

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

**October 6, 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 – United States Border Patrol Chaplain Bill Jackson
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. EL PASO BRIDGES ACADEMY**
- 2. BOWIE ALUMNI HOMECOMING WEEK**
- 3. BEN S. DOWELL ELEMENTARY SCHOOL - 50TH ANNIVERSARY**
- 4. ARCHTOBER 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 29, 2009.
[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 a Memorandum of Agreement (Agreement Number DTFASW-10-L-00112) between the City of El Paso and the Federal Aviation Administration (FAA) which allows for the construction, operation, and maintenance of FAA owned navigation, communication, and weather aids required to support Air Traffic Operations at the El Paso International Airport and which will replace five identified existing leases.
(District 3) [Airport, Monica Lombrana, (915) 780-4724]
- 3B.** That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Air Cargo Center Agreement by and between the City of El Paso ("Lessor"), BAX Global, Inc. ("Assignor"), and Schenker, Inc. ("Assignee") for space at the Air Cargo Center, 301 George Perry Blvd., Suite I, El Paso, Texas.
(District 3) [Airport, Monica Lombrana, (915) 780-4724]
- 3C.** That the City Manager be authorized to sign a Restated General Aviation Non-Commercial Ground Lease by and between the City of El Paso ("Lessor") and Dr. S. Donald Phifer ("Lessee") for the property described as Lot 22 and West ½ of Lot 23, Block 4, El Paso International Airport Tracts, Unit 2, El Paso County, Texas and commonly known as 7325 Boeing Drive.
(District 3) [Airport, Monica Lombrana, (915) 780-4724]
- 3D.** Council Resolution that authorizes payment to Developer (Colony Partners, L.P.) the amount of \$15,187.12 as the remainder of the City's share of the costs of the project and that such amount, combined with the \$120,000 previously authorized in the Agreement 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. \$15,187.12 from 2008 Reprogramming, previous agreement funded through HFC and 2008 Reprogramming funds. **(District 1)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 3E.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Ofelia Lopez for the purchase of the following parcel for the Roseway Street Drainage Improvement Project for \$32,000: Tract 106, North Valumbrosa No. 2, a Subdivision in the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 14, Page 39, of the Plat Records of El Paso County, Texas. This expenditure is funded through 2004 General Obligation Bonds. Project#: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000. **(District 6)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3F.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Margie Ortiz for the purchase of the following parcel for the Roseway Street Drainage Improvement Project for \$386. A portion of Tract 10L, Block 46, Ysleta Grant, in the City of El Paso, El Paso County, Texas, according to the resurvey of said Ysleta Grant made by El Paso County Texas for tax purposes and being more particularly described by metes and bounds in Exhibit "A". This expenditure is funded through 2004 General Obligation bonds. Project#: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000. **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3G.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and the El Paso County Water Improvement District No. 1 for the purchase of the following parcel for the Roseway Street and Drainage Improvement Project for \$235,000. Parcel 6: 10,370 square feet, more or less, being a portion of Tract 11, Block 46, Ysleta Grant, also known as 294 Candelaria Street, El Paso, El Paso County, Texas. This expenditure is funded through 2004 General Obligation bonds. Project#: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000. **(District 6)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3H.** To approve a resolution that ratifies the Interlocal Agreement between the El Paso County and the City of El Paso to submit a joint application to the U.S. Department of Homeland Security – Operation Stonegarden FY09, in the amount of \$6,032,184, which was approved by the El Paso County Commissioners Court on January 26, 2009. Further, that the City Manager be authorized to sign an amendment to such Interlocal Agreement between the County and the City of El Paso to submit a joint application to the U.S. Department of Homeland Security – Operation Stonegarden FY09, in the amount of \$1,781,719. The funds received under the Operation Stonegarden FY09 program will be allocated to the County and to the City in an equal percentage proportionate to the original budget. The funding agency requires an Interlocal Agreement to be submitted. No cash match required. **(All Districts)**
[Police Department, Eric Shelton, (915) 564-7309]
- 3I.** That the appraisal roll is hereby approved and constitutes the 2009 tax roll for all entities (except San Elizario Independent School District and Canutillo

Independent School District) which the City Tax Assessor/Collector collects taxes. **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

4. BOARD RE-APPOINTMENTS:

- 4A.** Ralph T. Cloud to the Parks & Recreation Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]
- 4B.** Jose M. Landeros to the City Plan Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. BOARD APPOINTMENT:

James E. Hobson to the Empowerment Zone Advisory Board by Representative Carl Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]

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

- 6A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2006-169 (Armored Car Services) with Soto Enterprises, Inc, dba Miracle Delivery Service dba Miracle Delivery Armored Services for one additional year pursuant to the provisions to an award approved by City Council on October 31, 2006. Contract period November 13, 2009 to November 12, 2010.

Department: Tax Office, Municipal Court and Various Departments
Account No.: Various
Funding Source: Various
Annual Estimated Amount: \$19,000
Option: One [of One]
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 Purchase Order to Tiburon, Inc., the sole source provider for the annual maintenance of various Fire Department software and software components.

Department: Information Technology
Annual Estimated Amount: \$54,834
Account No.: 39010351 – 502202 - 01101
Funding Source: Information Technology General Fund
Total Estimated Award: \$54,834
Sole Source No.: 2010-039
Districts: All

It is requested that the City Attorney's Office review and that the City Manager be authorized to execute any contract documents and agreements necessary to effectuate this award.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6C. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City’s option to extend current Contract 2006-168 (Asbestos Abatement Services) with Southwest Abatement, Inc. dba Environmental Reconditioning, Inc. for one additional year pursuant to the provisions to an award approved by City Council on October 3, 2006. Contract period October 10, 2009 to October 9, 2010.

Department: Environmental
 Account No.: Various
 Funding Source: Various
 Annual Estimated Amount: \$355,015 (One Year Extension)
 Option: One [of One]
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6D. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Bazaar Uniforms & Men’s Store, a Region 19 Cooperative Purchasing Program contractor under Contract No. 08-6133, for uniforms and shoes in the estimated amount of \$70,315. Participation by the City of El Paso in the Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department: Environmental
 Account No.: Various
 Funding Source: Various
 Total Estimated Award: \$70,315
 Reference No.: 2010-038
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (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 amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso City Code by adding John Hayes Street and Tierra Este Road from Zaragoza Road south to the city limits to Subsection H (Forty-Five Miles per Hour); the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 5)**

[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

- 7B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso City Code by adding Paseo Del Este Drive from Joe Battle Boulevard east to its terminus to Subsection H (Forty-Five Miles per Hour); the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

(District 6) [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

- 7C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 Schedule I (One Way Streets), of the El Paso City Code by deleting the following streets: Number 3, Florence Street, south between Texas Avenue and San Antonio Avenue; Number 4, Ochoa Street, north between San Antonio Avenue and Texas Avenue; Number 27, Ochoa Street, southbound between San Antonio Avenue and Paisano Drive; and Number 28, Florence Street, northbound between Paisano Drive and Overland Avenue; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 7D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso City Code by amending Subsection F (Thirty-Five Miles per Hour), Number 87, from Sun Fire Boulevard from Zaragoza Road to Flora Alba Drive to Sun Fire Boulevard; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 6)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 7E.** An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and River Oaks Properties, LTD, ("RIVER OAKS") to use the surface of a portion of an identified 60-foot easement leased to The El Paso Natural Gas in Tract 1P1, H.G. Foster Survey No. 256, City of El Paso, El Paso County, Texas. **(All Districts)**
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON OCTOBER 13, 2009, FOR ITEMS 7A – 7E

- 7F.** An Ordinance changing the zoning of Lots 3 – 9, Block 1, Mesa Heights Addition, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4730 Pershing Drive. Property Owner: Jesse P. Look. ZON09-00035. **(District 2). THIS IS AN APPEAL CASE.**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 7G.** An Ordinance granting Special Permit No. ZON09-00039, to allow for a 44% parking reduction on the property described as Lots 18 – 20 and the south 10 feet of Lot 17, Block 59, Alexander Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 711-723 S. Stanton Street. Property Owner: Richard R. Marro. ZON09-00039. **(District 8)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]
- 7H.** An Ordinance changing the zoning of Parcel 1, a portion of Tract 1B4, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas from C-3/c (Commercial/conditions) to R-3A (Residential) and Parcel 2, a portion of Tract 1B4, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas from A-O (Apartment/Office) to R-3A (Residential) and releasing conditions placed on Parcel 1 by Ordinance No. 15672. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Northern Pass Drive

and west of Helen of Troy Drive. Applicant: Cimarron Hunt Communities, LLC. ZON09-00034 and ZON09-00038. **(District 1)**. [Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON OCTOBER 27, 2009, FOR ITEMS 7F – 7H

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

8. ENGINEERING:

Discussion and action on the award of Solicitation No. 2009-257 for the Westside Sports Complex Phase II – Soccer Fields to Martinez Bros. Contractors, LLC. for a total estimated amount of \$2,394,299.60.

Department:	Engineering
Award to:	Martinez Bros. Contractors, LLC.
Base Bid	\$1,563,914.83
Option1:	\$ 216,176.60
Option2:	\$ 140,722.57
Option3:	\$ 201,745.85
Option4:	\$ 50,289.75
Option5:	\$ 221,450.00
Account Nos.:	14101001 - 508027 - 60137 -PQLAPA172B 51159242 - 508027 -16227-PQLAPA172B
Funding Sources:	2000 Quality of Life Bonds & Parkland Dedication Fees
Total Estimated Award:	\$2,394,299.60
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.

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]

9. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2009-163 (Security Guard Services for City Municipal Building) to Ruiz Protective Service, Inc. for a total estimated amount of \$585,210.

Department: General Services – Building Maintenance
 Award to: Ruiz Protective Service, Inc.
 El Paso, TX
 Items: All
 Option: Two Years
 Annual Estimated Amount: \$195,070
 Account No.: 31010327 – 502212 – 01101
 Funding Source: General Funds
 Total Estimated Award: \$585,210
District: 8

This is a thirty-six month requirements type contract for Security Guard Services for the City Municipal Building.

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 – Building Maintenance recommend award to Ruiz Protective Service, Inc., the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – OTHER BUSINESS

10. MAYOR AND COUNCIL:**10A. LEGISLATIVE REVIEW COMMITTEE REPORT:**

1. For Notation: Formal Report of the Transportation Legislative Review Committee meeting held on September 10, 2009, as submitted by Representative Beto O'Rourke, 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) Revising residential parking district ordinance establishing restrictions and fees and a penalty
 - b) Creating a temporary traffic control ordinance requiring permits for all construction in and use of city right of way, establishing restrictions and fees and a penalty
 - c) Revising the Pavement Cut Ordinance.

[Representative Beto O'Rourke, (915) 541-4123]

10B. LEGISLATIVE REVIEW COMMITTEE REPORT:

1. For Notation: 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; 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) On proposed Empowerment Zone Grant Revolving Loan Fund Program Lending Guidelines.
 - b) On proposed amendments to the City's multiple contracts with Hotel Don Quixote, LTD. concerning financial incentives, terms and conditions related to the construction and operation of the Doubletree Hotel.
[Representative Steve Ortega, (915) 541-4108]

11. CITY MANAGER:

City Manager's report of current events and issues:

- 11A.** Discussion and action on clarification of posting policy for Legislative Review Committee (LRC) Reports, for purpose of notation.
[City Manager, Joyce Wilson, (915) 541-4071]
- 11B.** Update to City Council on preparations for Novel H1N1 virus response.
(All Districts) [Public Health, Michael Hill, (915) 771-5702]

REGULAR AGENDA – PUBLIC HEARING

(TO BE HEARD AT 11:00 A.M. OR LATER)

12. DEVELOPMENT SERVICES:

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]

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. Diana Kirk v. City of El Paso, Cause No. 2008-3447. (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX2. Discussion and action on the City lease of 10 Civic Center Plaza, El Paso, El Paso County, Texas. (551.071 and 551.072) [City Manager, Joyce Wilson, (915) 541-4071]

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/>