

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 21, 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 – Police, Fire, & CIMA Chaplain Sam Faraone
Pledge of Allegiance

RECOGNITIONS

1. **Larry M. Medina - Conquistador Award**
2. **Tom Diamond - Star On The Mountain Award**
3. **Tony S. Martinez - National Senior Games In Cycling**

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. MAYOR AND COUNCIL:

Presentation by Texas Border Coalition ("TBC") regarding work done by TBC representing the interests of border communities before the State and Federal Legislature. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

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 14, 2009, and the Special City Council Meetings of July 15, 2009 (Budget Hearings for Department of Public Health, Airport, International Bridges, Public Transit – Sun Metro, and Street), and July 16, 2009, (Budget Hearings for Financial Services, Human Resources, Tax, OMB/Health Fund/Workers' Compensation, and Non-Departmental).

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

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

4A. That District 8 City Representative Beto O'Rourke is appointed to the El Paso Central Appraisal District Board of Directors to fill the unexpired term previously held by former City Council Representative Melina A. Castro.

[Mayor John F. Cook, (915) 541-4145]

4B. To authorize the Mayor to sign the Interlocal Agreement between the County of El Paso (County), the City of El Paso (City), and the City of Socorro (Socorro) to submit a grant application to the Department of Justice – 2009 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$339,105. The funds received under the JAG program will be allocated 48.26% to the County, 48.26% to the City, and 3.48% to Socorro; City portion is \$163,656. The City of El Paso will use the allocation of the awarded JAG FY09 to address officer safety. With the continued and escalating violence in the neighboring international city of Juarez, Mexico, and the expected population increase resulting in the Base Realignment and Closure for Ft. Bliss Army Base; officer safety has become a paramount priority for the Department. For that reason, the El Paso Police Department (EPPD) will purchase ballistic protection with this allotment. No cash match required. **(All Districts)** [Police Department, Eric Shelton, (915) 564-7309]

5. BOARD RE-APPOINTMENTS:

5A. Michael Czerwinsky to the El Paso County 911 District Board of Managers by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5B. William Edward Moody to the History Museum Advisory Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5C. Alan A. Hodson to the Information Technology Advisory Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

6. **BOARD APPOINTMENTS:**

6A. Maria Elena Garcia to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

6B. Sema Gonzalez, as an Alternate, to the Zoning Board of Adjustment by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

6C. Carlos Torres, Sr., as an Alternate, to the Building & Standards Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

6D. Luis C. Sandoval, Jr. to the Fair Housing Task Force by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

6E. Carla Cardoza to the Animal Shelter Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

7. **APPLICATIONS FOR TAX REFUND:**

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]

8. **BID:**

The award of Solicitation No. 2009-182R (Recreation Management Software) to The Active Network, Inc., for a total estimated award of \$370,448.

Department:	Parks and Recreation
Award to:	The Active Network, Inc San Diego, CA
Items:	All
Option:	Five years (years 6 – 10)
Total First Year Cost:	\$122,448
Total Cost (Years 2 – 5):	\$248,000
Funding Source:	Parks General Fund
Total Estimated Award:	\$370,448 (total 5-year cost)
Districts:	All

This is a five year contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated. [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 vacating a 0.160 acre portion of a 30-foot alley within Block 51, Anson Mills Map, El Paso, El Paso County, Texas. Location: north of San Antonio Avenue and west of Durango Street. Property owner: City of El Paso. SUB09-00054 **(District 8)**
[Development Services/Planning, Michelle Padilla, (915) 541-4903]
- 9B.** An Ordinance vacating a 0.212 acre portion of Western Street lying between Block 170, Campbell's Addition and Block 51, Anson Mills Map, El Paso, El Paso County, Texas. Location: west of Durango Street at Western Street. Property owner: City of El Paso. SUB09-00053 **(District 8)**
[Development Services/Planning, Michelle Padilla, (915) 541-4903]
- 9C.** 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 provide an exception for the use of public right-of-way for outdoor patio cafés in the Union Plaza Entertainment Area and to provide for a separate approval process. The penalty is as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(District 8)**
[Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4631]

PUBLIC HEARING WILL BE HELD ON JULY 28, 2009, FOR ITEMS 9A – 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 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. 2009-241R (Mobile Two Finger Fast I.D. Systems) to Morphotrak, Inc. for a total estimated amount of \$617,830.

Department:	Police
Award to:	Morphotrak, Inc. Tacoma, WA
Items:	All
Option:	One year
Total First Year Cost:	\$343,830 (Option B)
Total Cost (years 2-5):	\$274,000
Account No.:	21150002 – 508010 – 05445 – G210833
Funding Source:	Border Security Equipment Technology Grant (BSET)
Total Estimated Award:	\$617,830 (total 5-year cost)
Districts:	All

This is a five year contract.

The Departments of Financial Services, Purchasing Division, and Police recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

11. DEVELOPMENT SERVICES:

- 11A.** 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] **POSTPONED FROM 07-07-09**
- 11B.** 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]

12. ENGINEERING:

- 12A.** 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]
- 12B.** 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]
- 12C.** 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]

- 12D.** 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]

REGULAR AGENDA – OTHER BUSINESS

13. DEVELOPMENT SERVICES - ANNEXATIONS:

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]
POSTPONED FROM 07-07-09

14. 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] POSTPONED FROM 07-07-09

15. MAYOR AND COUNCIL:

- 15A.** Discussion and action on a Resolution that the City Council of the City of El Paso fully supports the joint submission of an Application by the City of El Paso and the El Paso Community College for a Communities Learning in Partnership (CLIP) Planning Grant through the National League of Cities and the Bill and Melinda Gates Foundation; and that in the event a CLIP Planning Grant is secured, working through the Office of the Mayor, the City of El Paso commits to playing an active role in the planning and implementation processes, assist in the creation of a community-wide collaborative, participate in the collaborative and generally support the primary Foundation's goal of doubling the numbers of low-income young adults who by age 26 earn a postsecondary credential with value in the marketplace by 2025. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- 15B.** Discussion and action, at the request of public citizen Bill Sparks, concerning adopting a public restroom policy. [Representative Steve Ortega, (915) 541-4108]
- 15C.** Discussion and action concerning a Resolution affirming the City of El Paso's commitment to acceptance, tolerance, and diversity.
[Representative Steve Ortega, (915) 541-4108]
- 15D.** Discussion and action on proposed Legislative Review Committee (LRC) protocols to govern Legislative Review Committees' activity.
[Representative Emma Acosta, (915) 541-4572]
- 15E.** Proposed Legislative Review Committee (LRC) assignments.
[Representative Emma Acosta, (915) 541-4572]

16. DEVELOPMENT SERVICES:

Discussion and action on Conditional B permit for Tres Suenos Unit Two Subdivision. **(District 5)** [Development Services, Victor Q. Torres, (915) 541-4557]

17. ECONOMIC DEVELOPMENT:

Discussion and action on a Resolution amending the City's Multi-family Housing Needs Incentive Policy and Related Chapter 380 Grant Program; authorizing the City Manager to execute standard Chapter 380 Economic Development Program Agreements for the amended Program; and allowing pending applicants to proceed under either the original Program or the amended Program. [Source of Funding: General Fund] **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

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.** Claim of Jorge Molinar, Our File No. 08-C-218. (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Frontier Airlines Holdings, Inc., et al., Chapter 11 Case Number 08-11298 (Southern District of New York). (551.071) [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/>