

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

**December 1, 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 Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. HOLIDAY TREE LIGHTING AND LIGHTS PARADE DAY**
- 2. J.M. HANKS HIGH SCHOOL SILVER KNIGHTS MARCHING BAND DAY**
- 3. BE A SANTA TO A SENIOR DAY**

RECOGNITION

Walt Phillips - Conquistador Award

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 17, 2009.
[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 the First Amendment to the Industrial Site Lease by and between the City of El Paso (Lessor) and EPII Group, LLC (Lessee) adding an additional 22,390 square feet of land to the leased premises being a portion of Lot 19, Block 1, International Industrial Center, Unit 1 Replat, El Paso, El Paso County, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a User Agreement among the City of El Paso, Honeywell International, Inc., and O.K. and B., Marvin L. Oates, and Buzz Oates Development L.P. to allow Honeywell International, Inc. to operate as a User Distribution Site Operator within the Foreign Trade Zone No. 68.
(All Districts) [Airport, Monica Lombrana, (915) 780-4724]

3C. That the City Manager be authorized to sign an agreement for electric service and an agreement granting a transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the New Mission Valley Transit Terminal and Visitor's Center, 9051 Alameda Avenue, El Paso, Texas. Said property being more particularly described as Tract 20, Block 45, Ysleta Grant, El Paso, El Paso County, Texas. **(District 7)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager be authorized to sign Amendment #2 to the Advance Funding Agreement of January 15, 1998, between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation for the construction of canopies with lighting on two border crossings, Santa Fe Street Bridge and Stanton Street Bridge, and improvements to Lion's Placita. The amendment is required under the American Recovery and Reinvestment Act of 2009 provisions relating to construction funding, inspection of books and records, reporting requirements, and Office of Management and Budget audit

requirements. (No additional funding is required under this section since Council had previously dedicated TXDOT match funding from 2006 Certificates of Obligation as the City's portion of the project funding. The funding allocation remains the same.) **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 3E. That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and CH2M HILL, Inc., a Florida Corporation, for a project known as "Landfill Gas Recovery System and Master Plan" for an amount not to exceed \$226,792 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$276,792. The funding is coming from a stimulus grant from the Federal Government. Fund: 05590, Department ID: 34150062; Grant: GEECBG04. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3F. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, 5, 6, & 7)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3G. That the City Manager be authorized to accept the donation of the property municipally known and numbered as 118 Northwind, El Paso, El Paso County, Texas, from Bank of America and to sign any an all documentation approved by the City Attorney necessary to effectuate the transfer of title to the City of El Paso. **(District 1)** [Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

4. BOARD RE-APPOINTMENT:

Michael Bray to the El Paso Housing Finance Corporation by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5. BOARD APPOINTMENTS:

- 5A. J. Brandy Gardes to the Animal Shelter Advisory Committee by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5B. Nancy Joann Crider to the Animal Shelter Advisory Committee by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5C. Nancy Joann Crider to the Animal Welfare Advisory Committee by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5D. Jerry Romero to the El Paso Housing Finance Corporation by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5E. Richard Vorba to the City Plan Commission by Representative Carl Robinson, District 4. [Representative Carl Robinson, (915) 541-4400]
- 5F. Leticia Paez to the Empowerment Zone Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

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, ETC.:

7A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to LDV, Inc., a TXMAS Contractor under contract TXMAS-4-23V020, for a Mobile Explosive Ordinance Device Command Center vehicle for transporting a Hazardous Duty Robot, bomb suits, X-ray system, and related equipment for use by the El Paso Police Department for the total estimated amount of \$299,985. The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Police
 Account No.: 22150024 – 508035 – 07189 – G220918
 Funding Source: Urban Area Security Initiative Grant (UASI)
 Total Estimated Amount: \$299,985
 Reference No.: 2010-044

Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Police Department, Jose Reveles, (915) 564-7103]

7B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase order(s) to Hagemeyer North America, Inc. under the US Communities Cooperative Purchasing Alliance Contract RQ-06-814063-10A for Homeland Security and Public Safety Equipment and related services to various departments in an estimated amount of \$150,000. This is in addition to previous purchase orders issued to Hagemeyer North America, Inc. in the amount of approximately \$100,000. Total projected expenditures are \$250,000. The participation by the City of El Paso in the US Communities Cooperative Purchasing Alliance was approved by Mayor and City Council on February 27, 2007.

Department: Fire
 Account No.: Various
 Funding Source: Various
 Total Estimated Amount: \$150,000 (Total projected expenditures \$250,000)
 Reference No.: 2010-092

Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Fire Department, John Espinosa, (915) 771-1068]

8. BEST VALUE PROCUREMENTS:

8A. The award of Solicitation No. 2010-008 (Scrap Metal Recycling Services) to Lucero Scrap, LLC for a total estimated revenue of \$267,300.

Department: Environmental Services
 Award to: Lucero Scrap, LLC
 El Paso, TX
 Items: All
 Option: 2 years
 Annual Estimated Amount: \$ 89,100 (annual revenue)
 Account No.: 34010289 – 403146 - 40403

Funding Source: Special Waste Removal Fees
 Total Estimated Award: \$267,300 (3 years)
Districts: All

This is a thirty-six month Best Value type contract.

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award to Lucero Scrap, LLC, the vendor offering the highest revenue and best value.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 8B.** The award of Solicitation No. 2010-015 (Body Armor) to Uniforms of Texas for a total estimated award of \$270,900.

Department: Police
 Award to: Uniforms of Texas
 El Paso, TX
 Items: Group I, Items 1 and 2
 Group II, Items 1 - 4
 Option: Two years
 Annual Estimated Amount: \$135,450
 Account No.: 21010060 – 503120 - 01101
 Funding Source: General Funds
 Total Estimated Award: \$270,900 (2 years)
Districts: All

This is a 24 month requirements type contract for Body Armor.

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 to Uniforms of Texas, the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Police Department, Michelle Gardner, (915) 564-7270]

9. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2010-082R (Vehicle Rental Concessionaire) to Simply Wheelz LLC d/b/a Advantage Rent a Car for a total estimated award of \$185,546. This is a revenue-generating contract.

Department: Aviation
 Award to: Simply Wheelz LLC d/b/a Advantage Rent A Car
 Park Ridge, NJ
 Option: One year
 Account No.: Revenue Contract
 Funding Source: Revenue Contract
 Total Amount: \$185,546 (6 months)
Districts: All

This contract is for the operation of nonexclusive Vehicle Rental Concession at the El Paso International Airport. This contract is from December 15, 2009, through June 30, 2010, with the option to extend the term for an additional one-year period. The Minimum Annual Guarantee will be prorated for the initial period.

Additionally, it is requested that the City Attorney's Office review and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated to the sole bidder.

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

[Airport, Monica Lombrana, (915) 780-4724]

10. BIDS:

10A. The award of Solicitation No. 2009-255 for the Pavo Real Swimming Pool (BathHouse) to HRT Roofing and Construction, Inc. for a total estimated amount of \$222,000.

Department: Engineering Department
Award to: HRT Roofing & Construction, Inc.
Base Bid: \$222,000
Account No. 14101001 - 508027 - (60119, 60167, 60183) - PQLPA144A
31130500 - 508027 - (26263, 60021) - PQLPA144A
Funding Source: 2000 Quality of Life Bonds
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.

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 design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Engineering and Parks & Recreation Departments recommend award to the offeror who submitted the highest ranked proposal. [Engineering, R. Alan Shubert, (915) 541-4423]

10B. The award of Solicitation No. 2010-001 for the FBO Ramp & Tower Area Pavement Improvements, to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc. for a total estimated amount of \$159,911.74.

Department: Engineering Department
Award to: J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc.
Base Bid: \$159,911.74
Account No. 62620024-508027-41054-PAP0019
Funding Source: Airport Enterprise Fund
District: 2

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 and/or the Streets Director 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]

- 10C.** The award of Solicitation No. 2009-281 for the Bucher Road Street Improvements, to Danny Sander Construction, Inc. for a total estimated amount of \$348,809.

Department: Engineering Department
Award to: Danny Sander Construction, Inc.
Base Bid: \$348,809
Account No. 71150069 - 508027 - 10163 - G71CDBGR002
71150069 - 508027 - 10173 - G71PSBGR002
Funding Source: Community Development Block Grant Recovery (CDBG-R)
\$279,659.00 and PSB \$69,150.00
District: 3

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 and/or the Streets Director 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]

- 10D.** The award of Solicitation No. 2009-285 (Miscellaneous Proprietary Irrigation Equipment) to B&C Turf Equipment Company for a total estimated amount of \$261,000.

Department: Parks and Recreation
 Award to: B&C Turf Equipment Company
 El Paso, TX
 Items: 1, 3, 4, 5, 6, 7, 8, 9, and 10
 Option: Two years
 Account No.: 51010366 – 503202 - 01101
 Funding Source: General Funds
 Total Estimated Award: \$261,000 (3 years)
Districts: All

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 Parks and Recreation recommend award as indicated to the lowest responsive, responsible bidder.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
 [Parks and Recreation, Sam Calhoun, (915) 541-4910]

- 10E.** The award of Solicitation No. 2010-023 (Pool Chemicals) to Baron Chemical Co., Inc., Mayfield Pool Supply, and Triple S Janitorial Supplies for a total estimated award of \$167,966.19.

Department: Parks and Recreation
 Award to: Vendor 1: Baron Chemical Co., Inc.
 El Paso, TX
 Items: 2, 5, and 14
 Option: One year
 Annual Estimated Amount: \$ 21,177

Award to: Vendor 2: Mayfield Pool Supply
 El Paso, TX
 Items: 3, 6, 8, 9, 11, and 13
 Option: Two years
 Annual Estimated Amount: \$ 8,275.76

Award to: Vendor 3: Triple S Janitorial Supplies
 El Paso, TX
 Items: 1, 4, 7, 10, and 12
 Option: Two years
 Annual Estimated Amount: \$ 26,821.76

Account No.: 51010364 – 503126 – 01101
 Funding Source: FY2010/Parks/General Fund
 Total Estimated Award: \$168,823.56 (3 year total)
Districts: All

This is a requirements type contract with an initial term of 36 months.

The cost under this requirement contract is only an estimated value. The actual cost of this contract may be higher or lower than the total estimated 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 Parks and Recreation recommend award as indicated, to the lowest responsive, responsible bidders.

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

[Parks and Recreation, Wright Stanton, III, (915) 541-4594]

REGULAR AGENDA - INTRODUCTIONS

11. 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.

- 11A.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable to all Platting Procedures); Chapter 19.02 (Land Studies), Chapter 19.03 (Preliminary Plats), Chapter 19.04 (Final Plats), Chapter 19.06 (Minor Plats), Chapter 19.07 (Revisions to Recorded Plats); Chapter 19.11 (Extra Territorial Jurisdiction (ETJ) Standards), Chapter 19.15 (Roadways); Chapter 19.18 (Traffic Impact Analysis), Chapter 19.20 (Parks and Open Space); Chapter 19.23 (Easements, Block and Lot Design Improvement Standards), Chapter 19.50 (Definitions) of the El Paso City Code to add exceptions to platting and allow for administrative approvals of minor revisions to Land Studies; to amend provisions for preliminary plats, minor plats and recordation; to amend the effect of final plat approval; to amend street improvement design and roadway provisions; to revise provisions for amending plats; to amend dedications to the City and vacation procedures; to amend requirements in the Extended Territorial Jurisdiction (ETJ); and to add a definition for public facility. The penalty is as provided for in Section 19.42 of the El Paso City Code. **(All Districts)**
[Development Services/Planning, Eddie Garcia, (915) 541-4638]

PUBLIC HEARING WILL BE HELD ON DECEMBER 8, 2009, FOR ITEM 11A

- 11B.** An Ordinance releasing conditions placed on Tract 2D and Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas, by contract dated March 7, 1957, which changed the zoning on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 4645 N. Mesa Street. Property owner: ACVC Corporation. ZON09-00068 **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 11C.** An Ordinance changing the zoning of Tract 6B, Block 5, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to A-2/SC (Apartment/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Subject property: 5257 Charl Ann Street. Applicant: Enrique Escobar.
ZON09-00062 (District 1)
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

11D. An Ordinance granting Special Permit No. ZON09-00057 to allow for a 100% parking reduction of the off-street parking requirement on the property described as the south 55 feet of Lot 4, Block 134, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 2823 Mobile Avenue. Property owners: Francisco E. Herrera. ZON09-00057 (District 2)
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

11E. An Ordinance granting Special Permit No. ZON09-00053 to permit an assisted living facility and a convalescent home, on the property described as being a portion of Blocks 1 and 30 and portions of ROW out of Silver Cholla Drive and Moon Ranch Court and all of Cow Ranch Court, all within Sandstone Ranch Unit 7, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: west of Sean Haggerty Drive and south of Marcus Uribe Drive. Property owners: Tropicana Development Inc. ZON09-00053 (District 4)
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON DECEMBER 22, 2009, FOR ITEMS 11B – 11E

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

12. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2010-030 (Front Loaders) to Sierra Machinery, Inc. for a total estimated award of \$568,458.

Department: General Services – Fleet division
Award to: Sierra Machinery, Inc.
El Paso, TX
Items: All
Option: To purchase 100% at the same unit price if exercised within 90 days from date of award
Account No.: 37150068 – 508055 – 27265 – PFLESVC01
34010289 – 508029 – 40499 – PSWM0010
Funding Source: General Services – Buses and Large Trucks
Environmental Services
Total Est. Award: \$596,158 (6 trucks)
Districts: All

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and General Services recommend award to Sierra Machinery, Inc., the vendor offering the best value bid.

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

[General Services, Stuart Ed, (915) 621-6822]

REGULAR AGENDA – PUBLIC HEARINGS

13. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES:

An Ordinance authorizing the issuance of “City of El Paso, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2009A,” and resolve matters which are necessary to effectuate said issuance. **(All Districts)** [Bond Counsel, Paul A. Braden, (915) 351-6053]

14. DEVELOPMENT SERVICES:

14A. An Ordinance changing the zoning of Lot 18, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas, from A-2 (Apartment) 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: 1910 Amy Sue Drive. Applicant: VAA Developing & Construction LP. ZON09-00050 **(District 5)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

14B. An Ordinance changing the zoning of all of Lot 9 and the north 10 feet of Lot 8, Block 273, Campbell Addition, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1015 North Florence Street. Property owners: Maria Otero & Hector J. Gutierrez. ZON09-00043 **(District 8)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

14C. An Ordinance granting Special Permit No. ZON09-00042 to allow a beauty salon and 100% parking reduction in off-street parking requirement on the property described as all of Lot 9 and the north 10 feet of Lot 8, Block 273, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 and 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1015 North Florence. Property owners: Maria Otero & Hector J. Gutierrez. ZON09-00042 **(District 8)** [Development Services/Planning, Andrew Salloum, (915) 541-4027]

14D. An Ordinance releasing conditions placed on property by Ordinance No. 9364 which changed the zoning on Lot 1, Block 1, Plexxar III Unit One, Tracts 2D, 2D1, and 4, Nellie D. Mundy Survey 240, a portion of Tract 10B4A, Nellie D. Mundy Survey 239, and all of Tract 2D4, Nellie D. Mundy Survey 243, 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: Resler Drive between Trade Center Drive and Transmountain. Applicants: Plexxar Capital Ltd. and ADP. Inc. ZON09-00046 **(District 1)** [Development Services/Planning, Linda Castle, (915) 541-4029]

14E. An Ordinance releasing conditions placed on property by Ordinance No. 9364 which changed the zoning on a portion of Lots 2 and 3, Block 2, Plexxar South Unit 2, Tract 1M, S.J. Larkin Survey 264, Tracts 1B7 and 1B8, S.J. Larkin Survey 266 and Tract 6E, WH Lenox Survey 242, 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 Helen of Troy Drive between Resler Drive and Northwestern Drive. Applicants: Plexxar Capital Ltd. ZON09-00047 **(District 1)** [Development Services/Planning, Linda Castle, (915) 541-4029]

14F. An Ordinance releasing conditions placed on property by Ordinance No. 9364 which changed the zoning of Westport Unit Seven Amending Subdivision, 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: 7811 Hoover and 1945 Northwestern. Applicants: Plexxar Capital Ltd. and James A. Dick, Limited Partnership. ZON09-00048 **(District 1)** [Development Services/Planning, Linda Castle, (915) 541-4029]

14G. An Ordinance releasing conditions placed on property by Ordinance No. 9364 which changed the zoning of a portion of Lot 1, Block 1, Plexxar South, Tracts 61C and 62D, W.H. Glenn Survey 241 and Tract 1B6, S.J. Larkin Survey 266, 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: between Northwestern Drive and Resler Drive, north of Paseo Del Norte Drive. Applicants: Plexxar Capital Ltd. and FSW Investments, LP. ZON09-00049 **(District 1)** [Development Services/Planning, Linda Castle, (915) 541-4029]

REGULAR AGENDA – OTHER BUSINESS

15. MAYOR AND COUNCIL:

15A. Legislative Review Committee Report:

1. For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on November 12, 2009, as submitted by Representative Susie Byrd; 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) Solid Waste fees for vacant residential homes.
 - b) Requiring commercial developments to develop and implement a solid waste management plan to include sufficient on-site trash receptacles, adequate disposal service and maintaining the cleanliness of the property.
 - c) Implementing a construction waste manifest to include a deposit fee to ensure adequate waste disposal service and cleanliness of construction sites.
 - d) Clarification of language for Request for Proposal for privatization of collections and landfill operations.
 - e) Proposed revisions to Air Pollution Ordinance, Chapter 9.36, to allow for disposal fires that consist of on-site burning of trees,

brush, grass, leaves, branch trimmings, or other plant growth on city-owned property when no other practical alternative to burning exists.

- f) Proposed revisions to Chapters 5.32 and 9.48 (Public Swimming Pools) clarifying the application processing and license issuance provisions in 5.32.060 and 5.32.070; moving the correction and re-inspection, suspension, revocation and appeals processes to Chapter 9.48; adding a water sampling fee to Section 5.32.140 (Fees); the penalty as is provided in Section 5.32.160 of the El Paso City Code; and to delete references to bacteriological water sampling; to clarify signage in Section 9.48.130; to clarify violation categories in Section 9.48.150; to clarify suspension criteria in Section 9.48.250; to add revocation and appeal language in Sections 9.48.255 and 9.48.270, respectively; the penalty as provided in Section 9.48.260 of the El Paso City Code.

[Environmental Services, Ellen A. Smyth, P.E., (915) 621-6719]

15B. Legislative Review Committee Report:

1. For notation: Formal report of the Planning and Development Legislative Review Committee meeting held on November 19, 2009, as submitted by Ann Morgan Lilly, Chair; and,
2. Discussion and action regarding the recommendations of the Planning and Development Legislative Review Committee from the November 19, 2009 meeting, requesting City Council support of these recommendations, and directing that the City Manager follow through on these items:
 - A) Contracting with Halff & Associates to clarify the structure and expand the functions of the Open Space Advisory Board in coordination with City staff, the Chair of the Open Space Advisory Board, and a representative of the El Paso Water Utilities to include the following:
 - (1) Add the tasks previously undertaken by the El Paso Mountain Committee as follows:
 - (i) Serve as advisory to the City Plan Commission and City Council;
 - (ii) Review and make recommendations on development applications within the Mountain Development Area and Hillside Development Area;
 - (iii) Review and recommend boundary changes to the Mountain Development Area and Hillside Development Area;
 - (iv) Propose code changes to the development regulations of the City;
 - (2) Review and coordinate with the El Paso Water Utilities – Storm Water Utility District on setting priorities for open space acquisitions and reporting of fund balance and open

space acquisition activities pertaining to the 10% revenue earmark; and,

- (3) Review and recommend suggestions for enhancing the Board's role in the 404 permit process with FEMA.
- B) Expanding the options for street lighting within new subdivisions in coordination with the El Paso Electric Company, and amending the Code as may be necessary.
- C) Maintaining the prohibition of mobile billboard signs and revising the City Code to (1) clarify the definition of mobile billboard signs so that business vehicles cannot be used for off-premise advertising purposes; and (2) to delete the exemptions to the sign regulations for government agencies.
- D) Allowing for a "permit per project" calculation for construction permits and inspections to incentivize multi-family housing projects through December 31, 2013; and evaluating a new fee structure for construction permitting and inspection for all projects within the next 90 to 120 days.

[Development & Infrastructure, Patricia D. Adauto, (915) 541-4853]

15C. Legislative Review Committee Report:

- 1. For notation: Formal report of the Transportation Legislative Review Committee meeting held on November 19, 2009, as submitted by Representative Beto O'Rourke; and
- 2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:

Discussion and action on a presentation by Ron Fisher of Jacobs on the status report and strategic plan for completing the Alternative Analysis for Rapid Transit Corridors.

[Mobility Services, Jane Shang, (915) 541-4686]

- 15D.** Discussion and action to direct that the City Manager initiate the process to establish a Tax Increment Reinvestment Zone on behalf of EPT Land Communities within approximately 315 acres of mixed-use infill development, known as the Montecillo Development; such proposed Tax Increment Reinvestment Zone to help finance the costs of all eligible public improvements within the Montecillo Development estimated at \$40 million.

[Representative Ann Morgan Lilly, (915) 541-4151]

- 15E.** Discussion and action as to why the automatic locks that were approved by City Council for the parks public restrooms are not functional.

[Representative Eddie Holguin, (915) 541-4178]

- 15F.** Discussion and action to direct city staff to open the public restrooms for parks in District 6. [Representative Eddie Holguin, (915) 541-4178]

- 15G.** Discussion and action regarding a Resolution regarding the Transportation Reauthorization Bill and specific City Of El Paso priorities.

[Mayor John F. Cook, (915) 541-4145] [Representative Steve Ortega, (915) 541-4108]

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.** Tiger Construction; Our File No. 08-C-207. (551.071)
[City Attorney's Office, Audrey Hare, (915) 541-4550] **POSTPONED FROM 11-17-09**
- EX2.** MOMAR L.P. vs. City of El Paso, Cause No. 2007-4830. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550] **POSTPONED FROM 11-17-09**
- EX3.** Stacy Chenoweth vs. City of El Paso; Cause No. 2009-1112. (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX4.** Edward F. Munoz vs. City of El Paso; Cause No. 2008-3724. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX5.** Melina Castro, in her official capacity, vs. Charles McNabb; Cause No. 2005-8459.
(551.071) [City Attorney's Office, Laura P. Gordon, (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/>