

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 4, 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 – Fire Chaplain Ed Sinke
Pledge of Allegiance**

MAYOR'S PROCLAMATION

BREASTFEEDING AWARENESS MONTH

RECOGNITION

NINA GOMEZ- STAR ON THE MOUNTAIN AWARD

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 28, 2009, and the Special City Council meetings of July 23, 2009 (Budget Hearings for City Attorney, Mayor & Council, City Manager, and Other Business), July 23, 2009 (Budget Hearings for Zoo and Convention and Performing Arts), Wednesday, July 29, 2009 (Budget Wrap-Up). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor Pro Tempore Emma Acosta

3. RESOLUTIONS:

3A. That the City Council authorizes the revision of the criteria and ranking system for the Neighborhood Improvement Program (NIP) Round III to allow the awarding of additional rating point to Recognized Neighborhood Association applications not previously awarded a project. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

3B. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 6, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3C. That the City Manager be authorized to sign an amendment to the Contract between the City of El Paso and Paul G. Gosselink, to amend the Scope of Services to increase the compensation amount to assist in researching and developing a flow control ordinance. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. BOARD APPOINTMENT:

Richard Vorba to the Complete Count Committee by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]

5. 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]

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 5 (Business, Taxes, Licenses, and Regulations), Chapter 5.96 (Tattooing and Body Piercing Licenses), to correct titles and references; Section 5.96.050 (Application Processing), to clarify the application process; and Section 5.96.090 (Fees); the penalty as is provided in Section 5.96.110 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6B.** An Ordinance amending Title 5 (Business, Taxes, Licenses, and Regulations), Chapter 5.48 (Laundries), to correct references to public Laundry; amending Section 5.48.010 (Public Laundry/Defined); addressing a re-inspection fee in Section 5.48.020 (License – Required – Application – Investigation – Issuance) and Section 5.48.030 (License – Fee – Expiration); and Section 5.48.050 (License – Denial – Suspension – Revocation) by specifying the time for a final ruling on an appeal; the penalty as is provided in Section 5.32.160 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6C.** An Ordinance amending Title 17 (Housing), Chapter 17.12 (Trailer Courts), Section 17.12.030 (License – Procedure for Obtaining) by clarifying the process; Section 17.12.040 (License - Fee) by removing the fee amounts and the Section 17.12.050 (License - Renewal) by clarifying the authority for such fee; and clarifying authority and titles in Section 17.12 .110, 17.12.120, and 17.12.130; the penalty as is provided in Section 17.12.150 of the El Paso City Code.
(All Districts) [Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6D.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.160 (Appendix A, Fee Schedule - Amended), of the El Paso City Code by authorizing and amending the fees for Fire Department Services. **(All Districts)** [Fire Department, Orlando Arriola, (915) 771-1092]
- 6E.** An Ordinance amending Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.08.080 (Animal Regulation and Disease Control Department Services – Fees), of the El Paso City Code by adding Subsection F authorizing a fee for microchipping. **(All Districts)**
[Health Department, Eduardo De Castro, (915) 842-1010]
- 6F.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), in its entirety; the penalty as provided in 9.12.890. **(All Districts)** [Health Department, David Sublasky, (915) 543-3645]
- 6G.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.02 (Department of Public Health), of the El Paso City Code by adding Section 9.02.040 (Fees – Clinics and Laboratory) for Clinic and Laboratory services; and deleting Title 9 (Health and Safety), Chapter 9.84 (Miscellaneous Health Regulations), Section 9.84.050 (Venereal Disease Clinic – Fees). **(All Districts)**
[Health Department, Carlos Campos, (915) 771-5707]

- 6H.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), of the City Code, Section 2.40.010 (Department Created - Functions), to include the presentation of museum and cultural events and activities as a departmental goal; and Section 2.40.020 (Fees), to clarify the procedures for setting the fees for membership, exhibitions, facility rental, and classes. **(All Districts)**
[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]
- 6I.** An Ordinance amending Ordinance No. 16324 to increase the number of members on the Public Art Committee, to amend payments to artists, and to reduce the number of PAC decisions that need to be reviewed by the Cultural Affairs Advisory Board. **(All Districts)**
[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]
- 6J.** An Ordinance amending Title 13 (Streets, Sidewalks, Public Places), Chapter 13.25 (El Paso Zoo), Section 13.25.010 (El Paso Zoo Fees); establishing authority for the Zoo Director to discount admission to Zoo designated promotional events and participation in Zoo education programs up to 50% aimed at increasing attendance, honoring groups of importance to the city, or otherwise creates good will in the community and for the purpose of providing opportunities for learning in fulfillment of the mission of the Zoo. **(All Districts)**
[Zoo, Steve Marshall, (915) 521-1850]

PUBLIC HEARING WILL BE HELD ON AUGUST 11, 2009, FOR ITEMS 6A - 6J

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

7. ENGINEERING:

- 7A.** 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]
- 7B.** 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]

REGULAR AGENDA – OTHER BUSINESS

8. MAYOR AND COUNCIL:

Discussion and action concerning formulation of a restroom policy for City of El Paso parks. [Representative Steve Ortega, (915) 541-4108]

9. DEVELOPMENT SERVICES:

Discussion and action on a Resolution authorizing the City Manager 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] **POSTPONED FROM 07-28-09**

10. EL PASO WATER UTILITIES:

Discussion and action on a Resolution authorizing the President/Chief Executive Officer of El Paso Water Utilities to submit to the Texas Water Development Board an application for financial assistance through the Drinking Water State Revolving Fund under the American Recovery and Reinvestment Act of 2009 to provide for the purchase of \$2,721,000 of City of El Paso, Texas Municipal Drainage Utility System Revenue Bonds to fund a certain drinking water infiltration pond project listed as an eligible green project in the DWSRF Intended Use Plan; and providing an effective date. **(District 2)**

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

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.** William D. Abraham, as Trustee for the Franklin Group, L.P., vs. the City of El Paso, Texas et al.; Cause No. 2007-688. (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX2.** Discussion and action on legal issues relating to contract between the City of El Paso and Waste Connections. (551.071) [City Attorney's Office, Charlie McNabb, (915) 541-4550]
- EX3.** Discussion and action on legal options regarding current digital billboard issues. (551.071) [City Attorney's Office, Charlie McNabb, (915) 541-4550]
- EX4.** Discussion and action on Lots 1 and 2, Block 54, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas. (Section 551.071 and 551.072) [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/>