

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**

---

July 6, 2010  
Council Chambers, City Hall  
9:00 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. **NATIONAL PARKS AND RECREATION MONTH**
2. **WORLD WRESTLING TODAY**

### **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 June 29, 2010 and the Special City Council Meeting of June 30, 2010 (Work-in-Progress Presentation of the City Council of the City of El Paso).

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

#### **3. RESOLUTIONS:**

**3A.** A Resolution authorizing the City Manager to execute an Assignment of Notes and Lien, assigning the loan notes held by the City of El Paso and the City's lien interest on the property located at 319 Petty Lane, El Paso Texas securing the same to Lawyers Title Insurance Corporation, upon payment of the outstanding principal, accrued interest, and collection attorney's fees due and owing to the City under the loan notes. **(District 7)**

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

**3B.** That the City Manager be authorized to sign Amendment #1 to the Local Project Advance Funding Agreement (LPFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State") dated June 16, 2006. The scope of work for the original agreement was for the realignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue). Amendment #1 replaces Attachment C-1, Project Budget Estimate and Source of Funds that reflects the increase to the budget for property acquisition. **(District 3)** [Engineering, R. Alan Shubert, (915) 541-4423]

**3C.** That the City Manager be authorized to sign a Temporary Construction License, attached to this Resolution, granting to the Texas Department of Transportation a temporary construction license for the purpose of improving the 24.5 foot by 72.3 foot driveway entrance at the El Paso Museum of Archeology, 4301 Transmountain Road, El Paso, Texas until construction is complete or October 16, 2011, which ever first occurs. **(District 4)**

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

**3D.** That the City Manager be authorized to sign a Temporary Construction License, attached to this Resolution, granting to the Texas Department of Transportation a temporary construction license for the purpose of improving the 44' x 63' driveway entrance at the Border Patrol Museum, 4315 Transmountain Road, El Paso, Texas, 79924 until construction is complete or May 25, 2012, which ever first occurs. **(District 4)** [Engineering, R. Alan Shubert, (915) 541-4423]

**3E.** That the City Manager be authorized to sign Amendment #1 to the Advance Funding Agreement with the Texas Department of Transportation dated August 11, 2008 to upgrade traffic signals at fifteen locations to current design

standards to improve traffic flow improvements. The amendment changes the funding category for this project and reduces the number of intersections in order to complete the improvements within the budget for this project.

**(Districts 1, 2, 3 and 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 3F. That the City Council approves the expenditure of additional available funding in the amount \$81,914.56 to CF Jordan Construction LLC for additional construction costs for Oregon Street Rehabilitation. Change Order 1 provides for high early concrete material to replace the standard concrete material for pavement and curb structures, adding no days of contract time [change order number 1] for Contract Number 2010-117. The new contract sum, including change order 1, is \$5,639,345.56. **(District 8)**  
[Engineering, R. Alan Shubert, (915) 541-4423]

**4. BOARD APPOINTMENTS:**

- 4A. Martin Raymond Wagner to the City Accessibility Advisory Committee by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4B. Carlos D. Bombach to the Parks and Recreation Advisory Board by Representative Rachel Quintana, District 5.  
[Representative Rachel Quintana, (915) 541-4701]
- 4C. Bernie Olivas to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Eddie Holguin Jr., District 6.  
[Representative Eddie Holguin Jr., (915) 541-4182]

**5. 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]

**6. BID:**

The award of Solicitation No. 2010-128 for the Facility Rehabilitation-Roofs, to Caspian Construction Company for a total estimated amount of \$96,890.40.

Department:	Engineering
Award to:	Caspian Construction Company
Base Bid:	\$96,890.40
Total Estimated Award:	\$96,890.40
Funding Source:	2006 Certificates of Obligation
<b>Districts:</b>	<b>2, 3, 6, 7, 8</b>

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

### 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 authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lots 3, 4, and 5 in Block 92 of the Grandview Addition to the City of El Paso, El Paso County, Texas, to Jorge M. Sanchez, in accordance with Section 34.05(H) of the Tax Code. **(District 2)**

[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

**7B.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at 3418 Louisville Ave. to General Interiors, in accordance with Section 34.05(H) of the Tax Code. **(District 2)**

[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

**7C.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code to amend the procedural requirements of Chapter 19.24 (Mountain Development Area (MDA) Standards) and to add Chapter 19.27 (Hillside Development Area) which establishes the Hillside Development Area and the procedural requirements for the area. The penalty is as provided for in Section 19.42 of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Michelle Padilla, (915) 541-4903]

**7D.** An Ordinance vacating a utility easement measuring 10.10 feet in width, located within a portion of Lots 1 and 2, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas. Applicant: Liev Architecture. SUB10-00090 **(District 3)**

[Development Services/Planning, Justin Bass, (915) 541-4930]

**7E.** An Ordinance authorizing the City of El Paso to sell the property municipally known and numbered as 800 S. Piedras aka 2914 E. Paisano to International Communications of El Paso, Inc. **(District 8)**

[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

**7F.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.22 (Open Space Advisory Board), Section 2.22.050 (Board Duties) of the El Paso City Code to clarify the duties of the Open Space Advisory Board. **(All Districts)**

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

- 7G.** An Ordinance amending Title 7 (Animals), Chapter 7.04 (Definitions), regarding the established fees in the Title; Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration and Microchips Required - Application - Procedure - Fees - City-sponsored Rabies Vaccination and Registration Clinics), relating to the fees charged for spayed, neutered, unspayed and unneutered dogs and cats; Chapter 7.24 (Livestock and Animal Breeding), Section 7.24.060 (Animal Establishments - Shows and Exhibitions - Permit Required - Recordkeeping) to add modified registration for dogs and cats under four months of age; and Section 7.24.080 (Animal Litter Permit) to require that a litter permit number be displayed in any advertisement to sell or transfer puppies and kittens; and to create Section 7.24.085 (Sale of Certain Puppies and Kittens Prohibited), to prohibit the sale of animals younger than eight weeks of age; the penalty being as provided in Section 7.04.080 of the El Paso City Code. **(All Districts)**  
 [Public Health, Michael Hill, (915) 771-5702]

**PUBLIC HEARING WILL BE HELD ON JULY 13, 2010, FOR ITEMS 7A – 7G**

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 BUSINESS**

**8. MAYOR AND COUNCIL:**

- 8A.** Discussion and action, as per citizen's request, concerning the prohibition of "feather signs" for advertising purposes.  
 [Representative Steve Ortega, (915) 541-4108]
- 8B.** Discussion and action to waive and refund the Special Permit application and event fees to St. Ignatius Church for a street closure for their "Kermes" on July 30 to August 1, 2010. [Mayor John F. Cook, (915) 541-4145]

**9. ENGINEERING:**

Discussion and action that the City Manager be authorized to sign the "Pass-Through Agreement for Payment of Pass-Through Tolls by the Department" between the City, the Texas Department of Transportation and the Camino Real Regional Mobility Authority for the design and construction of up to four direct connectors at the I-10/Loop 375 interchange and approximately 28 miles of aesthetic improvements along the I-10 corridor. **(All Districts)** [Engineering, Teresa Quezada, (915) 541-4417]  
 POSTPONED FROM 06-29-10

**10. CITY MANAGER:**

City Manager's report of current events and issues:

- 10A.** For information only. Notification of Award.

The award of Solicitation No. 2010-214R (Analysis of Impediments to Fair Housing Choice) to Southwest Fair Housing Council for a total estimated award of \$29,900.

Department: Community & Human Development  
Award to: Southwest Fair Housing Council  
Tucson, AZ  
Item(s): All  
Funding Source: CD Grants (35<sup>th</sup> Year) - Outside Contracts  
Total Estimated Award: \$29,900  
**Districts: All**

This is a fixed-price, single (one-time) purchase type contract.

The Departments of Financial Services, Purchasing Division, and Community & Human Development recommended award to Southwest Fair Housing Council, the vendor offering the best value bid.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

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

**10B. Presentation and discussion of FY2011 Proposed Budget Operations and Maintenance Recommendations. (All Districts)**

[Financial and Administrative Services, William Studer, (915) 541-4215]

**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

**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/>