

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  
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**

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**July 19, 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 Carlos Flores  
Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. EL PASO NEIGHBORHOOD ASSOCIATION'S DAY**
- 2. RETT SYNDROME AWARENESS DAY-HONORING JULIANA BROOKS**

### **RECOGNITION**

**BOY SCOUTS FROM AUSTRALIA AND TROOP 4**

### **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 July 12, 2011 and the Special City Council Meeting of July 13, 2011 (Budget Hearings for Tax, Municipal Clerk, Police, Fire, and the Presentation and discussion on the analysis recommendations and findings of the MGT Study of Police Department Patrol Staffing and organizational structure) and the Special City Council Meeting of July 14, 2011 (Budget Hearings for Department of Public Health, Engineering and Construction Management, Planning and Economic Development, Information Technology, and Financial Services).

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

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

Representative Emma Acosta

#### 3. RESOLUTIONS:

**3A.** A Resolution that St. Ignatius Parish is authorized to provide for the sale and service of alcoholic beverages at St. Ignatius Bazaar/San Ignacio Kermess in the closed portion of Third Street between Park Street and Nino Aguilera Street from 5 p.m. Friday, July 29, 2011 to 2 a.m. Saturday, July 30, 2011; and from 5 p.m. Saturday, July 30, 2011 to 2:00 a.m. Sunday, July 31, 2011; and from 5:00 p.m. Sunday, July 31, 2011 to 11:00 p.m. Sunday, July 31, 2011. NESV11-00027 **(District 8)**. [Department of Transportation, Jared Jason Mendoza (915) 541-4152]

**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 \$158,140. 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. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 5, 6, 7 and 8)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3D. That the City Manager approve the First Amendment to the Appraisal and Collection Technologies Computer System License and Maintenance Agreement between the City of El Paso and Appraisal and Collection Technologies, the commercial software division of Linebarger, Goggan, Blair and Sampson, LLP, for the purpose of amending the contract to permit the use of ACT software for the tracking of environmental, demolition and miscellaneous property liens. The total amount of the amendment shall not exceed \$10,000. **(All Districts)**  
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4011]
- 3E. That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meetings for September 6, 2011, November 22, 2011, and December 27, 2011 are hereby cancelled. **(All Districts)**  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**4. BOARD RE-APPOINTMENT:**

Robert G. Melson to the Animal Shelter Advisory Committee by Representative Carl Robinson, (District 4). [Representative, Carl L. Robinson, 915-541-4400]

**5. BOARD APPOINTMENTS:**

**5A.** Cortney Carlisle Niland to the City Employees Pension Fund Board of Trustees by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

**5B.** Dr. Michiel R. Noe to the City Employees Pension Fund Board of Trustees by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

**6. APPLICATIONS FOR TAX REFUNDS:**

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]

**7. REQUEST FOR PROPOSAL:**

The award of Solicitation No. 2011-203R (Foreclosure Management and Consulting Services) to Firth Johnston Martinez for an initial term estimated award of \$150,000.

Department:	Community and Human Development
Award to:	Firth Johnston Martinez El Paso, TX
Items:	All
Initial Term:	2 years
Option:	Two 2-year Options
Annual Estimated Award:	\$ 75,000
Initial Term Estimated Award:	\$150,000
Total Estimated Award:	\$450,000 (6 years)

Funding Source: CDBG Revolving Loan Fund/Home Entitlement Grant-  
External Legal Counsel  
**Districts: All**

This is a Request For Qualifications service 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 Financial Services - Purchasing Division and Community and Human Development recommend award as indicated to Firth Johnston Martinez, the sole qualifier based on evaluation factors established for this procurement.

[Community and Human Development, William L. Lilly, (915) 541-4500]  
[Financial Services, Bruce D. Collins, (915) 541-4313]

### **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.**

An Ordinance amending Title 13 (Streets Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.050 (Use of Athletic Fields), to broaden the scope to include other types of athletic fields and to allow for designation by City Council of applicable athletic fields, and to create section 13.24.210 (Enforcement). The penalty as provided in City Code Section 13.24.050(c) of the City Code. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

#### **PUBLIC HEARING WILL BE HELD ON JULY 26, 2011, FOR ITEM 8**

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**

#### **9. FINANCIAL SERVICES:**

Discussion and action regarding a Resolution Approving and Authorizing Publication of Notice of Intention to issue Certificates of Obligation in an amount not-to-exceed \$37 million. **(All Districts)**

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

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS****10. INTERNATIONAL BRIDGES:**

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to The Revenue Markets, Inc., the sole developer, manufacturer and provider of application software and related equipment for the toll collection systems at the International Bridges.

Department:	International Bridges
Award to:	The Revenue Markets, Inc. Accord, NY
One Time Amount:	\$1,772,698.27
Funding Source:	SIB Loan – Data Processing Equipment
Account Number:	32000080 – 508010 – 43019 – PCP10IB001F
Sole Source No.:	2011-303
<b>Districts:</b>	<b>All</b>

This is a Sole Source Unit-Price contract.

[International Bridges, Said Larbi-Cherif, (915) 858-3842]  
 [Financial Services, Bruce D. Collins, (915) 541-4313]  
 POSTPONED FROM 07-12-2011

**REGULAR AGENDA – PUBLIC HEARINGS****11. PLANNING AND ECONOMIC DEVELOPMENT:**

- 11A.** An Ordinance changing the zoning of all of Lot 8, Block 3, Hueco View Acres, City of El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11440 Turner Road. Applicant: Dominguez Properties, LTD. PZRZ11-00009 **(District 5)**  
 [Planning and Economic Development, Andrew Salloum (915) 541-4633]
- 11B.** An Ordinance changing the zoning of all of Tract 26 and south half of Tract 25, Rangers Rest Subdivision, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1025 and 1029 Ranger Street. Applicant: Alfredo Rodarte. ZON10-00110 **(District 7)**  
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 11C.** An Ordinance granting Special Permit No. ZON10-00046, to allow a Professional Office, Infill Development with reduced setbacks and a parking reduction on the property described as Lot 28, and the East 15 feet of Lot 27, Block 82, Franklin Heights, 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: 1317 E. Rio Grande Avenue. Property Owner: Oficina Legal Del Pueblo Unido, Inc. ZON10-00046 **(District 8)**  
 [Planning and Economic Development, Esther Guerrero (915) 541-4720]
- 11D.** An Ordinance changing the zoning of a parcel of land out of Tract 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas from R-F (Ranch & Farm)

to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 577 Schawbe Street. Property Owner: Gilbert Melendez and Jasmin Marquez. PZRZ11-00016 **(District 7)**  
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

**11E.** An Ordinance changing the zoning of a portion of Tract 19, of El Canutillo Acreage Tracts, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6600 Doniphan Drive. Applicant: Mr. and Mrs. Daniel Lee McCulley, LTD. PZRZ11-00018 **(District 1)**  
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

**11F.** An Ordinance zoning Parcel 1: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, to C-2 (Commercial), Parcel 2: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to R-5 (Residential) and Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Pebble Hills Boulevard and East of John Hayes Boulevard. Applicant: Ranchos Real IV, LTD. ZON10-00106 **(District 5)**  
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]  
POSTPONED FROM 7-12- 2011

**11G.** An Ordinance annexing the following real property described as a portion of Sections 37 and 48, Block 79, Sections 7 and 18, Block 78, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Property Owner: Ranchos Real IV, LTD. AN10-003 (ZON10-00075)  
**(East ETJ, Adjacent to District 5)**  
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]  
POSTPONED FROM 7-12-2011

**11H.** An Ordinance changing the zoning of all of Lots 16, 17, 18 and 19, Block 2, Hughes Subdivision, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5625 Frutas Avenue. Property Owner: Ponce Rentals Property, LLC. PZRZ11-00011 **(District 3)**  
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]  
POSTPONED FROM 7-12-2011

**11I.** An Ordinance granting Special Permit No. PZST11-00005, to allow for infill development for lot width and lot size reduction on the property described as Lot 39, Block 1, Alexander addition to Ysleta, 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: 461 Gonzales. Applicant: Javier Martinez. PZST11-00005 **(District 6)**  
[Planning and Economic Development, Geena Maskey, (915) 541-4192]  
POSTPONED FROM 7-12-2011

**12. ENVIRONMENTAL SERVICES**

**12A.** An Ordinance amending Ordinance No. 017519, Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to amend the effective date of the Flow

Control requirements; the penalty being as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 12B. An Ordinance amendment related to Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) amending 9.04.020 (Definitions); amending 9.04.070 (Collection Provider) to include triplex and quadriplex; and to clarify that Article VIII only references Designated Municipal Solid Waste Facility; the penalty being as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**13. DEPARTMENT OF TRANSPORTATION**

An Ordinance granting a Special Privilege License to Management and Engineering Technologies International, Inc. for the construction, installation, maintenance and repair of 70 linear feet of subsurface fiber optic conduit and cables within portions of City right-of-way beneath Maca Street between Boeing Drive and Lockheed Street for a term of five years with two renewable five year terms (NESV11-00025). **(District 3)**  
[Department of Transportation, Mirian Spencer, (915) 541-4482]

**REGULAR AGENDA – OTHER BUSINESS**

**14. MAYOR AND COUNCIL:**

Discussion and action on the appointment of either Carl Robinson or Susie Byrd to the Transportation Policy Board of the Metropolitan Planning Organization to fill the seat for an elected official vacated by Beto O'Rourke. **(All Districts)** [Mayor John F. Cook, (915) 541-4015]

**15. DISCRETIONARY FUNDS:**

Discussion and Action that the City Council declares that the expenditure of District 7 and District 8 discretionary fund in the amount of \$500.00 and \$250.00 respectively, to support the Segundo Barrio Futbol Club to host a free soccer summer camp to the children of Segundo Barrio, that will play in a City Parks and Recreation league and serves a municipal purpose and is authorized.

**(Districts 7 and 8)**

[Representative Steve Ortega, (915) 541-4108]

[Representative Cortney Niland, (915) 541-4268]

**16. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution that City Council amend the Annual Action Plan (2008-2009) and the 2009-2012 Homelessness Prevention and Rapid Re-Housing Program (HPRP) Budget by redistributing HPRP funds to greater areas of need to enable the City to expend its entire \$3,492,976 grant before the August 2012 grant deadline; and that the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution, including contract amendments with all HPRP-funded agencies, upon approval by the City Attorney's Office and Director of Community and Human Development Department. **(All Districts)**

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

**17. CITY ATTORNEY'S OFFICE:**

Discussion and action on requested negotiations, including a payout plan, tax payout plan, and default period extension, on the ground leases for the following properties:

- a. 5 Zane Grey Blvd., El Paso, Texas;
- b. 9 Butterfield Trail Blvd., El Paso, Texas;
- c. 19 Leigh Fisher Blvd., El Paso, Texas;
- d. 7 Zane Grey Blvd., El Paso, Texas;
- e. 12 Zane Grey Blvd. and 14 Butterfield Trail Blvd., El Paso, Texas; and
- f. 24 Zane Grey Blvd., El Paso, Texas.

**(District 2)** [City Attorney's Office, Theresa Cullen, (915) 541-4550]

**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.** Discussion and action on requested negotiations, including a payout plan, tax payout plan, and default period extension, on the ground leases for the following properties:

- a. 5 Zane Grey Blvd., El Paso, Texas;
- b. 9 Butterfield Trail Blvd., El Paso, Texas;
- c. 19 Leigh Fisher Blvd., El Paso, Texas;
- d. 7 Zane Grey Blvd., El Paso, Texas;
- e. 12 Zane Grey Blvd. and 14 Butterfield Trail Blvd., El Paso, Texas; and
- f. 24 Zane Grey Blvd., El Paso, Texas.

(551.071) [City Attorney's Office, Theresa Cullen, (915) 541-4550]

**EX2.** Application of El Paso Electric Company to Revise Fuel Factor before the Public Utility Commission of Texas. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

**EX3.** Waste Connections, Inc., et. al. v. City of El Paso, et. al.; Cause No. 201-4476 (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/>