

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 22, 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 – Reverend Lisle Davis
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

1. **AMERICAN HEART ASSOCIATION OF EL PASO'S GO RED FOR WOMEN DAY**
2. **COMPANY E COMMEMORATION DAY**

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 15, 2008, and Special City Council Meeting Minutes of January 11, 2008, and January 16, 2008.
[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 a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Continental Sprayers International, Inc. ("Assignor"), Kasco Butterfield, LLC ("Assignee"), and Kasco Ventures, Inc. ("Guarantor") for the following described property: Lots 1 and 2, Block 7, Butterfield Trail Industrial Park Unit 1, City of El Paso, El Paso County, Texas, municipally known and numbered as 24 Zane Grey, El Paso, Texas. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That a change order be issued for Contract Number 2006-173, Resler Canyon Erosion Control Improvements Re-bid, to amend the project scope to include work at Location Number 1, Alto Mesa Drive and Mesa Street. The contract amount will not increase. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

3C. That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Parkhill, Smith, & Cooper, Inc., a Texas Corporation, to perform consulting services for a project known as "Concrete Intersection Improvement-Artcraft/Westside and Artcraft/Upper Valley Intersections" for a contract amount of \$62,500 and that the City Engineer be authorized to approve up to \$25,000 in additional services for a total contract amount not to exceed \$87,500. **(District 1)** [Engineering, Javier Reyes, (915) 541-4630]

3D. That the City Manager be authorized to sign a Second Amendment to Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the Instituto Municipal de Investigación y Planeación, (IMIP), wherein the scope of work is revised to add an additional task to be performed by the MPO for an additional consideration of \$16,000. **(All Districts)**
[Metropolitan Planning Organization, Ricardo Dominguez, (915) 591-9735, Ext. 19]

3E. A Resolution that the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to rename Shawver Pool to the "William W. Cowan Pool." **(District 7)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

3F. That the City Manager be authorized to sign the Addendum to the Accreditation/Recognition Program for Law Enforcement/Recognition Agreement

("Agency Agreement") between the City of El Paso and the Commission on Accreditation for Law Enforcement Agencies, Inc. The purpose of this Addendum is to incorporate Sub-section 2.3, Section 16 and Section 17 of said Agreement relative to appropriate Copyright and Trademark Use of Commission Materials. **(All Districts)**
[Police Department, Tom Whitten, (915) 564-7304]

4. BOARD APPOINTMENT:

Rick Melendrez to the Empowerment Zone Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

5. APPLICATIONS FOR TAX REFUND:

That the tax refunds listed on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

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

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2006-049 (Auxiliary Generator Maintenance) with Cummins Rocky Mountain for two additional years pursuant to the provisions to an award approved by City Council on January 10, 2006. Contract period is January 10, 2009, to January 10, 2011.

Department: General Services
Option: One [of One]
Total Estimated Amount: \$100,000 (2-year extension)
Account No.: 31010326 – 01101 - 502226
Funding Source: General Services, Building Maintenance Division
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2008-013 (Traffic Priority Control System, Infrared Activated, Data-Encoded) to Tri-State Electric Ltd. for a total amount of \$309,123.66.

Department: Engineering
Award to: Tri-State Electric Ltd.
El Paso, Texas
Items: 1 and 8
Annual Estimated Amount: \$154,561.83
Option: 2 years
Account No.: 27263 – 99331117 – 508027 – PCP06ST013
Funding Source: Signal/Flasher Install CP06
Total Estimated Award: \$309,123.66
Districts: 1 and 8

This is a twenty-four 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 Engineering and Financial Services, Purchasing Division, recommend award to Tri-State Electric Ltd., the vendor offering best value bid.
 [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 limiting the use of the power of eminent domain on non-blighted private property in the Redevelopment Districts of the Downtown 2015 Plan. **(District 8)** [Representative Melina Castro, (915) 541-4400]
- 8B.** An Ordinance authorizing the City of El Paso to sell 11,057 square feet, more or less, being a portion of Block 17, Anson Mills Map of the City of El Paso, El Paso County, Texas, commonly known as 319-327 Oregon Street, to Mills Acquisition Company LP n/k/a Mills Plaza Properties LP. **(District 8)**
 [Financial Services, Gonzalo Cedillo, (915) 541-4074]
- 8C.** An Ordinance amending Ordinance No. 016428 to change the three divisions of Municipal Court Number Four to be divisions of Municipal Court Number Five. **(All Districts)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2008, FOR ITEMS 8A – 8C

- 8D.** An Ordinance changing the zoning of the following real property described as: Parcel 1: Lot 26, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas, be changed from A-2/SC/SP (Apartment/Special Contract/Special Permit) to C-1/SC/SP (Commercial/Special Contract/Special Permit); Parcel 2: Lot 27, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas, be changed from A-2/SC/SP (Apartment/Special Contract/Special Permit) to C-1/SC/SP (Commercial/Special Contract/Special Permit); and, Parcel 3: a portion of Lot 28, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas, be changed from A-2/SC (Apartment/Special Contract) to C-1/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of George Dieter Drive and south of Taffy Bagley Drive. Applicant: El Paso Realty Development, LP. ZON07-00045 **(District 7)**
 [Development Services/Planning, Melissa Kellum, (915) 541-4730]
- 8E.** An Ordinance changing the zoning of a portion of Lot 25, Block 22A, Vista Granada Unit Two, Replat B, City of El Paso, El Paso County, Texas from A-2/SC/SP (Apartment/Special Contract/Special Permit) to C-1/SC/SP (Commercial/Special Contract/Special Permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1395 George Dieter Drive. Applicant: Highlands Regional Properties, L.P. ZON07-00148 **(District 7)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 12, 2008, FOR ITEMS 8D – 8E

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. ENGINEERING:

- 9A.** Discussion and action on a Resolution authorizing the City Manager to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso (“City”) and the State of Texas, acting by and through the Texas Department of Transportation (“State”). The scope of work for this Agreement is described as a feasibility study for a new port of entry located between the existing Bridge of the Americas and the Zaragoza Port of Entry. The agreement amount of \$1 million is funded with 80% federal funds and 20% of City funds. City funds are programmed through 2006 Certificates of Obligation for TXDOT matches. **(Districts 3 and 6)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 9B.** Discussion and action on a Resolution authorizing the City Manager to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso (“City”) and the State of Texas, acting by and through the Texas Department of Transportation (“State”). The scope of work for this Agreement is described as conducting a study for the expansion of the Ysleta/Zaragoza port of entry/exit facilities. The agreement amount of \$1 million is funded with 80% federal funds and 20% of City funds. City funds are programmed through 2006 Certificates of Obligation for TXDOT matches. **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 9C.** Discussion and action on a Resolution that the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Parkhill, Smith, and Cooper, Inc., a Texas Corporation, to perform consulting services for a project known as “Construction Management Services – EPIA Capital Improvement Plan” for a contract amount not to exceed \$750,000. The EPIA Capital Improvement Plan includes the following projects: Reconstruction of Taxiway J, Butterfield Trail Industrial Park Unit III, Air Cargo Building #2 Roofing Project, United States Customs and Border Patrol Protection Renovations, Free Trade Zone Entryway, and Extension of Runway 8R-26L. **(District 2)** [Engineering, Sam Rodriguez, (915) 541-4023]
- 9D.** Discussion and action on a Resolution that the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Paragon Project Resources, Inc., a Texas Corporation, to perform consulting services for a project known as “Construction Management Services – EPIA Capital Improvement Plan” for a contract amount not to exceed \$750,000. The EPIA Capital Improvement Plan includes the following projects: Reconstruction of Taxiway J, Butterfield Trail Industrial Park Unit III, Air Cargo Building #2 Roofing Project, United States Customs and Border Patrol Protection Renovations, Free Trade Zone Entryway, and Extension of Runway 8R-26L. **(District 2)** [Engineering, Sam Rodriguez, (915) 541-4023]

10. FINANCIAL SERVICES:

10A. Discussion and action on the award of Solicitation No. 2008-016 (Aerial Fire Apparatus, 5 Person Tilt Cab, 100' Heavy Duty) to First In, Inc. for the purchase of one vehicle for a total estimated award of \$793,971.

Department: Fire
Award to: First In, Inc.
El Paso, Texas
Item: #1 Aerial Fire Apparatus, 5 Person Tilt Cab,
100' Heavy Duty
Option: Option to purchase up to 100% of the original
contract quantities, at the same unit price, if the
option is exercised within six months from the date
of award of the contract.
Account No.: 508006 – 27264 – 14200500 – 37000 – PSTM06PW555
Funding Source: Storm 2006, Vehicular Equipment Replacement
Total Estimated Award: \$793,971
Districts: All

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and Fire recommend award as indicated to sole vendor offering the best value bid.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

10B. Discussion and action on the award of Solicitation No. 2008-023 (Pumpers, 4 Person Tilt Cab) to First In, Inc. for the purchase of three vehicles for a total estimated award of \$1,276,032.77.

Department: Fire
Award to: First In, Inc.
El Paso, Texas
Items: Alternate Bid Item No. 2 – Delete Options 23, 25-33,
35-41, 43-51, 54, 55, 57-65
Option: Option to purchase up to 100% of the original
contract quantities, at the same unit price, if the
option is exercised within six months from the date
of award of the contract.
Account No.: 508006 – 27264 – 14200500 – 37000 – PSTM06PW555
Funding Source: Storm 2006, Vehicular Equipment Replacement
Total Estimated Award: \$1,276,032.77
Districts: All

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and Fire recommend award as indicated to sole vendor offering the best value bid.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

10C. Discussion and action on a Resolution that the Purchasing Manager is authorized to notify Center for Employee Assistance Program that the City is terminating Contract No. 2005-202R pursuant to the provisions and requirements

of Section C, 8A, of the Contract Clauses due to convenience and that the termination shall be effective as of January 22, 2008. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 10D.** Discussion and action on the award of Solicitation No. 2008-054 (Stress Management for Firefighters) to Center For Employee Assistance for a total estimated amount of \$627,750.

Department: Fire
Award to: Center For Employee Assistance
El Paso, Texas
Items: All
Annual Estimated Amount: \$209,250
Option: 2 years
Account No.: 22010090-01101-502111
Funding Source: Fire, Operating Account, Health Care Provider Services
Total Estimated Award: \$627,750
Districts: All

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 Fire recommend award as indicated to vendor offering the best value bid.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

11. DEVELOPMENT SERVICES:

- 11A.** An Ordinance amending Title 20 (Zoning), Chapter 20.20 (Historic Landmark Commission), Section 20.20.120 (Historic Landmark Demolition or Removal), of the El Paso City Code by adding a paragraph to address notice requirements for the applicant and amending a paragraph to correct a typographical error, 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]
- 11B.** 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, 12-18-07, and 01-08-08
- 11C.** A Resolution approving a detailed site development plan for a portion of Lot 2, Block 4, 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: Remcon Circle. Applicant: RJLK, L.P. ZON07-00126 **(District 8)** [Development Services/Planning, Raul Garcia, (915) 541-4935] POSTPONED FROM 01-15-08

11D. A Resolution approving a Detailed Site Development Plan for a portion of Lot 4, Block 3, Sunland Business Center, City of El Paso, El Paso County, Texas, pursuant to a special contract condition imposed by contract dated January 28, 1985. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Doniphan Park Circle, south of Interstate 10. Applicant: Sunland Business Center Partners, LP. ZON07-00134 **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720] POSTPONED FROM 01-02-08 AND 01-15-08

11E. 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] POSTPONED FROM 01-15-08

12. PARKS AND RECREATION:

An Ordinance authorizing the City of El Paso to enter into a license agreement with the University of Texas at El Paso for the development and maintenance of Rio Bosque Park; superseding Ordinances 012982 and 014251; and canceling the license agreement approved by Ordinance 012982. **(District 6)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

13A. Discussion and action regarding the number of municipal courts of record, divisions, and processes beginning with the next term of office in June 2009.
[City Manager, Joyce Wilson at request of Mayor and Council, (915) 541-4071]

13B. Discussion and action to direct the City Manager to post a public notice announcing the acceptance of resumes of interested candidates for Municipal Judge Court #4 and to set a deadline for candidates to submit their resumes to the City Manager or the members of the City Council and to have the City Manager compile a list of the candidates and as soon as practicable, place an appropriate item on the City Council Agenda to enable the City Council to make an appropriate appointment. [Representative Eddie Holguin, (915) 541-4178]

14. CITY MANAGER:

City Manager's report of current events and issues:

14A. Quarterly Financial Report: 1st Quarter for Fiscal Year 2008.
[Financial & Administrative Services, William Studer, (915) 541-4011]

14B. Update on Council's Strategic Plan - Goals and Accomplishments.
[Office of Management and Budget, David Almonte, (915) 541-4777]

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 on the AB Fall Mansion Home. (551.071)
[City Attorney's Office, Hadley Huchton, (915) 541-4550]
- EX2.** Discussion and action on City Attorney settlement authority regarding general bankruptcy matters. (551.071) [City Attorney's Office, Marie Taylor, (915) 541-4550]
- EX3.** 710, Inc. vs. The El Paso Central Appraisal District and The City of El Paso, Cause No. 2003TX350. (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
POSTPONED FROM 01-15-08
- EX4.** Legal issues pertaining to the selection of the date to hold the special election to fill the vacancy in District No. 3. (551.071) [City Attorney's Office, Elaine Hengen, (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/>