

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**

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July 7, 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**

1. NATIONAL PARKS AND RECREATION MONTH
2. TOM LEA MONTH
3. TEAM ALCHEMY KARATE WEEK

### **RECOGNITIONS**

1. Gretchen Trominski - Texas Library Association "Outstanding Services to Libraries" Award
2. Keep El Paso Beautiful - 2009 Governor's Community Achievement Award
3. El Paso Municipal Court - 2009 Traffic Safety Initiatives Award from Texas Department of Public Safety and the Texas Municipal Courts Education Center
4. Gabriela Valle - 2009 Texas Municipal Court Support Personnel of the Year Award from the Texas Municipal Courts Association
5. Justin Churchman (Mayor's Top 100 Teens) - Distinguished Finalist in the Prudential Spirit Community Award, President's Volunteer Service Award and the All American Service Team 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](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 23, 2009.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTIONS:**

**3A.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, 5, 7, and 8)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3B.** That the Mayor be authorized to sign an Interlocal Service Agreement between the City of El Paso, on behalf of the El Paso Public Library, and the Ysleta del Sur Pueblo, Tribal Empowerment Department (“Provider”), to provide an Intern at any branch of the El Paso Public Library through the Provider’s involvement in the Workforce Investment Act of 1998, at no cost to the City. **(All Districts)**  
[Library, Carol Brey-Casiano, (915) 543-5406]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Rene Jamis to the City Accessibility Advisory Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

- 4B. Santos Gutierrez, Jr. to the City Accessibility Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**5. BOARD APPOINTMENTS:**

- 5A. Federico Soforo to the Cultural Affairs Advisory Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5B. Gabriel Martinez to the Information Technology Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5C. Mary Elizabeth (Betty) Hoover to the Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5D. Mary Elizabeth (Betty) Hoover to the Animal Welfare Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 5E. Nestor A. Valencia to the History Museum Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5F. Thomas M. Fullerton, Jr. to the Committee on Border Relations by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5G. Loretta Hyde to the Animal Welfare Advisory Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 5H. Loretta Hyde to the Animal Shelter Advisory Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 5I. Lois Anne Balin to the Open Space Advisory Board by Representative Carl Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]
- 5J. James H. Tolbert to the Open Space Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5K. Richard L. Thomas to the Open Space Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**6. DISCRETIONARY FUNDS:**

Request authorization to allocate the use of District 1 discretionary funds in the amount of \$5,000 and District 2 discretionary funds in the amount of \$2,500 to provide additional funding for the contract authorized by the City Council on June 9, 2009, to support the Global Public Policy Forum: The U.S. War on Drugs 1969-2009, to be held on September 20-22, 2009.

[Representative Ann Morgan Lilly, (915) 541-4151] [Representative Susie Byrd, (915) 541-4416]

**7. APPLICATIONS FOR TAX REFUND:**

That the tax refunds listed on the attachment posted with this agenda be approved.  
(See Attachment B) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

**8. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**

**8A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Chastang’s Bayou City Autocar, a Texas Association of School Boards (TASB) BuyBoard contractor under Contract No. 281-07, for two Rear Loader Refuse Trucks in the estimated amount of \$244,402 and to Heil of Texas, a TASB BuyBoard contractor under Contract No. 280-07, for the purchase of two 25-Yard Containers in the estimated amount of \$123,998 for a total estimated amount of \$368,400. The participation by the City of El Paso in the TASB BuyBoard was approved by Mayor and City Council on August 21, 2007.

Department: Environmental Services  
Award to: TASB Contract No. 281-07 – Chastang’s Bayou City Autocar  
(\$244,402 – Chassis and Assembly)  
TASB Contract No. 280-07 – Heil of Texas  
(\$123,998 – 25-Yard Containers)  
Account No.: 34010289 – 508006 - 40403  
Funding Source: Vehicular Equipment  
Total Est. Award: \$368,400  
Reference No.: 2009-272  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**8B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to El Paso County District Hospital d/b/a Thomason Hospital to purchase medical supplies in the amount of \$75,000, pursuant to the ongoing Interlocal Agreement dated April 30, 1989, between the City of El Paso and the El Paso County Hospital District (R.E. Thomason General Hospital)

Department: Fire  
Account No.: 22010320 – 503112 – 01101  
Funding Source: Clinical/Medical Supplies  
Total Estimated Award: \$75,000  
Reference No.: 2000-153  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA - INTRODUCTIONS**

**9. 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.**

- 9A. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection C (Exceptions), of the El Paso City Code to add an exception for certain signs on the City's parkway. The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)**  
[Development Services/Planning, Mathew McElroy, (915) 541-4056]
- 9B. An Ordinance vacating a portion of Depot Street, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas. Location: west of Zaragoza Road and north of Alameda Avenue. Property owner: City of El Paso. **(District 7)**  
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 9C. An Ordinance amending Title 12 (Vehicles and Traffic) to amend Chapter 12.08 (Administration and Enforcement), Section 12.08.220 (Impounding Vehicles), of the El Paso City Code by adding Subsection 12.08.220 A.21, authorizing a police officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility. **(All Districts)** [Police Department, Gregory Allen, (915) 564-7302]
- 9D. An Ordinance authorizing the City Manager to execute a deed without warranty conveying all right, title and interest in Lot 4, Block 1; Lot 1, Block 2, and Lot 3, Block 2, Las Quintas, El Paso County, Texas, to MJ Real Properties, Inc. in accordance with Section 253.008, Subsections (A) and (B) of the Texas Local Government Code. **(East ETJ)**  
[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

**PUBLIC HEARING WILL BE HELD ON JULY 14, 2009, FOR ITEMS 9A – 9D**

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**

**10. FINANCIAL SERVICES:**

Discussion and action on the award of Solicitation No. 2009-192 (Lease of Unmarked Police Vehicles) to Enterprise Leasing Company West and Acme Auto Leasing LLC for a total estimated amount of \$1,464,252.

Department:	Police
Award to:	Enterprise Leasing Company West Albuquerque, NM
Items:	Group I: Automobiles, Items 2-3 Group II: Trucks, Item 2 Group III: Vans, Item 1 Group IV: Special Purpose Vehicles, Items 1 and 3-4 Optional Equipment: Items 1-4 Miscellaneous: Items 1-3
Estimated Annual Amount:	\$420,284

Award to: Acme Auto Leasing LLC  
 North Haven, CT

Items: Group II: Trucks, Item 4  
 Group IV: Special Purpose Vehicles, Item 2  
 Optional Equipment: Items 1-4  
 Miscellaneous: Items 1-3

Option: 1 and 2 year option

Estimated Annual Amount: \$67,800

Account No.: 21150040 – 502408 – 05446 – G210955  
 21150040 – 502408 – 05447 – G210956  
 21150040 – 502408 – 05448 – G210957  
 21150040 – 502408 – 05449 – G210958  
 21150040 – 502408 – 05450 – G210959  
 21150040 – 502408 – 05451 – G210960  
 21150040 – 502408 – 05452 – G210961  
 21150002 – 502408 – 05948 – G210902

Funding Source: High Intensity Drug Trafficking Area (HIDTA) Grant and  
 Auto Burglary and Theft Prevention Authority (ABTPA) Grant

Total Estimated Award: \$1,464,252 (3 year total)

**Districts: All**

This is a thirty-six month contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Police recommend award as indicated to the lowest responsive, responsible bidder.  
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA – PUBLIC HEARINGS**

**11. DEVELOPMENT SERVICES:**

- 11A.** An Ordinance changing the zoning of Lots 1 through 4, Block 1, Ponce Estates, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to R-5/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Pendale Road and north of Roseway Drive. Property owner: Jose Ponce Villanueva. ZON09-00006 **(District 7)**  
 [Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 11B.** An Ordinance granting Special Permit No. ZON09-00007 to allow for the construction of a ground-mounted personal wireless telecommunication facility and equipment shelter on the property described as a portion of Lot 1, Block 441, Vista Del Sol Unit Eighty Four, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 11965 Pellicano. Applicant: Verizon Wireless, LLC. ZON09-00007 **(District 6)**  
 [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 11C. An Ordinance changing the zoning of a portion of Tract 8A, Boothville Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 8634 North Loop Drive. Property owner: Gustavo A. Rodriguez. ZON09-00016 **(District 7)**  
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 11D. 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]  
POSTPONED FROM 06-02-09, 06-09-09, AND 06-23-09
- 11E. An Ordinance vacating a portion of a 20' wide alley, Block 1, Mills Map, City of El Paso, El Paso County, Texas. Location: east of El Paso Street and north of Main Street. Property owner: City of El Paso. SUB08-00084 **(District 8)**  
[Development Services/Planning, Michelle Padilla, (915) 541-4903]
- 11F. A Resolution approving a detailed site development plan for Lot 1, Block 35, Colonia Verde Unit Six, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by City of El Paso Ordinance 008361. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 10005 Dyer Street. Applicant: Barth Family, Ltd. ZON08-00095 **(District 4)**  
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

**12. FINANCIAL SERVICES:**

- 12A. An Ordinance authorizing the City of El Paso to sell the east 11.91 feet of the west 48.60 of Lots 19 and 20, Block 106, Campbell Addition, City of El Paso, El Paso County, Texas, to Centro De Salud Familiar La Fe, Inc. **(District 8)**  
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]
- 12B. An Ordinance authorizing the City of El Paso to sell Lots 1 and 2, Block 54, Grandview Addition, City of El Paso, El Paso County, Texas, to Kyriacos Louloupides. **(District 2)** [Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

**13. DEVELOPMENT SERVICES - ANNEXATIONS:**

An Ordinance repealing Ordinance 8397 which established procedures for annexation and amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), of the El Paso City Code to establish annexation procedures. **(All Districts)**  
[Development Services, John Neal, (915) 541-4285]

**REGULAR AGENDA – OTHER BUSINESS**

**14. DEVELOPMENT SERVICES - ANNEXATIONS:**

- 14A. Discussion and action on a Resolution adopting an Annexation Policy setting out the criteria in which future lands will be considered for annexation into the City of El Paso corporate limits. **(All Districts)**  
[Development Services, John Neal, (915) 541-4285]

- 14B.** Discussion and action on a Resolution authorizing the City Manager to sign an Annexation Agreement between the City and Walnut Creek, LLC., for 4.96 acres of real property located East of Shreya Street and northeast of Windermere Avenue which will specify the terms and conditions in which the property will be annexed should the City annex the property. Applicant: Walnut Creek, LLC. AN08001 **(Adjacent to District 6)**  
[Development Services/Planning, Mathew McElroy, (915) 541-4056]

- 14C.** Discussion and action on status of the following annexation agreements and guidance from City Council on provisions and terms to be included in the following annexation agreements.

River Oaks Properties, Ltd, for 7.161 acres at southeast corner of Zaragoza Road and Gambusino Drive

River Oaks Properties, Ltd., for 110.253 acres at Joe Battle Boulevard and Vista Del Sol Drive

River Oaks Properties, Ltd., for 7.256 acres at southeast corner of Joe Battle Boulevard and Windermere Avenue

River Oaks Properties, Ltd., for 8.070 acres at southwest corner of Montana Avenue and Zaragoza Road

River Oaks Properties, Ltd., for 10.701 acres at Montana Avenue west of Zaragoza Road

River Oaks Properties, Ltd., for 2.054 acres at Zaragoza Road and Edgemere Boulevard

Genagra, LP, for 21.3709 acres at Zaragoza Road south of Pebble Hills Boulevard

**(East ETJ {Adjacent to Districts 5 & 6})**

[Development Services/Planning, Mathew McElroy, (915) 541-4056]

**15. ENGINEERING:**

Discussion and action concerning the list of eligible applications for the Neighborhood Traffic Management Program. **(All Districts)**

[Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4631]

**16. MAYOR AND COUNCIL:**

- 16A.** Discussion and action on a Resolution that, pursuant to Tax Code Section 6.06, the City Council disapproves of the adopted 2009 - 2010 budget of the Central Appraisal District of El Paso. [Representative Ann Morgan Lilly, (915) 541-4151]

- 16B.** Discussion and action on allowing seniors to play loteria with pennies at senior centers, pursuant to state law that allows exceptions to gambling laws for non profits hosting bingo. [Representative Susie Byrd, (915) 541-4416]

- 16C.** Discussion and action regarding Title 20 (Zoning), Chapter 20.18 (Sign Regulations), to allow windmills as a permitted structure for signs or to change the permitted areas in 20.10.200.B to allow wind-driven generators in the front yard in addition to the rear yard. [Mayor John F. Cook, (915) 541-4145]

**17. BUDGET TRANSFERS:**

BT2009-0912

Discussion and action to approve a budget transfer establishing appropriations in Capital Outlay fund for Information Technology (IT); to meet resource needs based on the Strategic IT Plan.

Decrease	Contracts NOC	\$20,395.86
Decrease	Compressor/Trailer/Mow	\$2,616
Decrease	PS Equipment	\$13,552.18
Decrease	FF&E	\$48,441
Decrease	Street/Traffic Lights	\$100,000
Decrease	Architecture/Design	\$15,505
Increase	Fund Balance	\$750,000
Increase	Data Processing	\$950,510.04

**(All Districts)**

[Information Services, Gerald Gordier, (915) 541-4288]

[Office of Management and Budget, David Almonte, (915) 541-4777]

**18. CITY MANAGER:**

City Manager's report of current events and issues:

**18A.** Discussion and action on Quarterly Financial Report: 3<sup>rd</sup> Quarter Financial Report for Fiscal Year 2009. **(All Districts)**

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

**18B.** Presentation of FY2010 Proposed Budget Operations and Maintenance Recommendations. **(All Districts)**

[City Manager Joyce Wilson, (915) 541-4844]

**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.** Discussion and action on Lot 7, Block 6, Northgate Replat "C", an addition to the City of El Paso, El Paso County, Texas. (551.071 and 551.072)  
[City Attorney's Office, Theresa Cullen, (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/>