

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 28, 2009
Council Chambers, City Hall
9:00 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 Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

GOING GREEN IN A WEEKEND

RECOGNITIONS

City Employees

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 21, 2009, and the Special City Council meetings of July 20, 2009 (Budget Hearings for Parks & Recreation, Library, Community Development, Museums & Cultural Affairs, Zoo, and Convention & Performing Arts), and July 22, 2009 (Budget Hearings for Development Services, Economic Development, Environmental Services, Information Technology, General Services, and Engineering). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the Mayor be authorized to sign a Modification to the Other Transaction Agreement (HSTS04-08-H-CT7021) by and between the City of El Paso and the Department of Homeland Security – Transportation Security Administration to extend the termination date of the Agreement from August 5, 2009, to January 31, 2010. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

3B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

2630 Richmond Avenue \$691.21 Dennis B. Deregla, Joseph Therese Reydom,
GMAC Mortgage LLC and First American
Field Services

(District 2) [Development Services, Victor Q. Torres, (915) 541-4557]

3C. That the City Manager be authorized to sign an Amendment and Partial Release and Satisfaction of Restrictions, Conditions, and Reservation from Exceptions to Conveyance and Warranty removing certain restrictions from the Warranty Deed, dated January 25, 2006, which conveyed property to EPT Land Assets, LP and to sign and accept on behalf of the City a Warranty Deed conveying fee simple from EPT Land Assets, LP to the City certain property which will be used as a pedestrian right of way. The subject property is located north of U.S. Highway 54 and east of Sean Haggerty Drive. **(District 4)**

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

- 3D.** That the Mayor be authorized to sign an Interlocal Agreement with Texas AgriLife Extension Service to provide horticulture and agronomy technical assistance and services for the City's Parks and Recreation Department at no cost to the City. **(All Districts)** [Parks and Recreation, Joel W. McKnight, (915) 541-4354]

4. BOARD APPOINTMENT:

Walt Phillips to the Open Space Advisory Board by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]

5. BIDS:

- 5A.** The award of Solicitation No. 2009-152R (Proprietary Peavey Upgrade Public Address System Equipment) to Sound & Signal Systems of Texas, Inc. for a total award of \$71,401.

Department: Aviation
Award to: Sound & Signal Systems of Texas, Inc
El Paso, TX
Items: All
Account No.: 62620020 – 508010 – 41022 – P500004
Funding Source: Airport Operating Funds
Total Award: \$71,401
Districts: All

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

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated. The review committee, based on evaluation factors identified in the Request for Proposals (RFP) established for this procurement, recommend award to the sole proposer as indicated.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 5B.** The award of Solicitation No. 2009-239 (Solar Parking Lot Light System) to Sol, Inc. for a total award of \$330,700.

Department: Aviation
Award to: Sol, Inc
Palm City, FL
Item: No. 1, Compact Fluorescent Lamp, Solar Parking Lot Light System
Account No. 62620027 – 508027 – 41080 – PAP0040
Funding Source: Airport Enterprise Fund
Total Award: \$330,700
Districts: All

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

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

REGULAR AGENDA - INTRODUCTIONS

6. 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.**

- 6A.** 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 deleting the prohibition of parking on Coldwell Street from San Francisco Avenue to Paisano Drive on either side; 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]
- 6B.** An Ordinance amending Title 12 (Vehicles and Traffic) of the El Paso City Code by adding Chapter 12.42 (Restrictions for Trucks Upon a Portion of Interstate Highway 10), restricting trucks with three or more axels to the lanes on the right of the left most lane on Interstate Highway 10 from 0.2 miles east of State Highway 20 (Mesa Street) to 0.7 miles west of Farm-to-Market Highway 659 (Zaragoza Road) for eastbound vehicles and 0.3 miles west of Farm-to-Market Highway 659 (Zaragoza Road) to 0.2 miles east of State Highway 20 (Mesa) Street for westbound vehicles, provided the restricted vehicle may use any lane of the highway to pass another vehicle and to enter and exit the highway; the penalty as provided in Chapter 12.84 of the El Paso City Code. **(All Districts)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON AUGUST 4, 2009, FOR ITEMS 6A – 6B

- 6C.** An Ordinance granting Special Permit No. ZON09-00025 to allow for a parking reduction on the property described as Lots 1 through 10, Block 9, Cotton Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 (Parking Reduction) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2101 Wyoming Drive. Property owners: EP Marcus Investments L.P. ZON09-00025
(District 2) [Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 6D.** An Ordinance changing the zoning of Lots 1 through 25, Block 25, Sandstone Ranch Unit Four, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 11205 through 11253 Horse Ranch Drive. Property owner: Tropicana Development Inc. and Saratoga Homes Inc. ZON09-00024 **(District 4)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 6E.** An Ordinance changing the zoning of a portion of Lots 51, 52, and 53, Cinecue Park 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: 432 Cinecue Way. Property owner: David Estrada. ZON09-00021 **(District 7)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 6F. An Ordinance changing the zoning of the following real property described as: Tract 5, Block 6, Ysleta Grant, City of El Paso, El Paso County Texas, from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: Holmsley Trail, north of Zaragoza Road and west of North Loop Drive. Property owner: Ranchos del Valle, LLC. ZON09-00012 **THIS IS AN APPEAL. (District 7)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON AUGUST 18, 2009, FOR ITEMS 6C – 6F

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

7. FINANCIAL SERVICES:

- 7A. Discussion and action on 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]

POSTPONED FROM 07-21-09

- 7B. 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: 1 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

8. DEVELOPMENT SERVICES:

- 8A.** 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]
- 8B.** 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]

9. ENGINEERING:

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) 541-4165]

REGULAR AGENDA – OTHER BUSINESS

10. COMMUNITY AND HUMAN DEVELOPMENT:

- 10A.** Discussion and action on a Resolution that City Council amend the City's 2005 - 2010 Consolidated Plan by adding a Housing Opportunities for Persons with AIDS (Acquired Immunodeficiency Syndrome) (HOPWA) Formula Program component, to carry out activities as described in the attachments thereto; and that the City Manager be authorized to take any actions necessary to accomplish

the intent of the resolution 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]

- 10B.** Discussion and action on a Resolution approving a funding commitment to the Housing Authority of the City of El Paso (HACEP) for a loan in an amount not to exceed \$500,000 for the Paisano Green Communities Development Project, subject to HACEP being awarded \$9,118,000 through the HUD Capital Fund Recovery Competition Grant Program, competitive ARRA funds for public housing authorities, and subject to City Council approval of the terms and conditions for the loan award. The funding source for the loan will be: unencumbered CDBG RLF (Revolving Loan Fund) and/or HOME Funds. **(District 8)** [Community and Human Development, William Lilly, (915) 541-4643]

11. ENGINEERING:

Discussion and action on a Resolution authorizing the City Manager to sign a Local Project Advance Funding Agreement (LPFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the construction of storm sewer at the intersection of Fred Wilson and U.S. Highway 54. (Storm 2006 COs: PSTM06 PW516B-14200500-27264-508027) **(District 2)**

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

**12. MAYOR AND COUNCIL:
(TO BE HEARD AT 11:00 A.M. OR LATER)**

Discussion and action to override the Mayor's veto of the billboard ordinance.

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

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

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/>