

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

# **REVISED**

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

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**September 29, 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 Chaplin Lisle Davis**  
**Pledge of Allegiance**

### **SPECIAL RECOGNITION AND COUNCIL RESOLUTION**

**Introduction and welcome to Municipal President of Juarez, Jose Reyes Ferriz and the Regidores of the Cabildo of Ciudad Juarez**

### **REGULAR AGENDA – OTHER BUSINESS**

#### **1. MAYOR AND COUNCIL:**

Discussion and action regarding a Resolution by the City Council of the City of El Paso resolving to work together with the Juarez Municipal Government to:

1. Explore the possibility of acquiring rail right-of-way or access to tracks on both sides of the border to create a commuter rail system utilizing state-of-the art technology for secure and efficient border crossings; and
2. Support the creation of a high-speed rail corridor with service from Chihuahua, Mexico, to Denver, Colorado, and will seek the support of their respective state and federal governments and provide information as needed for the feasibility studies.  
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

**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](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**

**2. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of September 22, 2009.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**4. RESOLUTIONS:**

**4A.** That the City Manager be authorized to sign “Supplemental Lease Agreement No. 3” to Lease No. GS-07B-15258 by and between the City of El Paso (“Lessor”) and the United States of America (“Lessee”) regarding the Transportation Security Administration’s rental of space in the El Paso International Airport terminal building to extend the lease an additional 24 months beginning November 1, 2009, through October 31, 2011. **(District 3)** [Airport, Monica Lombrana, (915) 780-4724]

**4B.** That the City Manager be authorized to sign an Agreement with New Hope Alliance, for the use of City of El Paso Department of Public Health Animal Services Division space in exchange for the operation of a low cost spay/neuter, vaccination and registration service, for the public purpose of reducing the number of unwanted and unvaccinated strays and enhancing public health for the entire community. **(All Districts)**  
[Department of Public Health / Animal Services, Eduardo De Castro, (915) 842-1010]

**4C.** That the City Council approves the expenditure of additional available funding in the amount of \$33,690.40 to Karlsruher Inc., d/b/a CSA Engineers & Constructors, for construction costs for labor and materials to install 385 additional linear feet of 8-inch

sewer line along the Upper Valley and Country Club Road and to increase the contract time by 15 days, Contract Number 2009-089, change order number 5. The new contract sum, including change order 5, is \$1,862,060.78.

(31255008/508027/27695/PBE04ST139) **(District 1)**

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

- 4D.** That the City Manager be authorized to sign a Lease Agreement between the City of El Paso and Missionary Radio Evangelism, Inc., or MRE, also known as Higher Ground Hosting, for a lease term of five (5) years for the purpose of constructing, installing, operating, maintaining and repairing wireless communications facilities including radio frequency transmitting and receiving equipment, etc., on the property located atop Mt. Franklin on a site known as Walton Peak located in the City of El Paso, El Paso County, Texas. **(All Districts)** [Information Technology, John Neal, (915) 541-4288]
- 4E.** That the Purchasing Manager is authorized to notify Texas Soil Control that the City is terminating Contract No. 2008-195 for default pursuant to the provisions and requirements of Section C, Clauses 17 and 18B of the Contract because the contractor has failed to provide assurance that they would continue to perform services under the contract and that the termination shall be effective as of September 29, 2009. **(All Districts)** [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**5. BOARD RE-APPOINTMENTS:**

- 5A.** Hugo Gardea to the Historic Landmark Commission by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 5B.** Rafael Hernando III to the City Accessibility Advisory Committee by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5C.** Trinidad Acevedo to the Empowerment Zone Advisory Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

**6. BOARD APPOINTMENT:**

Katherine L. Updike to the Public Service Board Selection Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Lilly, (915) 541-4151]

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

Formal report of the Economic and Community Development, Quality of Life, and Tourism Legislative Review Committee meeting held on September 9, 2009, as submitted by Representative Steve Ortega, Chair.

[Economic Development, Kathryn B. Dodson, (915) 541-4872]

**8. 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] **POSTPONED FROM 09-22-09**

**9. DISCRETIONARY FUNDS:**

That the City Council declares that the expenditures of District 3 discretionary funds in the amount of \$1,000.00 and District 4 discretionary funds in the amount of \$1,000.00 to be used to offset city fees charged to children and other persons with intellectual disabilities and closely related developmental disabilities and those who actively assist them for participation in organized aquatics-related events and event preparation serves the important municipal purpose of providing assistance to intellectually disabled persons who participate in and benefit from such organized activities, and is authorized, and that the City Manager establish an appropriate process to ensure that the municipal purpose is carried out by the expenditures.

[Mayor Pro Tempore Acosta, (915) 541-4515] [Representative Carl Robinson, (915) 541-4400]

**10. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**

**10A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Oracle USA Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-VPC-03-018, for various Oracle software components and modules including PeopleSoft ERP services and support as well as Universal Content Management in the amount of \$154,364.09 for fiscal year 2010. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology  
Account No.: 39010351-502202-01101  
Funding Source: FY 2010 Information Technology General Fund  
Total Estimated Award: \$154,364.09  
Reference No.: 2010-037  
**Districts: All**

Additionally, 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]

**10B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to KONE, Inc. under US Communities Contract PC 94002 (Elevator Maintenance and Service) in the annual amount of \$30,000 for maintenance and service of City elevators. This is in addition to a previous purchase order issued to KONE, Inc. in the amount of \$85,000. Total expenditures are \$115,000.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS) State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services  
Account No.: 31010325 – 502226 - 01101  
Funding Source: General Fund  
Total Estimated Award: \$30,000 (Total expenditures to-date: \$115,000)  
Reference No.: 2010-034  
**Districts: All**

Additionally, 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]

**11. BIDS:**

The award of Solicitation No. 2009-260R (New Markets Tax Credits Consulting Services) to National Council for Community Development for a total award of \$90,000.

Department: Economic Development  
Award to: National Council for Community Development  
d/b/a National Development Council  
New York City, NY  
Items: All  
Annual Amount: \$90,000  
Account No.: 72010268 – 502215 – 01101  
Funding Source: Outside Contracts  
Total Award: \$90,000 (1 year expenditure)  
**Districts: All**

Additionally, 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.

This is a twelve month contract with an option to extend the term of the contract at the same unit price for an additional one year period if the option is exercised prior to the expiration of the original term of the contract.

The Departments of Financial Services, Purchasing Division, and Economic Development's review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked qualifier as indicated. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**12. REQUEST FOR QUALIFICATIONS (RFQ):**

The award of Solicitation No. 2009-104R (Las Villitas Gallery Design) to C & G Partners, LLC for a total award of \$120,000.00.

Department: MCAD – Museum of History  
Award to: C & G Partners, LLC  
New York, NY  
Items: All  
Option: Additional Services not to exceed \$50,000  
Account No.: 54150080 – 508016 – 070906– G560902  
Funding Source: History Museum Grants/Exhibits/Architectural and Design Contracts/IMLS Grant  
Total Award: \$120,000.00  
**Districts: All**

The City Manager is authorized to execute any related contract documents and agreements necessary to effectuate this award and to approve additional services in an amount not to exceed \$50,000.00.

The Departments of Financial Services, Purchasing Division, and Museums & Cultural Affairs Evaluation Committee, based on evaluation criteria established for this procurement, recommend award to the highest ranked qualifier. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA - INTRODUCTIONS**

**13. 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.**

- 13A.** 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 the El Paso City Council in 1999, and as subsequently amended, by adding the extension of Redd Road as a collector arterial with bike lanes, across the Rio Grande to connect with Gomez Road. Applicant: City of El Paso **(District 1)** [Development Services/Planning, Christina Ainsworth, (915) 541-4930]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 6, 2009, FOR THE ITEM 13A**

- 13B.** An Ordinance amending Title 21, SmartCode, Chapter 21.10 (General to all Plans), Section 21.10.040 (Process), Paragraph C and D; and Chapter 21.80 (Tables), Section 21.80.170, Table 14 (Summary) and Section 21.80.180, Table 15a (Form-Based Code Graphics – T3); to correct typographical errors, and to amend the density requirements in T-4 and T-5. The penalty is as provided in Chapter 21.60 of the El Paso City Code. Applicant: City of El Paso **(All Districts)** [Development Services/Planning, Christina Ainsworth, (915) 541-4930]

- 13C.** An Ordinance changing the zoning of Lots 17 to 23 and the east 10 feet of Lot 24, Block 96, Highland Park Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to R-3/H (Residential/Historic). The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject property: 2630 Richmond Avenue. Applicant: City of El Paso. ZON09-00054 **(District 2)** [Development Services/Planning, Tony De La Cruz, (915) 541-4329]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 20, 2009, FOR ITEM 13B – 13C**

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 BIDS, CONTRACTS, PROCUREMENTS**

**14. FINANCIAL SERVICES:**

Discussion and action on the award of Solicitation No. 2009-224 (Tire and Roadside Tire Service) to A to Z Tire and Battery, Inc. (Bid #2); American Tire Distributors; Broadway Motors d/b/a Bill Williams Tire Center; Martin Tire Company; The Goodyear Tire and Rubber Company,

RB Wicker Tire & Rubber Company; and Forrest Tire Company for a total estimated amount of \$1,457,721.

Departments:	General Services, Airport, Fire and Sun Metro
Award to: Vendor 1	A to Z Tire and Battery, Inc. Amarillo, TX
Items:	Part A, Items 2, 3, 7, 11, 12, 15, 16, 17, and 23
Estimated Annual Expenditure:	\$ 165,407
Award to: Vendor 2	American Tire Distributors Forth Worth, TX
Items:	Part A, Items 8, 19, 25, 28, 31, 32, and 33
Option:	One year
Estimated Annual Expenditure:	\$ 55,480
Award to: Vendor 3	Broadway Motors d\l\b\ a Bill Williams Tire Center Midland, TX
Items:	Part A, Items 5, 18, 20, 22, 24, and 26
Option:	One year
Estimated Annual Expenditure:	\$ 61,089
Award to: Vendor 4	Martin Tire Company El Paso, TX
Items:	Part A, Items 4, 6, 9, 13, 14, 27, 29, and 30
Estimated Annual Expenditure:	\$ 67,558
Award to: Vendor 5	The Goodyear Tire and Rubber Company El Paso, TX
Items:	Part A, item 1 and 10
Estimated Annual Expenditure:	\$ 7,581
Award to: Vendor 6	RB Wicker Tire & Rubber Company El Paso, TX
Items:	Part B (All items) 1 thru 8
Estimated Annual Expenditure:	\$ 113,865
Award to: Vendor 7	Forrest Tire Company El Paso, TX
Items:	Part C (all items), 1A, 1B, 2A, 2B, 3A, and 3B
Option:	One year
Estimated Annual Expenditure:	\$ 14,927
Account No.:	37370510 – 503125 – 45202 or 37370510 – 503121 – 45202 62620003-503121-40101 22010320-502228-01101 60600015-503118-40348
Funding Source:	General Services, Internal Service Fund Inventory Purchases, Airport Cost Centers Logistics, Government Operations Mass Trans Inventory Purchases, S M Inventory
Total Estimated Award:	\$1,457,721 (3 year total)
<b>Districts:</b>	<b>All</b>

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 General Services recommend award as indicated to the lowest responsive, responsible bidders. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

### **REGULAR AGENDA – PUBLIC HEARINGS**

#### **15. DEVELOPMENT SERVICES:**

An Ordinance granting Special Permit No. ZON09-00033 to allow for a 100% parking reduction on the property described as Lots 1-6, Block 86, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty is as provided for in Chapter 20.24.260 of the El Paso City Code. Subject property: 711-723 S. Stanton Street. Property owner: River Oaks Properties, LTD. ZON09-00033 **(District 8)**  
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

#### **16. ENGINEERING:**

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]

### **REGULAR AGENDA – OTHER BUSINESS**

#### **17. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution 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]  
POSTPONED FROM 09-22-09

### **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.** 800 S. Piedras, El Paso, Texas. (551.072) [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]  
POSTPONED FROM 09-15-09

**EX2.** 3228 Sacramento, El Paso, Texas. (551.072)  
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4656] POSTPONED FROM 09-15-09

**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/>