

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**

**December 9, 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.

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 Hospice Chaplain Sam Faraone  
Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. NAVIDAD DE LA FE LUMINARIAS DAY**
- 2. LULAC PROJECT AMISTAD**
- 3. LONG RIDER BOB JONES DAY**

### **RECOGNITION**

**INTERNATIONAL CAPTAIN'S CAREER COURSE CLASS**

### **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](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 2, 2008.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**3. RESOLUTIONS:**

**3A.** That the Mayor and City Council endorse the “Empowering Local Government Climate Action” Blueprint for the new President and Congress. **(All Districts)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3B.** That the City Manager be authorized to sign Consent to Assignment and Option to extend the City of El Paso Contract No. 2006-014R by and between the City of El Paso, Rogers & Belding Insurance Agency, Inc. (“Assignor”) and Wells Fargo Insurance Services of Texas, Inc. (“Assignee”) for Property and Boiler Machine Insurance Coverage in which Assignor/Assignee is the broker for insurance coverage to be provided by Great American Insurance Company.

Department: OMB/Insurance & Benefits  
Option: One [of Two]  
Account No.: 99010273 – 504409 – 01101  
Funding Source: OMB/Insurance & Benefits, Property Insurance  
Expense, Special Items, Operating Account  
Total Estimated Award: \$470,043

**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**3C.** That the City Council hereby determines that any Camino Real Regional Mobility Authority (CRRMA) Strategic Plans required by the Texas Transportation Code shall include, but not be limited to, the following information: executive summary; identification of current CRRMA Board; vision and mission statements; goals for the plan period; strategies to achieve goals for the plan period; and potential future CRRMA projects. **(All Districts)** [Mobility Services, Jane Shang, (915) 541-4686]

**3D.** That the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and artist Mike Mandel, to design, fabricate, and

install public art to be known as the Glory Road Public Art Project in the amount of \$65,000. **(District 8)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

**4. BOARD RE-APPOINTMENT:**

Vicki B. Walker to the History Museum Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

**5. BOARD APPOINTMENT:**

Elizabeth Leal to the Historic Landmark Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

**6. DISCRETIONARY FUNDS:**

Request authorization to transfer District 7 Discretionary Funds (Council Special Projects), Department ID No. 01010007, Account 504420, Fund No. 01101, in the amount of \$1,500, to the El Paso Public Library, Department ID 53153053, Fund 15454, Account 503116 (Class 53000) to purchase electronic equipment for the Teen Hangout Program at the Judge Edward S. Marquez branch library. [Representative Steve Ortega, (915) 541-4108]

**7. BID:**

The award of Solicitation No. 2009-045 (Paper Sundries – Re-Bid) to Baron Chemical Company Inc. and Southwestern Mill Distributors Inc. for a total estimated award of \$446,413.50.

Department:	General Services
Award to: Vendor 1:	Baron Chemical Company Inc. El Paso, TX
Items:	1, 2, 3, 4, and 5
Option:	One year
Annual Estimated Amount:	\$60,212.50
Award to: Vendor 2:	Southwestern Mill Distributors Inc. El Paso, TX
Items:	6 and 7
Annual Estimated Amount:	\$88,592.00
Account No.:	31010325 – 503111 – 01101
Funding Source:	General Fund
Total Estimated Award:	\$446,413.50
<b>Districts:</b>	<b>All</b>

This is a 36-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 General Services recommend award as indicated to the lowest responsive, responsible bidder.

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

**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 of the City of El Paso, Texas, transferring rate making authority and changing the rate of a municipal utility drainage system. **(All Districts)**  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 16, 2008, FOR ITEM 8A**

- 8B.** An Ordinance changing the zoning of a portion of Tract 23A (n/k/a 23A1), Tracts 23B1, 24G, and 26D, Section 38, Block 81, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 9660 Dyer. Applicant: Rick L. Paul-Peterson. ZON08-00079 **(District 4)**  
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

**PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2009, FOR THE ITEM 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 – PUBLIC HEARINGS****9. DEVELOPMENT SERVICES:**

- 9A.** An Ordinance changing the zoning of Lots 11 to 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas, from C-5/SP (Central Business District/Special Permit) to C-5/H/SP (Central Business District/Historic/Special Permit) in order to impose an historic district overlay. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 300 S. Florence. Applicant: The El Paso Project LLC. ZON08-00075 **(District 8)**  
[Development Services/Planning, Tony De La Cruz, (915) 541-4329]
- 9B.** An Ordinance granting a special privilege to The El Paso Project, LLC permitting two accessibility ramps with stairs, a wall, and a portion of the structure to encroach onto portions of public rights-of-way adjacent to the property located at 300 South Florence Street. Subject property: 300 South Florence Street. Applicant: The El Paso Project, LLC. SPL08-00024 **(District 8)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

**10. ENGINEERING:**

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.030 (Proximity to Curb) of the El Paso

City Code by adding parking requirements for motorcycles. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(All Districts)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

**11. PUBLIC HEALTH:**

**11A.** An Ordinance amending Title 7 (Animals), by adding Chapter 7.30 (Animal Welfare Advisory Committee); and sections thereunder to establish the Animal Welfare Advisory Committee. **(All Districts)**  
[Public Health, Michael Hill, (915) 771-5702]

**11B.** An Ordinance amending Title 7 (Animals), by adding Chapter 7.28 (Animal Shelter Advisory Committee); and sections thereunder to establish the City of El Paso Animal Shelter Advisory Committee. **(All Districts)**  
[Public Health, Michael Hill, (915) 771-5702]

**REGULAR AGENDA – OTHER BUSINESS**

**12. MAYOR AND COUNCIL:**

**12A.** Discussion and action on user fees and rental policies for Parks and Recreation facilities and equipment. [Representative Beto O'Rourke, (915) 541-4123]

**12B.** Discussion and action on a Resolution the Mayor be authorized to sign a letter along with Environment Texas Research and Policy Center and elected officials across the State of Texas calling on the State Legislature to lead the way in advancing clean energy solutions by creating incentives and rebates to encourage installation of solar panels and energy efficiency measures in Texas homes and businesses. **(All Districts)**  
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4657]

**12C.** Discussion and action to direct staff to begin the process to develop options related to the dissolution of the El Paso Water Utility Public Service Board and to report back to City Council. [Representative Eddie Holguin, (915) 541-4178]

**12D.** Discussion and action to change the make-up of the PSB Board.  
[Representative Eddie Holguin, (915) 541-4178]

**13. ENGINEERING:**

Discussion and action on Tierra Commercial Unit 5 Subdivision Plat proportionality appeal submitted by River Oaks Properties, Ltd. and Ranchos Real XII, Ltd. under Section 19.46 of the El Paso City Code. **(District 5)**  
[Engineering, R. Alan Shubert, (915) 541-4423] **POSTPONED FROM 11-04-08, 11-18-08, AND 12-02-08**

**14. CITY MANAGER:**

City Manager's report of current events and issues:

Report on El Paso Electric (EPE) Franchise requirements relative to annual charitable contributions. **(All Districts)** [City Manager, Joyce Wilson, (915) 541-4071]

**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 Goodwill Industries/Sun Metro, Our File No. 08-C-227. (551.071)  
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX2.** Claim of Ali Boureslan, Our File No. 08-C-199/Police. (551.071)  
[City Attorney's Office, Michele C. Daly, (915) 541-4550]
- EX3.** Workers' Compensation Subrogation Interest regarding Ignacio Moreno. (551.071)  
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- EX4.** Discussion and action regarding Empowerment Zone Loan EZRLF-62 to Veranda Flowers f/k/a Flowerama of America No. 187. (551.071)  
[City Attorney's Office, Marie Taylor (915) 541-4550]
- EX5.** Discussion and action related to the City's lien against the property located at 10969 Duke Snider Circle, El Paso, Texas. (551.071)  
[City Attorney's Office, Marie Taylor, (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/>