

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 13, 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, Fire, & CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. CHILDHOOD OBESITY PREVENTION WEEK**
- 2. CHILD CRISIS CENTER OF EL PASO DAY**
- 3. MAGNOLIA COURT NO. 28, HEROINES OF JERICHO DAY**

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.

REGULAR AGENDA – OTHER BUSINESS

- 1. DEVELOPMENT AND INFRASTRUCTURE:**

A special presentation and final report by the joint City of El Paso and El Paso County Complete Count Committee, U.S Census Bureau, and recognition of the contributions by the Complete Count Committee Members.

(All Districts) [Development Services/Planning, Philip Etiwe, (915) 541-4635]

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

2. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of July 6, 2010 and the Special City Council Meeting of July 7, 2010 (Budget Hearings for Municipal Clerk, Tax, Department of Transportation, Department of Public Health, Engineering, and Planning & Economic Development).

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

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

4A. That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Industrial Site Lease by and between the City of El Paso ("Lessor"), Opportunity Center for the Homeless ("Assignor") and West Texas Non-Profit Developments ("Assignee") for the following described property: Lots 4, 5 and 6, Block 2A, El Paso International Airport Tracts, Unit 4, City of El Paso, El Paso County, Texas, municipally known and numbered as 6501 Boeing, El Paso, Texas. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

4B. That the City Manager be authorized to sign an Estoppel and Consent Agreement by and between the City of El Paso ("Landlord"); CP El Paso, LTD ("Existing Subtenant"); Clearview El Paso Airway, LLC ("Subtenant Assignee"), and Clearview El Paso Airway Lessee, LLC ("TRS Lessee") for the following property: A portion of Tract 4A25, Block 2, Ascarate Grant, El Paso, El Paso County, Texas, comprising approximately 376,586.841 sq. ft., and municipally known and numbered as 1600 Airway Blvd., El Paso, Texas. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

4C. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 6, 7 & 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

5. BOARD APPOINTMENTS:

- 5A.** Belinda Mendez-Acosta to the Civil Service Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5B.** Anibal Olague to the Building and Standards Commission by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5C.** Marcia Turner to the Building and Standards Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]
- 5D.** Matt Bohannon to the Building and Standards Commission as a Community Affairs Representative by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]
- 5E.** Ben Bohannon to the Building and Standards Commission, as an alternate, by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to ESI Companies, Inc., a contractor under Cooperative Purchasing Program GSA Contract, Schedule 84, GS-07F-0185U, SIN 426-4S in the estimated amount of \$480,090 for the purchase of six vehicle mounted SkyCop License Plate Readers (LPRs) and six SkyCop LPR Trailers for the El Paso Police Department.

Department:	Police
Funding Source:	Operation Border Security Grant and Auto Burglary Theft Prevention Authority (ABTPA) FY10
Total Estimated Amount:	\$480,090
Reference No.:	2010-253
Districts:	All
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]	
[Police Department, Eric Shelton, (915) 564-7301]	

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2010-026 (Trane HVAC System Units, Proprietary Parts and Service) to Trane US, Inc. for a total estimated award of \$480,000.

Department:	General Services – Facilities Division
Award to:	Trane US, Inc. El Paso, TX
Item(s):	All
Option:	2 Years
Annual Estimated Amount:	\$160,000
Funding Source:	General Fund
Total Estimated Award:	\$480,000 (3 Years)
District(s):	All

This is a thirty-six month requirements type 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 General Services – Facilities Division recommend award as indicated to the sole responsive, responsible bidder.

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

[General Services, Stuart Ed, (915) 621-6822]

8. BIDS:

8A. The award of Solicitation No. 2010-135 (Wheel and Axle Alignment and Suspension Parts and Service) to Dalton Brake and Wheel and Stanley Spring and Suspension for a total estimated award of \$255,000.

Department:	General Services – Fleet Division
Award to: Vendor 1:	Dalton Brake and Wheel El Paso, TX
Item(s):	Part A, Group I Part B, Group I
Option:	1 Year
Annual Estimated Amount:	\$35,000
Award to: Vendor 2:	Stanley Spring and Suspension El Paso, TX
Item(s):	Part A, Group II Part B, Group II
Option:	2 Years
Annual Estimated Amount:	\$50,000
Funding Source:	Internal Service Fund
Total Estimated Award:	\$255,000 (3 Years)
Districts:	All

This is a thirty-six (36) month requirements type 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 General Services – Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.

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

[General Services, Stuart Ed, (915) 621-6822]

8B. The award of Solicitation No. 2010-197 for the Coates Drive Parkway Improvements to G Contek, LLC for a total estimated amount of \$92,488.

Department: Engineering
 Award to: G Contek, LLC
 Base Bid: \$92,488
 Total Estimated Award: \$92,488
 Funding Source: Community Development Block Grant (2009-2010)
 35th Year
District: 1

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 Community Development Departments recommend award as indicated to the lowest responsible bidder.
 [Engineering, R. Alan Shubert, (915) 541-4423]

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 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Sections 13.24.010 B (Sales of Goods and Services) and 13.24.200 B 4 (Parks and Recreation Facility Use and Fee Authorization), of the El Paso City Code, to authorize the conduct of rummage sales at the senior centers; the penalty being as provided in Sections 1.08.010 – 1.08.030 of the El Paso City Code. **(All Districts)**
 [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

9B. An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), to amend Section 13.20.040 C (Selling Merchandise Prohibited on and near the Public Right-of-Way) to delete an inapplicable provision regarding newspaper stands, and to clarify that the exemption for yard, garage and rummage sales applies to all such sales as permitted under the zoning code: the penalty being as provided in Sections 1.08.010 – 1.08.030 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 9A – 9B

- 9C.** An Ordinance changing the zoning of Parcel 1: Lot 1, Block 1, Montecillo Unit One, City of El Paso, El Paso County, Texas from C-3/C (Commercial/Conditions) and C-3 (Commercial) to G-MU/C (General Mixed Use/Conditions) and G-MU (General Mixed Use); and, Parcel 2: Lot 1, Block 2, Montecillo Unit Two, City of El Paso, El Paso County, Texas from C-3/C (Commercial/Conditions) to G-MU/C (General Mixed Use/Conditions). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Montecillo Boulevard and Mesa Street. Property Owners: EPT The Venue at Montecillo Apartments, LLC and Capital Bank SSB. ZON10-00020 **(District 1)** [Development Services/Planning, Linda Castle, (915) 541-4029]

PUBLIC HEARING WILL BE HELD ON AUGUST 3, 2010, FOR ITEM 9C

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

10. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES/PSB:

An Ordinance authorizing the issuance of “City of El Paso, Texas, Water and Sewer Revenue Bonds, Taxable Series 2010 (Direct Subsidy - Build America Bonds)” in an amount of \$15,000,000; and resolve matters which are necessary to effectuate said issuance. **(All Districts)**

[El Paso Water Utilities Public Service Board, Ed Archuleta, (915) 594-5501]

11. DEVELOPMENT SERVICES:

11A. 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]

11B. 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]

11C. 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]

- 11D.** 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]

12. ENVIRONMENTAL SERVICES:

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]

13. FINANCIAL SERVICES:

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]

14. PARKS AND RECREATION:

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]

15. PUBLIC HEALTH:

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]

16. TAX OFFICE:

- 16A.** 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]

- 16B.** 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]

REGULAR AGENDA – OTHER BUSINESS

17. MAYOR AND COUNCIL:

- 17A.** Discussion and action, as per citizen’s request, concerning the prohibition of “feather signs” for advertising purposes. **(All Districts)**

[Representative Steve Ortega, (915) 541-4124]

- 17B.** Discussion and action concerning (1) Raising the current cap on GAP financing administered by the Housing Program Division of the Department of Community and Human Development for the development of rental housing from \$100,000 to not less than \$350,000 and (2) directing the Housing Program Division to complete the evaluation of Investment Builders, Inc. (IBI’s) application for GAP financing in the amount of \$613,200 on or before August 18, 2010 so that if the application is approved, the City Council can consider making the award on August 24, 2010. **(All Districts)**

[Representative Steve Ortega at the request of Investment Builders, Inc.]

[Representative Steve Ortega, (915) 541-4124]

18. ENGINEERING:

Discussion and action that the City Manager be authorized to sign the Agreement for Professional Engineering Services by and between the City of El Paso and Brock & Bustillos, Inc., a Texas Corporation, for a project known as “Montwood Street and Drainage Improvements” in the amount \$610,857.38 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total of contract amount not to exceed \$660,857.38. **(Districts 5 & 7)**

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

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 551.072	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.** Friendly House, et al. vs. Michael B. Whiting, et al., Cause No. CV 10-1061-PHX-JWS (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

- EX2.** Discussion and action on economic development related negotiations and possible incentives for business prospect PAL-0510. (551.087)
[City Attorney's Office, Marie Taylor, (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/>