

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 25, 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 Carlos Flores**  
**Pledge of Allegiance**

### **RECOGNITIONS**

1. HONORABLE MAYOR AND CITY COUNCIL OF OUR SISTER CITY OF CIUDAD JUAREZ
2. PRESENTATION TO MAYOR, COUNCIL AND THE CITIZENS OF EL PASO - CERTIFICATE OF ACCREDITATION FROM AMERICAN ASSOCIATION OF ZOOLOGICAL PARKS AND AQUARIUMS (AZA)

### **MAYOR'S PROCLAMATIONS**

**NATIONAL ALCOHOL AWARENESS MONTH**

### **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 { HYPERLINK "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.

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**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 18, 2008.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTIONS:**

**3A.** A Resolution that the City extends the time period for the construction of improvements to Bartlett Drive required under a Contract of Sale between the City of El Paso and Ham Management, LLC, dated October 24, 2006, and amended on December 19, 2006, so that the improvements shall be completed by December 19, 2010. Subject Property: east of Desert Boulevard and south of Thorn Avenue. Applicant: Ham Management, LLC. SUB07-00117 **(District 1)**  
[Development Services/Planning, Christina Stokes, (915) 541-4627]

**3B.** 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) of the El Paso Municipal Code:

Street (address 3505 Wyoming Avenue)) \$19,138.83 Martin Sweed  
**District 8**  
[Development Services, Larry F. Nichols, (915) 541-4557]

**3C.** 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, Thorn Ridge Subdivision. **(District 1)** [Engineering, Sam Rodriguez, (915) 541-4023]

**3D.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Sylvia Valdez for the purchase of Lot 14, excepting the south two feet and the north one foot thereof, Block 47, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 2, Page 68, Real Property Records, El Paso County, Texas, commonly

known as 1006 S. Mesa Street, El Paso, Texas, to be used for the Stanton Toll Plaza Project. Project #: PBR06003; Fund: 43005; Department: 32000080; Account: 508000. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

**3E.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 5, 6, 7, 8)**  
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3F.** That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Victim Services Advocate is hereby created as specified in the duties and responsibilities attached hereto. The Code is 19380. The Grade is GS 54. Salary Range: \$33,196.62 - \$53,042.40 (GS 54). Fund Source: 21010050-01101-21000. **(All Districts)** [Human Resources, Linda B. Thomas, (915) 541-4509]

**3G.** The City Manager be authorized to approve the recommended site for the new Cielo Vista Branch Library as was evaluated, determined and recommended by the City Engineer and Mijares-Mora Architects. **(District 3)**  
[Library, Carol Brey-Casiano, (915) 543-5406]

**4. BOARD RE-APPOINTMENT:**

**4A.** Michael PleTERS to the Civil Service Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

**5. BOARD APPOINTMENTS:**

**5A.** John R. Schatzman, Jr. to the Construction Board of Appeals (Home Builder Category) by Representative Beto O'Rourke, District 8.  
[Representative Beto O'Rourke, (915) 541-4123]

**5B.** Norma I. Tena to the Empowerment Zone Advisory Board by Representative Eddie Holguin Jr., District 6.  
[Representative Eddie Holguin Jr., (915) 541-4182]

**6. REQUEST FOR PROPOSAL:**

The award of Solicitation No. 2008-107R (Comprehensive Airport Liability Insurance) to Wells Fargo Insurance Services of Texas (Illinois National Insurance Company) for a total estimated award of \$239,385.

Department:	Aviation
Award to:	Wells <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">City</span> Fargo <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">)</span> Insurance Services of <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">State</span> <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">place</span> Texas <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">)</span> <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">)</span>
	(Illinois National Insurance Company) El Paso, Texas
Items:	All
Annual Estimated Amount:	\$79,795
Account No.:	62620001 – 504402 – 40101
Funding Source:	EPIA <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">place</span> <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">City</span> Enterprise <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">)</span> <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">)</span> Funds
Total Estimated Award:	\$239,385 (3-year total)

**District:** 3

This is a three year contract based on a Request for Proposal (RFP). Annual premiums for years 2 and 3 will be contingent upon loss runs and any State mandated modifiers.

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.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review, and that the City Manager execute any additional documents as necessary.

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

**7. BIDS:**

**7A.** The award of Solicitation No. 2008-109 (Paint, Traffic and Airfield Marking, Type II Waterborne) to The Sherwin-Williams Company for a total estimated minimum award of \$400,462.

Department:	Aviation
Award to:	The Sherwin-Williams Company Manchester, Georgia
Items:	All
Annual Estimated Minimum Amount:	\$200,231
Account No.:	62620003 – 503121 – 40101
Funding Source:	EPIA Enterprise Funds
Total Estimated Minimum Award:	\$400,462
<b>District:</b>	<b>3</b>

This is a twenty-four month requirements type contract for the purchase of paint for markings on airfield pavement.

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 Aviation recommend award to the lowest responsive, responsible bidder.

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

**7B.** The award of Solicitation No. 2008-137 (Proprietary Parts & Service – John Deere) to Tom Growney Equipment, Inc., for a total estimated minimum award of \$210,000.

Department:	General Services
Award to:	Tom Growney Equipment, Inc. El Paso, Texas
Items:	All
Annual Estimated Minimum Amount:	\$70,000
Account No.:	37370510 – 503121 – 45202

Funding Source:	General Services Department, Fleet Division, Internal Service Fund
Total Estimated Minimum Award:	\$210,000
<b>Districts:</b>	<b>All</b>

This is a thirty-six month requirements type contract for Proprietary Parts & Services - John Deere.

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 to the lowest responsive, responsible bidder. [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 amending Title 19 (Subdivisions), Chapter 19.16 (Improvement Standards and Design Principles), Section 19.16.010 (General Design Principles), of the El Paso City Code by adding a section on Smart Growth General Design Principles. The penalty is as provided in Chapter 19.04 of the El Paso City Code. **(All Districts)**  
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

**8B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code) Section 18.10.310 (Appendix G, Swimming Pools, Spas, and Hot Tubs) of the El Paso City Code by adding barrier requirements for residential swimming pools, spas, and hot tubs and entrapment protection for residential swimming pool and spa suction outlets; providing for a one year period to bring existing swimming pools, spas and hot tubs into compliance; with penalties not to exceed two-thousand dollars (\$2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.  
**(All Districts)** [Development Services, Larry F. Nichols, (915) 541-4557]

**PUBLIC HEARING WILL BE HELD ON APRIL 1, 2008, FOR ITEMS 8A – 8B**

**8C.** An Ordinance amending Title 20 (Zoning), Chapter 20.12 (Density and Dimensional Standards), of the El Paso City Code by adding a section on Smart Growth General Design Principles. The penalty is as provided in Chapter 20.24 of the El Paso City Code. **(All Districts)**  
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

**PUBLIC HEARING WILL BE HELD ON APRIL 15, 2008, FOR ITEM 8C**

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. FINANCIAL SERVICES:**

- 9A.** Discussion and action on the award of Solicitation No. 2008-010R (Growth Management Plan) to Science Application International Corp., Inc. for a total amount of \$846,545.57.

Department: Development Services  
Award to: Science Application International Corp., Inc.  
place (City Wilmington), State Delaware))  
Items: All  
Account No.: 08150072 – 502115 – 07140 – G080801  
Funding Source: Planning Dept. Grants - Management Consultant  
Total Award: \$846,545.57  
**Districts: All**

The Review Committee, based on evaluation factors established for this RFQ, recommends award to Science Application International Corporation, Inc. (SAIC), the top ranked firm. The Departments of Financial Services, Purchasing Division, and Development Services recommend award as indicated.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary (if required), and City Manager to sign said agreement.  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 9B.** Discussion and action on the request that the City Manager be authorized to sign the license, services and maintenance agreements and related documents with Accela, Inc. and the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Accela to upgrade and enhance the permitting, licensing and code enforcement software currently used by the City of El Paso. Accela, Inc. is the sole source for licensing, maintenance and service of Accela software products.

Department: Environmental Service  
Account No.: 34010289 – 508010 – 40403  
(\$233,438 Contingency Amount)  
Funding Source: Data Processing Equipment  
Financed Amount: \$3,985,756.60 (\$797,151.32 annually for 5 years)  
Total Estimated Award: \$4,219,194.60 (5-year total)  
\$2,084,776 (Maintenance years 6-10)  
Sole Source No.: 2008-171  
**District(s): All**

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

- 9C.** Discussion and action on a resolution that the Municipal Technology Lease-Purchase Agreement with Government Capital Corporation for the financing of the purchase of Accela software, together with such exhibits, attachments, additions, changes or modifications as may be approved by the City Attorney, be approved; and Joyce A. Wilson, City Manager, be authorized and directed to execute the agreement and related documents and to deliver it to Government Capital Corporation, the Lessor.  
**(All Districts)** [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

### **REGULAR AGENDA – PUBLIC HEARINGS**

#### **10. DEVELOPMENT SERVICES:**

- 10A.** An Ordinance changing the zoning of Tract 70, S.A. & M.G. Railroad Company Survey No. 267, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 161 Miranda Court. Applicant: E. Peinado Development Co. ZON07-00158 **(District 1)**  
[Development Services/Planning, Art Rubio (915) 541-4633]
- 10B.** An Ordinance changing the zoning of a portion of Lot 2, Block 15A, Chaparral Park Unit Seven, City of El Paso, El Paso County, Texas, from A-O (Apartment/Office) to S-D (Special Development) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6300 Escondido Drive. Applicant: Jack & Hersch Properties, LLC. ZON07-00070 **(District 1)**  
[Development Services/Planning, Esther Guerrero (915) 541-4720]
- 10C.** 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 No. 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] **POSTPONED FROM 03-11-08**
- 10D.** 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, Ismael Segovia, (915) 541-4027]  
**POSTPONED FROM 03-18-08**

**REGULAR AGENDA – OTHER BUSINESS****11. DEVELOPMENT SERVICES:**

Discussion and action on a Resolution authorizing the City Manager to sign a Construction and Use Agreement with Jack & Hersch Properties, LLC for the purpose of constructing a roadway bridge across an open drainage channel which is adjacent and parallel to the northerly edge of Escondido Drive, such roadway will be at a point approximately 456 feet from the intersection of Escondido and Los Robles Drive. Subject Property: Escondido Drive East of Westwind Drive. Applicant: Jack & Hersch Properties, LLC. **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]

**12. ENGINEERING:**

Discussion and action on a Resolution authorizing the City Council to adopt the Neighborhood Traffic Management Program, a copy of which is attached as Exhibit A, as the policy concerning the management of traffic within neighborhoods and that the Engineering Department be authorized to implement the process and procedures for the approval, design, installation, and maintenance of traffic calming measures under the general guidelines contained in Exhibit A. **(All Districts)**

[Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4631]

[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

**13. PARKS AND RECREATION:**

Discussion and action to determine the site for the tournament-grade soccer complex and direct the City Manager to proceed with the development of design and improvements utilizing \$4,499,001 from the 2000 Quality of Life general obligation bonds. **(All Districts)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

**14. CITY MANAGER:**

City Manager's report of current events and issues:

## 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. Aduato, (915) 541-4853]

[Engineering, Terry Quezada, (915) 541-4417]

**POSTPONED FROM 03-18-08**

**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.** Workers' Compensation subrogation interest regarding Martin Cervantes. (551.071)  
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- EX2.** Workers' Compensation subrogation interest regarding Raul Alexander Porras.  
(551.071) [City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- EX3.** W. Wellfield Company vs. City of El Paso, Texas, et. al.; Cause No. 2007-3980.  
(551.071) [City Attorney's Office, Hadley Huchton, (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:**

{ HYPERLINK "<http://www.elpasotexas.gov/>" }