

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## **AGENDA FOR SPECIAL CITY COUNCIL MEETING**

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January 22, 2007  
10<sup>th</sup> Floor Conference Room, City Hall  
4:00 p.m.

**AGENDA:** Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, January 23, 2007. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

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January 23, 2007  
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**

### **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/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_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:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]  
  
Approval of Minutes for the Regular City Council Meeting of January 16, 2007.
2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**
3. **RESOLUTIONS:**
  - 3A. That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Quantum Engineering Consultants, Inc., to perform professional services for a project known as "Borderland Area Street And Drainage Improvements – Phase IV & V" in an amount not to exceed one hundred forty-one thousand three hundred forty-three and 87/100 dollars (\$141,343.87). **(District 1)** [Engineering Department, Rick Conner, (915) 541-4423]
  - 3B. That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Dorado Engineering, Inc., to perform professional services for a project known as "Sixth Avenue Street And Drainage Improvements – Phase II" in an amount not to exceed sixty-five thousand nine and 00/100 dollars (\$65,009.00). **(District 8)**  
[Engineering Department, Rick Conner, (915) 541-4423]
  - 3C. That the City Manager is hereby authorized to sign Temporary Rights-of-Entry, approved as to form by the City Attorney, allowing access to the property owned by the City of El Paso in order to conduct surveys on said property, subject to the requirements and limitations of said Temporary Rights-of-Entry. **(All Districts)**  
[Financial Services, Gonzalo Cedillos, (915) 541-4074]
  - 3D. That the City Manager be authorized to sign a Memorandum of Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the Ysleta Independent School District (YISD) by which the YISD will provide videotape services at a cost of \$1,000.00 per meeting for the Transportation Policy Board meetings. The term of the agreement is for one year with options to extend for four additional terms of one year each. **(All Districts)** [Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]
  - 3E. That the City Manager be authorized to approve and sign the attached Challenge Grant Agreement between the City of El Paso and the El Paso Opera Company

for operational funding in one-to-one matching funds of up to fifty thousand and no/dollars (\$50,000.00) to support the organizational stability of the El Paso Opera Company, sole local entity offering an essential art form to the community. The support will assist the El Paso Opera Company maintain itself as a viable opera entity that continues to provide crucial programming to the community, including educational outreach for local children and youth and to provide community partnership support to help meet the goals of the City's Museums and Cultural Affairs Department (MCAD), to be funded through the general fund.

**(All Districts)** [Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

**4. REINSTATEMENTS:** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

**4A.** Montes, Gilberto S. – Truck Driver  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**4B.** Chavez, Samuel Levi – Coach Operator  
[Mass Transit, Tim Omick, (915) 534-5810]

**4C.** Ayala, David M. – Recreation Leader  
[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

**5. SPECIAL APPOINTMENTS:**

**5A.** Appointment of Karla Hernandez as Assistant City Attorney effective February 12, 2007. **(All Districts)**  
[City Attorney's Office, Charlie McNabb, (915) 541-4550]

**5B.** Appointment of William L. Lilly, Jr. as Community and Human Development Director, effective January 23, 2007. **(All Districts)**  
[City Manager, Joyce Wilson, (915) 541-4844]

**6. BOARD RE-APPOINTMENTS:**

Adeline K. Rogers to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Jose Alexandro Lozano, District 3.  
[Representative Jose Alexandro Lozano, (915) 541-4515]

**7. BOARD APPOINTMENTS:**

**7A.** Linda Y. Chew to the History Museum Board by Representative Jose Alexandro Lozano, District 3. [Representative Jose Alexandro Lozano, (915) 541-4515]

**7B.** Julie Mo to the Brownfields Redevelopment Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

**8. BEST VALUE PROCUREMENT(S):**

**8A.** The award of Solicitation No. 2007-024, Janitorial Services – Pebble Hills Police Regional Command Center, to The Eagle Janitorial Services for a total estimated award of \$85,738.32.

Department: General Services-Maintenance Division

Award to: The Eagle Janitorial Services  
 El Paso, Texas  
 Item(s): 1  
 Option: One year  
 Annual Estimated Amount: \$28,579.44  
 Account No.: 31010325-01101-502206  
 Funding Source: General Services, Maintenance Division Operating  
 Account, Maintenance Service Contracts-Janitorial  
 Total Estimated Award: \$85,738.32  
**District: 5**

This is a thirty-six month contract.

Vendor offers a prompt payment discount of 3% 20 days.

The Departments of Financial Services and General Services, Maintenance Division, recommend award to the bidder offering the best value bid.  
 [Financial Services, Terrence Freiburg, (915) 541-4313]

- 8B.** The award of Solicitation No. 2007-060, Security Guard Services – El Paso Fire Department, to Ruiz Protective Services, Inc. for a total estimated award of \$147,752.64.

Department: Fire  
 Award to: Ruiz Protective Services, Inc.  
 El Paso, TX  
 Item(s): All  
 Option: 2 Years, if the option is exercised anytime during  
 the contract period  
 Annual Estimated Amount: \$49,250.88  
 Account No.: 22010090-01101-502212  
 Funding Source: Fire – Operating Account, Security Contracts  
 Total Estimated Award: \$147,752.64  
**Districts: All**

This is a thirty-six month contract.

The Departments of Financial Services and Fire recommend award to the bidder offering the best value bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

- 8C.** The award of Solicitation No. 2007-057, Clint Landfill Fence Repair and Replacement, to City Fence & Pipe Co. for a total estimated award of \$37,262.50.

Department: Environmental Services  
 Award to: City Fence & Pipe Co.  
 El Paso, TX  
 Item(s): All  
 Account No.: 34340200-40415-508009  
 Funding Source: Solid Waste Management Equipment/Fixtures  
 Total Estimated Award: \$37,262.50  
**Districts: All**

Vendor offers a prompt payment discount 15-20 days.

The Departments of Financial Services and Environmental Services recommend award to the bidder offering the best value bid.

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

**9. BIDS:**

**9A.** The award of Solicitation No. 2007-043, Pot Hole Patch Truck, to Border International Trucks for a total award of \$115,911.00.

Department: Streets  
Award to: Border International Trucks  
El Paso, Texas  
Item(s): #1 and options 0-3, 0-4, 0-8, 0-9, 0-10  
Option: Vendor offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract.  
Account No.: 508006-27503-04102010-P540010CTY  
Funding Source: Capital Outlay for Vehicular Equipment  
Total Award: \$115,911.00  
**Districts: All**

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

No prompt payment discount was offered.

The Departments of Financial Services and General Services recommend award as indicated to the lowest responsive, responsible bidder.

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

**9B.** The award of Solicitation No. 2007-051, EPIA Road Improvements from ARFF to Fuel Farm, to C.F. Jordan, L.P., of El Paso, Texas, for a total estimated award of \$132,769.00.

Department: El Paso International Airport  
Award to: C.F. Jordan, L.P.  
El Paso, Texas  
Base Bid I: \$132,769.00  
Account No. PAP0042-62620026-41082-508027  
Funding Source: EPIA Enterprise Funds  
**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 value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract 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 which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering, and Airport recommend award as indicated to the lowest responsive, responsible bidder.  
[Engineering Department, Rick Conner, (915) 541-4423]

- 9C. The award of Solicitation No. 2007-065, Disposal of Waste Tires, to Chaparral Sand and Gravel for a total estimated award of \$90,000.00.

Department: Environmental Services  
Award to: Chaparral Sand and Gravel  
Chaparral, NM  
Item(s): All  
Account No.: 34010293-40403-502204  
Funding Source: Solid Waste Management, Environmental  
Contracts, Recycling CCS HHW  
Total Estimated Award: \$90,000.00  
**Districts: All**

This is a service requirements type contract with a thirty-six month contract.

The Departments of Financial Services and Environmental Services recommend award to the lowest responsive, responsible bidder.  
[Financial Services, Terrence Freiburg, (915) 541-4313]

**10. FIRE DEPARTMENT:**

Request that the City Of El Paso accept the tested and approved fire hydrants listed on Attachment A to provide adequate fire protection to existing and new areas.

**(All Districts)** [Fire, Roberto Rivera, (915) 771-1000]

**REGULAR AGENDA - INTRODUCTIONS**

**11. 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.**

- 11A. An Ordinance authorizing the City of El Paso to sell a portion of Lots 10, 11, 16, 17, 34, and 35, Block 12, Sunset Heights, Second Revised Map, El Paso, El Paso County, Texas, to Don Luciano. **(District 8)**  
[Financial Services, Gonzalo Cedillos, (915) 541-4074]

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 6, 2007, FOR ITEM 11A**

- 11B.** An Ordinance changing the zoning of a portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1366 Lomaland. Applicant: BMCW South Central, L.P. ZON06-00153  
**(District 4)** [Development Services/Planning, Melissa Granado, (915) 541-4730]
- 11C.** An Ordinance changing the zoning of Lots 27 and 28, and a portion of Lots 25, 26, and 29, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 480 Yarbrough Drive. Applicant: Apostolic Assembly of the Faith in Christ Jesus, Inc. ZON06-0121 **(District 7)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 11D.** An Ordinance changing the zoning of Tracts 10, 102, 103, 104, 105, 106, 107, 108, 109, 1P1, 1P3, 1Q, 1Q2, 1Q3, 1Q4, 1Q5, 1Q6, 1D1, 1D1A, 1D1B, 1D1C, 1D1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Gomez Road and West of Upper Valley Road. Applicant: UV Developers, LTD. ZON06-00126 **(District 1)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 13, 2007, FOR ITEMS 11B – 11D**

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**

**12. PUBLIC HEARING(S) – COMMUNITY AND HUMAN DEVELOPMENT:**

An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code by amending Chapter 2.102 (Neighborhood Association Recognition) in its entirety. **(All Districts)** [Community and Human Development, William Lilly, (915) 541-4500]  
POSTPONED FROM 11-28-06, 12-12-06, AND 12-27-06

**13. PUBLIC HEARING(S) – POLICE DEPARTMENT:**

Public Hearing in accordance with Section 6.16.080 of the El Paso Municipal Code to determine whether Oliver Olivar, d/b/a City Cab Company, is fit, willing, and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to City Cab Company to operate twenty taxicabs pursuant to Title 6 of the Municipal Code. **(All Districts)**  
[Police Department, Paul Cross, (915) 564-7310]

**REGULAR AGENDA – OTHER BUSINESS**

**14. MAYOR AND COUNCIL:**

Discussion and action regarding the preparation of an Ordinance limiting the power of eminent domain in the redevelopment districts to public use and not economic development. [Representative Eddie Holguin, Jr., (915) 541-4178]

**15. DEVELOPMENT AND INFRASTRUCTURE SERVICES:**

Discussion and action on the status of the planning and fundraising efforts for the City-sponsored CicloVia pilot program to be held during the month of May 2007, and authorizing funding up to an amount not to exceed \$15,000.00 to offset any costs of hosting the pilot program not covered through private fundraising efforts. **(All Districts)** [Development and Infrastructure Services, Patricia D. Adatao, (915) 541-4853]

**16. DEVELOPMENT SERVICES:**

That the City Manager be authorized to sign a Development Agreement by and between the City of El Paso, the El Paso Water Utilities - Public Service Board, and El Paso Jamas, LTD and B.A.R. Construction, Inc. to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's West Extraterritorial Jurisdiction and containing 57.226 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities - Public Service Board. **(West Extraterritorial Jurisdiction - Adjacent to District #1)** [Development Services, Rudy Valdez, (915) 541-4635]

**17. ECONOMIC DEVELOPMENT:**

Discussion and action regarding the granting of economic development incentives to Champlain Cable Corporation by the City of El Paso. **(All Districts)** [Economic Development, Kathy Dodson, (915) 541-4872]

**18. FINANCIAL SERVICES:**

Discussion and action on the award of Solicitation No. 2007-022, Alberta/Concepcion Street and Drainage Improvements, to Southwest Growth Corporation of El Paso, Texas, for a total estimated award of \$1,411,229.46.

Department:	Streets
Award to:	Southwest Growth Corporation El Paso, Texas
Items:	Base Bid I: \$1,310,587.96 Base Bid II: \$ 60,893.10 Base Bid III: \$ 39,748.40
Total Estimated Award:	\$1,411,229.46
Account No:	99331117 - PST06002 – 27263 - 508027
Funding Source:	FY 2006 Certificates of Obligation
<b>District:</b>	<b>3</b>

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 value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract 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 which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering, and Streets recommend award as indicated to the lowest responsive, responsible bidder.

[Engineering Department, Rick Conner, (915) 541-4423]

**19. CITY MANAGER:**

City Manager's report of current events and issues:

**19A.** Discussion and action on issues related to Storm 2006.

[Development Services, R. Alan Shubert, (915) 541-4557]

**19B.** Quarterly Financial Report, 1<sup>st</sup> Quarter.

[Financial and Administrative Services, William Studer, (915) 541-4011]

**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.** The City of El Paso vs. Joseph Abraham, Jr.; Cause No. 2006-2481. (551.071).

[City Attorney's Office, John L. Anderson, (915) 541-4550]

**EX2.** USBC Contract. (551.071). [City Attorney's Office, Laura P. Gordon, (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/>

POSTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007, AT \_\_\_\_\_ P.M. BY \_\_\_\_\_