

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 15, 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 Cliff Barnes**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. NAVIDAD DE LA FE LUMINARIAS DAY**
- 2. CIUDAD JUAREZ 350TH ANNIVERSARY RECOGNITION DAY**
- 3. SENIOR ALL-STAR FOOTBALL CLASSIC WEEK**

### **RECOGNITION**

**Walt Phillips - Conquistador Award**

POSTPONED FROM 12-01-09

### **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.

**REGULAR AGENDA – OTHER BUSINESS**

**1. CITY MANAGER:**

Presentation by the City of El Paso and the El Paso Community Foundation on an overview and closeout of the Plaza Theatre & Performing Arts Centre Project, and its ancillary facilities; and special recognition of the El Paso Community Foundation as a full partner in the Project, and

Discussion and action on:

- A. A Resolution authorizing the City Manager to sign the Plaza Theatre Closeout Agreement, by and between the City of El Paso and the El Paso Community Foundation, evidencing the parties' acceptance of the final completion of the renovation work and continuing obligations regarding the Plaza Theatre Performing Arts Centre and other donations made in connection therewith; and approving the cumulative change orders for the Project, as set forth in the Agreement.
- B. A Resolution authorizing the City Manager to sign the Gift Agreement and related Bill of Transfer, by and between the City of El Paso and the El Paso Community Foundation, regarding the Foundation's donation of the original restored Tele-Chec machine in the Plaza Theatre & Performing Arts Centre; and accepting the donation to be effective as of the original donation date.
- C. A Resolution authorizing the City Manager to sign the Display Agreement, by and among the City of El Paso, the El Paso Community Foundation, and John Verlander, regarding the public display of a piece of art entitled "El Torero" by the artist Manuel Acosta Adame in the Plaza Theatre & Performing Arts Centre.
- D. A Resolution authorizing the City Manager to sign an Easement Agreement, by and between the City of El Paso and Plexxar Centre, Ltd., granting the City a perpetual easement within a portion of Block 17, Herald Subdivision of Mills Map, City of El Paso, El Paso County, Texas, for emergency egress from the Plaza Theatre & Performing Arts Centre.

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

**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**

**2. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of December 8, 2009. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**4. RESOLUTIONS:**

- 4A.** That the City Manager be authorized to sign a Lessor’s Approval of Assignment by and between the City of El Paso (“Lessor”), Miles El Paso Investments, LTD (“Assignor”), and Nicar Properties, LLC (“Assignee”) for the following described property: a portion of Lots 3 and 4, Block 8, Butterfield Trail Industrial Park, Unit One, Replat “A”, an addition to the City of El Paso, El Paso County, Texas, municipally known as 10 Zane Grey Street, El Paso, Texas. **(All Districts)**  
[Airport, Monica Lombrana, (915) 780-4724]
- 4B.** That the City Manager be authorized to sign a Foreign-Trade Zone User/Distribution Site Operator Agreement among the City of El Paso, ProLogis, and Robert Bosch LLC to allow Robert Bosch LLC to operate as a User/Distribution Site Operator within the Foreign Trade Zone No. 68.  
**(Districts 2, 3, 4, 6, and 7)** [Airport, Monica Lombrana, (915) 780-4724]
- 4C.** That the City Manager be authorized to sign a Consent to Assignment from NLIGP, LLC to El Paso Place Apartments, LLC, with respect to the City of El Paso’s Chapter 380 Economic Development Program Agreement (Multifamily Housing Development). **(District 4)**  
[Economic Development, Kathryn B. Dodson, (915) 541-4872]

**5. BOARD APPOINTMENTS:**

- 5A.** Lamar Skarda as an alternate member to the Zoning Board of Adjustment by Representative Ann Morgan Lilly, District 1.  
[Representative Ann Morgan Lilly, (915) 541-4151]
- 5B.** David E. Saucedo II to the History Museum Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

**6. DISCRETIONARY FUNDS:**

Request authorization to allocate the use of District 1 Discretionary Funds in the amount of \$10,000 to fund the preservation of the 1889 City of El Paso hand-drawn map. (Department ID #01153001; Account #504420; Fund #01101; Project PD10422)  
[Representative Ann Morgan Lilly, (915) 541-4151]

**7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS:**

- 7A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order(s) to Visual Innovations Company, Inc. under the State’s TXMAS Contract No. 4-581010 for Audio/Video System Equipment and to upgrade the existing software tools at the El Paso Fire Department Emergency Operations Center for the total estimated amount of \$391,230.90. 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:	Fire
Account No.:	22150024 – 508035 – 07185 – G220807
Funding Source:	UASI – Enhance Emergency Operation Center
Total Estimated Amount:	\$391,230.90

Reference No.: 2010-090

**Districts: All**

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

[Fire Department/Office of Emergency Management, Ralph Johnson, (915) 838-3263]

**7B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order(s) to Advanced Public Safety, Inc. under the Department of Information Resources (DIR) Contract No. DIR-SDD-1045 for one hundred electronic ticketing handheld devices to issue traffic tickets for the El Paso Police Department for a total estimated amount of \$242,352.83. The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

Department: Police

Account No.: 21150010 – 508010 – 05443 – G210915

Funding Source: Community Oriented Policing Services (COPS) Technology FY09

Total Est. Amount: \$242,352.83

Reference No.: 2010-106

**Districts: All**

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

[Police Department, Gregory Allen, (915) 564-7302]

**7C.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to MorphoTrak, the sole source provider for MetaMorpho Automated Fingerprint Identification System (AFIS) and software components, to upgrade Police Headquarters' AFIS system to increase storage capacity and importing of records for a total amount of \$53,950.

Department: Police

Account No.: 21150010 – 508010 – 05443 – G210915

Funding Source: Community Oriented Policing Services (COPS) Technology FY09

Total Amount: \$53,950

Sole Source No.: 2010-108

**Districts: All**

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

[Police Department, Gregory Allen, (915) 564-7302]

**8. BEST VALUE PROCUREMENT:**

The award of Solicitation No. 2010-004 (Janitorial Services – Veteran’s (Northeast Recreation Center) to Carefree Janitorial Services for a total estimated award of \$82,037.22.

Department: Parks and Recreation Department

Award to: Carefree Janitorial Services

El Paso, Texas

Items: 1 and 2

Option: Two years

Annual Estimated Amount: \$27,345.74

Account No.: 51010363-01101-502206

Funding Source: Park’s General Fund – Maintenance Services Contracts

Total Estimated Award: \$82,037.22 (3-year total)

**District: 4**

This is a thirty-six month requirements type contract

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award to Carefree Janitorial Services, the vendor offering the best value bid.  
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]  
 [Parks and Recreation, Leonor Wilson, (915) 541-4335]

**REGULAR AGENDA - INTRODUCTIONS**

**9. 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.**

- 9A.** An Ordinance vacating a portion of Poplar Street right-of-way, City of El Paso, El Paso County, Texas. **(District 8)**  
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 9B.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.15 (Roadways), Section 19.15.060 (Street Standards), Section 19.15.090 (Cul-de-sac Streets), and Section 19.15.110 (Street Width and Design), of the El Paso City Code to allow for alternative road design. The penalty as provided in Chapter 19.42 of the City of El Paso City Code. **(All Districts)**  
 [Development Services/Planning, Eddie Garcia, (915) 541-4638]
- 9C.** An Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax increment Reinvestment Zone Number Five, City of El Paso; adopting said amendments as required by Section 311.011(E), Texas Tax Code; also providing a severability clause. **(District 8)**  
 [Economic Development, Kathryn B. Dodson, (915) 541-4872]
- 9D.** 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 amending Number 34, "Schuster Avenue between Oregon Street and Campbell Street, both sides", to "Schuster Avenue between Oregon Street to its terminus at the west end, both sides" and to delete number 88, "Schuster Avenue from Sun Bowl Road to Hawthorne Street, both sides"; 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]
- 9E.** An Ordinance granting a franchise to Life Ambulance Service, Inc. to operate a non-emergency ambulance transfer service. **(All Districts)**  
 [Fire Department, Michael Calderazzo, (915) 771-1000]
- 9F.** An Ordinance granting a franchise to Elite Medical Transport to operate a non-emergency ambulance transfer service. **(All Districts)**  
 [Fire Department, Michael Calderazzo, (915) 771-1000]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 22, 2009, FOR ITEMS 9A – 9F**

- 9G.** An Ordinance amending Title 20 (Zoning), Chapter 20.14 (Off-Street Parking, Loading and Storage Standards), Article I (Vehicular Parking), Section 20.14.070 (Parking Reductions), to allow administrative approval of up to a ten percent

parking reduction. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [Development Services/Planning, Alfredo Lopez, (915) 541-4322]

- 9H.** An Ordinance amending Title 20 (Zoning), Chapter 20.14 (Off-Street Parking, Loading and Storage Standards), Section 20.14.050 (Required Parking), to add provisions for Improvement District No. 3. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(District 8)**  
[Development Services/Planning, Alfredo Lopez, (915) 541-4322]
- 9I.** An Ordinance changing the zoning of a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: southeast corner of US Highway 54 and McCombs Street. Property owner: E P Plaza Partners, L.P. ZON09-00028 **(District 4)**  
[Development Services/Planning, Alfredo Lopez, (915) 541-4322]

**PUBLIC HEARING WILL BE HELD ON JANUARY 5, 2010, FOR ITEMS 9G – 9I**

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**

**10. DEVELOPMENT SERVICES:**

- 10A.** 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] **POSTPONED FROM 12-08-09**
- 10B.** 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] **POSTPONED FROM 12-08-09**

**11. FINANCIAL SERVICES:**

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]

**REGULAR AGENDA – OTHER BUSINESS**

**12. BUDGET TRANSFERS:**

**12A. BT2010-0439 Police Department**

Discussion and action to approve a budget transfer to increase State Confiscated Award to fund the FY2010 Confiscated Fund budget (\$572,205) and reallocate prior year appropriations.

Increase	\$ 41,446.51	to	Personal Services
Increase	\$316,461.61	to	Contractual Services
Increase	\$ 78,433.44	to	Materials and Supplies
Increase	\$ 50,000.00	to	Operating Expenditures
Increase	<u>\$ 85,863.44</u>	to	Capital Expenditures
	\$572,205.00		

[Police Department, Eric Shelton, (915) 564-7357]

**12B. BT2010-0440 Police Department**

Discussion and action to approve a budget transfer to increase Federal Confiscated Award to fund the FY2010 Confiscated Fund budget (\$831,069) and reallocate prior year appropriations.

Decrease	\$196,140.33	to	Personal Services
Increase	\$201,291.10	to	Contractual Services
Increase	\$ 35,624.12	to	Materials and Supplies
Decrease	\$198,859.63	to	Operating Expenditures
Increase	<u>\$ 50,000.00</u>	to	Intergovernmental
	\$831,069.00		

[Police Department, Eric Shelton, (915) 564-7357]

**13. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution authorizing the City Manager to execute Contract Number 16090000704 between the Texas Department of Housing and Community Affairs and the City of El Paso in the amount of \$4,007,592 for American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program funds. **(All Districts)**  
 [Community and Human Development, William Lilly, (915) 541-4643]

**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.** Application of El Paso Electric Company to change rates, to reconcile fuel costs, to establish formula-based fuel factors, and to establish an energy efficiency cost recovery factor before the Public Utility Commission of Texas, Docket No. 37690. (551.071) [City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX2.** Texas Gas Service Statement of Intent to increase rates within El Paso service area. (551.071) [City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX3.** Debra Powers, et al. vs. City of El Paso, et al.; Cause No. EP-09-CV-0236-DB. (551.071) [City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX4.** Carlos Chacon vs. City of El Paso and Emilio Martinez, Jr.; Cause No.: EP-09-CV-0381. (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/>