

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 31, 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 Chaplain Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. FIESTA DE LAS FLORES WEEK IN EL PASO**
- 2. NATIONAL PREPAREDNESS MONTH**

RECOGNITION

PATRICIA D. ADAUTO - STAR ON THE MOUNTAIN AWARD

PRESENTATION

9/11 TRIBUTE

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 24, 2010 and the Special City Council Meeting of August 24, 2010 (Ratification of Property Tax Increase).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. That the City Manager be authorized to sign a First Amendment to the General Aviation Commercial Lease by and between the City of El Paso and Ameristar Jet Charter, Inc. to extend the lease for two years through August 31, 2012 under the same terms and conditions for the following described property: All of Lot 2A, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 76,888 square feet and all of Lot 2B, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 72,027 square feet, for a total of approximately 148,915 square feet of real property and 14,481 square feet of improvements, City of El Paso, El Paso County, Texas, municipally known and numbered as 1820 American Drive, El Paso, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign an Approval of Assignment by and among the City of El Paso, Midwest Car Corporation, and Independent Licensee of National Car Rental & Alamo Rent-A-Car and EAN Holdings, LLC d/b/a National Car Rental and Alamo Rent A Car of the July 1, 2006 Vehicle Rental Concession Agreement. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3C. That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Industrial Site Lease by and among the City of El Paso, Midwest Car Corporation, and EAN Holdings, LLC d/b/a National Car Rental and Alamo Rent A Car for the following described property: Lots 1A and 1B, Block 1C, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3D. That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Industrial Site Lease by and among the City of El Paso, Midwest Car Corporation, and EAN Holdings, LLC d/b/a National Car Rental and Alamo Rent

A Car for the following described property: Lot 1, Block 1B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

- 3E.** That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service for the Ventanas Destiny Park at Destiny Avenue and Rustic Hidden Drive, El Paso, Texas. Said property being more particularly described as a portion of Tract 1D, Section 46, Block 79, Township 2, T&P RR Survey, El Paso, El Paso County, Texas. **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3F.** That O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 7:00 p.m. Sunday, September 5, 2010, to 2:00 a.m. Monday, September 6, 2010. (SPL10-00021). **(District 8)**
[Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]
- 3G.** That the Mayor be authorized to sign affidavits required for the Texas Department of Transportation (TXDOT) matching fund adjustment for Economically Disadvantaged Counties for TXDOT transportation project applications for 2010 through 2013. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3H.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, 5 and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3I.** That the Mayor be authorized to sign a contract, between the City of El Paso, Texas, and Texas Tech University Health Sciences Center at El Paso ("Texas Tech") and University Medical Center ("UMC"), whereby Texas Tech agrees to provide medical control to the City's EMS System ("EMSS"), as well as related services, for an annual estimated amount of \$110,000 for three (3) years, which total contract amount shall not exceed \$330,000, and whereby UMC agrees to the use of part of its facility as the Base Station for EMSS. Said contract to have an effective date of September 1, 2010 and a termination date of August 31, 2013, with the option, at the City's sole discretion, to extend the contract on a month-to-month basis for a maximum of six (6) months. **(All Districts)**
[Financial Services/Purchasing, Bruce D. Collins, (915) 541-4313]
[Fire, Manuel Chavira, (915) 771-1002]
POSTPONED FROM 08-24-10
- 3J.** A Resolution to approve the revisions to the Cultural Funding Guidelines. **(All Districts)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]
- 3K.** That the City Manager be authorized to sign the Memorandum of Agreement ("MOA") entered into and between the Health and Human Services Commission-Office of Inspector General ("HHSC-OIG") and the City of El Paso, Texas ("City"), governmental units of the State of Texas, as contracting parties ("Party/Parties"). This MOA will allow the HHSC-OIG to receive and process incoming referrals and may request the assistance of the City in performing investigations into allegations of criminal offenses at the El Paso State Supported Living Center. **(All Districts)** [Police Department, Jerome Johnson, (915) 564-7323]

- 3L.** That the Mayor be authorized to sign an Interlocal Government Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2010 through August 31, 2011, in an amount not to exceed \$208,500. **(All Districts)**

[Police Department, Eric Shelton, (915) 564-7357]

[Police Department, Michelle Gardner, (915) 564-7270]

- 3M.** That the City Manager be authorized to sign the Mission Valley Visitor's Center Operating Agreement by and between the City of El Paso and the El Paso Mission Trail Association for the management and operation of the Mission Valley Transfer Center Visitor's Center, at no cost to the City. **(Districts 6 and 7)**

[Sun Metro, Jay Banasiak, (915) 534-5810]

POSTPONED FROM 08-10-10 AND 08-24-10

4. BOARD APPOINTMENT:

Stephanie L. Fernandez to the Historic Landmark Commission by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]

REGULAR AGENDA - INTRODUCTIONS

5. 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.

- 5A.** An Ordinance granting a special privilege permitting Big Boy Ice Cream, Inc. to encroach onto a portion of various public rights-of-way with food-vending concessions in the downtown area. **(District 8)**

[Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4165]

- 5B.** An Ordinance authorizing the City Manager to terminate all special privilege licenses issued pursuant Ordinance 16013 to food vendors licensed to operate in the public right-of-way in the downtown area. **(District 8)**

[Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4165]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2010, FOR ITEMS 5A – 5B

- 5C.** An Ordinance changing the zoning of Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of Dyer Street and north of Mesquite Flor Drive. Applicant: Jobe Materials, LP. ZON10-00045 **(District 4)**

[Development Services/Planning, Andrew Salloum, (915) 541-4027]

- 5D.** An Ordinance changing the zoning of Parcel A – A 1.451 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone C-1/C, Parcel 5 in Ordinance 15672); Parcel B – 2.158 acre portion of

Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone C-3/C Parcel 6 in Ordinance 15672); Parcel C – An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone R-3A/C, Parcel 7 in Ordinance 15672) from C-1/C (Commercial/Conditions, C-3/C (Commercial/Conditions) and R-3A/C (Residential/Conditions) to A-O/C (Apartment-Office/Conditions) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. south of Northern Pass and north of Paseo Del Norte Drive. Applicant: Cimarron Hunt Communities, LLC. ZON10-00048. **(District 1)**
[Development Services/Planning, Linda Castle, (915) 541-4029]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 21, 2010, FOR ITEMS 5C – 5D

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

6. ENGINEERING:

Discussion and action on the award of Solicitation No. 2010-255, CSJ 0924-06-310 for the Traffic Signal Upgrades 9 Locations to Medlock Commercial Contractors, LLC for a total estimated amount of \$1,562,223.45.

Department:	Engineering
Award to:	Medlock Commercial Contractors, LLC
Base Bid:	\$1,562,223.45
Total Estimated Award:	\$1,562,223.45
Funding Source:	TxDOT Surface Transportation Program (STP)
Districts:	1,2,3,8

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 Department, R. Alan Shubert, (915) 541-4423]
POSTPONED FROM 08-24-10

REGULAR AGENDA – PUBLIC HEARINGS

7. DEVELOPMENT SERVICES:

- 7A.** An Ordinance changing the zoning of all of Lots 43-49, Block 4, Eastside Industrial District, Unit One, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6880 Industrial Avenue. Applicant: Wayne and Patricia May. ZON10-00040 **(District 3)** [Development Services/Planning, Linda Castle, (915) 541-4029]
- 7B.** An Ordinance changing the zoning of Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas from A-O/C (Apartment-Office/Condition) to C-1/C (Commercial/Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 171 N. Zaragoza Road. Property Owner: Elvia Mendoza. ZON10-00030 **(District 7)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 7C.** 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 downgrade Emerald Park Drive, from a minor arterial to a collector arterial, north of the proposed extension of Mark Twain Avenue and south of Eastlake Boulevard. **(East ETJ)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

8. ENGINEERING:

An Ordinance amending Ordinance No. 012393 which granted a special privilege to the El Paso Electric Company, owner, and El Paso Parking Inc., Lessee, to permit off-street parking within a portion of Rim Road right-of-way, by extending the term ten years, and revising the consideration, notification and indemnification provisions. SP-9558C **(District 1)** [Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

9. PARKS AND RECREATION:

An Ordinance Amending Chapter 13.24 (City Parks and Recreation Areas) Section 13.24.200 Park and Recreation Facility Use and Fee Authorization, Subsection (D)(6) (Multiple Child Discount) of the El Paso City Code and Adding Subsection (E) (Needs Assessment Scholarship Program) to the El Paso City Code to Broaden the Applicability of the Multiple Child Discount and to provide authorization for a Needs Assessment Scholarship Program. **(All Districts)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4331]

REGULAR AGENDA – OTHER BUSINESS

10. MAYOR AND COUNCIL:

- 10A. Legislative Review Committee Report:**

1. For notation: Formal report of the Planning and Development Legislative Review Committee meeting held on August 23, 2010, as submitted by Ann Morgan Lilly, Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action on amending the historic tax exemption incentive program to provide up to 100% exemption for City property taxes for eligible properties.
 - b. Discussion and action on El Paso City Code requirements for installation of bike racks for new, additions, enlargements, or changes in use of all buildings or facilities; and recommendations to amend Title 20 (Zoning), Section 20.14.090 (Bicycle Parking Required) of the El Paso City Code to exempt certain commercial businesses along high traffic corridors and streets, and revisions to address application and enforcement of such requirements.
 - c. Discussion and action on El Paso City Code requirements permitting dual park-pond areas; and recommendations to amend Title 19 (Subdivisions), Chapter 19.20 (Parks & Open Space) of the El Paso City Code.
[City Manager-Development & Infrastructure, Patricia D. Aauto, (915) 541-4853]
- 10B. For notation: Appointments of City Representatives to existing and newly created Legislative Review Committees as a result of the reorganization of City Departments as approved by Council on August 24, 2010.
[Representative Emma Acosta, (915) 541-4572]

11. **ECONOMIC DEVELOPMENT:**

Discussion and action that the City Manager be authorized to sign a Grant Agreement between the City of El Paso and Project ARRIBA Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. ("Grantee"), a 501(c)3 tax exempt, non-profit Texas corporation for the purpose of creating a permanent and sustainable source of local nurses, teachers and information technologists to address severe shortages in the City of El Paso. Grant agreement in the amount of \$200,000 for a term from September 1, 2010 through August 31, 2011 and is funded from General Fund Economic Development Dept. Budget #72010268. **(All Districts)**
[Economic Development, Kathryn Dodson (915)541-4670]

12. **ENGINEERING:**

Discussion and action that the City Manager be authorized to sign the Agreement for Professional Engineering Services by and between the City of El Paso and Moreno Cardenas, Inc., a Texas Corporation, for a project known as "McCombs Landfill MSW-729A Cell Construction and Site Development Improvements" in the amount of \$749,794.66 and that the City Engineer be authorized to approve up to \$50,000 in additional services for to a total of contract amount not to exceed \$799,794.66. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]

13. **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 2011 Budget to be presented by Mary Kozak, Director. **(All Districts)**
[City Managers 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. Caples Land Company LLC and William D. Abraham vs. The City of El Paso, Texas;
Cause No. 2010-1970 (551.071)
[City Attorney's Office, Karla M. Nieman (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/>