

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

**September 15, 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 – Police Chaplain Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. LIFE INSURANCE AWARENESS MONTH**
- 2. SOUTHWEST MINORITY SUPPLIER DEVELOPMENT COUNCIL WEEK**
- 3. SAM'S CLUB 10TH ANNUAL CHARITY GOLF TOURNAMENT DAY**
- 4. HUNGER ACTION MONTH**

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 September 8, 2009.
[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 Second Amendment to Professional Services Contract Solicitation No. 2008-010R by and between the City of El Paso and Science Applications International Corporation (SAIC) to amend the Contract to provide for additional services, to increase the contract award by \$156,777.19 for payment of said additional services resulting in a total contract award amount of \$1,039,176.51, and to extend the overall period of performance and receipt of project deliverables, as specified in the contract amendment. All costs will be covered by the City's Office of Economic Adjustment Grant funds with no fiscal impact to the City's general fund.
(All Districts) [Development Services/Planning, Mathew McElroy, (915) 541-4056]

3B. That the City Council adopts an Annexation Policy setting out the criteria in which future lands will be considered for annexation into the City of El Paso corporate limits. **(All Districts)**
[Development Services, John Neal, (915) 541-4285] **POSTPONED FROM 07-07-09 AND 07-21-09**

3C. That authorization is hereby given to pay developer the amount of \$135,187.12 as City's share of the costs of the project and that such amount shall constitute the final and complete payment owed to Developer. The project includes construction of the extension of the drainage channel that parallels Bear Ridge Drive, a parallel maintenance road, Bear Ridge Drive and appurtenant facilities on City property. \$120,000.00 from HFC funds and \$15,187.12 from 2008 Reprogramming. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager be authorized to sign two Grade Crossing Construction and Maintenance Agreements for Mulberry and Redd Road streets between the City of El Paso and the BNSF Railway Company. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]

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

4. BOARD APPOINTMENTS:

- 4A. Robert D. Andrade to the Complete Count Committee by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 4B. Lisa Turner to the Public Service Board Selection Committee by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

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]

6. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 6A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Cimline, Inc., a Houston-Galveston Area Council (HGAC) contractor under Contract No. SM10-08, for one Crack Sealer/Melter-Applicator in the estimated amount of \$65,796. The participation by the City of El Paso in the HGAC cooperative was approved by Mayor and City Council on May 8, 2007.

Department: Aviation
Account No.: 62620020 – 508029 – 41022 – P500004
Funding Source: Airport Capital Outlay
Total Estimated Award: \$65,796 (one Crack Sealer/Melter Applicator)
Reference No.: 2010-024
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Nilfisk-Advance, Inc., a Texas Multiple Award Schedules (TXMAS) contractor under Contract No. 7-23V030, for two Vacuum Rider Sweepers in the estimated amount of \$145,082.90. The participation by the City of El Paso in the TXMAS cooperative was approved by Mayor and City Council on February 27, 2007.

Department: Aviation
Account No.: 62620020 – 508029 – 41022 – P500004
Funding Source: Airport Capital Outlay
Total Estimated Award: \$145,082.90 (two Vacuum Rider Sweepers)
Reference No.: 2010-025
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

7. BIDS:

7A. The award of Solicitation No. 2009-251 for the Westside Flood Damage Improvements Phase IIA – Channel Fencing, to Lomeli & Sons Landscaping Co., Inc. for a total estimated amount of \$117,580.

Department: Engineering Department
Award to: Lomeli & Sons Landscaping Co., Inc.
Base Bid: \$117,580
Account No.: 14200500 – 508027– 27264 – PSTM06 PW41-0
Funding Source: Storm 2006
District: 1

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.

Iron Force Construction, the lowest bidder is recommended as non responsible. The City is allowed to use factors other than price in determining the lowest responsible bidder. Iron Force Construction is currently working on a City project (informal less than \$50,000) where the quality of work is unacceptable.

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]

7B. The award of Solicitation No. 2009-273 (Hemoglobin Microcuvettes and Analyzers) to Stanbio Laboratory for a total estimated award of \$270,000.

Department: Health
Award to: Stanbio Laboratory
Boerne, TX
Items: All
Option: Two years
Annual Estimated Amount: \$90,000
Account No.: 41150011 – 503112 – 06341 – G4109AD
Funding Source: Clinical/Medical Supplies
Total Estimated Award: \$270,000 (36 months)
Districts: All

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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

- 7C. The award of Solicitation No. 2009-108 (Soft Drink Vending Machine Services) to Pepsi Bottling Group for a total estimated revenue amount as indicated.

Department: Parks and Recreation and Other Departments (as requested)
Award to: Pepsi Bottling Group
El Paso, TX
Items: Group I, Item 1, 2, 3, 4, and 5
Group II Item 1
Group III, Item 1
Option: Two years
Annual Est. Revenue: \$ 65,150

Funding Source: Revenue Generating
Total Est. Revenue: \$176,450 (3 year total)
Districts: All

This is revenue generating type contract with an initial term of thirty-six months.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated, to the vendor offering the most revenue to the City. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 7D. The award of Solicitation No. 2009-107 (Snack Vending Machine & Ice Cream Vending Machine Service) to Mcliff Vending and Office Coffee Service and FM Vending for a total estimated revenue amount as indicated.

Department: Parks and Recreation
Award to: Vendor 1: Mcliff Vending and Office Coffee Service
El Paso, TX
Item: 1 (Snack Vending)
Annual Estimated Revenue: \$ 5,000

Award to: Vendor 2: FM Vending
El Paso, TX
Item: 2 (Ice Cream Vending)
Annual Estimated Revenue: \$ 4,000
Option: Two years

Funding Source: Revenue Generating
Total Estimated Revenue: \$27,000 (3 year total)
Districts: All

This is a revenue generating type contract with an initial term of thirty-six months.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated, to the vendors offering the most revenue to the City. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. 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.**

- 8A. An Ordinance deleting Chapter 2.28 (El Paso International Airport Board) of the El Paso City Code for the purpose of abolishing the El Paso International Airport Board and repealing Ordinances Nos. 5610 and 6626 which had established the board. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 8B. An Ordinance repealing Ordinance No. 15539 for the purpose of abolishing the Information Technology Advisory Board. **(All Districts)**
[City Manager's Office, Leila Melendez, (915) 541-4859]
- 8C. An Ordinance to abolish the Public Utility Regulation Board by repealing Ordinances Nos. 5994, 6801, 6912, 8799, and 11497. **(All Districts)**
[City Manager's Office, Leila Melendez, (915) 541-4859]
- 8D. An Ordinance to abolish the City Tree Board and to assign additional duties to the Board of Parks and Recreation that are pertinent to tree advocacy in the City of El Paso by deleting Chapter 2.77 (El Paso Tree Board) of the El Paso City Code; by amending Chapter 2.20 (Board of Parks and Recreation), Section 2.20.050 (Board Duties) of the El Paso City Code to reassign the duties of the Tree Board to the Board of Parks and Recreation; and by amending Chapter 9.11 (Tree Care), Section 9.11.010 E (General Provisions), and Chapter 18 (Landscape), Section 18.46.050 (Definitions), of the El Paso City Code to amend the references to the Tree Ordinance and Tree Board as contained herein.
(All Districts) [City Manager's Office, Leila Melendez, (915) 541-4859]
- 8E. An Ordinance to abolish the El Paso Mountain Committee and to assign the duties held by the Committee to the City Plan Commission by repealing Ordinance No. 14790 (Establishing the El Paso Mountain Committee) and amending Title 2 (Administration and Personnel), Chapter 2.08 (City Plan Commission), Section 2.08.110 (City Planning - Duty to Keep Informed On, Study and Recommended Improvements), of the El Paso City Code.
(All Districts) [City Manager's Office, Leila Melendez, (915) 541-4859]
- 8F. An Ordinance amending Section 2.04.040 (Holding Over Prohibited) of the El Paso City Code to delete the reference to the Public Utility Regulation Board contained therein and to exempt the members of the Photographic Traffic Signal Enforcement System Advisory Board from the application of this section.
(All Districts) [City Manager's Office, Leila Melendez, (915) 541-4859]

- 8G. An Ordinance repealing Ordinances Nos. 11598, 11902, 15748, 16971, and 17008 for the purpose of abolishing the El Paso International Bridge Commission. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 8H. An Ordinance amending Ordinance No. 8262 establishing the standing Committee on Border Relations in its entirety to include additional duties as previously held by the International Bridge Commission and repealing Ordinances Nos. 9504 and 11188, which had previously amended Ordinance No. 8262. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 8I. An Ordinance authorizing the City of El Paso to sell approximately 0.662 acres of land being a portion of Tract 8A, Block 13, Ysleta Grant, City of El Paso, El Paso County, Texas, to the Catholic Diocese of El Paso/Most Reverend Armando X. Ochoa or his successor in office. **(District 7)**
[El Paso Water Utilities Public Service Board, Jim Shelton, (915) 594-5511]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 22, 2009, FOR ITEMS 8A – 8I

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

9. DEVELOPMENT SERVICES:

- 9A. An Ordinance amending Title 20 (Zoning), Chapter 20.16 (Screening and Fencing), Section 20.16.030 (Permitted Walls), of the El Paso City Code to allow for an additional four feet of fencing on a screening wall or fence not to exceed a total of twelve feet in height. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[Development Services, Fred Lopez, (915) 541-4322]
- 9B. An Ordinance changing the zoning of a portion of Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-4/C (Commercial/Conditions) to R-5 (Residential) and releasing conditions placed on the property by Ordinance No. 016745. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Dyer Street and west of Mesquite Hill Drive. Property owners: Newman Ranch Partners L.P. ZON09-00032 & ZON09-00037 **(District 4)**
[Development Services/Planning, Linda Castle, (915) 541-4029]
- 9C. An Ordinance changing the zoning of a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-1/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: north of Pebble Hills Boulevard and west of John Hayes Street. Applicant: Rancho Real IV, LTD. ZON09-00015 **(District 5)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 9D. An Ordinance releasing conditions placed on property by Ordinance No. 17072 which changed the zoning of a portion of Section 47, Block 79, Township 2,

Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Pebble Hills Boulevard and west of John Hayes Street. Applicant: Ranchos Real IV, LTD. ZON09-00031 (District 5) [Development Services/Planning, Andrew Salloum, (915) 541-4027]

REGULAR AGENDA – OTHER BUSINESS

10. DEVELOPMENT SERVICES - ANNEXATIONS:

Discussion and action on an Ordinance repealing Ordinance 8397 which established procedures for annexation and amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), of the El Paso City Code to establish annexation procedures. **(All Districts)**

[Development Services, John Neal, (915) 541-4285] **POSTPONED FROM 07-07-09 AND 07-21-09**

11. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council approve the Homelessness Prevention and Rapid Re-Housing Program (HPRP) funding awards for 2009 - 2012; that the City Manager be authorized to sign all contracts and documents, and amendments to such contracts, with the agencies approved for 2009 - 2012 HPRP; that the City Manager be authorized to sign all Environmental Assessments, Requests for Release of Funds, Certifications and Performance Reports required by HUD for HPRP activities; 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]

12. 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. Amount: \$200,000. Funding Source: General Fund Account #505200. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

13. ENVIRONMENTAL SERVICES:

Discussion and action on a Resolution that the City of El Paso's Sustainability Plan be and is hereby officially adopted. **(All Districts)**

[Environmental Services, Marty Howell, (915) 541-4925]

14. MAYOR AND COUNCIL:

14A. Discussion and action regarding a Resolution appointing three members to the Camino Real Regional Mobility Authority Board. [Mayor John F. Cook, (915) 541-4145]

<u>Position #2</u>	<u>Position #4</u>	<u>Position #6 (Vacant)</u>
Tanny Berg (Incumbent)	Tony Payan (Incumbent)	Susan Melendez
Ignacio Troncoso	Luis Talavera	Rosario Holguin
Adrian Quintela	Belen Robles	Patrick Abeln

14B. Discussion and action concerning hours of operation at Gary Del Palacios Recreation Center at the request of citizen Douglas Barker.
[Representative Rachel Quintana, (915) 541-4701]

14C. (TO BE HEARD AT 11:00 A.M. OR LATER)
Discussion regarding City policy governing charges for Solid Waste Service when the residence is vacant and service not being used -- specifically, tying disconnect of solid service to disconnect of water service.
[Representative Eddie Holguin, (915) 541-4178]

15. MUNICIPAL CLERK:

Discussion and action on the appointment of part-time Associate Municipal Court Judges:

- Dave Dolezal
- Susan Godwin
- Sheldon Myers
- Darron Powell
- Jorge Rivas

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

16. PARKS AND RECREATION:

Discussion and action on a Resolution that the December 3, 2002, Lease Agreement between the City and the Wellington Chew Senior Advisory Committee, Inc. and the December 15, 2005, additional lease are terminated. **(District 2)**
[Parks and Recreation, Judy Weiss, (915) 541-4259]

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.** Cecilia Gudino vs. Daniel Hicks and the City of El Paso; Cause No. 2009-2862. (551.071) [City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX2.** Workers' Compensation subrogation interest regarding Jose Luis Olvera, Jr. (551.071) [City Attorney's Office, Maria G. Martinez, (915) 541-4550]
- EX3.** 800 S. Piedras, El Paso, Texas. (551.072) [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- EX4.** 241 Colfax, El Paso, Texas. (551.072) [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- EX5.** 3228 Sacramento, El Paso, Texas. (551.072) [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- EX6.** Property adjacent to Grace Chope Park (Sunset Heights), El Paso, Texas. (551.072) [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]
- EX7.** Clear Channel Outdoor, Inc. vs. City of El Paso, Cause No. 2009-3939. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX8.** 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]

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/>