

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 20, 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 Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. ARBOR DAY 2009**
- 2. HALLOWEEN HAPPINESS WEEK 2009**
- 3. PRO BONO WEEK**
- 4. DOMESTIC VIOLENCE AWARENESS 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 October 13, 2009.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

3A. That the expenditure of City funds to provide special events insurance to support the lecture by Carlos Fuentes on October 31, 2009, at the Plaza Theater serves a municipal purpose and is authorized. [Mayor John F. Cook, (915) 541-4145]

3B. That the prohibition against landing aircraft within the City limits except upon a regularly established airfield or landing place contained in Section 14.12.080 of the El Paso City Code is hereby waived to permit the El Paso Branch of United States Customs and Border Protection to land a Eurocopter AS-350 Helicopter on the grass field at the northeast corner of Polk Elementary School campus, 940 Belvidere, in connection with Red Ribbon Week activities at the school to be held on October 28, 2009. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4793]

3C. That the City Engineer be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Kimley-Horn and Associates, Inc. for a project known as "Reconstruction of Taxiway J and Taxiway M" in the amount of \$18,225.98 thereby extending the contract amount from \$628,083.34 to a total of \$646,309.32. Funding source: 62620031/508016/11514/G620AIP0025. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Rio Grande Stucco Company for the purchase of the following parcel for the Roseway Street and Drainage Improvement Project for \$30,000: Parcel15: 6,340 square feet, more or less, being a portion of Ysleta Railroad Station, Ysleta Grant, City of 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]

- 3E.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 2, 3, 4, 6, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3F.** City Council rescission of its action of December 28, 2004, reflected in Document No. 20050000066 resolving to place a lien on the property located at 9225 Reno Court, El Paso, El Paso County, Texas, and instructing the City Clerk to file a copy of that Resolution as notice of that Lien. **(District 6)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3G.** Approve an amendment to the Inter-local Agreement with the University of Texas at El Paso extending the term of the Inter-local agreement dated February 3, 2009, for a graduate certificate program in Urban and Regional Planning for one additional year. The terms of the agreement including compensation and scope of service remain unchanged. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]
- 3H.** That the City Manager be authorized to submit applications to the State Comptroller to seek funding through the Major Events Trust Fund, in conjunction with national and international events presented in El Paso, and to authorize the City Manager to make all appropriate budget transfers and fund distributions of awarded funds. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]

4. BOARD RE-APPOINTMENT:

Brian D. Wickstrom to the Parks and Recreation Advisory Board by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]

5. BOARD APPOINTMENT:

Oswaldo Velez to the Parks and Recreation Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

6. 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]

7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS:

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchasing orders referencing Powers General Contractors, Rayco Construction, and Basic IDIQ under the Harris County Department of Education "Choice Facility Partners Job Order Contracts" for the repair, rehabilitation, and/or demolition on an estimated 12 homes the City will purchase for the Neighborhood Stabilization Program (NSP) in the amount not to exceed \$250,000. Participation by the City of El Paso in the HCDE Cooperative Purchasing Program was approved by City Council on August 18, 2009.

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.

Department: Community and Human Development
 Account No.: 71150034-505201-07901-G71NSP
 71150034-508027-07901-G71NSP
 71150034-07902-G71NSP TDHCA
 Funding Source: Community Development Building Grants
 Total Estimated Amount: \$250,000
 Reference No.: 2010-051
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Community and Human Development, William Lilly, (915) 541-4643]

8. BEST VALUE PROCUREMENTS:

8A. The award of Solicitation No. 2009-289 (Security Guard Services – Police Headquarters) to Ruiz Protective Service, Inc. for a total estimated award of \$208,265.46.

Department: Police
 Award to: Ruiz Protective Service, Inc.
 El Paso, TX
 Items: All
 Option: Two years
 Annual Estimated Amount: \$69,421.82
 Account No.: 21010061 – 502212 – 01101
 Funding Source: General Funds
 Total Estimated Award: \$208,265.46 (3 year total)
District: 8

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 Police recommend award as indicated to Ruiz Protective Service, Inc., the vendor offering the best value bid.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Police Department, Laura Garcia, (915) 564-7381]

8B. The award of Solicitation No. 2009-140 (Janitorial Services – Municipal Service Centers and Corrals) to Carefree Janitorial Services and Total Cleaning Services for a total estimated award of \$164,754.

Department: General Services – Building Maintenance
 Award to: Vendor 1: Carefree Janitorial Services
 El Paso, TX
 Item(s): 1
 Option: 1 or 2 years
 Annual Estimated Amount: \$ 74,194.56

Award to: Vendor 2: Total Cleaning Services
 El Paso, TX
 Item(s): 2 and 3
 Option: 2 years
 Annual Estimated Amount: \$8,182.44

Account No.: 31010327 – 502206 - 01101
 Funding Source: General Funds
 Total Estimated Award: \$164,754 (2 year total)
Districts: 4, 7, and 8

This is a twenty-four 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 to Carefree Janitorial Services and Total Cleaning Services, the vendors offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [General Services, Stuart Ed, (915) 621-6822]

REGULAR AGENDA - INTRODUCTIONS

9. 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.

9A. An Ordinance to amend Title 20 (Zoning) to amend various sections thereunder pertaining to the duties and structure of the Development Services Department, and the duties of staff; and to clarify the type of criminal penalty for a violation; the penalty being as provided in Section 20.24.020 of the El Paso City Code. **(All Districts)** [Development Services/Planning, Eddie Garcia, (915) 541-4638]

9B. An Ordinance to amend Title 19 (Subdivisions) to amend various sections thereunder to change the references to the former Planning and Building Permits & Inspections Departments to the Development Services Department, to correctly reference and assign City staff to enforce the code; to correct terminology and reconcile the wording used in Title 19 with similar provisions and references in other code titles so as to be uniform, including the creation of the penalty; to revise definitions so as to be uniform with other code provisions and delete unnecessary definitions; to revise the process for amending the title; and to incorporate the fee reduction incentives previously adopted in Ordinance No. 016878 into the title's current section numbers and to repeal Ordinance No. 016878; The penalty being as provided in section 19.42.070 of the El Paso City Code. **(All Districts)** [Development Services/Planning, Eddie Garcia, (915) 541-4638]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 10, 2009, FOR ITEMS 9A – 9B

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

10. ENGINEERING:

Discussion and action that the City be authorized to enter into negotiations with Armor Construction Co. Inc., who submitted the highest ranked proposal for the Armijo Branch Library Computer Lab Addition & Chihuahuita Community Center HVAC Remodeling project, as per recommendations from the Engineering Department. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: Engineering
 Account No(s): 71150069 / 508027 / 07884 / G7134CD0014
 71150069 / 508027 / 07892 / G7134CD0021
 99331117 / 508027 / 27263 / PCP06MF001
 Funding Source: CDBG 34th Year (Armijo), CDBG 34th Year (Chihuahuita) and
 2006 Certificates of Obligation
 Proposal No.: 2009-277
District: 8
 [Engineering, R. Alan Shubert, (915) 541-4423]

11. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2010-007 (Stress Management Services) to Integrity Employee Assistance, Inc., for a total estimated award of \$522,000.

Department: Police
 Award to: Integrity Employee Assistance, Inc.
 El Paso, TX
 Items: All
 Option: Two years
 Annual Estimated Amount: \$174,000
 Account No.: 21010050 – 502215 – 01101
 Funding Source: General Funds
 Total Estimated Award: \$522,000 (3 year total)
Districts: All

This is thirty-six month requirements type contract for counseling and stress management services for sworn Police Department employees.

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 Police recommend award as indicated to Integrity Employee Assistance, Inc., the vendor offering the best value bid.

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

[Police Department, Eric Shelton, (915) 564-7357] **POSTONED FROM 10-13-09**

REGULAR AGENDA – PUBLIC HEARINGS

12. DEVELOPMENT SERVICES:

12A. 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]

12B. 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]

13. EL PASO WATER UTILITIES:

An Ordinance authorizing the City Manager to sign a Special Warranty Deed and any other necessary documents conveying approximately 35 acres of land being a portion of Section 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, to EP Plaza Partners, L.P., the highest and sole bidder.

(District 4) [El Paso Water Utilities Public Service Board, Jim Shelton, (915) 594-5511]

14. TAX OFFICE:

14A. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described as Lots 21 through 27, Block 125, Highland Park Addition, an Addition to the City of El Paso, being more particularly described in Volume 495, Page 1743, Deed Records of El Paso County, Texas, to El Paso Water Utilities/Public Service Board (EPWU/PSB). **(District 2)**

[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

14B. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 3428 San Antonio Avenue to Francisco Perez. **(District 8)**

[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS**15. MAYOR AND COUNCIL:**

- 15A.** Discussion and action on a Resolution to support the Organ Mountains - Desert Peaks Wilderness Act. [Mayor John F. Cook, (915) 541-4145]
- 15B.** Discussion and action to direct that the City Manager City-initiate an application to vacate a portion of unimproved public right-of-way known as Portland Street between Elm Street and Grant Avenue within Manhattan Heights Addition for vehicular purposes, and that it be retained for pedestrian access and open space purposes. **(District 2)** [Representative Susie Byrd, (915) 541-4416]

16. COMMUNITY AND HUMAN DEVELOPMENT:

- 16A.** Discussion and action on a Resolution that City Council approve the following affordable rental housing projects be designated for funding as Community Housing Development Organization (CHDO) activities under the City's Fiscal Year 2007, 2008, and Fiscal Year 2009 HOME Grant Program: (1) TVP Non-Profit Corporation (Land acquisition/Construction of 6 Rental Town homes) 3830 Johnson Street & 3330 Lincoln Street (\$746,730) (Dist. 2); (2) Project Vida Community Development Corporation (Land Acquisition/Construction of 10 Rental Units) 3501 San Antonio (\$747,162) (Dist. 2); (3) Project Vida Community Development Corporation (Land Acquisition/Construction of 10 Rental Units) 3801 Pera (\$1,000,000) (Dist. 3); (4) Opportunity Center for the Homeless (Land Acquisition/Rehabilitation/ Construction of 20 SRO Units) 1230 Myrtle (\$1,000,000) (Dist. 8); (5) The Marvellous Light Corporation, Inc. (Construction of 8 Rental Units) 4421 Lawrence (\$694,960) (Dist. 2). Further, that City Manager be authorized to sign a CHDO-HOME Written Agreement, in a form substantially similar to the form contract specified, by and between the City and the respective CHDOs; and the City Manager be authorized to sign a Deed of Trust and/or Builder's and Mechanic's Lien Contract and Deed of Trust by and between the City, the respective CHDO, and the selected construction contractors, upon the recommendation of the Director of Community and Human Development and the approval of the City Attorney's Office. **(Districts 2, 3, and 8)**
[Community and Human Development, William Lilly, (915) 541-4643]
- 16B.** Discussion and action that City Council approve the following affordable rental housing projects recommended by the Director of Community and Human Development, as listed below: (1) The Evangelical Lutheran Good Samaritan (Construction of 41 One-Bedroom Units for the Elderly) 7750 Lilac Way (\$450,000) (Dist. 7); (2) Sound Preservation 205 LP (Acquisition/Rehabilitation of 100 Multi-family units) 611 Rubin Drive - Suncrest Apartments (\$350,000) (Dist. 8); (3) Investment Builders, Inc. - Desert Villas, Ltd. (Land Acquisition/Construction of 94 Multi-family units) Approx. 0.5 miles SW of Alameda & Coronado Road (\$220,000) (Dist. 3); (4) Investment Builders, Inc. - Canyon Square, Ltd. (Land Acquisition/Construction of 104 Multi-family units) 8622 & 8624 North Loop Road (\$260,000) (Dist. 7). Further, that the City Manager, on behalf of the City, be authorized to sign an Investor HOME Program Written Agreement in a form substantially similar to the form contract as specified by and between the City and each respective project developer, as well as any related contract documents necessary to effectuate the awards and to secure and protect the City's lien interest. **(Districts 3, 7, and 8)**
[Community and Human Development, William Lilly, (915) 541-4643]

17. ECONOMIC DEVELOPMENT:

- 17A.** Presentation and update regarding performance by Bob Cook, President and Chief Executive Officer of the El Paso Regional Economic Development Corporation (REDCO). **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4872]
- 17B.** Discussion and action on a Resolution that the City Manager be authorized to sign the First Amendment to Chapter 380 Economic Development Program Agreement, the First Amendment to Tax Abatement Agreement, and the First Amendment to Hotel and Convention Services Agreement, all of which are between the City of El Paso and Hotel Don Quixote, LTD, regarding the construction and operation of the Doubletree Hotel in Downtown El Paso and City financial incentives for economic development and tourism services related thereto. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4872]

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.** Claim of Catherine and Jade Collins, Our File No. 08-C-248A. (551.071)
[City Attorney Office, Audrey Hare, (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/>