

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, 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

**January 8, 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.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: 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 Ed Sinke
Pledge of Allegiance**

MAYOR'S PROCLAMATION

CRIME STOPPERS MONTH

RECOGNITION

RICHARD D. WILES

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. A Resolution approving the 8th Year (April 2007 – August 2007) expenditures and adopting the 9th Year (2007-2008) U.S. Department of Housing and Urban Development Empowerment Zone Planning and Implementation Grant Program Administrative Budget (Agreement No. EZ-99-TX-0013) in accordance with 24 CFR Part 598. **(Districts 1,3,6,7, and 8)**
[Community and Human Development, Bill Lilly, (915) 541-4643]

3B. A Resolution authorizing PFLAG/El Paso Sun City Pride to provide for the sale and serving of alcoholic beverages at an outdoor street festival in the closed portion of Stanton Street between Franklin Avenue and Missouri Street from 12:00 p.m. June 7, 2008, to 2:00 a.m. June 8, 2008. **(District 8)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

3C. That the City Manager be authorized to sign an Amendment to an Agreement for Architectural Services by and between the City of El Paso and Ron Brown Architects for a project known as “San Juan Senior Center Remodeling” in an amount not to exceed \$108,390. **(District 3)**
[Engineering, Javier Reyes, (915) 541-4630]

3D. That the City Manager be authorized to sign an Amendment to an Agreement for Architectural Services by and between the City of El Paso and Guillermo Barajas, Inc., d/b/a Enviro Idea for a project known as “Ysleta Branch Library Expansion” in an amount not to exceed \$49,031. **(District 6)**
[Engineering, Javier Reyes, (915) 541-4630]

3E. That the City of El Paso gives its consent to Texas Gas Service to cross under an identified portion of a 30-foot wide drainage channel right-of-way in Colonia del Carmen Unit Two, as recorded in Volume 45, Page 4, Plat Records of El Paso County, Texas, for the purpose of providing natural gas service to the

Spanish Creek Townhomes being constructed at the northeast corner of the intersection of Lee Trevino Drive and North Loop Boulevard, pursuant to the terms of the February 22, 2000, Franchise (Ordinance No. 014360) and its May 30, 2000, Amendment (Ordinance No. 14496), and the December 23, 2002, Assignment (Ordinance No. 15316), and in accordance with the plan and profile approved by the City Engineer. **(District 7)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3F. That the City Manager be authorized to sign an Agreement with Sky Island Home Owners Association Inc. for the purpose acquiring property to construct drainage improvements and also authorizing the City Manager to sign and accept a deed from Sky Island Home Owner’s Association conveying such property to the City of El Paso. **(District 1)** [Engineering, Sam Rodriguez, (915) 541-4023]

4. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

4A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order(s) to Clark Truck & Equipment as they are the sole authorized agent in the El Paso, Texas, area of repair parts and materials of American Hawk Grapple Cranes, manufactured by Automated Waste Equipment Company, Trenton, NJ. Estimated annual amount is \$75,000. Total estimated three year award is \$225,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services
Account No.: 37370510 – 45202 - 503121
Funding Source: General Services, Internal Service Fund
Estimated Annual Amount: \$75,000
Total Estimated Award: \$225,000 (3-year total)
Sole Source No.: 2007-214

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

4B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to R. W. Beck, the H-GAC contractor, under contract number EN11-04 for Waste Management Services, Health & Quality-of-Life Studies & Assessments, in the amount is \$83,500 to develop and implement a financial, operational, organizational, information technology, and marketing strategic/business plan.

Department: Environmental Services
Account No.: 34010289 – 40403 –502115
Funding Source: Outside Contracts NOC
Total Estimated Award: \$83,500
Reference No.: 2008-097

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

5. BID:

The award of Solicitation No. 2008-050 (Storm 2006: Joyce Circle Drainage Improvements) to Southwest Growth Corporation for a total estimated minimum amount of \$494,702.94.

Department: Engineering
Award to: Southwest Growth Corporation
El Paso, Texas
Base Bid I: \$325,465.91
Alternate I: \$21,400.00
Base Bid II: \$44,678.25
Base Bid III: \$103,158.78
Account No. PSTM06 PW516 – 14200500 – 27264 - 508027
Funding Source: Storm 2006
Total Estimated Minimum Award: \$494,702.94
District: 2

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 minimum 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 minimum value and will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.
[Engineering, R. Alan Shubert, (915) 541-4423]

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.**

6A. An Ordinance changing the zoning of a portion of Tract 14A, A.F. Miller Survey No. 210, and a portion of Tract 3-B-3-A, John Whittaker Survey No. 134, City of El Paso, El Paso County, Texas, from R-3 (Residential) to R-4 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Dianjou Drive and west of Bartlett Drive. Applicants: Mountain Valley Homes. ZON07-00129 **(District 1)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

6B. An Ordinance changing the zoning of a portion of Block 5, Fiesta Hills Unit One, 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: 5375 North Mesa Street. Applicant: Edward Abraham. ZON07-00131 **(District 8)**
 [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 6C. An Ordinance changing the zoning of Lot 14, Block 63, East El Paso, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicant: Laura and Gary Monteleone. ZON07-00130 **(District 8)**
 [Development Services/Planning, Ernesto Arriola, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2008, FOR ITEMS 6A – 6C

Public Hearings will be held as part of the regular City Council meeting which 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

7. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 7A. An Ordinance changing the zoning of a portion of Pridham Survey 274, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-2 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Altura Avenue and east of Lackland Street. Applicant: David C. Bombach. ZON07-00077 **(District 2)**
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 7B. An Ordinance changing the zoning of a portion of Tract 2A and all of 2J, Block 34, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 210 Smith Road. Applicant: Raul and Jozette E. Nava. ZON07-00117 **(District 7)**
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 7C. An Ordinance changing the zoning of Lots 5 and 6, Tract 14, Block C, Christy Tract, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 507 - 513 Yarbrough Drive. Applicant: Marco and Araceli Del Valle. ZON07-00118 **(District 7)**
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 7D. An Ordinance changing the zoning of Lot 23, Block 6, Stiles Gardens, Ysleta Grant, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-4 (Commercial) with a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7244 North Loop Drive. Applicant: Gilberto Robles, Jr. ZON07-00110 **(District 3)**
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]

- 7E.** An Ordinance changing the zoning of Tracts 11A, 11B, 12A, and 13A, Block 39 and Tract 3C, Block 40, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Padilla Rd. and east of Rose Kennedy Dr. Applicant: John H. Trien. ZON07-00040 **(District 6)** [Development Services/Planning, Frank Delgado, (915) 541-4238]
POSTPONED FROM 12-04-07 AND 12-18-07
- 7F.** A Resolution approving a detailed site development plan for a portion of Lot 2, Block 3, West Ten Development, City of El Paso, El Paso County, Texas, pursuant to a special contract condition imposed by contract dated February 28, 1984. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7420 Remcon Circle. Applicant: Rio Grande MOB, LTD. ZON07-00123 **(District 8)** [Development Services/Planning, Raul Garcia, (915) 541-4935]
- 7G.** An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities), of the El Paso City Code by adding a subsection to address Personal Wireless Service Facilities in the Manufacturing, Industrial, and Quarry Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicant: City of El Paso. **(All Districts)** [Development Services/Planning, Christina Valles, (915) 541-4930]
POSTPONED FROM 01/02/08

8. PUBLIC HEARING – ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code to amend Zone C, No Parking 8:00 a.m. - 2:00 p.m., Monday through Friday, School Days Only, Tow-Away Zone. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

9. MAYOR AND COUNCIL:

Discussion and action on City assistance for the 2nd Annual El Paso Marathon.
[Representative Beto O'Rourke, (915) 541-4268]

10. CITY MANAGER:

City Manager's report of current events and issues:

Presentation by Kathryn Dodson, Economic Development Director, and Margaret Wylde, President and CEO of ProMatura Group, LLC with results of a study to determine El Paso's ability to become a retirement destination. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4670]

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 regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)
[City Attorney's Office, Raymond L. Telles, (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/>