

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

**November 3, 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 Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. DIABETES MONTH**
- 2. NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH**
- 3. AREA 19 SPECIAL OLYMPICS FALL GAMES WEEK**
- 4. MUNICIPAL COURT WEEK**
- 5. VETERAN'S DAY**
- 6. JUNIOR DEVIL DOGS DAY**

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 27, 2009, and the Special City Council Meetings of October 27, 2009 (Regional Growth Management Plan). [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 Tenth Amendment to the Facility Management and Tourism Agreement between the City of El Paso and SMG to clarify the amounts and calculations used for determining the fixed fees and incentive fees paid under the agreement, to revise the definition of facility, and clarify the provisions regarding termination of the agreement for convenience. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

3B. That the Mayor be authorized to sign a First Amendment to Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), whereby UTEP agrees to provide technical support to the MPO in certain transportation areas. **(All Districts)**
[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735, ext. 13]

3C. That the City Manager be authorized to sign an Exhibition Agreement between the City of El Paso and Trustees of the Walters Art Gallery, for the Walters Art Museum, for an exhibition known as "Bedazzled: 5,000 Years of Jewelry" in the amount of \$100,000 for the participation fee and the amount of \$37,000 for costs. **(All Districts)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

4. BOARD RE-APPOINTMENTS:

4A. Armando Uranga to the Building and Standards Commission, as an alternate community affairs member, by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

- 4B. James R. Ratcliff to the Building and Standards Commission, as an alternate member, by Representative Rachel Quintana, District 5.
[Representative Rachel Quintana, (915) 541-4701]

5. **BOARD APPOINTMENTS:**

- 5A. Joel G. Guzman to the Historic Landmark Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5B. Larry Nance to the City Plan Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

6. **APPLICATIONS FOR TAX REFUNDS:**

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

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

- 7A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Environmental Systems Research Institute Inc. (ESRI), a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-492 for annual license and maintenance support in the amount of \$103,140.27 for various ESRI products used by the City's GIS Division. 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: Data Processing Services Contracts
 Total Estimated Amount: \$103,140.27
 Reference No.: 2010-072
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]
[Information Technology, John Neal, (915) 541-4288]

- 7B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to DLT Solutions, Inc., a State Department of Information Resources (DIR) contractor under DIR State Contracts DIR-SDD-513 and DIR-SDD-491, in the amount of \$53,733.77, for AutoCAD software maintenance and support. 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 Amount: \$53,733.77
 Reference No.: 2010-073

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]
[Information Technology, John Neal, (915) 541-4288]

- 7C.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to GTSI Corporation, a U. S. Communities contractor under Contract Number RQ09-997736-42D, in the amount of \$184,540.18 for the software license, implementation, and the first year maintenance agreement, and that the City Engineer be authorized to approve up to \$5,000 in additional services for a total contract amount not to exceed \$189,540.18. Participation by the City of El Paso in the U.S. Communities Purchasing Alliance Program was approved by Mayor and Council on February 27, 2007.

Department: Engineering
 Account No.: 31250204-508035-60507-PCAP06001
 Funding Source: FY 2002 Certificates of Obligation
 Total Estimated Amount: \$189,540.18
 Reference No.: 2010-075
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]
[Engineering, R. Alan Shubert, (915) 541-4423]

- 7D.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders referencing El Paso Bolt & Screw, Inc. (\$20,000), Johnstone Supply (\$15,000), Ewing Irrigation (\$20,000), and American Refrigeration Supplies, Inc. (\$20,000) under the Region 19 Purchasing Cooperative Contract 08-6131, for plumbing, HVAC parts and supplies, irrigation and hardware supplies and services as the need arises in the estimated amount of \$75,000. This is in addition to a previous purchase issued to Dale Boren’s Service Supply, Inc. in an approximate amount of \$30,000. Total expenditures are \$105,000. Participation by the City of El Paso in the Region 19 Purchasing Cooperative Program was approved by City Council on March 4, 2008.

Department: Aviation
 Account No.: 62620003 – 503121 - 40101
 Funding Source: Airport Cost Centers
 Total Estimated Amount: \$75,000 (Total Expenditures \$105,000)
 Reference No.: 2010-070
Districts: All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Airport, Monica Lombrana, (915) 780-4724]

- 7E. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to Bazaar Uniforms & Men's Store and to Northern Imports, Inc. d/b/a Work Wear Safety Shoes, Region 19 Cooperative Purchasing Program contractors under Contract No. 08-6133, for the purchase of uniforms, shoes and related items for the Departments of Aviation and Streets, in the estimated amount of \$125,047. 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.

Departments: Streets and Aviation
Award to: Bazaar Uniforms & Men's Store (\$79,000)
Northern Imports, Inc. d/b/a Work Wear Safety Shoes (\$46,047)
Account No.: 32010200 – 503120 – 01101 (Streets)
62620003 – 503121 – 40101 (Aviation)
Funding Source: General Funds; Airport Cost Centers
Total Estimated Amount: \$125,047
Reference No.: 2010-068
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Streets, Daryl W. Cole, (915) 621-6750]
[Airport, Monica Lombrana, (915) 780-4724]

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 amending Title 19 (Subdivisions), Chapter 19.15 (Roadways), Section 19.15.110 (Street Width and Design) and Chapter 19.20 (Parks and Open Space), Section 19.20.090 (Provision for Private Park Facilities and Private Open Space) and Section 19.20.100 (Provision for Bonus Reductions for Additional Land or Facilities on New or Existing Public Parklands), of the El Paso City Code to amend credit procedures for private park facilities and off-site park facilities and to allow for alternative road design. The penalty as provided in Chapter 19.04.090 of the City of El Paso City Code. **(All Districts)**
[Development Services/Planning, Eduardo Garcia, (915) 541-4638]

- 8B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.110 (Schedule IX - Special Truck Routes for Hazardous Material Carrying Vehicles), of the El Paso City Code by amending the routes on Loop 375, Americas Avenue (Loop 375 Frontage), Joe Battle Boulevard (Loop 375 Frontage), and Zaragoza Road and adding SPUR 601 between Patriot Freeway (U.S. 54) and Loop 375. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
(Districts 2, 5, and 6) [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 10, 2009, FOR ITEMS 8A – 8B

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

9. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2009-126 (Building Electrical Supplies and Related Products) to Summit Electric Supply for a total estimated amount of \$540,000.

Department:	General Services
Award to:	Summit Electric Supply El Paso, TX
Items:	All items: Group I, II, III, and IV
Annual Estimated Amount:	\$180,000
Account No.:	31010325 – 503200 – 01101 62620003 – 503121 – 40101
Funding Source:	General Services General Fund, Airport Cost Centers
Total Estimated Award:	\$540,000 (3 year total)
Districts:	All

This is a thirty-six month requirements type contract for Building Electrical Supplies and Related Products.

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

REGULAR AGENDA – PUBLIC HEARINGS

10. ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.280 (Restrictions on Parking in Residential Parking Districts), of the El Paso City Code to provide for the creation and dissolution of Residential Parking Districts, issuance and revocation of Visitor, Owner, New Resident, Temporary, and Resident parking permits and establishing fees; the penalty being as provided in Section 12.84 (Violation - Penalty) and Section 12.85 (Parking Violations) of the El Paso City Code.

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

REGULAR AGENDA – OTHER BUSINESS**11. ENGINEERING:**

Discussion and action on a Resolution amending Schedule C of Fiscal Year 2010 Budget Resolution to add new fees to be charged by the City for residential parking districts pursuant to Section 12.44.280. **(All Districts)**

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

REGULAR AGENDA – PUBLIC HEARINGS**12. PUBLIC HEALTH:**

12A. An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System Ltd. d/b/a Del Sol Medical Center for the use of approximately 96.38 square feet in the Tigua Health Center at 7862 San Jose Road, El Paso, Texas. **(District 7)**

[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

[Public Health, Angela Mora, (915) 771-5706]

12B. An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System Ltd. d/b/a Del Sol Medical Center for the use of approximately 93.30 square feet in the Westside Health Center, at 5195 Mace Road, El Paso, Texas. **(District 1)**

[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

[Public Health, Angela Mora, (915) 771-5706]

12C. An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System Ltd. d/b/a Del Sol Medical Center for the use of approximately 222.43 square feet in the Northeast Health Center at 5587 Transmountain Road, El Paso, Texas. **(District 4)**

[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

[Public Health, Angela Mora, (915) 771-5706]

12D. An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System LTD d/b/a Del Sol Medical Center for the use of approximately 159.46 square feet in the Henderson Health Center at 721 South Mesa Street, El Paso, Texas. **(District 8)**

[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

[Public Health, Angela Mora, (915) 771-5706]

13. DEVELOPMENT SERVICES:

13A. An Ordinance granting Special Permit No. ZON09-00058 to allow an Assisted Living Facility on the site of the property described as being all of Lot 1, Block 1, Falvey Estates, City of El Paso, El Paso County, Texas, pursuant to Sections 20.08.030 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. ZON09-00058 **(District 6)**

[Development Services/Planning, Linda Castle, (915) 541-4029]

- 13B.** An Ordinance amending Ordinance No. 017176 which imposed a moratorium for a period of ninety days on the acceptance of applications for permits and issuance of permits for the erection, construction, or modification of off premise signs or billboards, to extend the moratorium period for sixty additional days. **(All Districts)** [Development Services/Planning, Mathew McElroy, (915) 541-4056]
- 13C.** An Ordinance amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes), Section 3.04.035 (Exemption – Historically Significant Sites), of the El Paso City Code; to designate different reviewing authorities for properties depending on the existence of a historic district zoning overlay; to clarify the processes for obtaining a tax exemption; and to provide for appeals processes. **(All Districts)** [Development Services, Tony De La Cruz, (915) 541-4329]
- 13D.** An Ordinance amending Title 20 (Zoning), Chapter 20.20 (Historic Landmark Preservation), to amend Section 20.20.080 to clarify the process by which historic properties in areas of potential effect obtain a tax exemption through preservation of the property. **(All Districts)**
[Development Services, Tony De La Cruz, (915) 541-4329]

REGULAR AGENDA – OTHER BUSINESS

14. DEVELOPMENT SERVICES:

Discussion and action on a Resolution adopting the design guidelines for use by the Historic Preservation Officer within the areas of potential effect identified as the "Northeast Portion of the Historic Incentive District area" and the "South Portion of the Downtown Historic Incentive District area", in accordance with Section 20.20.080 of the El Paso City Code. Applicant: City of El Paso. **(District 8)**
[Development Services/Planning, Tony De La Cruz, (915) 541-4329]

15. MAYOR AND COUNCIL:

Discussion and action on traffic calming measures for Sunset Road.
[Representative Beto O'Rourke, (915) 541-4123]

16. CITY MANAGER'S OFFICE:

Discussion and action on City Council to appoint up to 15 members to the Blue Ribbon Committee on Regional Parks from a list of candidates nominated by local stakeholders. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]

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.** Portions of Lot 1, Block 1, Hawkins Plaza, El Paso, Texas. (551.071 and 551.072)
[City Attorney's Office, Theresa Cullen, (915) 541-4550]
- EX2.** Javier E. Avila vs. City of El Paso and El Paso Metropolitan Planning Organization,
Cause No. 2009-1660. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX3.** Jake Canavan vs. City of El Paso, Cause No. 09-CV-043-KC. (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/>