter Grant Program, the HOME Investment Partnerships Program and the Housing Opportunities for Persons with AIDS Program. **(All Districts)**

[Community and Human Development, Bill Lilly, (915) 541-4643]

REGULAR AGENDA – OTHER BUSINESS

11. COMMUNITY DEVELOPMENT:

11A. Discussion and action on a Resolution that the City Council, having conducted a public hearing in order to receive comments on program performance, on the Proposed 2010-2015 Consolidated Plan for the City of El Paso, and on the Proposed 2010-2011 Annual Action Plan, hereby adopts a Final 2010-2015 Consolidated Plan for the City of El Paso and a Final 2010-2011 Annual Action Plan, including the 2010-2011 Annual Action Plan Budgets for the Community Development Block Grant 36th Year Program, the Emergency Shelter Grant Program, the HOME Investment Partnerships Program, and the Housing Opportunities for Persons with AIDS Program. **(All Districts)**

[Community and Human Development, Bill Lilly, (915) 541-4643]

11B. Discussion and action on a Resolution that the City Manager or the Mayor be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the 2010-2015 Consolidated Plan for the City of El Paso, the 2010-2011 Annual Action Plan, Form SF-424, and all certifications contained therein; and to sign all documents related to the implementation and performance of the activities covered by the 2010-2015 Consolidated Plan for the City of El Paso, the 2010-2011 Annual Action Plan, and corresponding programs.

(All Districts) [Community and Human Development, Bill Lilly, (915) 541-4643]

12. MAYOR AND COUNCIL:

12A. Discussion and action on a Resolution supporting the City of Las Cruces Application to study commuter rail in the El Paso to Las Cruces Corridor under the FY 2010 Discretionary Livability Funding Opportunity: Alternatives Analysis Program. **(All Districts)** [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

12B. Discussion and action to appoint one Board member for each position to the Board of Directors of Tax Increment Reinvestment Zone Number 5 from the list of nominees below:

Position #1
Jesse Alvarez*
R. Terry Smith
Michael Churchman

Position #2
Marc Bernat*
Douglas Borrett
Geoffrey Wright

Position #3
Eduardo Castorena*
Paul Andrew de la Pena
James R. Murphy

Position #4
Pauline A. Dow*
Michelle Kaip
Elvia Hernandez

Position #5
Bonnie S. Y. Escobar*
Elma Carreto
Jose Luis Carbonell

Position #6
Rebecca Friesenhahn*
Leticia Paez
Joel Arrigucci

Position #7
George Reynoso*
Celia Berton
Tim J.S. Heise

Position #8**
TJ Karam
Annette Gutierrez
Gilbert Guillen

Position #9**
Elke Cumming
Sofia Larkin
Laurie Paternoster

Position #10**
Ken Given
Von C. Washington, Sr.
Luis Garcia

*Incumbent Board Members

**Positions 8, 9 and 10 are vacant as Jim Phillips, Hector Gutierrez and Keith Mahar have asked not to be reappointed.

[Mayor John F. Cook, (915) 541-4145]

12C. Legislative Review Committee:

1. For notation: Formal report of the Transportation Legislative Review Committee meeting held on May 27, 2010, as submitted by Representative Beto O'Rourke; and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - A) Discussion and action on proposed amendments to the Neighborhood Traffic Management Program (NTMP) policy related to installation of speed humps, cushions and tables, and procedures to remove traffic-calming measures.
 - B) Status update on the selection of a consultant for the Downtown Circulation Study.

[Representative Beto O'Rourke, (915) 541-4123]

13. DEVELOPMENT & INFRASTRUCTURE:

- 13A.** Discussion and action on the staff report regarding the recommendation of the Open Space Advisory Board (OSAB) on rezoning of certain parcels to the Natural Open Space (NOS) zone, and concerns with the applicability of the zone to the parcels. **(All Districts)**

[City Manager-Development & Infrastructure, Patricia D. Adatao, (915) 541-4853]

[Parks & Recreation, Nanette Smejkal, (915) 541-4338]

[Development Services/Planning, Mathew McElroy, (915) 541-4193]

- 13B.** Discussion and action on guidance from the City Council to City staff and the Open Space Advisory Board (OSAB) regarding the Natural Open Space (NOS) zone, and any City-initiated action on rezoning of parcels. **(All Districts)**
[City Manager-Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]
[Parks & Recreation, Nanette Smejkal, (915) 541-4338]
[Development Services/Planning, Mathew McElroy, (915) 541-4193]

14. PARKS AND RECREATION:

Discussion and action on whether to accept the Open Space Advisory Board's recommendation to the City Council to consider beginning the rezoning process of six city-owned properties to Natural Open Space (NOS) by directing the City Manager to contact the managing entities. **(All Districts)**
[Parks and Recreation, Shamori Whitt, (915) 541-4020]

15. 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 Parkhill, Smith & Cooper, Inc., a Texas Corporation, for a project known as "Clint Landfill Cells 7-10" for an amount not to exceed \$498,012.68 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$548,012.68.
(All Districts) [Engineering, R. Alan Shubert, (195) 541-4423]

16. CITY ATTORNEY:

Discussion and action regarding securing vehicle towing and storage services.
(All Districts) [City Attorney's Office, Charlie McNabb, (915) 541-4550]

17. CITY MANAGER:

City Manager's report of current events and issues:

- 17A.** Discussion and action to approve the City's request for Country Club Rd. Construction funds under the TIGER II Grant Program. **(Districts 1 and 8)**
[Engineering, Terry Quezada, (915) 541-4417]
- 17B.** Discussion and action on a presentation on the Comprehensive Plan Rewrite and the special area plans for ASARCO and the Oregon Street, Five Points, and Remcon TOD's; including the project timeline, consultant scope of work, and schedule of public charrettes. **(All Districts)**
[Development Services, Mathew McElroy, (915) 541-4056]

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

Discussion and action on the following:

- EX1.** Claim of Arlene Casillas; Our File No. 10-C-071 (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX2.** Application of El Paso Electric Company for approval to revise its Energy Efficiency Cost Recovery Factor filed June 1, 2010 before the Public Utility Commission of the State of Texas, PUC Docket No. 38226, SOAH Docket No. 473-10-4554. (551.071)
[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX3.** AD Wrecker Service, Inc. vs. City of El Paso and Sun City Towing, and Recovery, L.P.; Cause No. 2010-2233 (551.071) [City Attorney's Office, Kenneth Krohn (915) 541-4550]
- EX4.** Deliberations on the purchase and value of the following described real property:
- A. Property located at Kappa & Doniphan, El Paso, El Paso County, Texas.
 - B. Property municipally known and numbered as 216 Florence Street, El Paso, El Paso County Texas.
 - C. Property municipally known and numbered as 120 W. San Antonio, El Paso, El Paso County, Texas.
 - D. Property municipally known and numbered as 12285 Pellicano, El Paso, El Paso County, Texas.
(551.072) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4656]

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/>