

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

REVISED **AGENDA FOR REGULAR CITY COUNCIL MEETING**

July 14, 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 – United States Border Patrol Chaplain Bill Jackson
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. **PAUL L. FOSTER DAY**
2. **LOWER DYER NEIGHBORHOOD REVITALIZATION STRATEGY AREA YOUTH DAY**
3. **F.I.S.H. (FOREVER I SERVE HIM) CAMP DAY**
4. **SOCORRO HIGH SCHOOL "BULLDOGS" BASEBALL TEAM DAY**

RECOGNITION

Officer Linda Olvera

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 July 7, 2009, and the Special City Council Meeting of July 9, 2009 (Budget Hearings for Public Safety Communications, Police, Fire, Union Concessions, Municipal Clerk, and Department of Public Health). [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 First Amendment to the Industrial Site Lease by and between the City of El Paso ("Lessor") and Dick Poe Motors Inc. ("Lessee") to add a second option to extend the Lease an additional five years, to expire on July 31, 2014. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]
- 3B.** That the City Manager be authorized to sign a Memorandum of Agreement (MOA) between the City of El Paso and the Texas State Historic Preservation Officer regarding the Magoffin Park Villas project to be located at 900 Myrtle Avenue. The MOA provides for the City to develop a National Register nomination for an area, to be determined, that includes the Magoffin Park Villas project. **(District 8)** [Community and Human Development, William Lilly, (915) 541-4643]
- 3C.** That the City Engineer is hereby authorized and directed to designate thirteen offset angle parking spaces on the east side of Latta Street between Findley Drive and Paisano East Drive. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property. **(District 3)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 3D.** That the City Engineer is hereby authorized and directed to designate nine offset angle parking spaces on the west side of Luna Street adjacent to 3300 Montana Avenue. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

- 3E.** That the City Engineer is hereby authorized and directed to designate five offset angle parking spaces on the west side of Noble Street adjacent to 1147 Montana Avenue. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 3F.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Rita Aguirre for the purchase of the following property within the Mowad Subdivision for \$22,000: a 0.138 acre parcel, more or less, being portion of Tract 16, El Canutillo Acreage Tracts, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 9, Page 44, Plat Records of El Paso County, Texas. This expenditure is funded through Storm 2006 Certificates of Obligations. Project #: PSTM06PW552; Fund: 27264; Department: 14200500; Account: 508000 **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3G.** That the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and Son Arc, Inc. ("Artist") to prepare the design, budget, and construction documentation for the public art to be known as the Cleveland Square Park Public Art Project and to sign contracts for the fabrication and installation to carry out the design provided pursuant to the attached contract for a total project cost, as approved in the Public Art Plan on January 20, 2009. **(District 8)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

4. BOARD APPOINTMENTS:

- 4A.** Donald Leon Williams to the Complete Count Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 4B.** Rafael Hernando, III to the Fair Housing Task Force by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 4C.** Lilia Ruiz to the International Bridge Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 4D.** Francesca Alonso to the Art Museum Advisory Board by Representative Carl L. Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]

5. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 5A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to Toter Incorporated, the sole source manufacturer and distributor of Toter replacement parts including replacement lids (9,240) for the Toter refuse/recycling carts. Total estimated amount is \$138,600.

Department: Environmental Services
Account No.: 34010297 – 503122 - 40403
Funding Source: Container Collections
Total Estimated Award: \$138,600
Reference No.: 2009-279
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 5B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to purchase a playground shelter from The Playwell Group Inc., a TASB BuyBoard contractor under Contract #269-07, for Hidden Valley Park as recommended by Purchasing, Engineering, and the Parks and Recreation Departments. Participation by the City of El Paso in the TASB BuyBoard was approved by Mayor and City Council on August 21, 2007.

Department: Engineering and Parks and Recreation
Account No.: 71150069 – 508027 – 07885 – G7134CD0015
Funding Source: Community Development Block Grant (CDBG)
Total Estimated Award: \$75,400
Reference No.: 2009-280

Districts: 3
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 5C.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2008-204 (Mosquito Control Chemicals) with B & G Chemicals & Equipment Co. Inc. for one additional year pursuant to the provisions to an award approved by City Council on August 26, 2008. Contract period is August 26, 2009, to August 25, 2010.

Department: Environmental Services
Account No.: 34010286 – 503126 - 40403
Funding Source: Chemical Supplies
Total Estimated Award: \$112,000 (Total for one year extension)
Reference No. 2008-204

Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

6. BID:

The award of Solicitation No. 2009-208 (Water Wagon) to Wagner Equipment Co. for a total award of \$359,500.

Department: Environmental Services
Award to: Wagner Equipment Co.
El Paso, TX
Items: 2A-1, 0-1, 0-2, 5-1
Account No.: 34010289 – 508029 - 40403
Funding Source: Heavy/Off Road Equipment
Total Award: \$359,500
Districts: All

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

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award to the sole bidder.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

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 vacating a portion of Main Street, City of El Paso, El Paso County, Texas. Location: west of Oregon Street at Main Street. Property owner: City of El Paso. SUB08-00083 **(District 8)**
[Development Services/Planning, Michelle Padilla, (915) 541-4903]
- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso City Code by adding Westwind from Stardust Drive to Thunderbird Drive to Subsection E (Thirty Miles per Hour), and amending Subsection F (Thirty-Five Miles per Hour), Number 36 Westwind Drive, from Stardust Drive to Redd Road; the penalty being as provided in section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 7C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 Schedule XII (Restrictions on Parking in Residential Districts), Zone R (No Parking 7:00 a.m. to 2:00 p.m., School Days Only) of the El Paso City Code to require no parking from 8:00 a.m. to 5:00 p.m., school days only; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 7D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to prohibit parking on Latta Street between Findley Avenue and Paisano East Drive, west side; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 3)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 7E.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XII - Restrictions on Parking in Residential Districts), Zone Q (No Parking 7:00 a.m. to 4:00 p.m., School Days Only) of the El Paso City Code by adding Bill Collins Drive, both sides; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 7)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON JULY 21, 2009, FOR ITEMS 7A – 7E

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 – PUBLIC HEARINGS

8. DEVELOPMENT SERVICES:

- 8A.** An Ordinance granting Special Permit No. ZON09-00020 to allow ballrooms on the property described as Lots 1 and 2, Block 1, John T. Hellard Subdivision, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 10280 Montana Avenue. Property owners: John Hellard and Jesus Allen. ZON09-00020 **(District 3)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 8B.** An Ordinance changing the zoning of the following real property described as: Parcel 1: all of Tract 11, Block 49, Ysleta Grant, City of El Paso, El Paso County, Texas, be changed from R-F/H (Ranch and Farm/Historic) to S-D/H (Special Development/Historic); and, Parcel 2: all of Tract 12-A-1, Block 49, Ysleta Grant, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to S-D (Special Development). The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject property: 9180 Socorro Road. Applicant: Ysleta Del Sur Pueblo. ZON09-00018 **(District 6)**
[Development Services/Planning, Tony De La Cruz, (915) 541-4329]
- 8C.** 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]

9. POLICE DEPARTMENT:

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]

10. TAX OFFICE:

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]

11. FINANCIAL SERVICES:

An Ordinance authorizing the City Manager to sign a contract of sale and any other necessary documents between the City of El Paso and the County of El Paso which will allow for the City of El Paso to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon, to the County of El Paso. **(District 8)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

REGULAR AGENDA – OTHER BUSINESS

12. FINANCIAL SERVICES:

Discussion and action on a Resolution that the Mayor be authorized to sign a Mutual Termination and Release Agreement by and between the City of El Paso, Texas, and the County of El Paso, Texas, terminating the December 18, 2001, Interlocal Agreement as amended for the Construction of an Animal Control Facility for the El Paso City County and Environmental District and permitting the City of El Paso to acquire all interests of the County of El Paso, Texas, in the Animal Control Facility at 5001 Fred Wilson Road. **(District 4)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

13. EL PASO WATER UTILITIES:

Discussion and action on a Resolution authorizing the President/Chief Executive Officer of the El Paso Water Utilities to submit to the Texas Water Development Board an application for financial assistance through the Clean Water State Revolving Fund (CWSRF) under the American Recovery and Reinvestment Act of 2009 (ARRA) to provide for the purchase of \$12,036,992 of City of El Paso Texas Municipal Drainage Utility System Revenue Bonds to fund certain stormwater projects listed as eligible in the CWSRF Intended Use Plan. **(All Districts)**

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

REGULAR AGENDA – PUBLIC HEARINGS

**14. DEVELOPMENT SERVICES:
(TO BE HEARD AT 1:00 P.M. OR LATER)**

14A. An Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), of the El Paso City Code to amend Articles I, II, III, and V to establish revised regulations for signs, to add definitions; to add provisions to limit the conversion of billboards to electronic displays; to extend the sign regulation to the City's Extraterritorial Jurisdiction; to prohibit new billboard signs, to remove the exemptions for governmental entities, and to establish appeal procedures. The penalty is as provided in Section 20.24 of the El Paso City Code. **(All Districts)**
[Development Services/Planning, Mathew McElroy, (915) 541-4056]

14B. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions), of the El Paso City Code to revise all the definitions related to signs. The penalty is as provided in Section 20.24 of the El Paso City Code. **(All Districts)**
[Development Services/Planning, Mathew McElroy, (915) 541-4056]

14C. 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]

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 regarding strategies and options related to Asarco bankruptcy. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

- EX2.** Claim of Jorge Molinar, Our File No. 08-C-218. (551.071) [City Attorney's Office, Jennifer F. Callan, (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/>