

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

May 27, 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. **BORDER PATROL APPRECIATION DAY**
2. **FOSTER CARE 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 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 May 20, 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 an Overhead Electrical Easement to the El Paso Electric Company for a portion of Tracts 13A, 14A, 14B, Block 24, Socorro Grant & Tracts 17, 19, Block 53, Ysleta Grant and U.S. Parcel No. 18, El Paso County, Texas, to provide electrical service to the Rio Bosque Wetlands located at 10001 Southside Road. **(District 6)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3B.** That the City Council of El Paso hereby adopts a Design Standards for Construction Manual, attached as Exhibit "A", regulating the design and construction of specified subdivision improvements. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3C.** That the City Council of El Paso hereby adopts a Drainage Design Manual, attached as Exhibit "A", regulating the drainage design for subdivisions. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3D.** That the City Manager be authorized to sign a Fifth Amendment to the September 19, 1974, lease between the City of El Paso and the El Paso County Humane Society, Inc. for a one-acre parcel commonly known as 325 Shelter Place, El Paso, El Paso County, Texas. **(District 8)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
- 3E.** A Resolution to create a downtown area of potential effect to encourage the preservation of historically significant sites in need of tax relief to encourage their preservation in order to preserve the City's historic properties. **(Districts 2, 6, 7, and 8)**
[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]
[Economic Development, Kathryn B. Dodson, (915) 541-4760]
- 3F.** A Resolution that in conjunction with the Subdivision Ordinance adopted by City Council on May 6, 2008, City Council of El Paso hereby adopts the Park Facilities Standards regulating the design and construction of park facilities within subdivisions. **(All Districts)** [Parks and Recreation, Richard Garcia, (915) 541-4087]

4. BOARD RE-APPOINTMENT:

Ali Boureslan to the Civil Service Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

5. BOARD APPOINTMENT:

Joseph S. Daubach to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Rachel Quintana, District 5.
[Representative Rachel Quintana, (915) 541-4701]

6. BIDS:

- 6A.** The award of Solicitation No. 2008-101 (Sexual Assault Services) to Tenet Hospitals Ltd. d/b/a Sierra Medical Center for a total estimated award of \$328,500.

Department:	Police
Award to:	Tenet Hospitals Ltd. d/b/a Sierra Medical Center El Paso, TX
Items:	All
Options:	2 years
Annual Estimated Amount:	\$109,500
Account No.:	21010072 – 502111 – 01101
Funding Source:	Police Operating Funds, Health Care Providers Services
Total Estimated Award:	\$328,500
Districts:	All

This is a thirty-six month requirements type contract.

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 Police recommend award as indicated to the sole bidder meeting specification.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6B.** The award of Solicitation No. 2008-150 (Batteries) to Abonay El Shadday, Inc., for a total estimated award of \$420,000.

Department:	General Services
Award to:	Abonay El Shadday, Inc. El Paso, TX
Items:	All
Annual Estimated Amount:	\$140,000
Account No.:	37370510 – 503121 – 45202
Funding Source:	General Services Depart., Fleet Services Division
Total Estimated Award:	\$420,000 (3-year total)
Districts:	All

This is a thirty-six month requirements type contract for Batteries.

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

- 6C. The award of Solicitation No. 2008-170 (Lomita Dr. Street & Drainage Improvement) to Allen Concrete, Inc. for a total estimated amount of \$157,165.93.

Department:	Engineering
Award to:	Allen Concrete, Inc. El Paso, TX
Base Bid:	\$157,165.93
Account No:	99331117 – 508027 – 27263 – PCP06FC002E
Funding Source:	FY 2006 Certificates of Obligation
Total Estimated Award:	\$157,165.93
District:	7

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 minimum value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated minimum value and 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 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 and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder. [Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA - INTRODUCTIONS

- 7. **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.**

- 7A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.28 (Speed Limits), Section 12.28.010 (Generally), of the El Paso City Code to provide for reduced speed limits in new subdivisions, from 30 mph to 25 mph. The penalty is as provided for in Chapter 12.84.010 of the El Paso City Code. **(All Districts)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON JUNE 3, 2008, FOR ITEM 7A

- 7B.** An Ordinance changing the zoning of Lots 11 through 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas, from M-1/SP (Light Manufacturing/Special Permit) to C-5/SP (Central Business District/Special Permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 300 S. Florence. Applicant: The El Paso Project, LLC. ZON08-00018 **(District 8)**
[Development Services/Planning, Ismael Segovia, (915) 541-4027]
- 7C.** An Ordinance changing the zoning of all of Lot 2, Block 160, Vista Del Sol, Unit 54, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/Special Contract) to C-4/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11355 Pellicano Drive. Applicants: Nancy Corbin-Tardif. ZON08-00013 **(District 7)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 7D.** An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Chapter 20.06 (Zoning Districts and Maps), Chapter 20.10 (Supplemental Use Regulations), and Appendix A (Table of Permissible Uses), of the El Paso City Code to amend the requirements for Mixed Use Districts, define requirements for Master Zoning Plans, establish Mixed Use Development Plans, provide incentives for mixed use development, and establish permissible uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]
- 7E.** An Ordinance annexing the following real property described as: Parcel 1: a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; Parcel 2: Tract 2D4, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; Parcels 3 and 4: portions of Tract 2d, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; Parcel 5: Tract 2D24, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; and, Parcel 6: Tract 2D5, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Subject Property: south of Pebble Hills Boulevard and west of Zaragoza Road. Applicant: Ranchos Real IV, LTD/River Oaks Properties, LTD/El Paso Electric Company. AN07006 **(East ETJ, Adjacent to District 5 and 6)**
[Development Services/Planning, Christina Valles, (915) 541-4930]
- 7F.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 2: a portion of Section 47, Block 79, Township 2, 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 3: a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; Parcel 4A: a portion of Tract 2D And 2D16, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch And Farm) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Parcel 4B: a portion of Tract 2D5 and a portion of Tracts 2D4 And 2D16, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Pebble Hills Boulevard and west of Zaragoza Road. Applicant: Ranchos Real IV, LTD/River Oaks Properties, LTD/El Paso Electric Company. ZON08-00009

(East ETJ, Adjacent to District 5 and 6)

[Development Services/Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2008, FOR ITEMS 7B – 7F

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

8. FINANCIAL SERVICES

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to TREMCO, Inc., Beachwood, OH, under TXMAS-6-56050 contract for inspection and reseal/recoat of roofs on various City buildings for an estimated amount of \$3,400,000.

Department: General Services
Account No.: 99331117 – 508027 – 27263 – PCP08MF01
Funding Source: FY2006 Certificates of Obligation
Total Estimated Award: \$3,400,000
Reference No.: 2008-173

Districts: All

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

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES

9A. An Ordinance changing the zoning of all of Lot 1, Block 54, East Glen Addition, Unit 4, City of El Paso, El Paso County, Texas, from A-O/SC (Apartment Office/Special Contract to C-1/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property:

north of Long John Drive and east of George Dieter Drive. Applicants: J & E Properties. ZON08-00006 **(District 5)**

[Development Services/Planning, Arturo Rubio, (915) 541-4633]

- 9B.** An Ordinance changing the zoning of Blocks I, J, W, X, Z and Lots 5 - 10 and 16 - 22, Block H, Santa Fe Addition, and all of Block 62, and Lots 1 - 15, Block 128, and all of Lots 1 - 18, and portions of Lots 19 and 20, and the alley in Block 43, and portions of Lots 4 - 10, Block 42, Campbell Addition, City of El Paso, El Paso County, Texas, from C-4 (Commercial), C-4/H (Commercial/Historic), C-4/H/SP (Commercial/Historic/Special Permit), and M-2 (Heavy Manufacturing) to GMU (General Mixed Use) and GMU/H (General Mixed Use/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of Santa Fe Street and north of the United States - Mexico border. Applicant: City of El Paso. ZON08-00007 **(District 8)**
[Development Services/Planning, Melissa Kellum, (915) 541-4730]
- 9C.** 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]
POSTPONED FROM 03-18-08, 04-15-08, AND 05-13-08
- 9D.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to downgrade the proposed expressway/freeway Arterial 1 between Mesa Street and Interstate 10 to a major arterial and collector, realign it and eliminate connection to IH-10. Also, to relocate the alignment of the north-south collector between the southern termination of Suncrest Drive and approximately 1,000 feet south of Arterial 1. Applicant: EPT Mesa Development. **(District 8)**
[Development Services/Planning, Chuck Kooshian, (915) 541-4632]
- 9E.** An Ordinance vacating a portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas. Location: Mills Avenue between Oregon Street and Sheldon Court. Applicant: City of El Paso. SUB08-00056 **(District 8)**
[Development Services/Planning, Eddie Garcia, (915) 541-4638]
- 9F.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103 (Permits), of the El Paso City Code to amend to add new requirements concerning issuance of building permits when subdivision improvements have not been completed. The penalty as in 1.08 of the El Paso City Code. **(All Districts)**
[Development Services, John Neal, (915) 541-4193]
- 9G.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.04 (Grading), Section 18.44.070 (Proposed Subdivisions), of the El Paso City Code to change the provisions for the issuance of certain permits. The penalty as in 1.08 of the El Paso City Code. **(All Districts)**
[Development Services, John Neal, (915) 541-4193]

- 9H.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by adding Appendix 111 which defines the Mountain Development Area and providing for an effective date of June 1, 2008. The penalty is as provided for in Chapter 19.42 of the El Paso City Code. **(All Districts)**
[Development Services, John Neal, (915) 541-4193]

10. ENGINEERING:

- 10A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), Zone S: No Parking 9:00 p.m. – 2:00 a.m., of the El Paso City Code to add Tow-Away Zone and to add another location on Sunburst Drive, from Mettler Drive to Hopewell Drive. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 3)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

- 10B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing Tow–Away Zone), of the El Paso City Code to add Paragraph K.; No Parking or Standing 9:00 p.m. - 2:00 a.m., Tow-Away Zone, Permit Only, on Mettler Drive from Hawkins Boulevard to Cessna Drive and Hopewell Drive, from Hawkins Boulevard to Cessna Drive, and Sunburst Drive, from Mettler Drive to Hopewell Drive, and to provide that vehicles be towed. The penalty being as provided in Section 12.88.180 (Violation - Penalty) of the El Paso City Code. **(District 3)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

11. HUMAN RESOURCES:

- An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 17, Employees Seeking Public Office. **(All Districts)**
[Human Resources, Linda B. Thomas, (915) 541-4509]

12. MAYOR AND COUNCIL:

- An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing – Tow–Away Zone), of the El Paso City Code to prohibit parking of certain vehicles within the confines of Cotton Street to the west; Paisano Street to the south; and Texas Avenue to the north; and Piedras Street to the east and to provide that vehicles be towed. The penalty being as provided in Section 12.88.180 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Representative Beto O'Rourke, (915) 541-4123]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

- Discussion and action on allowing three hours a week of Channel 15 time to be dedicated to citizen forums. [Representative Susie Byrd, (915) 541-4416]
POSTPONED FROM 05-20-08

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.** Access subrogation claim of Brandon Dominguez, Our File No. 08-C-098. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Discussion and action regarding the Petition of El Paso Electric Company to reconcile fuel costs and revenues and request to recover mine closing costs, SOAH Docket No. 473-08-0063, PUC Docket No. 34695. (551.071)
[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX3.** Discussion and action concerning joining the El Paso Water Improvement District #1's lawsuit against the United States Federal Government regarding water rights.
[Representative Steve Ortega, (915) 541-4108]

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/>