

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, 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 11, 2008
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.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: 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 Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. VETERAN'S DAY**
- 2. NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH**
- 3. ANTONIO ESCALANTE DAY**

RECOGNITION

STAR ON THE MOUNTAIN AWARD - ANTONIO ESCALANTE

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 November 4, 2008, and the Special City Council Meeting of November 5, 2008 (Strategic Planning).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso ("Lessor") and Enterprise Leasing Company - West ("Lessee") for the following described property: a portion of Block 2, Ascarate Grant, and a portion of Block 3-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, containing approximately 33,379 square feet of land. **(District 3)** [Airport, Patrick Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso and Institute of Policy and Economic Development at UTEP/University College for a project known as Needs Assessment for the El Paso Public Library, with no city funds to be used for the needs assessment. **(All Districts)** [Library, Carol Brey-Casiano, (915) 543-5413]

3C. That the City Manager be authorized to sign a sub-agreement between the City of El Paso and the University of Texas at El Paso for the City to act as a community partner contractor with the HEART Phase 2, "Mi Corazon, Mi Comunidad" project. UTEP has received a major multi-year grant from the National Institutes of Health (NIH) to promote healthy lifestyles and environmental changes to reduce cardiovascular risk. The Parks and Recreation Department will provide facilities and programs in accordance with sub-agreement; all direct costs associated with this sub-agreement will be reimbursed through the grant. **(Districts 6 and 8)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

4. BOARD RE-APPOINTMENT:

Alisa Jorgensen as alternate to the Zoning Board of Adjustment by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

5. BOARD APPOINTMENT(S):

5A. Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5B. Karl P. Heimer to the Community Development Steering Committee by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

6. BID:

The award of Solicitation No. 2009-027 (Turner Road Street Improvements) to Quest Contracting, Inc., for a total estimated amount of \$250,426.81.

Department:	Engineering
Award to:	Quest Contracting, Inc. El Paso, TX
Base Bid I:	\$230,426.81
Option No. 1:	\$ 20,000.00
Account No.:	99331117 – 508027 – 27263 – PCP06ST014B
Funding Source:	2006 Certificates of Obligation
Total Estimated Award:	\$250,426.81
District:	6

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 part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder. [Engineering, R. Alan Shubert, (915) 541-4423]

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 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, to downgrade the following streets from minor arterials to collector arterials: Yandell from Missouri to Santa Fe; Kerbey from Kansas to Rim; Van Buren from Elm to Dyer; Monroe from Elm to Dyer; Altura from Alabama to Happer; Timberwolf from Howze to Magruder; and Sioux from Montana to Edgemere. Applicant: City of El Paso Engineering Department - Traffic Division [Redacted] **(Districts 1, 2, 3, and 8)** [Development Services/Planning, Chuck Kooshian, (915) 541-4632]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 18, 2008, FOR ITEM 7A

- 7B.** An Ordinance changing the zoning of a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-4 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Ardelle Avenue and east of George Dieter Drive. Applicant: J&L Unique Homes/Joe Lozano. ZON08-00067 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 7C.** An Ordinance releasing conditions on property by Ordinance No. 009146 which changed the zoning of a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Ardelle Avenue and east of George Dieter Drive. Applicant: J&L Unique Homes/Joe Lozano. ZON08-00068 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2008, FOR ITEMS 7B - 7C

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 – PUBLIC HEARINGS

8. DEVELOPMENT SERVICES:

- 8A.** An Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: west of Rich Beem Boulevard and north of Montana Avenue. Applicant: East Montana Joint Venture. ZON08-00058 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 8B.** An Ordinance changing the zoning of Tract 1B of F.M. Collins Survey No. 209 and Tract 6B of H.F. Fisher Survey No. 293, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment-Office), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City

Code. Subject property: 1300 Murchison Drive. Applicant: Murchison Medical Doctors, LP c/o Hiett & Associates. ZON08-00063 **(District 8)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

9. ENGINEERING:

- 9A.** 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 Number 38, Oregon Street from Arizona Avenue to San Antonio 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]
- 9B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 Schedule XIV (Speed Limits), G (Forty-Miles per Hour), of the El Paso City Code by adding Helen of Troy Drive between Desert North Boulevard and the east City Limits; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 9C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 Schedule III (Parking Prohibited at All Times on Certain Streets) of the El Paso City Code by adding Helen of Troy Drive, both sides; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

10. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council amend the City's 2008 - 2009 Annual Action Plan of the Consolidated Plan for 2005 - 2010 by adding one new public facility activity, Central Recreation Center - Rehabilitation of Public Areas, in the amount of \$1,500,000, to the 34th Year (2008 - 2009) Community Development Block Grant Program, and that the City Manager or her designee be authorized to take any actions necessary to accomplish the intent of the Resolution. **(District 8)**
[Community and Human Development, William Lilly, (915) 541-4643]

11. ECONOMIC DEVELOPMENT:

- 11A.** Discussion and action on a Resolution that the City Council approve revisions to the Revolving Loan Fund Plan that: address the current economic development priorities of the El Paso region; increase the minimum loan amount to \$10,000 and the maximum loan amount to \$100,000; revise the targeted industries for loan funding priorities; and provide non-substantive revisions to clarify loan funding procedures and program administration. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760] **POSTPONED FROM 10-28-08**
- 11B.** Discussion and action on a Resolution to authorize the City Manager or her designee to certify the annual report to the Economic Development

Administration of the City/County Joint Revolving Loan Fund for the period ending September 30, 2008. **(All Districts)**

[Economic Development, Kathryn B. Dodson, (915) 541-4760] **POSTPONED FROM 10-28-08**

11C. Discussion and action on a Resolution that the City of El Paso Guidelines & Criteria for Tax Abatement Assistance be adopted as the City of El Paso Tax Abatement Policy. **(All Districts)**

[Economic Development, Kathryn B. Dodson, (915) 541-4670]

11D. Discussion and action concerning real property located at U. S. 54 and Stan Roberts, Tax ID #X58099910400000 and Tax ID# X58099910300020, held by the Public Service Board (PSB) and direction to staff to proceed with steps necessary to make the property available for conveyance upon certain conditions to a 3rd party as part of a large economic development project in accordance with the strategic goals Council set for the department. **(District 4)**

[Economic Development, Kathryn B. Dodson, (915) 541-4760]

12. ENGINEERING:

12A. That the City Manager be authorized to sign an agreement for engineering services by and between the City of El Paso and Raba-Kistner Consultants, Inc., for a project known as "Environmental Engineering Consultant Services", for a two year contract in an amount not to exceed \$750,000 (not to exceed the amount of \$375,000 per year for two years) with two one-year options, with each option year not to exceed \$375,000. Funding provided by projects using consultant.

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

12B. That the City of El Paso be authorized to submit to the Texas Department of Transportation for approval the attached proposed ordinance restricting trucks with three or more axels, to the lanes on the right of the left most lane on Interstate Highway 10 from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road). **(All Districts)**

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

13. FINANCIAL SERVICES:

Discussion and action on a Resolution to approve the City's Investment Policy for Fiscal Year 2009. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

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
Section 551.072

CONSULTATION WITH ATTORNEY
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.** Deborah N. Lopez vs. the City of El Paso, Cause No. 2007-699. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]

- EX2.** Discussion and action regarding the acquisition of Ascarate Park from the County of El Paso. (551.071 and 551.072) [Quality of Life, Debbie Hamlyn, (915) 541-4242]

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/>