

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 22, 2009
Council Chambers, City Hall
9:00 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 Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. EL PASO ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**
- 2. NATIONAL NIGHT OUT**
- 3. RANDOM ACTS OF GOODNESS DAY**
- 4. CANDLELIGHTERS WALK OF HOPE DAY**
- 5. AMIGO AIRSHO WEEK**

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 15, 2009, and the revised Minutes for the Regular City Council Meeting of September 1, 2009.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That City Council amend the City's 2007 - 2008 Annual Action Plan of the Consolidated Plan for 2005 - 2010 by deleting one homeownership activity: Affordable Housing Credit Union Service Organization – Individual Development Account Program - \$125,000, due to the inability to negotiate a successful agreement and that the City Manager or her designee be authorized to take any actions necessary to accomplish the intent of the Resolution. **(All Districts)** [Community and Human Development, Bill Lilly, (915) 541-4643]

3B. 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]
 POSTPONED FROM 09-15-09

3C. That the City Manager be authorized to sign an agreement for electrical service and an agreement granting a transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Westside Transit Terminal at 7535 Remcon, El Paso, Texas. Said property being more particularly described as a portion of Lot 1, Block 2, of the West Ten Development, El Paso, El Paso County, Texas. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager is authorized to request grant funding under the Rio Grande Council of Governments Request for Applications of the Regional Solid Waste Grants Program and designate the Environmental Services Director to act on behalf of the City of El Paso, Texas, in all matters related to the grant application and any subsequent grant contract and grant project that may result. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. BOARD RE-APPOINTMENT:

Manny Razo to the City Accessibility Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. BOARD APPOINTMENT:

Bill Guerra Addington to the Open Space Advisory Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

6. NOTICE OF CAMPAIGN CONTRIBUTIONS:

For notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contributions by Mayor John Cook: Noel Rosenbaum, \$200; Larry Medina, \$200; Irene Epperson, \$500; Randy and Margo Brock and Roman Bustillos, \$250; Dan and Patti Olivas, \$50; Trish Tanner, \$150; Mervin and Linda Moore, \$500; Yolanda Clay, \$25; Charles and Judith Kohlhaas, \$100; Norman and Cheryl Gordon, \$250; Jimmy and Donna Melver, \$50; James and Debra Kelly, \$100; Pratap and Vijaya Reddy, \$1,000; Carl Robinson, \$1,000; Stanley Jobe, \$1,000; Dora Moreno, \$25; Jan and Bruce Engles, \$25; Kenneth and Show-Ying Gezelius, \$250; David and Anne Scepaniski, \$200; Richard Teschner, \$200; Mannie Kalman, \$300; Randal O'Leary, \$500; Richard Mattersdorff, \$50; Sam Legate, \$500; Joe Oliva, \$100; Anna Mattersdorff, \$100; Barbara Shapiro, \$100; Travis Johnson, \$500; Salom Family Partnership, \$200; James Scherr, \$500; and Tony Conde, \$50. [Mayor John F. Cook, (915) 541-4145]

7. LEGISLATIVE REVIEW COMMITTEE REPORT (FOR NOTATION PURPOSES ONLY):

Formal report of the Transportation Legislative Review Committee meeting held on September 10, 2009, as submitted by Representative Beto O'Rourke, Chair. [Representative Beto O'Rourke, (915) 541-4123]

8. DISCRETIONARY FUNDS:

Request authorization to allocate the use of District 3 discretionary funds in the amount of \$2,820.92 to provide boxing and gym equipment for the San Juan Recreation Center. [Representative Emma Acosta, (915) 541-4572]

9. PURCHASING REQUEST TO ISSUE PURCHASE ORDER:

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to eCivis, Inc., the creator and sole source provider of eCivis Grants Research and Grants Tracking and Reporting software. This purchase is for the annual license and service of this software in the estimated amount of \$96,075 beginning October 1, 2009, and ending September 30, 2010.

Department:	Financial and Administrative Services
Account No.:	39010351 – 502202 – 01101 and 21150060 – 502215 – 16371
Funding Source:	Operating Account, Computer Related Leases and Police Confiscated Funds
Total Estimated Award:	\$96,075
Sole Source No.:	2010-032
Districts:	All

It is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

10. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2009-222 (Freeway Police Motorcycles) to Sanchez & Sons Trucking Inc. d/b/a Edge Kawasaki, for a total award of \$109,199.55.

Department: General Services
Award to: Sanchez & Sons Trucking Inc. d\b\ a Edge Kawasaki
El Paso, TX
Items: 1 and O-1, O-2, O-5, and O-6 (Alternate bid)
Option: Purchase up to 100% of the contract quantity at the same unit price if the option is exercised within 90 days, 180 days, or 1 year from the date of award.
Account No.: 37150068 – 508006 – 27507 – PFLESVC01
Funding Source: General Services – Vehicular Equipment
Total Award: \$109,199.55 (five motorcycles)
Districts: All

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to Sanchez & Sons Trucking Inc. d\b\ a Edge Kawasaki, the vendor offering the best value bid.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – INTRODUCTION

11. INTRODUCTION OF ORDINANCE 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.**

An Ordinance granting a Special Privilege License to Plum City Lounge, LLC. permitting the encroachment of 16 canopies, 2 stairways, an entryway, a handicap accessibility ramp, a wall sign, and an outdoor patio café with required fencing, located within a portion of public right-of-way located at 500 San Francisco Street and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio café area. Subject property: 500 San Francisco Street. Applicant: Plum City Lounge, LLC. SPL09-00012 **(District 8)** [Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 29, 2009, FOR THE ITEM

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 – OTHER BUSINESS
(TO BE HEARD AT 3:00 P.M. OR LATER)

12. COMMUNITY AND HUMAN DEVELOPMENT:

- 12A.** Discussion and action on a Resolution approving the Empowerment Zone Grant Revolving Loan Fund Program Lending Guidelines. **(Districts 1, 3, 6, 7, and 8)**
 [Community and Human Development, William Lilly, (915) 541-4643]
- 12B.** Discussion and action on a Resolution approving the September 2009 – August 2010 (FY10) U.S. Department of Housing and Urban Development Empowerment Zone Planning and Implementation Grant Funding Awards; and, authorizing the City Manager to execute standard agreements, with the approval of the City Attorney’s Office; and, sign all documents related to the implementation and performance of the activities contained in the Empowerment Zone Strategic Plan. **(Districts 1, 3, 6, 7, and 8)**
 [Community and Human Development, William Lilly, (915) 541-4643]

REGULAR AGENDA – PUBLIC HEARINGS
(TO BE HEARD AT 3:00 P.M. OR LATER)

13. DEVELOPMENT SERVICES:

- 13A.** An Ordinance annexing Tract 71, Section 3, Block 79, Township 3, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Subject property: east of Shreya Street and northeast of Windermere Avenue. Applicants: Walnut Creek, LLC. AN08001 **(East ETJ, Adjacent to District 6)**
 [Development Services/Planning, Christina Ainsworth, (915) 541-4930]
- 13B.** An Ordinance changing the zoning of Tract 71, Section 3, Block 79, Township 3, Texas and Pacific Railways Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Shreya Street and northeast of Windermere Avenue. Property owners: Walnut Creek, LLC. ZON08-00036 **(District 6)**
 [Development Services/Planning, Linda Castle, (915) 541-4029]
- 13C.** An Ordinance granting Special Permit No. ZON08-00060 to allow for a planned residential development with reduced setbacks and reduced lot width on Tract 71, Section 3, Block 79, Township 3, Texas and Pacific Railways Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: east of Shreya Street and northeast of Windermere Avenue. Property owners: Walnut Creek, LLC. ZON08-00060 **(District 6)** [Development Services/Planning, Linda Castle, (915) 541-4029]
- 13D.** An Ordinance granting Special Permit No. ZON09-00044 to allow for Infill Development on all of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas, pursuant to Sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 8615 San Juan Lane. Property owner: Juanita S. Falvey. ZON09-00044 **(District 6)**
 [Development Services/Planning, Fred Lopez, (915) 541-4322]

(TO BE HEARD AT 3:00 P.M. OR LATER)

14. EL PASO WATER UTILITIES:

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]

15. CITY MANAGER'S OFFICE:

15A. 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]

15B. 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]

15C. 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]

15D. 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]

15E. 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]

15F. 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]

15G. 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]

(TO BE HEARD AT 3:00 P.M. OR LATER)

- 15H. 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]

REGULAR AGENDA – OTHER BUSINESS

(TO BE HEARD AT 3:00 P.M. OR LATER)

16. CITY MANAGER:

- 16A. Discussion and action on a Resolution to appoint current members of the International Bridge Commission as members of the Committee on Border Relations as special members at large through December 31, 2010. **(All Districts)** [City Manager’s Office, Leila Melendez, (915) 541-4859]
- 16B. Discussion and action on a Resolution to continue the operation of the Photographic Traffic Signal Enforcement System Advisory Board by re-adopting the initial Resolution in its entirety, including re-stating the creation of the Board and its functions, and by adopting new provisions relating to the make-up of the membership of the Board. **(All Districts)**
[City Manager’s Office, Leila Melendez, (915) 541-4859]
- 16C. Discussion and action on a Resolution to terminate the agreement currently in place with the El Paso Public Library Association. **(All Districts)**
[City Manager’s Office, Leila Melendez, (915) 541-4859]
- 16D. Discussion and action on a Resolution establishing a Blue Ribbon Committee to conduct a study on a regional parks system and to evaluate and provide recommendations to the City Council on forming a regional parks system in El Paso. **(All Districts)** [City Manager’s Office, Leila Melendez, (915) 541-4859]

17. MAYOR AND COUNCIL:

- 17A. 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

POSTPONED FROM 09-15-09

- 17B. Discussion and action to support a Resolution urging the Congress and the President of the United States of America to enact health care reform legislation. [Representative Susie Byrd, (915) 541-4416]

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

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/>