

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

**August 30, 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 Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. FIESTA DE LAS FLORES WEEK**
- 2. PATRIOT DAY**
- 3. MUSCULAR DYSTROPHY ASSOCIATION DAY**

RECOGNITION

TERRY QUEZADA –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 August 23, 2011 and the Special City Council Meeting Minutes of August 15, 2011 (El Paso's Policies and Strategies related to Economic Development).

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign Consent to Assignment of the Developer Participation Agreement by and between the City of El Paso and Northeast 58 THB/IT, LLC, dated March 1, 2011, assigning all duties, obligations and responsibilities under the Agreement from Northeast 58 THB/IT, LLC, to Paisano Housing Redevelopment Corporation. **(District 4)**

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

3B. That the City Manager be authorized to sign a Lease Agreement between the City of El Paso and Bank of the West, for the property located at the site described in Exhibit "A", for an initial term of five years with four automatic renewal terms of an additional five years each in the annual rental amount of \$1,306.08. **(District 3)**

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

3C. That the City Manager be authorized to sign a City Parks Restrooms Maintenance Contract by and between the City of El Paso and Texas Industries for the Blind and Handicapped, Inc. ("TIBH"), and Border TM Industries, Inc. d/b/a Exceed Resources, to provide for maintenance services at restrooms for the City's Department of General Services. **(All Districts)**

[General Services, Stuart Ed, (915) 621-6822]

3D. That the City Manager be authorized to sign a City Parks Litter Control Contract by and between the City of El Paso and Texas Industries for the Blind and Handicapped, Inc. ("TIBH"), and Border TM Industries, Inc. d/b/a Exceed Resources, to provide litter control services for the City's Department of General Services. **(All Districts)** [General Services, Stuart Ed, (915) 621-6822]

- 3E.** That the City Manager be authorized to sign the Interconnection and Parallel Operation of Distributed Generation Agreement between the City of El Paso and the El Paso Electric Company establishing the interconnection with City of El Paso's solar panel systems located at the Downtown Library, 501 North Oregon and the City of El Paso's Animal Control Shelter, 5001 Fred Wilson.
(Districts 4 and 8) [General Services, Stuart Ed, (915) 621-6822]
- 3F.** That the City Manager be authorized to sign an Agreement between the Paso del Norte Health Foundation and the City of El Paso to receive a grant in the amount of \$234,502.40 for 2011 TSK: Focus El Paso for the purpose of reducing repeat births among WIC mothers under the age of 20, with the grant period beginning on October 1, 2011 and ending on September 30, 2012. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]
- 3G.** That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and each of the following public entities, for the provision of public health services and related matters, by the City of El Paso, for the period of September 1, 2011 through August 31, 2012:

Town of Horizon City, Texas
Town of Anthony, Texas
(All Districts) [Public Health, Michael Hill, (915) 771-5702]

4. BOARD RE-APPOINTMENTS:

- 4A.** Ruth Reyes to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 4B.** Resolution that Representative Susie Byrd is hereby reappointed to the Board of Directors of the El Paso Housing Finance Corporation by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]

5. BOARD APPOINTMENTS:

- 5A.** Gilbert A. Mendez, Jr. to the Districting Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5B.** Yolanda Giner to the Ad Hoc Charter Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5C.** Luis Gasca to the Districting Commission by Representative Cortney Carlisle Niland, District 8. [Representative Cortney Carlisle Niland, (915) 541-4123]
- 5D.** James L. Graham to the Districting Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

6. REQUEST TO ISSUE PURCHASE ORDER:

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Hewlett-Packard Company, a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1364, for a computer server and other related equipment. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology
Award to: Hewlett-Packard Company
Palo Alto, CA
Total Estimated Award: \$227,456.07
Account No.: 14400500 – 508010 – 27051 – PCP12IT06
Funding Source: FY 2012 – 2013 Certificates of Obligation, CIP PLAN –
Data Processing Equipment
Reference No.: 2011-349
Districts: All

This is a Cooperative, service and unit price contract.
[Information Technology, Miguel Gamino, (915) 541-4288]
[Financial Services, Bruce D. Collins, (915) 541-4313]

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 to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.
(All Districts) [City Attorney's Office, Charlie McNabb, (915) 541-4550]
- 7B.** An Ordinance changing the zoning of a portion of Tract 3, Kilpatrick Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8648 North Loop Drive, Applicant: Margarita Modabber, PZRZ11-00025 **(District 7)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 7C.** An Ordinance changing the zoning of all of Lot 19, Block 2, Franklin Village Amending Plat, City of El Paso, El Paso County, Texas from R-3A (Residential) to R-MU (Residential-Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6262 Transmountain Drive, Property Owner: Hilda Gastelum, PZRZ11-00032 **(District 4)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]
- 7D.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), to allow for the issuance of a food handler certificate rather than a food handler card and a food protection management

certificate rather than a food protection management card in all applicable sections; the penalty as provided in Section 9.12.890. **(All Districts)**
 [Public Health, Michael Hill, (915) 771-5702]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2011, FOR ITEMS 7A – 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 – PUBLIC HEARINGS

CITY MANAGER – ACTIONS RELATED TO THE FY 2012 BUDGET

8. ENVIRONMENTAL SERVICES:

8A. An Ordinance to move the Animal Services function from the Department of Public Health to the Environmental Services Department by Amending Title 9 (Health and Safety), Chapter 9.02 (Department of Public Health), Section 9.02.010 (Creation and Purpose of the Department of Public Health); and Chapter 9.04 (Solid Waste Management), Section 9.04.010 (Creation and Purpose of the Department). **(All Districts)**
 [Environmental Services, Ellen A. Smyth, (915) 621-6719]

8B. An Ordinance amending Title 7 (Animals), Chapter 7.04 (Definitions and Administration), Section 7.04.040 (Definitions) to change all references from Director of the Department of Public Health to Director of the Department of Environmental Services and to delete all references to Deputy Director throughout Title 7 (Animals). **(All Districts)**
 [Environmental Services, Ellen Smyth, (915) 621-6719]

9. FIRE:

An Ordinance amending Ordinance No. 017381 which set the fee structure for the Fire Department Medical Services System to delete the first free mile provision; the penalty as is provided in Section 9.52.030 of the El Paso City Code. **(All Districts)**
 [Fire, Manuel Chavira, (915) 485-5608]

10. CITY MANAGER / PENSION:

An Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso City Code, by amending various sections of the Chapter to create a second tier in the pension fund that will provide different benefits for persons who become fund participants on and after September 1, 2011; to clarify provisions concerning participation in the system and the payment of benefits; to revise the provisions relating to investments to conform with state law; to change the vesting periods for retirement, disability and death benefits; and to increase the rate of participant and employer contributions to the fund. **(All Districts)**
 [City Manager's Office, William F. Studer, Jr. (915) 541-4252]
 [Pension, Robert Ash, (915) 541-4765]

REGULAR AGENDA – OTHER BUSINESS**11. CITY MANAGER / PENSION:**

Discussion and action on a Resolution that the tables of actuarial equivalence factors, prepared by the actuary firm of Buck Consultants, designated as Tables 1-4 are hereby adopted as factors to be used by the City Employees' Pension Fund in determining early and deferred retirement benefits pursuant to Section 2.64.200C of the City Code.

(All Districts)

[City Manager's Office, William F. Studer, Jr. (915) 541-4252]

[Pension, Robert Ash, (915) 541-4765]

REGULAR AGENDA – PUBLIC HEARINGS**12. PLANNING AND ECONOMIC DEVELOPMENT:**

12A. An Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8482 Alameda Avenue. Applicant: NCJ Development, Inc. and Cash Investments, Inc. ZON10-00093 **THIS IS AN APPEAL CASE (District 7)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

POSTPONED FROM 6-14-2011 AND 8-9-2011

12B. An Ordinance changing the zoning of a portion of Tract 3A, Nellie D. Mundy, Survey No. 240, City of El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Desert South Boulevard and Southwest of Trade Center Way, Applicant: Canutillo Palms Ltd. PZRZ11-00022 **(District 1)** [Planning and Economic Development, Justin Bass, (915) 541-4930]

12C. An Ordinance granting Special Permit No. ZON11-00004, to allow for infill development and a parking reduction on the property described as Lot 15 and the East ½ of Lot 16, Block 223, Campbell's Addition, 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: 910 Texas Street, Property Owner: Don Luciano, ZON11-00004 **(District 8)** [Planning and Economic Development, Arturo Rubio, (915) 541-4633]

12D. An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III (Detailed Site Development Plan Approval Process), Section 20.04.150 (Procedure) of the El Paso City Code to allow administrative approval of certain detailed site development plans. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

12E. Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case: PHAP11-00021; 4406 Trowbridge, El Paso, Texas, on July 25, 2011 to deny a certificate of appropriateness application for the referenced property. Subject Property: 4406 Trowbridge. Applicant: Herlinda Montano, PHAP11-00021 **(District 2)**
[Planning and Economic Development, Providencia Velazquez, (915) 541-4027]

12F. An Ordinance changing the zoning of Lots 10 thru 13, Block 2 and a remnant portion of Latta Street, Block 1, Woodlawn Subdivision, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3801 Frutas Avenue. Property Owner: Eva and Walter Parker. PZRZ11-00021 **(District 3)** [Planning and Economic Development, Esther Guerrero, (915) 541-4720]

13. DEPARTMENT OF TRANSPORTATION:

An Ordinance granting a Special Privilege License to Walter and Eva Parker permitting the encroachment of a 44.0 square foot portion of an existing staircase within portions of City right-of-way on Frutas Avenue adjacent to the property located at 3801 Frutas Avenue, NESV11-00029. **(District 3)**

[Department of Transportation, Mirian D. Spencer, (915) 541-4482]

14. POLICE DEPARTMENT:

14A. Public hearing to take comment on the need to continue the City of El Paso's Juvenile Curfew Ordinance, Sections 10.20.010 through 10.20.054, of the El Paso City Code, as required by Section 370.002, Texas Local Government Code, and review, discussion and action by the City Council concerning the Ordinance. **(All Districts)** [Police, Michelle Gardner, (915) 564-7301]

14B. Public hearing to determine whether Carlos Escobar d/b/a Checker Cab Company is fit, willing and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to Checker Cab Company. **(All Districts)** [Police, Eric Shelton, (915) 564-7357]

14C. Public hearing to determine whether Carlos Escobar d/b/a Yellow Cab Company is fit, willing and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to Yellow Cab Company. **(All Districts)** [Police, Eric Shelton, (915) 564-7357]

14D. Public hearing to determine whether Manuel Garza d/b/a Sun City Cab Company is fit, willing and able to provide taxi service in the City of El Paso, and whether the Chief of Police should be authorized to issue and operating permit to Sun City Cab Company. **(All Districts)** [Police, Eric Shelton, (915) 564-7357]

14E. Public hearing to determine whether Joe Olivar and Oliver Olivar d/b/a Border Taxi Cab Company is fit, willing and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to Border Taxi Cab Company. **(All Districts)**
[Police, Eric Shelton, (915) 564-7357]

REGULAR AGENDA – OTHER BUSINESS

15. AIRPORT:

Discussion and action on a Resolution that the El Paso City Council approves the list of projects totaling approximately \$137,109,353, referenced as the "El Paso International Airport Proposed Five Year Capital Improvement Plan", as the established list of Airport Capital Improvement Program projects for FY 2012 through FY 2016 and the El Paso City Council approves utilizing Revenue Bonds and other funding mechanisms pursuant

to the City Debt Management Policy for the BTIP Pavement Rehab/Landscaping Project; and that the City Manager be authorized to establish the funding sources for the projects enumerated in the "El Paso International Airport Proposed Five Year Capital Improvement Plan" and make all necessary budget transfers at the appropriate times for execution of the projects. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

16. CITY ATTORNEY:

Discussion and action on Application of El Paso Electric Company for discounted rate tariff rider for churches using Rate Schedule 24. **(All Districts)**

[City Manager's Office, William F. Studer, Jr. (915) 541-4215]

[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

17. MAYOR AND COUNCIL:

Presentation and discussion on Community Scholars' findings and recommendations: "*Government Contract Competition: Can El Paso Afford to Go Local?*" **(All Districts)**

[Representative Susie Byrd, (915) 541-4416]

POSTPONED FROM 8-23-2011

18. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council adopt policies and procedures for the 38th Year (2012-2013) Community Development Block Grant (CDBG) Program, the 2012-2013 Emergency Solutions Grant (ESG) Program and the 2012-2013 Housing Opportunities for Persons with AIDS (HOPWA) Program, all such policies and procedures A through N; that City Council establish September 15, 2011 as the deadline for the submission of Letters of Intent from CDBG Public Service, ESG, HOPWA and Neighborhood Revitalization Strategy Area (NRSA) Partnership agencies; that City Council establish October 27, 2011 as the deadline for submission of all City Representative requests and citizen request forms; that City Council establish October 31, 2011 as the deadline for submission of all CDBG Public Service, ESG and HOPWA application packets; that City Council establish December 15, 2011 as the deadline for the submission of all 2012-2013 City Department, Economic Development, Fair Housing, Volunteer Housing Rehabilitation and Public Facility application packets; and that City Council establish January 9, 2012 as the deadline for submission of all NRSA Partnership application packets. **(All Districts)**

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

19. PLANNING AND ECONOMIC DEVELOPMENT:

19A. Presentation on 2010 U.S. Census Data for the City of El Paso, the Initial Assessment of the Representative Districts, and the 2011 Redistricting Process. **(All Districts)** [Planning & Economic Development, David Coronado, (915) 541-4632]

19B. Discussion and action on a Resolution adopting redistricting criteria for use in the 2011 Redistricting Process. **(All Districts)**

[Planning & Economic Development, David Coronado, (915) 541-4632]

19C. Discussion and action to make appointments to the Districting Commission for those positions that are vacant. [Mayor John F. Cook, (915) 541-4015]

20. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on the approval of the El Paso County 911 District FY 2012 Budget to be presented by Mary Kozak, Director. **(All Districts)**
[City Manager's Office, Leila Melendez, (915) 541-4859]

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. Texas Gas Service Company, a Division of ONEOK, Inc. v. Railroad Commission of Texas, Cause No. D-1-GN-11-000889, 201 Judicial Division; and Petition for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas regarding Rate Case Expenses, Gas Utility Docket No. 10016 and Pipeline Expense Rider, Gas Utility Docket No. 10049, both severed from Gas Utility Docket No. 9988 (551.071) [City Attorney's Office, Bertha Ontiveros, (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/>