

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
DR. MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

July 5, 2011
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 PROCLAMATIONS

1. National Parks and Recreation Month
2. Team Alchemy Karate Academy Month
3. Border Business Awareness Week

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 28, 2011.
[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 Concession Agreement between the City of El Paso and NewZoom, Inc. dba ZoomSystems to operate automated retail stores, ZoomShop(s), for the sale of consumer electronics in the terminal building of the El Paso International Airport. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4793]

3B. That the City Manager be authorized to sign Amendment #2 of the Local Air Program grant contract No. 582-10-90258 (the "Amendment") by and between the City of El Paso and the Texas Commission on Environmental Quality ("TCEQ"), in the amount of \$321,074 to allow for services to continue for the period of September 1, 2011 through August 31, 2012, to conduct compliance investigations on behalf of TCEQ at permitted air sources including, but not limited to, gasoline stations, paint shops, auto body shops and cabinet shops. City matching funds are required in the amount of \$105,354.42. The City Manager is authorized to approve necessary budget transfers to designate the required matching funds. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3C. To authorize the Mayor of the City of El Paso to sign a resolution to extend the waiver of PILOT funds from the Housing Authority of the City of El Paso until November 1, 2023, in accordance with the provisions of the 1972 Cooperative Agreement and subsequent 1978 amendment. **(All Districts)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
POSTPONED FROM 05-10-11

3D. That the City Manager be authorized to sign a lease between Dr. Alvaro Medina, DVM and the City of El Paso for use of the City's Department of Public Health vehicle #1118, license plate number 817 448 and VIN 1FCMF53S710A05496 as a spay/neuter van to be used to offer spay and neuter procedures, for an initial one year term, with the City's option of two consecutive one year extensions, in exchange for a minimum number of low cost spay and neuter procedures and the resulting reduction in the feral dog and cat population in the City of El Paso. **(All Districts)** [Public Health, Michael Hill, (915) 771-5702]

- 3E.** That the City Council ratifies the grant of a license to The Humane Society of El Paso ("Contractor") from the City of El Paso ("City") for Contractor's use of space at the City's Animal Control Facility at 5001 Fred Wilson Road, El Paso, Texas, pursuant to the terms and conditions attached hereto as Exhibit "A", entitled Solicitation No. 2011-214R, "On-site Animal Adoption Services", award dated June 7, 2011, for an initial two-year term and no monetary compensation from the City to Contractor, for the purpose of adopting out shelter-supplied dogs and cats to suitable pet owners and reducing the number of dogs and cats euthanized at the City's animal shelter. **(All Districts)**

[Public Health, Bruce Parsons, (915) 771-5702]

[Financial Services, Bruce D. Collins, (915) 541-4313]

4. BOARD RE-APPOINTMENT:

Charles S. Wakeem to the Open Space Advisory Board by Representative Cortney Carlisle Niland, District 8. [Representative Cortney Carlisle Niland, (915) 541-4123]

5. BOARD APPOINTMENTS:

5A. John Karlsruher to the Districting Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

5B. Tania M. Chozet to the Museum and Cultural Affairs Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

6. 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]

7. BIDS:

7A. The award of Solicitation No. 2011-219 for the Chihuahueta Park Improvements to Mimbela Contractors, Inc. for a total estimated amount of \$151,800.

Department:	Engineering and Construction Management
Award to:	Mimbela Contractors, Inc.
Base Bid:	\$151,800
Total Estimated Completion:	\$151,800
Funding Source:	Community Development Block Grant (CDBG) 36 th Year
District:	8

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 and Construction Management and Parks Department recommend award as indicated to the lowest responsible bidder.

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

- 7B. The award of Solicitation No. 2011-221 for the Blackie Cheshier Handball Court to Smart Con, LLC, for a total estimated amount of \$69,059.77.

Department: Engineering and Construction Management
Award to: Smart Con, LLC
Base Bid: \$69,059.77
Total Estimated Completion: \$69,059.77
Funding Source: Community Development Block Grant (CDBG)
36th Year
District: 6

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 and Construction Management Department recommends award as indicated to the lowest responsible bidder.

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

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 the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan For El Paso and its related documents as originally

approved by El Paso City Council in 1999, and as subsequently amended, to delete a portion of a proposed east-west minor arterial from Remcon Circle to the proposed extension of Belvidere Street, and to realign the east-west minor arterial and the proposed extension of Belvidere Street to connect from Mesa Street to Resler Drive. **(District 8)**

[Planning and Economic Development, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON JULY 12, 2011, FOR ITEM 8A

8B. An Ordinance granting Special Permit No. PZST11-00006, to allow for infill development and a parking reduction on the property described as all of the North ½ of Lots 14, 15, and 16, Block 57, Supplemental Map No. 1, East El Paso 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 for in Chapter 20.24 of the El Paso City Code. Subject Property: 3620 E. Missouri Avenue. Applicant: Leopoldo Duran. PZST11-00006 **(District 8)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

8C. An Ordinance changing the zoning of all of Tract 5, Block 14, Upper Valley Surveys, City of El Paso, El Paso County, Texas from R-2 (Residential) to G-MU (General-Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Borderland and West of Westside Drive. Property Owner: Rio Valley, LLC PZRZ11-00012

THIS IS AN APPEAL CASE. (District 1)

[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON JULY 26, 2011, FOR ITEMS 8B – 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 Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

9. PLANNING AND ECONOMIC DEVELOPMENT:

An Ordinance granting Special Permit No. ZON11-00021, to allow for infill development and a parking reduction on the property described as Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code and repealing Special Permit ZON09-00074. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1230 Myrtle Avenue. Applicant: TVP Non-Profit Corporation. ZON11-00021 **(District 8)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

POSTPONED FROM 06-28-11

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.** Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Goals and Cost Caps before the Public Utility Commission of Texas, Docket No. 39376 and SOAH No. 473-11-5143. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX2.** Legal issues relating to the investigations into power outages in El Paso Electric's service area in February 2011 including investigations before the Public Utility Commission of Texas, PUC Docket No. 39134, the Federal Energy Regulatory Commission, Western Electricity Coordinating Council and New Mexico Public Regulation Commission and North American Electric Reliability Corporation. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX3.** Texas Gas Service Company, a Division of ONEOK, Inc. v. Railroad Commission of Texas, Cause No. D-1-GN-11-000889, 201 Judicial Division; and Petition for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas regarding Rate Case Expenses, Gas Utility Docket No. 10016 and Pipeline Expense Rider, Gas Utility Docket No. 10049, both severed from Gas Utility Docket No. 9988. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX4.** 8-S-39: Mazie's L.P. and Whitney Properties, L.P. v. City of El Paso, Cause No. 2008-2582, In the 327th District Court, El Paso County, Texas. (551.071) [City Attorney's Office, Kenneth Krohn, (915) 541-4550]
- EX5.** Waste Connections, Inc. v. City of El Paso, 10-C-50. (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 THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>