

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 23, 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 – Fire Chaplain Ed Sinke  
Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

**BRUT SUN BOWL WEEK**

### **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 16, 2008.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

Representative Steve Ortega

**3. RESOLUTIONS:**

**3A.** Placing a condemnation lien on the following properties (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

- 1. 2831 Frankfort Avenue \$4,046.76 Enrique Martinez and Fermina Morales de Martinez  
**(District 2)** [Development Services, Victor Q. Torres, (915) 541-4557]
- 2. 3923 Laredo Avenue \$4,468.93 Anastacio H. Garcia  
**(District 8)** [Development Services, Victor Q. Torres, (915) 541-4557]

**3B.** That the Mayor be authorized to sign an Interlocal Agreement between the County of El Paso (“the County”) and the City of El Paso (“the City”) requiring the City to pay \$2,000 per month for the County’s administration and operation of the On-Site Sewage Facility Program for locations within the City’s jurisdiction.  
**(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3C.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, and 5)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3D.** That the City Manager be authorized to sign that certain First Amendment to License Agreement for Physicians Healthcare Associates by and between the City of El Paso (“City”) and Physicians Healthcare Associates (“PHA”), whereby the term is extend, the compensation is revised and the scope of the license to PHA to provide nurse practitioners and/or licensed physician assistants to staff and operate health care clinics located on City property is clarified.  
**(All Districts)** [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**4. BOARD APPOINTMENT:**

Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]  
**POSTPONED FROM 11-11-08, 11-18-08, AND 12-02-08**

**5. APPLICATIONS FOR TAX REFUND:**

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]

**6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER:**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Intergraph Corporation, the manufacturer and sole source maintenance provider for City's ILEAD Software. This is the City's share of the annual maintenance for the Police Records System used jointly with El Paso County as a result of an Interlocal Agreement.

Department: Information Technology  
Account No.: 39010351 – 502202 – 01101  
Funding Source: Information Technology, Data Processing Services, Operating Account  
Total Est. Award: \$135,171.12  
Sole Source No.: 2009-095  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA - INTRODUCTION**

**7. INTRODUCTION OF ORDINANCE 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 changing the zoning of a portion of Lot 28, Block 22A, Vista Granada Unit Two Replat B, City of El Paso, El Paso County, Texas, from A-2/SC (Apartment/Special Contract) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: south of Taffy Bagley Drive and west of George Dieter Drive. Applicant: Doniphan Property, L.P. ZON08-00083 **(District 7)**  
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

**PUBLIC HEARING WILL BE HELD ON JANUARY 13, 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**

**8. FINANCIAL SERVICES:**

**8A.** Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Motorola Inc., the current provider of the Public Safety 800MHz Voice and Data Radio

System being used by the City of El Paso’s Police Department, Fire Department, Sun Metro, Health Department, Airport, and Zoo, for acquisition of the necessary hardware and services associated with Phase II of the P25 Digital Public Safety Radio System. Motorola Inc. is the H-GAC contractor under Contract No. RA01-06 (Radio Communication, Command & Control, and Interoperability Equipment). Phase I was approved by City Council on May 13, 2008.

The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

In addition, it is requested that the City Attorney’s office review and that the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

Department: Information Technology  
Account Nos.: 39010352–508007–07187–2007-GS-H7-0044 (\$1,708,802.00), 31010328–502226–01101 (\$360,000.00), 31010326–502226–01101 (\$67,200.50), and 62620001–503303 and 508029–41022–P540004 (\$98,889.65)  
Funding Source: Telecommunication, Public Safety Equipment, CFDA11.555 Homeland Sec. Prep., Facilities Special Project-Operating Account, Capital Outlay, Other Equipment  
Total Award: \$2,234,892.15  
Reference No.: 2009-096  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8B.** Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Reliable Emergency Vehicles, Inc., a HGAC contractor under Contract No. AM04-08 (Ambulances & Other Emergency Vehicles) for the purchase of three ambulances.

The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Fire  
Account No.: 37150068–508029–27507  
Funding Source: Vehicle Replacement Fund  
Total Estimated Award: \$543,653.68 (Total 3 Ambulances)  
Reference No.: 2009-098  
**Districts: All**  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA – PUBLIC HEARINGS**

**9. DEVELOPMENT SERVICES:**

- 9A.** An Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the

El Paso City Code. Subject property: 100 Crown Point. Applicant: Jaime Portillo. ZON08-00072 **(District 1)**  
[Development Services/Planning, Ismael Segovia, (915) 541-4027]

**9B.** An Ordinance granting a special privilege to Robins & Morton permitting the encroachment of an outdoor employee break area upon a portion of public right-of-way located beneath the Reynolds Street overpass north of Alberta Avenue. SPL08-00020 **(District 3)**  
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

**9C.** An Ordinance amending Title 18 (Building and Construction) adding a new Chapter 18.47 (Irrigation Systems) of the El Paso City Code in order to establish the minimum standards for installation of Irrigation Systems within the Corporate Limits of the City and the Extraterritorial Jurisdiction; amending Title 18 (Building and Construction), Chapter 18.46 (Landscape), Section 18.46.120 (Installation Standards) of the El Paso City Code requiring irrigation inspectors and eliminating installers after December 31, 2009; with penalties as provided in Section 18.02.107 of the El Paso City Code and in Section 18.47.180 of this Ordinance. **(All Districts)** [Development Services, Victor Q. Torres, (915) 541-4557]

**10. MAYOR AND COUNCIL:**

An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.12 (Chauffeur's License), of the El Paso City Code to amend sections thereunder to create a qualified Chauffeur License for bicycles, pedicabs, and other similarly-operated vehicles that are operated as non-motorized vehicles for hire. **(All Districts)**  
[Representative Steve Ortega, (915) 541-4108]

**11. ENGINEERING:**

An Ordinance designating a Transportation Reinvestment Zone for El Paso; describing the boundaries of the Zone; providing for an effective date for the Zone; naming the Zone "Transportation Reinvestment Zone Number One, City of El Paso, Texas"; establishing a tax increment fund; and containing other provisions related thereto. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]

**12. INTERNATIONAL BRIDGES:**

**12A.** An Ordinance amending Chapter 12.56 (Parking Meters) of the El Paso City Code to change the references to the "Deputy Director of Streets" to "International Bridges Director"; to assign the duties and services relating to areas of parking meter concerns to the International Bridges Department; the penalties being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]

**12B.** An Ordinance granting a license to BORDERCOMM Partners, LP to construct, maintain, and use a single conduit interduct on the Zaragoza International Bridge property for the purpose of installing fiber optic cable for its telecommunication network; the following consideration is to be paid to the City: Annual License Fee of \$20,000 and Annual Bridge Fee of \$9,600, which fees shall be subject to a 5% annual escalation. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]

**REGULAR AGENDA – OTHER BUSINESS**

**13. MAYOR AND COUNCIL:**

- 13A.** Discussion and action to revise the Empowerment Zone Advisory Board Criteria. [Representative Emma Acosta, (915) 541-4572]
- 13B.** Discussion and action on allowing girls under the age of 12 to play on boys' teams in city leagues. [Representative Susie Byrd, (915) 541-4416]

**14. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on the reappointment of Xavier Banales to the Board of Trustees of the El Paso Mental Health and Mental Retardation Center for the designated position to be held by a professional. **(All Districts)**  
[Community and Human Development, William Lilly, (915) 541-4643]

**15. ECONOMIC DEVELOPMENT:**

Discussion and action on an incentive policy for blighted properties. **(All Districts)**  
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

**16. FINANCIAL SERVICES:**

Discussion and action on the recommendation that the City Council select Wells Fargo Bank as the depository bank for the City's funds based on the submitted Application for Depository Services and authorize the City staff to negotiate, City Attorney to review, and the City Manager to sign any contracts or other documents required to effectuate the contract. This is a five year contract. **(All Districts)**  
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

**17. PARKS AND RECREATION:**

- 17A.** Discussion and action on the approval of a Joint Resolution of the Public Service Board and the City Council of the City of El Paso authorizing the transfer of a 5.00 acre tract of land within a portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso, El Paso County, Texas. **(District 4)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]
- 17B.** Discussion and action on the approval of a Joint Resolution of the Public Service Board and the City Council of the City of El Paso authorizing the transfer of a 6.6953 acre tract of land within a portion of Section 22, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso, El Paso County, Texas. **(District 4)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]
- 17C.** Discussion and action on the approval of a Joint Resolution of the Public Service Board and the City Council of the City of El Paso authorizing the transfer of a 5.1875 acre tract of land within all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas. The City will pay to PSB compensation in the amount of \$112,984 for the land. **(District 7)**  
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

- 17D.** Discussion and action on the approval of a Joint Resolution of the Public Service Board and the City Council of the City of El Paso authorizing the transfer of a 6.089 acre tract of land within a portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso, El Paso County, Texas. The City will pay to PSB compensation in the amount of \$82,887 for the land. **(District 4)**  
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

### **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.** 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] **POSTPONED FROM 12-09-08**

### **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/>