

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

August 3, 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. Team Alchemy Karate Academy Month**
- 2. National Night Out 2010**
- 3. El Paso Electric Company Linemen Appreciation Day**

RECOGNITIONS

US Army Sergeants Major Academy

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 27, 2010 and the Special City Council Meeting of July 26, 2010 (Budget Hearings for Police and Fire) and the Special City Council Meeting of July 28, 2010 (Budget Hearings – Budget Wrap up).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTION(S):**

- 3A.** A Resolution approving a detailed site development plan, for Parcel 1: Tract 11, Block 49, Ysleta Grant, and Parcel 2: Tract 12A1, Block 49, Ysleta Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9180 Socorro Road. Property Owner: Ysleta Del Sur Pueblo. ZON10-00031 **(District 6)** [Development Services, Tony De La Cruz, (915) 541-4329]
- 3B.** That the City Manager be authorized to sign a Traffic Signal Agreement between the City and Camino Real Properties, Inc., for payment of \$164,687 to the City by Camino Real Properties, Inc. for the construction and installation by the City of traffic signals at the intersection of Resler Drive and Desert Pass Drive, El Paso, Texas. Payment by Camino Real Properties, Inc. is for all costs related to of design and construction of the traffic signals. **(District 1)**
[Engineering, Ted Marquez, (915) 541-4035]
- 3C.** That the City Council approves the expenditure of additional available funding in the amount of \$74,343.60 to Medlock Commercial Contractors LLC for additional construction costs of the Armijo Branch Library Computer Lab Addition. Change Order 6 provides for labor, materials and equipment for re-roofing 7,800 SF of the library roof, adding 21 days of contract time [change order number 6] for Contract Number 2009-277. The new contract sum, including change order 6, is \$751,991.30. **(District 8)**
[Engineering, R. Alan Shubert (915) 541-4423]

3D. That the City Manager be authorized to sign Local Air Program Grant Amendment #1 to Contract No. 582-10-90258 by and between the City of El Paso and the Texas Commission of Environmental Quality ("TCEQ"), in the amount of \$479,214 to extend the contract current period to include September 1, 2010 through August 31, 2011, 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 for one third of the amount of the total FY2011 grant 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]

3E. A Resolution that the City Manager be authorized to sign, on behalf of the City of El Paso, a Lease Agreement between BLK Investments 2 Family Limited Partnership ("Lessor"), and the City of El Paso ("Lessee") for fifty-seven (57) parking spaces located at 216 South Ochoa Street in the City of El Paso, El Paso County Texas and adjacent to the Municipal Court facility in downtown El Paso **(District 8)** [Financial Services, Liza Ramirez-Tobias (915) 541-4074]

3F. That the Mayor be authorized to sign a First Amendment to Interlocal Agreement by and between the City of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization ("MPO") for the El Paso Urban Transportation Study Area, hereinafter referred to as "City", and The Texas Department Of Transportation, amending the term of the original agreement from August 31, 2010 to September 25, 2012. **(All Districts)**

[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]

4. DISCRETIONARY FUNDS:

Request for approval to allocate \$1,200 from District 1 and \$1,200 from District 8 Discretionary Funds to the Parks and Recreation Department towards the purchase of a pool table for the Polly Harris Senior Citizens Center **(Districts 1 and 8)**

[Representative Ann Lilly, (915) 541-4886] [Representative Beto O'Rourke, (915) 541-4268]

5. APPLICATIONS FOR TAX REFUNDS:

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]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request that the Engineering Department be authorized to issue a purchase order to A&R Contractors of El Paso, Texas, a contractor under the Education Service Center Region 19 Purchasing Cooperative, Contract # 08-6245, for installation of a jogging path, concrete slabs for benches, bollards and a double swing gate at City right of way that has been vacated for vehicular access adjacent to Riverbend Drive and Little Lane. Participation by the City of El Paso in the Education Service Center Region 19 Purchasing Cooperative was approved by City Council March 4, 2008.

Department: Engineering

Funding Source: Texas Parks and Wildlife Grant and Parkland Dedication Funds
 Total Estimated Award: \$82,925
District 8
 [Engineering, R. Alan Shubert, (915) 541-4423]

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 amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to delete the proposed Berringer Street, as a Collector arterial, north of Artcraft Road and south of the proposed extension of Isela Rubalcava Street. **(District 1)** [Development Services / Planning Division, Melissa Granado, (915) 541-4730]
- 7B.** 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 by adding Sundance Avenue from Menlo Avenue to a point 340 feet north thereof, east side only. The penalty being as provided in Section 12.84.010 (Violation – Penalty) of the El Paso City Code. **(District 5)** [Engineering, Ted Marquez, (915) 541-4035]
- 7C.** An Ordinance adding a new Section to Title 12 (Vehicles and Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations) of the City Code relating to Restrictions on Operating a Motor Vehicle near Vulnerable Road Users; The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)** [Representative Beto O'Rourke, (915) 541-4268]

PUBLIC HEARING WILL BE HELD ON AUGUST 10, 2010, FOR ITEMS 7A – 7C

- 7D.** An Ordinance amending Title 21, Smart Code, Chapter 21.30 (New Community Plans) and Chapter 21.50 (Building Scale Plans), and Chapter 21.80 (Tables), of the El Paso City Code to add Airport Special Districts and Standards for those districts to include Sequence of Community Design, Community Types, Civic Zones, Thoroughfare Standards, Density Calculations, Building Scale Plans, Building Configuration, Building Function, Parking and Density Calculations and Disposition, Parking Location Standards, Landscape Standards, Signage Standards, and Architectural Standards. The penalty as provided in Section 21.60 of the El Paso City Code **(All Districts)** [Development Services / Planning Division, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON AUGUST 24, 2010, FOR ITEM 7D

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 BIDS, CONTRACTS, PROCUREMENTS

8. ENGINEERING:

Discussion and action on the award of Solicitation No. 2010-217 for the EPIA Butterfield Trail Golf Course Perimeter Fence Improvements to HRT Roofing & Construction, Inc. for a total estimated amount of \$1,682,186.50 and that City Council approves this as a capital project for the Airport and the City Manager shall approve all necessary budget transfers to execute the project.

Department:	Engineering
Award to:	HRT Roofing & Construction, Inc.
Base Bid:	\$1,682,186.50
Total Estimated Amount:	\$1,682,186.50
Funding Source:	Airport Enterprise Fund
District:	2

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 Department recommends award as indicated to the lowest responsible bidder.

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

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

9A. 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]

9B. An Ordinance vacating a portion of Crosby Street (70' Right-of-Way), fronting Lot 11, Block 48, Lot 10 and Lot 11, Block 49, Lot 1 and Lot 20, Block 53, Lot 20, Block 54, Alexander Addition, an Addition to the City of El Paso, El Paso County, Texas. (SUB10-00067) **(District 8)**
[Development Services/Planning, Raul Garcia, (915) 541-4935]

9C. An Ordinance vacating a portion of Randolph Drive, Alexander Addition, an addition to the City of El Paso, El Paso County, Texas. Applicant: University of Texas at El Paso. SUB08-00161 **(District 8)**
[Development Services/Planning, Raul Garcia, (915) 541-4935]

REGULAR AGENDA – OTHER BUSINESS

10. MAYOR AND COUNCIL:

10A. A presentation by the Community Scholars: "El Paso City Services: Balancing Need, Equity & Fairness". **(All Districts)**
[Representative Beto O'Rourke, (915) 541-4268]

10B. Discussion and action to direct the City Manager to negotiate with other local entities to enter into the El Paso Criminal Justice Mental Health Jail Diversion Collaboration Agreement. **(All Districts)**
[City Managers Office, Leila Melendez, (915) 541-4859]
[El Paso County Commissioner, Daniel Haggerty, (915) 546-2044]

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. Jake Canavan vs. City of El Paso; Cause No. 09-CV-043-KC. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]

EX2. Enrique Rodriguez v. City of El Paso, Cause No. 2009-2107. (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

- EX3.** Discussion and action regarding Empowerment Zone Loan RLF-75 to Magnolia 2720, LLC (Willis-Froetschel Building Group LLC). (551.071)
[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 THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>