

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

April 17, 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 – Police Chaplain Carlos Flores
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. THE ANNUAL SALE OF BUDDY POPPIES**
- 2. SEXUAL ASSAULT AWARENESS MONTH**
- 3. LOWER VALLEY SCHOOL NURSES ASSOCIATION**
- 4. RECYCLING AWARENESS WEEK**

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 April 10, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBER(S):**3. RESOLUTIONS:**

3A. That the City Manager be authorized to sign a Concession Agreement by and between the City of El Paso and CheckPoint Mailers, Inc. ("Concessionaire") for the operation of a self-service security checkpoint mailing concession at the El Paso International Airport. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Monica I. Castillo to employ Monica I. Castillo as an Applications Support Administrator for the Information Technology Department at a biweekly rate of \$2,546.71. The term of the contract shall be for the period of April 21, 2007, through April 20, 2008. Funding Source: 39010351-501011-01101. **(All Districts)** [Information Technology, Gerald Gordier, (915) 541-4288]

3C. That the Mayor be authorized to sign an amendment to the Resolution providing for the 2007 General Election in the City of El Paso calling for an election of four district representatives and for the submission of Charter Amendments to be held within the City on May 12, 2007, to revise the list of early voting places and the times for early voting and to revise Exhibit B to change the location of one mobile voting place and to add one additional location. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3D. A Resolution that the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to name the new park located at 12515 Tierra Norte Road, Tierra Del Este Subdivision, Unit 1, more specially known as Block 12, Lot 80, City of El Paso, El Paso County, Texas, as the Salvador Rivas, Jr. Park. **(District 5)**
[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

3E. That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso and the County of El Paso for DWI Drug Court Intervention

and Treatment Program Surveillance Officer assigning a city police officer to the Court to perform the services of Surveillance Officer under the program and the County will reimburse the City for said services under the DWI Drug Court Intervention and Treatment Program. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]

3F. That the City Manager is hereby authorized to sign an amendment to an Agreement for engineering services between the City of El Paso and SLI Engineering, Inc. entered into April 19, 2005, for a project known as "Upper Valley Road" for an amount not to exceed \$62,138.68. **(District 1)**
[Engineering, Javier Reyes, (915)541-4630]

4. BOARD APPOINTMENT:

Ruben Muñoz to the Civil Service Commission (subject to consultation with the Civil Service Commission) by Representative Eddie Holguin, District 6.
[Representative Eddie Holguin, Jr., (915) 541-4178]

5. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A)

6. FINANCIAL SERVICES:

6A. Request that the Purchasing Manager of Financial Services be authorized to exercise the City's option to extend the term of the agreement for one (1) year, from April 24, 2007, through April 23, 2008, pursuant to the provisions of contract 2004-029R, Benefits Consulting Services for the City of Insurance and Benefits, with Crest Consulting Services, Inc. Crest Benefits is currently working on benefit projects for the City, thus extending the contract would allow for the completion of the assigned projects. The specific projects include a review of bargaining unit benefit programs and preparing Third Party Administration RFP review.

Department: OMB/Insurance & Benefits
Account No.: 04100248 – 01101 - 502215
Funding Source: OMB/Insurance, Operating Account, Health Benefit Fund
Total Estimated Award: \$85,500.00
Districts: All
[Financial Services, Terrence Freiburg, (915) 541-4313]
[OMB/Insurance & Benefits, David Almonte, (915) 541-4777]

6B. The award of Solicitation No. 2007-064R (Benefit Consulting Services) to Hay Group, Inc. for a total estimated award of \$192,000.00.

Department: OMB/Insurance
Award to: Hay Group, Inc.
Dallas, TX
Item(s): All
Option: Two years, one year at a time
Account No.: 04100248 – 01101 - 502215
Funding Source: Operating Account, Health Benefit Fund

Total Estimated Award: \$192,000.00
Districts: All

The Departments of Financial Services and OMB/Insurance recommend award as indicated. Review Committee based on evaluation factors established for this procurement, recommend award to Hay Group, Inc.
 [Financial Services, Terrence Freiburg, (915) 541-4313]
 [OMB/Insurance & Benefits, David Almonte, (915) 541-4777]

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2007-095 (Janitorial Services – Chihuahuita-Seville Community Centers) to Total Cleaning Services for a total estimated award of \$51,385.68.

Department: Parks and Recreation
 Award to: Total Cleaning Services
 El Paso, TX
 Item(s): All
 Option: One year any time during contract period
 Annual Estimated Amount: \$17,128.56
 Account No.: 51010256 – 01101 – 502226
 51511915 – 16330 – 502206 - P500230
 51511098 – 16316 – 502206 – P00216
 Funding Source: General Funds, Chihuahuita and Seville Users Fee
 Total Estimated Award: \$51,385.68
Districts: 3 and 8

This is a thirty-six month contract.

The Departments of Financial Services and Parks and Recreation recommend award to the vendor offering the best value bid.
 [Financial Services, Terrence Freiburg, (915) 541-4313]

8. BID:

The award of Solicitation No. 2007-133 (Signs, Aluminum {Refurbish & Remount}) to San Bar Construction Corp. for a total estimated award of \$70,470.00.

Department: Aviation
 Award to: San Bar Construction Corp.
 Albuquerque, NM
 Item(s): 1 (All)
 Account No.: 62620020 - 508027 - 41079 - PAP0039
 Funding Source: Airway Signage Project
 Total Estimated Award: \$70,470.00
District: 3

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services and Aviation recommend award as indicated.
 [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 vacating a portion of Copia Street right-of-way between Block 89-A and Block 88-D, First Revised Plat of Logan Heights, City of El Paso, El Paso County, Texas. Applicant: Eric Hardesty. SV06007 **(District 2)**
[Development Services/Planning, Eddie Garcia, (915) 541-4638]
- 9B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to add a new location on Reynolds Street between Montana Avenue and La Luz Avenue, east side only. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 2)** [Engineering Department, Traffic Division, Ted Marquez, 541-4035]
- 9C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.041 (Schedule IV(A) - Parking Prohibited During Certain Hours, School Days Only), Paragraph A, (No Parking 7:00 a.m. to 4:00 p.m.) of the El Paso City Code by adding Tierra Azteca Drive between Tierra Este Road and Tierra Meca Drive; Tierra Plata Drive between Tierra Azteca Drive and Tierra Cobre Drive; and Tierra Real Way. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District 5)** [Engineering Department, Traffic Division, Ted Marquez, 541-4035]
- 9D.** An Ordinance amending Title 9 (Health and Safety) of the El Paso City Code by amending Chapter 9.04 (Solid Waste Management) in order to allow for qualified residents to receive both a Curbside Exemption and the Senior and Disabled Citizens Discount. The penalty being as provided in Section 9.04.390 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen Smyth, (915) 621-6719]
- 9E.** An Ordinance authorizing the City of El Paso to sell the South 20.5 feet of Lot 20, Block 41, Magoffin Addition, more commonly known as 820 Tays St., El Paso, El Paso County, Texas, to Olga Cisneros. **(District 8)**
[Financial Services, Gonzalo Cedillos, (915) 541-4074]
- 9F.** An Ordinance amending Title 2, Chapter 64 (City Employees' Pension Fund) to: (i) Increase employer and employee contributions to the fund; (ii) Change the method of contributing to the fund from post-tax basis to pre-tax basis; (iii) Revise the voting procedures for the election of Board of Trustees of the fund; and (iv) Allow for investing in new asset classes. **(All Districts)**
[Financial Services, Robert Ash, (915) 541-4545]

PUBLIC HEARING WILL BE HELD ON MAY 1, 2007, FOR ITEMS 9A – 9F

- 9G.** An Ordinance changing the zoning of the following real property described as: Parcel 1: Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 2: A portion of Tract 3A, Section 21, Block 80,

Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 3: A portion of Tracts 1A, 2, and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Dyer Street and North of Ashley Road. Applicant: MIMA Properties, LLC and Newman Ranch Partners, LP. ZON07-00016 **(District 4)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]

- 9H.** An Ordinance changing the zoning of Lot 26 and portions of Lots 25 and 27, Block 91, East El Paso Subdivision, City of El Paso, El Paso County, Texas, from R-5 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3414 Montana Avenue. Applicant: Carlos & Laura Aguilar. ZON06-00156 **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON MAY 8, 2007, FOR ITEMS 9G – 9H

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 HEARINGS – DEVELOPMENT SERVICES:

- 10A.** An Ordinance granting a Special Privilege to Shadow Lounge, 1914 Lounge, and Vanilla Bar to temporarily close a portion of Western Court between Durango Street and Anthony Street for various street events on the following dates: April 20, 2007; May 5, 2007; May 12, 2007; September 16, 2007; October 6, 2007; November 21, 2007; December 15, 2007, and December 31, 2007. (Fee: \$400.00, SPL07-00002). **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10B.** An Ordinance changing the zoning of Lots 6-9, Block 7, Eastwood Section 1, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 7922, 7918, 7914 Boxwood Circle and 7900 Bois D' Arc Drive. Applicant: El Paso Healthcare System, LTD. ZON06-00138 **(District 7)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 10C.** An Ordinance changing the zoning of Tract 8B1, 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 20.68 of the El Paso City Code. ZON06-00154. **(District 1)**
[Development Services/Planning, Arlan Greer, (915) 541-4322]

- 10D. Public Hearing on the Proposed Improvements and Proposed Assessment Roll for the El Paso Public Improvement District No. 1 (Thunder Canyon). **(District 1)**
[Development Services, Chuck Kooshian, (915) 541-4632] **CONTINUED FROM 04-03-07**
- 10E. 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] **POSTPONED FROM 04-10-07**
- 10F. 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]
POSTPONED FROM 04-10-07

11. PUBLIC HEARING – CITY ATTORNEY’S OFFICE:

An Ordinance closing hearing, finding the proposed improvements are advisable, and levying assessments for the cost of certain improvements to be provided in the El Paso Public Improvement District No. 1 (Thunder Canyon); fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date. **(District 1)**
[City Attorney’s Office, Terri Cullen-Garney, (915) 541-4550]

12. PUBLIC HEARING – FINANCIAL SERVICES:

An Ordinance authorizing the City Manager to sign a Lease Agreement on behalf of the City of El Paso with Chico’s Tacos, Inc. to allow the use of a portion of the northwest corner of Washington Park and a 367-square-foot portion adjacent to the alley between Pera Street and Washington Park for parking and for vehicular and pedestrian traffic. **(District 3)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

REGULAR AGENDA – OTHER BUSINESS

13. COMMUNITY AND HUMAN DEVELOPMENT:

- 13A. Discussion and action on a Resolution awarding 2006 Capital Improvement funds to seventeen Neighborhood Associations for permanent public improvements as part of the City of El Paso’s Neighborhood Improvement Program. **(All Districts)** [Community and Human Development, Bill Lilly, (915) 541-4241]
- 13B. Discussion and action on a Resolution authorizing a contract between the City of El Paso and Centro Del Obrero Fronterizo, Inc., d/b/a La Mujer, in an amount not to exceed \$100,000 in order to determine the economic feasibility and proposed impact of the Plan Mayachen with emphasis on the Plaza Mayachen. **(District 8)** [Community and Human Development, Bill Lilly, (915) 541-4241]

- 13C. Discussion and action on a Resolution approving changes to the City of El Paso's Housing Assistance Programs. **(All Districts)**
[Community and Human Development, Bill Lilly, (915) 541-4241]

14. FINANCIAL AND ADMINISTRATIVE SERVICES:

- 14A. Discussion and action regarding a Resolution approving and authorizing publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation, Series 2007. **(All Districts)**
[Paul A. Braden, Bond Counsel (915) 544-9997]
- 14B. Discussion and action regarding a Resolution that the City Council approve a list of Tier I and Tier II underwriters from which the City Manager, or designee, may select to perform underwriter services related to the authorization and issuance of future debt instruments or other securities. **(All Districts)**
[Financial Administrative Services, Bill Studer, (915) 541-4215]
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

15. CITY MANAGER:

City Manager's report of current events and issues:

- 15A. Discussion and action on issues related to Storm 2006.
[Development Services, R. Alan Shubert, (915) 541-4557]
- 15B. Update on City/County Health District activities by Dr. Robert Galvan.
[City Manager's Office on behalf of the City/County Health and Environmental District, (915) 541-4844]
- 15C. Quarterly Financial Report: 2nd Quarter for Fiscal Year 2007/2008.
[Financial Administrative Services, William Studer, (915) 541-4215]

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. Maria Theresa Urbina vs. City of El Paso; Cause No. 2005-6899. (551.071).
[City Attorney's Office, Jennifer F. Callan, (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/>