

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

**February 5, 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 Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

1. **BLACK HISTORY MONTH**
2. **KERN PLACE ALBERTSON'S APPRECIATION**

RECOGNITION

1. **CONQUISTADOR AWARD TO JIMMY BOWEN**
2. **FOREIGN INTERNATIONAL SOLDIERS USASMA**
3. **RIVERSIDE HIGH SCHOOL STUDENTS ADVANCE PLACEMENT GOVERNMENT CLASS**

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 29, 2008, and the Special City Council Meeting Minutes of January 29, 2008 (Texas Gas Services), and January 31, 2008 (Strategic Planning). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

3A. That the projects originally identified to be funded by the AIP Project No. 3-48-0077-21-04 grant funds as enumerated within the City Council Resolution of July 20, 2004, (now known as AIP Project No. 3-48-0077-22-04) be revised to permit the expenditure of such grant funds towards a portion of the total cost related to reconstruction activities for Taxiway J; and that all other provisions of the City Council Resolution of July 20, 2004, remain in full force and effect. **(District 2)** [Airport, Patrick Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign a License Agreement by and between the Greater El Paso Chamber of Commerce and the City of El Paso to allow the use of the service mark "El Paso" which is registered in the United States Patent and Trademark Office to the Greater El Paso Chamber of Commerce. **(All Districts)** [City Manager, Joyce Wilson, (915) 541-4844]

3C. That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Deputy Director of Clinical Services is hereby created as specified in the duties and responsibilities attached hereto. The Code is 22025. The Grade is EX 4. Salary Range: \$77,109.67 - \$127,230.96. Fund Source: 41010127-01101-51000. **(All Districts)** [Human Resources, Linda B. Thomas, (915) 541-4509]

3D. That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Museum Director - History is hereby created as specified in the duties and responsibilities attached hereto. The Code is 15025. The Grade is EX 3. Salary Range: \$84,820.64 - \$139,954.05. Fund Source: 56010252-01101-51000. **(All Districts)**

[Human Resources, Linda B. Thomas, (915) 541-4509]

3E. That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Solid Waste Operations Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 17735. The Grade is PM 132. Salary Range: \$54,542.78 - \$81,814.17. Fund Source: 34010291-01101-51000. **(All Districts)** [Human Resources, Linda B. Thomas, (915) 541-4509]

3F. A Resolution that the City Manager be authorized to sign a Lease Agreement with Tobin Park United Methodist Church for that certain real property (“the Property”) consisting of 2.334 acres in Section 1, Block 81, Township 2, Texas and Pacific Railroad Survey, El Paso, El Paso County, Texas, for an initial term of fifty years with two five-year extension options and a purchase option available to the City so that the City may continue to utilize the property as a park for the benefit of the citizens of El Paso, Texas. **(District 4)**
[Parks and Recreation, Barry Russell, (915) 541-4292]

4. BOARD APPOINTMENT:

Jessie N. Sustaita to the Community Development Steering Committee by Representative Beto O’Rourke, District 8. [Representative Beto O’Rourke, (915) 541-4123]

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. BID:

The award of Solicitation No. 2008-053 (Physical Examinations and Drug Screening) to Las Palmas Del Sol Healthcare System for a total estimated minimum award of \$248,700.

Department:	Human Resources
Award to:	Las Palmas Del Sol Healthcare System El Paso, Texas
Items:	All
Options:	Option to renew for two additional years.
Annual Est. Min. Amount:	\$82,900
Account No.:	Various
Funding Source:	Various
Total Est. Min. Award:	\$248,700
Districts:	All

This is a thirty-six month 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 Human Resources recommend award as indicated to vendor offering the best value bid.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTION

7. 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.**

7A. 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]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 19, 2008, FOR ITEM 7A

7B. An Ordinance changing the zoning of a portion of Tract 8B, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Borderland Road and west of Doniphan Drive. Applicant: Benjamin & Gina S. Rodriguez, ZON07-00135 **(District 1)**
 [Development Services/Planning, Ernesto Arriola, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 26, 2008, FOR ITEM 7B

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

8. ENGINEERING:

8A. 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]
 POSTPONED FROM 01-22-08

- 8B. Discussion and action on the award of Solicitation No. 2008-073 (Storm 2006: Upper Valley Drainage Improvements Phase I) to C.F. Jordan, L.P., El Paso, Texas, for an estimated minimum total amount of \$10,427,250.

Department: Engineering
 Award to: C.F. Jordan, L.P.
 El Paso, Texas
 Items: Base Bid I: \$3,517,345
 Base Bid II: \$5,872,080
 Base Bid III: \$257,080
 Base Bid IV: \$780,745
 Total Est. Min. Award: \$10,427,250
 Account No: PSTM06PW26-0 – 27264 – 14200500 - 508027
 Funding Source: Storm 2006 Bond Issue
District: 1

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] **POSTPONED FROM 01-29-08**

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES

- 9A. An Ordinance changing the zoning of Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment-Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 171-175 North Zaragoza Road. Applicant: Elvia C. Mendoza. ZON07-00116 (**District 7**)
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]

- 9B. A Resolution removing a condition placed on property by contract amendment in Ordinance number 7054 dated August 12, 1986, which imposed conditions on a portion of Tracts 1A and 1X, Block 1, Ascarate Grant, and a portion of lot 34, Block 111, Vista Del Sol Unit 20 Replat A, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Subject Property: 11155 La Quinta. Applicant: Talmar Medical Properties L.P.
 ZON07-00104 **(District 7)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

- 9C.** 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] **POSTPONED FROM 01-29-08**

REGULAR AGENDA – OTHER BUSINESS

10. CITY MANAGER:

City Manager's report of current events and issues:

- 10A.** For discussion and action; presentation by UTEP on Customer Service Survey.
 [Office of Management and Budget, David Almonte, (915) 541-4777]
POSTPONED FROM 01-29-08

- 10B.** Discussion and action on Capital Improvement Program, including:

1. Status Report of fund balances
2. Highlights of Storm 2006 & other capital projects
3. Reprogramming recommendations to address emerging, unfunded capital needs
4. Proposed process for FY 2009 - 2010 bond authorization
 [Development & Infrastructure Services, Patricia D. Aduato, (915) 541-4853]
 [Development Services/Engineering, R. Alan Shubert, (915) 541-4423]
POSTPONED FROM 01-29-08

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action on authorizing the City Manager and staff to install street lights at 18 identified locations in south El Paso.
 [Representative Beto O'Rourke, (915) 541-4123] **POSTPONED FROM 01-22-08 AND 01-29-08**

1. On east side of Park, a few yards before Cesar Chavez Hwy
2. Intersection of 8th Ave and the alley between Park & Tays
3. Alley between Tays & Hills and Father Rahm & 6th
4. Alley between Tays & Hills and 6th & 7th
5. Alley between Tays & Hills and 6th and Father Rahm
6. Alley between 7th & 8th and Hills & St. Vrain
7. Alley between 8th & 9th and Hills and St. Vrain
8. Alley between Father Rahm & 6th and St. Vrain & Virginia
9. Alley between 6th & 7th and St. Vrain & Virginia
10. At the intersection of Virginia and 9th
11. Alley between Virginia & Ochoa and 6th and Father Rahm
12. Alley between 8th & 9th and Virginia & Ochoa (possibly on pole #1009)
13. On Hills, between Paisano and Delta
14. Intersection between 8th Ave and the alley between Mesa and Oregon (north corner of the intersection).

- 15. West side of Mesa, between 6th and Father Rahm
- 16. Alley between Oregon & Mesa and 4th & 3rd (east side of alley)
- 17. Alley between Stanton & Kansas and 8th & 7th
- 18. Intersection of Father Rahm and Campbell (either of the north corners)

11B. Discussion and action on authorizing the City Manager and staff to install street lights at the following identified locations in East El Paso.

[Representative Rachel Quintana, (915) 541-4701] POSTPONED FROM 01-29-08

- 1. 2827 Chaswood Street
- 2. 10235 Blackwood Street
- 3. 3451 Buffalo Gap Street
- 4. 2225 Frank Beard
- 5. 2205 Anise
- 6. 11354 Lake Loy
- 7. 11374 Lake Loy
- 8. 11237 Thundercloud Dr.
- 9. 11207 Thundercloud Dr.
- 10. Intersection of Sam Snead and Red Sails
- 11. 11671 Tom Fiore
- 12. Intersection of Edgemere and East Glen
- 13. 12600 Tierra Dura
- 14. 11349 Lake Nemi

12. CITY ATTORNEY:

Discussion and action on a Resolution approving a change in rates, service charges, and other terms and conditions in resolution of Texas Gas Services' Statement of Intent to Change Rates.

[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550] POSTPONED FROM 01-15-08

13. DEVELOPMENT SERVICES:

Discussion and action on Conditional B permit for Artcraft Commercial Unit Two Subdivision. **(District 1)** [Development Services, Larry F. Nichols, (915) 541-4557]

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 properties located at 11417 Pratt Avenue and 11429 Pratt Avenue. (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/>