

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

AGENDA FOR REGULAR CITY COUNCIL MEETING

**June 29, 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 Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATION

TOM LEA MONTH

RECOGNITIONS

- 1. EL PASO, TX – 2010 ALL-AMERICA CITY AWARD WINNER**
- 2. RAY RODRIGUEZ - STAR ON THE MOUNTAIN 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 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 22, 2010, corrected Minutes for May 25, 2010 and corrected Minutes for 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 is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso ("Lessor") and DTG Operations, Inc. dba Dollar Rent A Car dba Thrifty Car Rental ("Lessee") for the following described property: A portion of Tract 4A26, Block 2, Ascarate Grant, and a portion of Block 1D, El Paso International Airport Tracts, Unit 5, City of El Paso, El Paso County, Texas, containing approximately 16,825 square feet of land.

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

3B. That the City Manager be authorized to sign a First Amendment to the Maintenance Facility and Land Lease For Auto Rental Concession between the City of El Paso and DTG Operations, Inc., dba Dollar Rent A Car dba Thrifty Car Rental, to allow for the option to extend the lease for one additional term of one year for the following described property: Lot 4, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known as 6511 Allegheny Dr., El Paso, Texas. **(All Districts)**

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

3C. That the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso ("City") and the El Paso County Water Improvement District No. 1 ("EPCWID"), for engineering work related to cataloging and identifying City street crossings over EPCWID facilities within the City of El Paso.

(All Districts)

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

3D. A Resolution approving a detailed site development plan for Parcel 1: Lots 11 to 14, Block 5, Golden Hill Addition, and Parcel 2: Lots 15 to 17, Block 5, Golden Hill Addition, City of El Paso, El Paso County, Texas, pursuant to conditions

imposed by Ordinance No. 007973. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(District 8)**
 [Development Services/Planning, Tony De La Cruz, (915) 541-4329]

4. BOARD RE-APPOINTMENT:

Presi Ortega Jr. to the City Employees Pension Fund Board of Trustees by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5. BID:

The award of Solicitation No. 2010-198 for the Pendale Citizens Collection Site, to HRT Roofing & Construction, Inc. for a total estimated amount of \$414,245.

Department:	Engineering
Award to:	HRT Roofing & Construction
Base Bid:	\$414,245
Funding Source:	Storm 2006 and 2009 Certificates of Obligation and El Paso Water Utility Funds
Total Award:	\$414,245
District:	7

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 Department recommends award as indicated to the lowest responsible bidder.
 [Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA - INTRODUCTIONS

6. 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.**

6A. An Ordinance amending Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration and microchips required), Subsection C of the El Paso City Code, to allow for a discounted fee for spayed, neutered, not spayed, not neutered cats and dogs and to require a litter permit for any advertisement.
(All Districts) [Public Health, Michael Hill, (915) 771-5702]

PUBLIC HEARING WILL BE HELD ON JULY 6, 2010, FOR ITEM 6A

- 6B.** An Ordinance changing the zoning of a Tracts 11B1, 11B3B, and 11B5, Block 5, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch & Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 847 Le Barron Road. Property Owner: Catholic Diocese of El Paso. ZON10-00018 **(District 6)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 6C.** An Ordinance granting Special Permit No. ZON10-00033, to allow for infill development and a 100% parking reduction on the property described as Lots 7 and 8, Block 32, Franklin Heights, 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: 1314 Myrtle Avenue. Property Owners: Myrtle Avenue Community Development Corporation. ZON10-00033 **(District 8)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 6D.** An Ordinance releasing a condition placed on property by Ordinance No. 011107 which changed the zoning of Tract 14G, Block 51, Ysleta Grant, City of El Paso, El Paso County, Texas and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9739 Socorro Road. Property Owner: Timothy Gray. ZON10-00025 **(District 6)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 6E.** An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Section 20.04.060 (Planning Division, Development Services Department) of the El Paso City Code to add referrals to the Open Space Advisory Board. The penalty is as provided for in Chapter 20.24 of the El Paso City Code **(All Districts)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 6F.** An Ordinance to amend Title 20 (Zoning), Chapters 20.02 (General Provisions and Definitions) and 20.10 (Supplemental Use Regulations), Sections 20.02.414 and 20.10.750 regarding yard, garage or rummage sales to include outdoor sales conducted in City parks and at places of public assembly; to establish requirements for such sales; and to add Section 20.02.719 to define place of public assembly; the penalty being as provided in Section 20.24.020 of the El Paso City Code. **(All Districts)**
[Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

PUBLIC HEARING WILL BE HELD ON JULY 20, 2010, FOR ITEMS 6B – 6F

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

7. ENGINEERING:

Discussion and action that the City Manager be authorized to sign an option to extend a current Contract 2008-244 (Thermoplastics Pavement Markings 2008-2009) with Stripe-

A-Zone, Inc. for one additional year pursuant to the provisions of an award approved by City Council on November 18, 2008. Contract period will be from August 13, 2010 to August 12, 2011. The work will be at the same unit prices as originally bid by the contractor for this contract. The City is not obligated to issue any notices to proceed during the second year of the contract and the amount of work included in the notices to proceed, if any, during the second year of the contract will vary. No minimum amount of work is guaranteed and the actual quantity may be more or less than the estimated quantities for the first year of the contract. The actual quantities ordered in each notice to proceed during the second year of the contract shall not be a basis for any change in the per unit price bid for this contract. **(All Districts)**

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

REGULAR AGENDA – PUBLIC HEARING

8. MUNICIPAL CLERK:

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]

REGULAR AGENDA – OTHER BUSINESS

9. MAYOR AND COUNCIL:

9A. Legislative Review Committee:

1. For notation: Formal report of the Economic and Community Development, Quality of Life and Tourism Legislative Review Committee meeting held on June 10, 2010, as submitted by Representative Steve Ortega, Chair; and,
2. Discussion pertaining to the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - A) Discussion and action on the creation of an Infill Development Policy to spur development in vacant or underused parcels within city limit areas that are already largely developed.
[Economic Development, Kathryn B. Dodson, (915) 541-4670]
 - B) Discussion and action on the creation of a TIRZ Policy to establish guidelines for the future creation of Tax Increment Reinvestment Zones within city limits.
[Economic Development, Kathryn B. Dodson, (915) 541-4670]
 - C) Discussion and action on the City establishing or applying for creation of an El Paso Regional Investment Center to serve as a designated regional center under the U.S. Citizenship and Immigration Services' Immigration Investor EB-5 Visa Program (Regional Center Pilot Program) for the purpose of attracting foreign investment and promoting economic growth in the El Paso region. [Economic Development, Kathryn B. Dodson, (915) 541-4670]
 - D) Discussion and action on the creation of the Air Service Development Incentive to encourage new nonstop air service and competition at El Paso

International Airport (EPIA) by providing temporary financial relief to an airline beginning new nonstop passenger service to a destination currently not served. [Airport, Jeff Shultes, (915) 780-4720]

- E) Discussion on a presentation by the El Paso Convention Visitors Bureau providing information about the levy, collection and use of the Hotel Occupancy Tax (HOT) by the City and County of El Paso.
[El Paso CVB, Bill Blaziek 534-0601]
- F) Discussion and action on economic development related negotiations and possible incentives for business prospect ND-062010. (551.087)
[Economic Development, Kathryn B. Dodson, (915) 541-4670]
- G) Discussion and action on economic development related negotiations and possible incentives for business prospect SB-062010. (551.087)
(All Districts) [Economic Development, Kathryn B. Dodson, (915) 541-4670]

- 9B.** Discussion and action on annually recognizing excellence in design for parks dedicated to the City by private developers.
[Representative Susie Byrd, (915) 541-4416]

10. DEVELOPMENT SERVICES:

Discussion and action on Historic Landmark Commission's request that the City Council initiate the rezoning of the property located at 500 S. Hills Street from A-3 (Apartment) to A-3/H (Apartment/Historic) and that the necessary funds be allocated and documents prepared to process such rezoning application pursuant to city code section 20.20.040. **(District 8)** [Development Services/Planning, Mathew McElroy, (915) 541-4193]
[POSTPONED FROM 06-01-10]

11. ECONOMIC DEVELOPMENT:

- 11A.** Discussion and action on a Resolution that the City Manager be authorized to sign the First Amendment to Chapter 380 Economic Development Program Agreement, between the City of El Paso and Hawkins Center, LP, successor-in-interest to Hawkins Regency, LLC, ("Applicant"), regarding Applicant's redevelopment of the approximately 55-acre property located at 8877 and 8889 Gateway Boulevard in El Paso, Texas (Farah property) and the City financial incentives for economic development related thereto. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4670]

- 11B.** Discussion and action on a Resolution to approve the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to Perspectiva Group, Inc and 211 Florence, LP, in the amount of \$550,000 for working capital, acquisition of machinery, equipment, property rehabilitation and debt refinancing, as recommended by the Director of Economic Development and recommended exceptions to the developed underwriting criteria, loan-to-value analysis; loan amount and; creation of jobs per \$35,000 in loan funds received, and that the City Manager be authorized to execute any and all loan related documents between the City of El Paso, Perspectiva Group, Inc. and 211 Florence, LP and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office. **(District 8)**
[Economic Development, Ernesto Gamboa, (915) 541-4811]

12. FINANCIAL AND ADMINISTRATIVE SERVICES:

- 12A.** Discussion and action on a Resolution authorizing the Mayor to sign an Agreement by and between the City of El Paso and the Camino Real Regional Mobility Authority for the assignment of Tax Increment Funds collected from Transportation Reinvestment Zone Number Two, City of El Paso Texas, to provide the City's share of funding for one of the projects identified within the 2008 Comprehensive Mobility Plan [Loop 375 at FM 659 (Zaragosa) and Loop 375 at I-10 /Americas Interchange] as the recipient of Zone funds. **(All Districts)**
[Financial and Administrative Services, William F. Studer Jr., (915) 541-4215]
[Bond Counsel, Paul A. Braden, (915) 351-6053]

- 12B.** Discussion and action on a Resolution authorizing the Mayor to sign an Agreement by and between the City of El Paso and the Camino Real Regional Mobility Authority for the assignment of Tax Increment Funds collected from Transportation Reinvestment Zone Number Three, City of El Paso Texas, to provide the City's share of funding for one of the projects identified within the 2008 Comprehensive Mobility Plan (Loop 375 NE) as the recipient of Zone funds. **(All Districts)**
[Financial and Administrative Services, William F. Studer Jr., (915) 541-4215]
[Bond Counsel, Paul A. Braden, (915) 351-6053]

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.** Economic development related negotiations and possible incentives for business prospect ND-062010. (551.087) [City Attorney's Office, Marie Taylor, (915) 541-4550]

- EX2.** Economic development related negotiations and possible incentives for business prospect SB-062010. (551.087) [City Attorney's Office, Marie Taylor, (915) 541-4550]

- EX3.** Texas Department of State Health Services; Our File No. 10-C-104 (551.071)
[City Attorney's Office, Josette Flores (915) 541-4550]

- EX4.** Claim of Phoenix Loss Control for Time Warner; Our File No 10-C-064 (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/>