

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 8, 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. NATIONAL SALVATION ARMY WEEK**
- 2. CIUDAD DE CHIHUAHUA 300TH ANNIVERSARY RECOGNITION DAY**
- 3. OPERATION SANTA CLAUS**

RECOGNITION

Arthur Sheldon Hall - 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 December 1, 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 Lease and Concession Agreement for the Development and Operation of Food & Beverage Concessions at El Paso International Airport by and between the City of El Paso ("Lessor") and Host International, Inc. ("Concessionaire") to amend the description of the Leased Premises and to allow for re-concepting of concessions and reallocation of square footage based upon the new uses. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso, Host International, Inc., and Fresquez Concession Inc., d/b/a Quiznos Sub, for approximately 1,000 square feet in the post-security Food Court on Concourse B in the El Paso International Airport. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]

3C. That the El Paso City Council authorizes the Mayor to execute the Mayor's Certificate indicating public approval required by Section 147(f) of the Internal Revenue Code and the General Certificate of the City as to the status of the El Paso Housing Finance Corporation in connection with the issuance by El Paso Housing Finance Corporation of its Single Family Mortgage Revenue Bonds, Series 2009. **(All Districts)**
[El Paso Housing Finance Corporation, Susie Byrd, (915) 541-4416]

3D. That the City Manager is authorized to enter into construction easements and right of entry agreements for city construction projects provided that the consideration for such agreements is paid from the construction project funding. (Construction projects will fund the cost) **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3E. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and each of the following public entities for the provision of public health services and related matters by the City of El Paso for the period of September 1, 2009, through August 31, 2010: City of Socorro, Texas; Town of Horizon City, Texas; Town of Anthony, Texas; and Town of Clint, Texas.

(All Districts) [Public Health, Michael Hill, (915) 771-5702]

3F. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso for the provision of public health services by the City of El Paso for the County of El Paso, and related matters, for the period of September 1, 2009, through August 31, 2010.

(All Districts) [Public Health, Michael Hill, (915) 771-5702]

4. BOARD APPOINTMENTS:

4A. Robert Ardovino to the Open Space Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

4B. Lamar Skarda to the Capital Improvement Advisory Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

5. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER, ETC.:

Request rejection of the sole response submitted for Solicitation No. 2009-211R (Museum of Art Restaurant/Cafe). Financial Services and Museum of Cultural Affairs Department request that the response be rejected because it did not meet the Vision Statement in the RFQ. **(All Districts)**

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

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

REGULAR AGENDA - INTRODUCTIONS

6. 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.

An Ordinance amending Ordinance No. 017216 which authorized the City Manager to execute a lease agreement between the City of El Paso and River Oaks Properties, Ltd., and other related documents, to allow the surface use of a portion of Tract 1P1, H. G. Foster Survey No. 256, City of El Paso, El Paso County, Texas, for the purpose of correcting a clerical error in the legal description of the premises. **(District 1)**

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

PUBLIC HEARING WILL BE HELD ON DECEMBER 15, 2009, FOR THE ITEM

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

7. FINANCIAL SERVICES:

7A. Discussion and action of the award of Solicitation No. 2010-009 (Rental of Portable Restrooms) to Hot Properties, Inc. d/b/a Sarabia's Portable Jons & Blue Sanitation for a total estimated award of \$577,935.

Department: Parks and Recreation
 Award to: Hot Properties, Inc. d/b/a Sarabia's Portable Jons & Blue Sanitation
 El Paso, TX
 Items: 1 – 12, 14 – 25
 Option: One year
 Annual Est. Amount: \$165,645 (Parks & Recreation)
 \$ 27,000 (Other Departments)
 Account No.: 51010366 – 502411 – 01101
 51010370 – 502411 - 01101
 Funding Source: FY 2010 Parks General Fund and various funding sources from other City Departments
 Total Est. Award: \$577,935 (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 to Hot Properties, Inc. d/b/a Sarabia's Portable Jons & Blue Sanitation, the vendor offering the best value bid.

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

[Parks and Recreation, Joel W. McKnight, (915) 541-4354]

7B. Discussion and action of the award of Solicitation No. 2009-259 (Security Guard Services – El Paso Landfills) to Ruiz Protective Services for a total estimated award of \$513,135.

Department: Environmental Services
 Award to: Ruiz Protective Services
 El Paso, TX
 Items: All
 Option: Two years
 Annual Estimated Amount: \$171,045
 Account No.: 34010296 – 502212 - 40403
 Funding Source: Security Contracts
 Total Estimated Award: \$513,135 (3 years)
District: All

This is a thirty-six month requirements type contract effective January 1, 2010.

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 Environmental Services recommend award to Ruiz Protective Services, the vendor offering the best value bid.

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

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

REGULAR AGENDA – PUBLIC HEARINGS

8. DEVELOPMENT SERVICES:

- 8A.** An Ordinance changing the zoning of a portion of Lot 27, Block 123, Chaparral Park Unit 33, City of El Paso, El Paso County, Texas, from A-O/C (Apartment-Office/Conditions) to C-1/C (Commercial/Conditions). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 820 Redd Road. Property owner: Gary Porras. ZON09-00056 **(District 1) THIS IS AN APPEAL CASE.** [Development Services/Planning, Alfredo Lopez, (915) 541-4322]
- 8B.** An Ordinance granting Special Permit No. ZON09-00051 to allow for a ground-mounted personal wireless service facility (PWSF) in a residential zoning district and less than ½ mile from another ground-mounted PWSF, for property described as Lot 19, Block 138, Chaparral Park Unit 30, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 6520 Loma De Cristo Drive. Property owner: Ascension Church. ZON09-00051 **(District 1)** [Development Services/Planning, Alfredo Lopez, (915) 541-4322]
- 8C.** An Ordinance granting Special Permit No. ZON09-00052 to allow for a ground-mounted 60' personal wireless service facility on the property described as Lot 4, Block 6, Coronado Country Club Estates, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 1044 Broadmoor Drive. Property owner: Coronado Country Club. ZON09-00052 **(District 1)** [Development Services/Planning, Alfredo Lopez, (915) 541-4322]
- 8D.** 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]
POSTPONED FROM 12-01-09

- 8E. 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]

REGULAR AGENDA - INTRODUCTIONS

- 9. Discussion and action on the Introduction of an Ordinance:

The City of El Paso endorses traditional family values by making health benefits available only to city employees and their legal spouse and dependent children.
(All Districts) [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

PUBLIC HEARING WILL BE HELD ON DECEMBER 15, 2009, FOR THE ITEM

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.

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 Ricardo and Diana Chavarin; Our File No. 09-C-123. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]

EX2. Guadalupe Ramirez, et. al. vs. The City of El Paso; Cause No. 2007-2568. (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/>