

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

March 11, 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. POISON PREVENTION WEEK**
- 2. FRANKLIN MOUNTAINS POPPIES DAY**
- 3. J.M. HANKS HIGH SCHOOL JAZZ FESTIVAL**

RECOGNITION

GARY GORDIER

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 March 4, 2008.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. Placing a condemnation lien on the following property (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).

8918 Ruiz Court \$6,147.09 Antonio Z. Gonzalez
(District 6) [Development Services, Larry F. Nichols, (915) 541-4557]

3B. That the City Manager be authorized to sign and accept a storm sewer line easement from the El Paso Electric Company through the following described property in the County of El Paso, Texas: a portion of Lot 30, Block 4, Thom Ridge Subdivision. **(District 1)** [Engineering, Sam Rodriguez, (915) 541-4023]

3C. That the El Paso City Council approve a Resolution and the submission of the Anti-Gang Awareness Training & Education Program (A-GATE) grant application to the Office of the Governor, Criminal Justice Division; and that the City Manager be authorized to sign grant related documents including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$90,100 with no cash or in-kind match requirement. The funding agency requires a Resolution be submitted with grant application. **(All Districts)**
[Police Department, Tom Whitten, (915) 564-7304]

3D. That the El Paso City Council approve a Resolution and the submission of the Operation Serious Habitual Offender Comprehensive Action Program (SHOCAP) Full Force grant application to the Office of the Governor, Criminal Justice Division; and that the City Manager be authorized to sign grant related documents including all understandings and assurances contained therein and apply for, accept, reject, alter, or terminate the grant in the amount of \$54,850

with no cash or in-kind match requirement. The funding agency requires a Resolution be submitted with grant application. **(All Districts)**
[Police Department, Tom Whitten, (915) 564-7304]

4. BOARD RE-APPOINTMENTS:

- 4A.** Pete T. Duarte to the Cultural Affairs Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 4B.** Robert McGregor to the Art Museum Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 4C.** Melissa C. Brandrup to the Historic Landmark Commission by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

5. BIDS:

- 5A.** The award of Solicitation 2008-015R (Upgrade of the Parking Access and Revenue Control System) to Mitchell Adding Machine Co., Inc., for a total estimated award of \$210,709.

Department: Aviation
Award: Mitchell Adding Machine Co., Inc.
DBA Mitchell Time & Parking
Austin, TX
Items: 1 (A to I) & Optional Items O2, O3 and O4
Account No.: 62620027 – 508027 – 41080 – PAP0040 (Items 1. A to I - \$99,034)
62620006 – 502229 – 40101
(Optional Items 02, 03, & 04 – \$111,675)
Funding Source: EPIA Enterprise Funds
Total Est. Award: \$210,709
District: 3

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 5B.** Request approval for the Purchasing Manager for Financial Services, Purchasing Division, to reject the bids submitted for Solicitation No. 2008-074 (Baseball Turf Infield Conditioner) as recommended by Financial Services, Purchasing Division, and the Parks and Recreation Departments because all bids received did not meet the specifications. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

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 amending Title 19 (Subdivisions), Chapter 19.16 (Improvement Standards and Design Principles), Section 19.16.130 (Postal Delivery Service), of the El Paso City Code to establish the responsibilities for mail receptacles; the penalty is as provided in Chapter 19.04.090 of the City of El Paso City Code. **(All Districts)** [Development Services/Planning, Eddie Garcia, (915) 541-4638]

PUBLIC HEARING WILL BE HELD ON MARCH 18, 2008, FOR ITEM 6A

- 6B.** An Ordinance granting Special Permit No. ZON07-00165 to allow for an infill development to permit a duplex on the property described as Lot 23, Block 5, Pacific Park, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 265 Atlantic Road. Applicant: David A. Aber. ZON07-00165 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON APRIL 1, 2008, FOR ITEM 6B

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

7. ENGINEERING:

Discussion and action on a Resolution authorizing the City Manager to sign a two year Professional Service Agreement between the City of El Paso and Amec Earth & Environmental, Inc., a Nevada Corporation, to perform consulting services for a project known as "Environmental Engineering Consulting Services 2007" for an amount not to exceed \$750,000. Funding Source: Applicable projects are required to fund each task. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]

8. FINANCIAL SERVICES:

- 8A.** Discussion and action on a Resolution authorizing the City Manager to approve an Agreement by and between Massachusetts Bay Transportation Authority and City of El Paso for the Assignment of Option Rights in order to purchase forty 40-foot low floor compressed natural gas (CNG) option buses under formal Contract No. 639 (IFB No. CAP 9-01) and approve the purchase of forty option CNG buses from North American Bus Industries, Inc. The cost for thirty-three of the buses is \$397,430 (\$404,430 net of discount of \$7,000) plus spare parts in the

amount of \$686,045. The cost for seven of the rapid transit buses is \$404,412 (\$411,412 net of \$7,000 discount). The total purchase amount for forty buses is \$16,632,119. The funding for these buses will come from a combination of federal and local funding.

Federal funds in the amount of \$13,556,714 have been allocated for this purchase with a required local match of \$2,952,000. The local match, as well as any remaining funding needed for the buses, will be funded through the lease purchase financing agreement approved by the City Council on July 25, 2006, or fund balances or both. The amount financed shall be paid through revenues generated from the Mass Transit Department. **(All Districts)**
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Continental Corporation, the sole source provider of Automatic Vehicle Locator (AVL) System currently used by the El Paso Police and Fire Departments (\$275,000) and Sun Metro (\$239,178) for maintenance of hardware and software support.

Department:	Information Technology
Account Nos. Police & Fire:	39010352 – 502229 – 01101
Mass Transit:	60600011 – 508035 – 11601 – G600335
	60600011 – 508035 – 11606 – G600342
	60600011 – 508006 – 11677 – G600463
Funding Source:	Information Services, Operating Account, Office Equipment Maintenance Contracts and Various FTA Grants
Total Estimated Annual Amount:	\$514,178
Sole Source No.:	2008-160
Districts:	All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]	

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

- 9A.** An Ordinance changing the zoning of Parcel 1: Tract 3C and a portion of Tracts 3A and 3B, Nellie D. Mundy Survey No. 240, and a portion of Tract 1A, Nellie D. Mundy Survey No. 241; Parcel 2: a portion of Tract 3A, Nellie D. Mundy Survey 240; and Parcel 3: a portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas, Parcel 1: from R-3 (Residential) to R-3A (Residential); Parcel 2: from R-3 (Residential) to C-3 (Commercial); and Parcel 3: from R-3 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Borderland Road and west of Interstate Highway 10. Applicants: Tropicana Development Inc. ZON07-00150 **(District 1)**
 [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 9B.** An Ordinance changing the zoning of Lots 36 and 37, Block 84, Franklin Heights Addition, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the

El Paso City Code. Subject Property: 1123 Rio Grande Avenue. Applicant: W. Matt Watson. ZON07-00155 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 9C.** An Ordinance changing the zoning of the following real property described as: Parcel 1, Parcel 2, Parcel 3, Parcel 4, and Parcel 6. All parcels being a portion of Tract 1, John Barker No. 10, City of El Paso, El Paso County, Texas, and Parcel 5: Tract 6J, A.F. Miller Survey No. 216, City of El Paso, El Paso County, Texas. Parcel 1 be changed from R-3 (Residential) to R-3A (Residential); Parcel 2 be changed from R-3 (Residential) to C-1 (Commercial); Parcel 3 be changed from R-3 (Residential) to C-2 (Commercial); Parcel 4 be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; Parcel 5 be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; and Parcel 6 be changed from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5000 block of Mesa Street. Applicant: EPT Mesa Development. ZON07-00141 **(District 1)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 03-04-08

10. ENGINEERING:

- 10A.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection C (Exceptions), of the El Paso City Code by deleting Paragraph 11 to remove the exception for Contractor Stamps; the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 10B.** An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.020 (Sidewalk Specifications), of the El Paso City Code to add specifications for Contractor Stamps on sidewalks and to amend existing specifications; the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

Discussion and action on authorizing Mayor John Cook to sign the U.S. Mayors Climate Protection Agreement. [Representative Susie Byrd, (915) 541-4416]

12. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

- 12A.** Presentation on a Downtown revitalization project known as “Mills Plaza” by Brent Harris, Mills Plaza Properties. **(District 8)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]
- 12B.** Discussion and action to direct that the City Manager City-initiate the right-of-way vacation for the vehicular interest on portions of Mills Avenue and Sheldon Court for the purpose of supporting the Downtown revitalization project known as “Mills Plaza.” **(District 8)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

13. DEVELOPMENT SERVICES:

Discussion and action on Conditional B permit for Sun Ridge Unit 15 Subdivision. **(District 6)** [Development Services, Larry F. Nichols, (915) 541-4557]

14. ECONOMIC DEVELOPMENT:

Discussion and action/approval by the City Council of the 2008 Program of Work and Performance Metrics 2008 which shall be incorporated and made a part of the agreement between the City and REDCO, approved August 6, 2006. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4760]

15. MUNICIPAL CLERK:

Discussion and action on the appointment of additional Municipal Court Associate Judges. **(All Districts)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
POSTPONED FROM 02-26-08 AND 03-04-08

*Federico Soforo

*Michele Locke

*Victor Parra

Regina Arditti

*Release received from applicant and response received from Judicial Conduct Commission.

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. Claim of Blair-Hall Co., Inc., Our File No. 07-C-271/ENG. (551.071)
[City Attorney's Office, Michele C. Daly, (915) 541-4550]

EX2. City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

- EX3.** William D. Abraham, as Trustee for the Franklin Group, L.P. vs. the City of El Paso, Texas et. al.; Cause No. 2007-688. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX4.** Alfred Corona vs. City of El Paso; Cause No. 2003-5296. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX5.** Discussion and action with the City Attorney on legal options with respect to the sale and conveyance of 4,832.99 acres or land, more or less, to Hunt Communities, LLC. (551.071) [City Attorney's Office, Charlie McNabb, (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/>