

**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 REGULAR CITY COUNCIL MEETING**

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**April 10, 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**

### **MAYOR'S PROCLAMATIONS**

- 1. COMMUNITY DEVELOPMENT WEEK**
- 2. NATIONAL ALCOHOL AWARENESS MONTH**
- 3. SENIOR GAMES MONTH**
- 4. NATIONAL OCCUPATIONAL THERAPY 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 [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 April 3, 2007, and the Special City Council Meeting of April 3, 2007 (Cross Border Communications and Emergency Response Strategies). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBER(S):**

Representative Susie Byrd

**3. RESOLUTION(S):**

- 3A.** Resolution authorizing the City Manager to sign the 2004 State Homeland Security Program (SHSP) Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) de-obligating funds in the amount of \$24,104.73. **(All Districts)** [Fire/Emergency Management, Don Berger, (915) 771-1010]
- 3B.** Resolution authorizing the City Manager to sign the 2004 Law Enforcement Terrorism Prevention Program (LETPP) Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) de-obligating funds in the amount of \$3,496.34. **(All Districts)** [Fire/Emergency Management, Don Berger, (915) 771-1010]
- 3C.** That the City Manager be authorized to sign an Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and ExpressJet Airlines, Inc. The term of the Agreement will be May 1, 2007 through August 31, 2007. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 3D.** Resolution authorizing the City Manager or her designee to apply for, accept, reject, alter, or terminate a Governor's Criminal Justice Division Grant for the Serious Habitual Offender Comprehensive Action Program. **(All Districts)** [Police Department, Paul Cross, (915) 564-7310]
- 3E.** That the Mayor be authorized to sign an Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the Instituto Municipal de Investigación y Planeación, ("IMIP"), wherein MPO will provide

analysis and GIS technical work for IMIP travel study. The contract period is from October 31, 2006 through October 30, 2007 and IMIP will reimburse the MPO \$30,000.00. **(All Districts)**

[Metropolitan Planning Organization, Ricardo Dominguez, (915) 591-9735]

**3F.** That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO) and the Texas Department of Transportation (TxDOT) for TxDOT to perform traffic data collection at locations which are off the state system for the City of El Paso (MPO). The cost to perform the services shall not exceed \$21,280.00. **(All Districts)** [Metropolitan Planning Organization, Ricardo Dominguez, (915) 591-9735]

**3G.** A Resolution to establish a separate restricted fund within the City's Special Revenue Fund to be known as the "Katharine White Harvey Fund" which shall be funded with the proceeds from sale of property in the amount of \$355,850, donated to the City of El Paso by Katharine White Harvey for the express and sole use or benefit of the El Paso Museum of Art. **(All Districts)**

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

**3H.** A Resolution that the City of El Paso agrees to be the co-sponsor, at no cost to the City, of the Planning Commissioners and Elected Officials Planning Workshop along with the El Paso chapter of the APA. **(All Districts)**

[Development Services/Planning, Kelly Carpenter, (915) 541-4056]

**4. SPECIAL APPOINTMENT(S):**

**4A.** Appointment of Hector I. Ocaranza, M.D., as the Health Authority for the City-County Health and Environmental District for a two year term. **(All Districts)** [City Manager's Office on behalf of the City/County Health and Environmental District, (915) 541-4844]

**4B.** Appointment of Arthur Islas, M.D., as the Alternate Health Authority for the City-County Health and Environmental District during the term of office for the Health Authority. **(All Districts)** [City Manager's Office on behalf of the City/County Health and Environmental District, (915) 541-4844]

**5. BOARD RE-APPOINTMENT(S):**

Gerardo L. Camacho to the International Bridge Commission by Representative Jose Alexandro Lozano, District 3. [Representative Jose Alexandro Lozano, (915) 541-4515]

**6. BOARD APPOINTMENT(S):**

**6A.** Stephen Ingle to the Art Museum Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

**6B.** Gary L. Williams to the History Museum Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

**6C.** Isela Peña to the Ethics Review Commission by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

**6D.** Mark Cioc to the History Museum Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

- 6E. John Rayborn to the City Plan Commission by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]

7. **DISCRETIONARY FUNDS:**

Request authorization to expend District 6 discretionary funds, Council Special Projects, Department ID 01010006, 504420-01153008-1656 PO060427 Fund 01101, in an amount not to exceed \$5,750.00 to be used for a Bingo System to include Console and Flashboard, for the Father Martinez Senior Center located at 9311 Alameda.  
[Representative Eddie Holguin, Jr., (915) 541-4178]

8. **PURCHASING REQUEST TO ISSUE PURCHASE ORDERS, ETC.:**

Request that the Purchasing Manager of Financial Services be authorized to issue Purchase Orders to Professional Document Systems, El Paso, Texas, in the amount of \$67,796.00.

Contract period is April 11, 2007 through April 10, 2008.

Department:	Information Services
Annual Estimated Amount:	\$67,796.00
Account No.:	39010351 – 01101 - 502202
Funding Source:	Operating Account, Data Processing Services
Sole Source No.:	2007-154
District(s):	<b>All Districts</b>

For maintenance and software upgrades to PDS Viewpoint and DocLink Image applications software which supports the Optical Imaging System that stores such records as payroll information and the Police Departments sensitive files.  
[Financial Services, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA - INTRODUCTIONS**

9. **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.**

- 9A. 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 to add an 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) 541-4557]
- 9B. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at the southeast corner of Benito Way and Candelaria St., as more particularly described in the Ordinance, to MJ Real Properties, Inc., in accordance with Section 34.05 (h) of the Tax Code. **(District 6)** [Tax Office, Carmen I. Perez, (915) 545-5481]

- 9C.** An Ordinance granting a Special Privilege to Chico's Tacos Inc. permitting the encroachment onto a portion of an alley adjacent to Block 2, Tobin's Washington Park Addition, El Paso, El Paso County, Texas, to allow parking, signage, landscaping, vehicular and pedestrian traffic. (Annual Fee: \$660.00, SPL07-00001) **(District 3)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 9D.** An Ordinance vacating the portion of the alley abutting Lots 1 through 10, Block 2, Tobin's Washington Park Addition, City of El Paso, El Paso County, Texas. Applicant: Chico's Tacos Inc. AV06001 **(District 3)** [Development Services/Planning, Fred Lopez, (915) 541-4925]
- 9E.** An Ordinance vacating a portion of an alley located between Pera Street and Washington Park, City of El Paso, El Paso County, Texas. Applicant: Chico's Tacos Inc. AV06002 **(District 3)** [Development Services/Planning, Fred Lopez, (915) 541-4925]
- 9F.** An Ordinance authorizing the City Manager to sign a Conservation Easement Agreement with the Frontera Land Alliance for a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas. Applicant: City of El Paso. **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]

**PUBLIC HEARING WILL BE HELD ON APRIL 24, 2007, FOR ITEMS 9A – 9F**

- 9G.** An Ordinance changing the zoning of a portion of Lots 1-3, Block 21, East El Paso Subdivision, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3301 Alameda Avenue. Applicant: Wendy Ramirez. ZON07-00014 **(District 8)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

**PUBLIC HEARING WILL BE HELD ON MAY 1, 2007, FOR ITEM 9G**

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**

**10. PUBLIC HEARING(S) – DEVELOPMENT SERVICES:**

- 10A.** An Ordinance changing the zoning of Lot 1, Block 300, Vista Del Sol Unit 62 Replat A, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to A-3 (Apartment), and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00161. **(District 7)** [Development Services/Planning, Arlan Greer, (915) 541-4723]
- 10B.** An Ordinance granting a Special Privilege to the Annunciation House, Inc. to temporarily close a portion of San Antonio Avenue from Florence Street to Hills Street; Olive Avenue from San Antonio Avenue to Tays Street; Overland Avenue

from Virginia Street to Hills Street; Virginia Street from Magoffin Avenue to San Antonio Avenue; and St. Vrain Street from Magoffin Avenue to Paisano Drive on April 14, 2007, for an "Open-Air Mass". (Fee: \$137.50). SPL07-00003. **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

**10C.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development. The penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)**  
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

**10D.** A Resolution releasing a condition placed on property by a contract dated April 15, 1986, which imposed a condition on a portion of Tract 16, Section 8, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas. Subject Property: 1780 Zaragoza Road. Applicant: El Paso Water Utilities/Public Service Board. ZON07-00004 **(District 6)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

**10E.** A Resolution approving a detailed site development plan for a portion of Lot 1, Block 1, and a portion of Lot 4, Block 1, El Paseo Marketplace Replat A, City of El Paso, El Paso, County, Texas (East of Joe Battle Boulevard and South of Montwood Drive), pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Joe Battle Boulevard and South of Montwood Drive. Applicant: River Oaks Properties, LTD. ZON07-00005 **(District 6)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]

**11. PUBLIC HEARING(S) – MAYOR AND COUNCIL:**

An Ordinance amending Title 10 (Public Peace, Morals, and Welfare), Chapter 10.24 (Miscellaneous Offenses) adding Section 10.24.040 (Sex Offender Residency Regulation) of the El Paso City Code to create restrictions on sex offenders' residency to prohibit certain sex offenders from residing within 1,000 feet of where children commonly gather; providing for definitions and affirmative defenses; providing for injunctions; the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso Municipal Code. **(All Districts)** [Representative Ann Morgan Lilly, (915) 541-4151]

**REGULAR AGENDA – OTHER BUSINESS**

**12. MAYOR AND COUNCIL:**

**12A.** Discussion and action regarding the installation of four-way stop sign signage at the intersection of Bucher and Dale Streets.  
[Representative Jose Alexandro Lozano, (915) 541-4515]

**12B.** Discussion and action regarding placing the Lee Trevino Extension back into the City of El Paso Major Thoroughfare Plan. [Mayor John F. Cook, (915) 541-4145]

**12C.** Discussion and action to direct that the City Manager evaluate and submit staff recommendations to the City Council on an option to have the City take over maintenance of the private infrastructure within the Hueco Mountain Village Subdivision, and including submission of a recommendation of the City Plan Commission. [Representative Presi Ortega, Jr., (915) 541-4189]

**13. ENGINEERING:**

Discussion and action regarding a Resolution that the City expend additional available funding in the amount of \$988,861.00 to Allied Paving Company to fund additional labor and materials for Contract Number 2006-086, City Wide Street Resurfacing 2006. **(All Districts)** [Engineering, Rick Talamo, (915) 541-4884]

**14. FINANCIAL SERVICES – BID:**

Discussion and action on the award of Solicitation No. 2007-103 (PGHMAC Surface Course 2007) to Allied Paving Co. for a total estimated amount of \$1,556,660.00.

Department:	Streets
Award to:	Allied Paving Co. El Paso, Texas
Base Bid:	\$1,556,660.00 (estimated)
Account No:	32010200 – 01101 - 502227
Funding Source:	General Revenue Funds
District(s):	<b>All Districts</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 or Interim 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, 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, R. Alan Shubert, (915) 541-4557]

**15. CITY MANAGER:**

City Manager's report of current events and issues:

**15A.** Discussion and action on issues related to Storm 2006.  
[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

- 15B.** El Paso Convention & Visitors Bureau – Tourism Update.  
[El Paso Convention and Visitors Bureau, Terrie Todd, (915) 534-0692]

**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 related to ASARCO pending litigation and other legal matters. (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/>