

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

**REVISED**

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

**March 18, 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 – Fire Chaplain Ed Sinke  
Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. NATIONAL COMMUNITY COLLEGE MONTH**
- 2. GIRL SCOUT WEEK**
- 3. JOSE CABRALEZ 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](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 11, 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"), Yazaki North America, Inc. ("Assignor"), Elcom, Inc. ("Assignee"), and Yazaki International Corporation ("Guarantor") for the following described property: all of Lots 3, 4, and 5, Block 9 and all of lots 12, 13, and 14, Block 11, Butterfield Trail Industrial Park, Unit Two, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 57, Page 43, Real Property Records, El Paso County, Texas, and municipally known and numbered as 20 Butterfield Trail, El Paso, Texas. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

**3B.** That the Purchasing Manager is authorized to notify Big Bear Oil Company that the City is terminating Contract No. 2007-062 pursuant to the provisions and requirements of Section C 18B of the Contract Clauses due to default for their failure to provide the antifreeze at the contracted price and that the termination shall be effective as of March 18, 2008. **(All Districts)**  
[Financial Service/Purchasing, Terrence Freiburg, (915) 541-4313]

**3C.** That the Mayor be authorized to sign a Resolution for the appointment of election officials for the City of El Paso Special Election for District 3 City Representative on May 10, 2008. **(All Districts)**  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**3D.** That Brian Heller is appointed as alternate City Clerk to act as the City Clerk during the absence or disability of the City Clerk. **(All Districts)**  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Ruth Reyes to the City-County Animal Shelter Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

**4B.** Cesar Martinez to the Art Museum Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

**5. BOARD APPOINTMENT:**

Don K. Macon to the El Paso Mountain Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

**6. 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]

**7. BIDS:**

**7A.** The award of Solicitation No. 2008-081 (Maintenance of Overhead Doors at City Facilities) to Desert Garage Doors for a total estimated minimum award of \$225,000.

Department:	General Services
Award to:	Desert Garage Doors El Paso, Texas
Items:	All
Option:	Either One or Two Years
Annual Est. Min. Amt.:	\$75,000
Account No.:	31010326 – 502226 – 01101
Funding Source:	General Services Depart., Building Maintenance Division
Total Est. Min. Award:	\$225,000
<b>Districts:</b>	<b>All</b>

This is a thirty-six month requirements type contract for maintenance of overhead doors at City facilities.

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 Department, Purchasing Division, and General Services recommend award to the lowest responsive, responsible bidder. [Financial Service/Purchasing, Terrence Freiburg, (915) 541-4313]

**7B.** The award of Solicitation No. 2008-126 (Aluminum Sign Blanks) to Vulcan Aluminum for a total estimated minimum award of \$145,819.

Department:	Street
Award to:	Vulcan Aluminum Foley, Alabama
Items:	All
Annual Est. Min. Amt.:	\$72,909.50
Account No.:	32010287 – 503203 – 01101
Funding Source:	Signs and Markings, Public Accesses Maintenance and Repairs, General Fund
Total Est. Min. Award:	\$145,819
<b>Districts:</b>	<b>All</b>

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract maybe 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 Street recommend award as indicated. Vulcan Aluminum was the lowest responsive, responsible bidder. [Financial Service/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**8. FINANCIAL SERVICES:**

**8A.** Discussion and action on the award of Solicitation No. 2008-046 (31-Yard Open Bowl Scraper 2007) to Wagner Equipment Co., for a total estimated award of \$840,900.

Department: Environmental Services  
Award to: Wagner Equipment Co.  
El Paso, Texas  
Items: All  
Account No.: 34010289 – 508029 – 40403  
Funding Source: Environmental Services Department, Heavy/Off Road Equipment  
Total Est. Award: \$840,900  
**Districts: All**

This is a one-time purchase type contract for the 31-Yard Open Bowl Scraper. Vendor offers the City the option to purchase up to 100% of the contract quantity at the same unit price if the option is exercised within ninety days or one hundred and eighty days from the date of award.

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

**8B.** Discussion and action on the award of Solicitation No. 2008-058 (Washing of Heavy Duty Equipment) to Texas Truckwash and Detail for a total estimated minimum award of \$513,000.

Department: General Services  
Award to: Texas Truckwash and Detail  
El Paso, Texas  
Items: All  
Option: Two years  
Annual Est. Min. Amt.: \$171,000  
Account No.: 37370510 – 503125 – 45202 and  
34010286 – 503204 – 40403  
Funding Source: Fleet Services Internal Fund, Vehicle Maintenance and Repair  
Total Est. Min. Award: \$513,000  
**Districts: All**

This is a thirty-six month requirements type contract for the service of washing of heavy duty equipment.

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 General Services recommend award as indicated to the lowest responsive, responsible bidder. [Financial Service/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA – PUBLIC HEARINGS**

**9. DEVELOPMENT SERVICES**

- 9A.** An Ordinance changing the zoning of a portion of Tracts 1 and 2, Bootheville Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8517 Fortune Court. Applicants: Stephen J. Cohen and Erika S. Cohen, CAD Consulting, Representative. ZON07-00149  
**(District 7)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 9B.** An Ordinance changing the zoning of Tract 3-B, S.A. & M.G. Survey No. 266, City of El Paso, El Paso County, Texas, from C-1/C (Commercial/Condition) to C-3/C (Commercial/Condition). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: intersection of North Desert Boulevard and Helen of Troy Drive. Applicant: Dick Poe Family Limited Partnership/ Richard C. Poe. ZON07-00163 **(District 1)**  
[Development Services/Planning, Ernesto Arriola, (915) 541-4723]
- 9C.** An Ordinance changing the zoning of all of Lot 6, the north 20 feet of Lot 5, and the south 4 feet of Lot 7, Block 56, Alexander Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1611 N. Mesa Street. Applicant: Rahman Properties, LLC. ZON07-00160  
**(District 8)** [Development Services/Planning, Ernesto Arriola, (915) 541-4723]
- 9D.** An Ordinance granting Special Permit No. ZON07-00084 to allow for a 24% parking reduction on the property described as a portion of the A.T. & S.F. Railway Company Yard and portions of Lots 2 - 9, Block 72, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: west of El Paso Street and south of Sixth Street. Applicant: Meuchadim of Texas, LTD. ZON07-00084 **(District 8)**  
[Development Services/Planning, Melissa Kellum, (915) 541-4730]
- 9E.** An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Review Procedures), Section 20.04.380 (Application Requirements), of the El Paso City Code to remove the requirement for a site plan. 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]

- 9F. 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]
- 9G. 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] **POSTPONED FROM 03-11-08**
- 9H. 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 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720] **POSTPONED FROM 03-04-08 AND 03-11-08**

**10. EL PASO WATER UTILITIES:**

An Ordinance of the City of El Paso, Texas, amending Ordinance No. 016735 which authorized the sale and conveyance of 4,832.99 acres of land, more or less, out of Blocks 80 and 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, to Hunt Communities, LLC, to revise the date of the initial closing date for the purchase of the Phase One Parcel. **(District 4)**  
[El Paso Water Utilities, Robert D. Andron, (915) 594-5506] **POSTPONED FROM 03-04-08**

**REGULAR AGENDA – OTHER BUSINESS**

**11. MAYOR AND COUNCIL:**

- 11A. Discussion and action concerning the exploration of moving the Anti-Graffiti Program from the Street Department to the El Paso Police Department.  
[Representative Steve Ortega, (915) 541-4124] **POSTPONED FROM 03-04-08**
- 11B. Discussion concerning a rental inspection program to promote health, safety, and welfare in rental housing.  
[Representative Steve Ortega, (915) 541-4124] **POSTPONED FROM 03-04-08**
- 11C. Discussion and action on authorizing the City Manager to apply as a third-party administrator for the Texas Commission on Environmental Quality's Supplemental Environmental Program (SEP).  
[Representative Susie Byrd, (915) 541-4996]

- 11D. Presentation by the Bureau of Customs and Border Protection regarding plans to construct a border fence at the U.S./Mexico International Border in the El Paso Sector. [Mayor's Office, Sylvia Borunda Firth, (915) 541-4550]
- 11E. Discussion and action regarding the request from the Albuquerque District Corps of Engineers for 24-month access road across City owned property to an existing staging area located on International Boundary and Water Commission (IBWC) property to support the border fence project.  
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4550]
- 11F. Discussion and action on a Resolution in support of the City of El Paso's bid to host the Association of Mayors, Councilmembers and Commissioners Annual Elected Officials Conference in February of 2010 and authorizing the City Manager to sign any and all documentation necessary to make arrangements for the conference in the event the bid is awarded to the City of El Paso.  
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4550]

**12. ECONOMIC DEVELOPMENT:**

Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Copperfield, LLC, a Minnesota limited liability company ("Applicant"), in relation to the Applicant's development of a wire manufacturing facility in El Paso Texas. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4760]

**13. CITY MANAGER:**

- 13A. Discussion and action on a Resolution authorizing the City Manager to sign the Articles of Agreement between the City of El Paso and the Local 51, International Association of Fire Fighters, Inc., for the contract period covering March 18, 2008, through August 31, 2010. **(All Districts)**  
[Financial and Administrative Services, William Studer, (915) 541-4011]
- 13B. City Manager's report of current events and issues:
  - 13B1. Presentation by Kathryn Dodson, Economic Development Director, with the results of the Buxton retail study. In addition, John Benton, General Manager of the El Paso Outlet Shoppes, and Tom Rumpitz, Senior Vice President of Horizon Group, will follow with a brief update of the outlet mall retail project. [Economic Development, Kathryn B. Dodson, (915) 541-4760]
  - 13B2. Transportation Projects Overview
    - A) Project selection process through the Metropolitan Planning Organization
    - B) City transportation projects programmed in the Transportation Improvement Plan
    - C) Upcoming funding agreements on programmed transportation projects

[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]  
[Engineering, Terry Quezada, (915) 541-4417]

**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 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/>