

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 7, 2010
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, Fire and CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. EL PASO EMPLOYEES FEDERAL CREDIT UNION HOLIDAY TREE LIGHTING AND HOLIDAY LIGHTS PARADE DAY**
- 2. JOJO APPRECIATION 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 November 30, 2010.
[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 Third Amendment to the Industrial Site Lease by and between the City of El Paso and LFCW, LLC, which allows a Valet Automobile Parking Lot to be a permitted use until December 25, 2011 for the following described property: Lots 2, 3 and 4, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, commonly known and numbered as 6440 Airport Road, El Paso, Texas. **(District 3)** [Airport, Monica Lombrana, (915) 780-4793]

3B. That the City Manager be authorized to sign and accept on behalf of the City, an Easement granting to the City a drainage easement and temporary construction easement from Butterfield Trail Apartments Partnership. The drainage easement area is approximately .1907 acre in size, located within a portion of Lot 16, Block 74, Sun Valley Addition Unit Seven, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in Exhibit "A" and "A-1" of the Easement. **(District 4)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3C. A resolution dedicating as parkland approximately 0.10 acres of City property located at 1030 Myrtle Avenue. **(District 8)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4331]

3D. Reschedule the City Council meeting of Tuesday, January 4, 2011 to Thursday, January 6, 2011 due to the lack of a quorum for January 4, 2011. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

4. BOARD RE-APPOINTMENT:

Jim Booher to the Historic Landmark Commission by Representative Beto O'Rourke, District 8 [Representative Beto O'Rourke, (915)-541-1268]

5. BOARD APPOINTMENT:

Laura Calvillo Neill to the Community Development Steering Committee by Representative Susie Byrd, District 2 [Representative Susie Byrd, (915) 541-4416]

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. BID:

Award of Solicitation No. 2010-279, for the Chuck Heinrich Park Irrigation Project to Accent Landscape Contractors, Inc., for a total amount of \$375,575.46.

Department:	Engineering and Construction Management
Award to:	Accent Landscape Contractors, Inc.
Base Bid:	\$375,575.46
Total Estimated Completion:	\$375,575.46
Funding Source:	Turf Management & 2008 Reprogramming & El Paso Water Utility
District:	4

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management and Parks Departments recommend award as indicated to the lowest responsible bidder.
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

8. MAYOR AND COUNCIL:

An Ordinance adding a new section to Title 12 (Vehicles and Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations) of the City Code relating to restrictions on operating a motor vehicle near vulnerable road users; the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)**
 [Representative Beto O'Rourke, (915) 541-4123]

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

An Ordinance amending Ordinance No. 017413 and Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section

18.02.103.9.5.3. (Signs), of the El Paso City Code, relating to the inspection requirements for Signs, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4428]

10. **PLANNING AND ECONOMIC DEVELOPMENT:**

- 10A.** An Ordinance vacating a drainage easement measuring 25 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas. SUB10-00244 **(District 4)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 10B.** An Ordinance vacating an access easement measuring 20 feet in width, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas. SUB10-00245 **(District 4)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 10C.** An Ordinance vacating a service road easement measuring 35 feet by 45 feet, located within a portion of Lot 16, Block 74, Sun Valley Addition #7, City of El Paso, El Paso County, Texas. SUB10-00246 **(District 4)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 10D.** An Ordinance Granting Special Permit No. ZON10-00084, to allow for Infill Development on the property described as Lots 13-20, and the west 75.75 feet of the south 2 feet of Lot 11 and the west 75.75 feet of Lot 12, Block 135 Campbell Addition, 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 for in Chapter 20.24 of the El Paso City Code. Property Owner: El Paso-Los Angeles Limousine Express, Inc. Location: 400, 404, 410, and 412 S. Oregon. ZON10-00084 **(District 8)** [Planning and Economic Development, Arturo Rubio, (915) 541-4633]
POSTPONED FROM 11-16-10 AND 11-30-10
- 10E.** An Ordinance changing the zoning of Lots 11 to 20, Block 59, Magoffin Addition, City of El Paso, El Paso County, Texas, be changed from A-3 (Apartment) to A-3/H (Apartment/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(District 8)**
[Planning and Economic Development, Tony De La Cruz, (915) 541-4329]

REGULAR AGENDA – OTHER BUSINESS

11. **MAYOR AND COUNCIL:**

- 11A.** Discussion and action on co-sponsoring the El Paso Marathon for \$25,000 to help cover the municipal costs associated with the event. **(All Districts)**
[Representative Beto O'Rourke, (915) 541-4268]
- 11B.** Discussion and action on El Paso MHMR Quarterly Report - El Paso MHMR City-appointed Board Members will present overview and updates from local Mental Health/Mental Retardation Authority. **(All Districts)**
[Representative Emma Acosta, (915) 541-4572]
- 11C.** Discussion and action to direct the City Attorney to amend Ordinance number 017456. **(All Districts)** [Representative Rachel Quintana, (915) 541-4189]

11D. Legislative Review Committee Report:

- 1) For notation only: Formal report of the Environmental Services Legislative Review Committee meeting held on November 8, 2010, as submitted by Representative Suzie Byrd; and,
- 2) Discussion pertaining specifically to the agenda items posted by the Environmental Services Legislative Review meeting as follows:
 - A. Discussion and update regarding a staff report on ozone air quality standards and attainment status.
 - B. Discussion and update regarding a staff report on PM-10 air quality standards and attainment status.
 - C. Discussion regarding a staff report on the City's carbon footprint (or baseline inventory of greenhouse gas emissions).
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

12. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action regarding a Resolution that the City Manager be authorized to sign an Economic Development Grant Agreement by and between the City of El Paso ("City") and the El Paso Community Foundation ("Community Foundation") for the development of a nonprofit project to be located in downtown El Paso in association with Artspace Projects, Inc. **(All Districts)**

[Planning and Economic Development, Kathryn Dodson (915) 541-4872]

13. DEPARTMENT OF TRANSPORTATION:

13A. Discussion and action on a Resolution authorizing the Mayor sign an "Agreement to Contribute Funds - Local Government" between the City of El Paso ("City") and the State of Texas acting by and through the Texas Department of Transportation ("State"). The Scope of work for this Agreement is described as the acquisition of right of way and adjustment of utilities for a highway project on Highway No. Loop 375 from 0.61 miles northeast of Loop 375 (on F.M. 659) to 0.63 miles south of FM 659 (on Loop 375). The City's share of 4.8% of the total costs of the property acquisition. The initial estimate of the City's share is \$274,950. **(Districts 5 & 6)** [Department of Transportation, Terry Quezada, (915) 621-6750]
POSTPONED FROM 11-30-10

13B. Discussion and action on a Resolution authorizing the Mayor to sign an "Agreement to Contribute Funds - Local Government" between the City of El Paso ("City") and the State of Texas acting by and through the Texas Department of Transportation ("State"). The Scope of work for this Agreement is described as the acquisition of right of way and adjustment of utilities for a highway project on Highway No. Loop 375 from U.S. 54 (Patriot Freeway) to BU 54 (Dyer Street). The City's Share is 4.8% of the total costs of the property acquisition. The initial estimate of the City's share is \$75,331. **(District 4)**
[Department of Transportation, Terry Quezada, (915) 621-6750]
POSTPONED FROM 11-30-10

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 and the Rules of City Council.) 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.** Application of El Paso Electric Company to Implement Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 38802. (551.071)
[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX2.** Petition of El Paso Electric Company for authority to decrease fixed fuel factor pursuant to formula before the Public Utility Commission of Texas, PUC Docket No. 38895; SOAH Docket No. 473-11-1409. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX3.** Enrique Rodriguez vs. City of El Paso; Cause No. 2009-2107 (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 THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>