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

MINUTES
SPECIAL CITY COUNCIL MEETING
10TH FLOOR CONFERENCE ROOM
MONDAY, MAY 22, 2006, 2006

The City Council met at the above place and date at approximately 4:05 p.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call:

Ann Morgan Lilly
Susannah M. Byrd
Presi Ortega, Jr.
Steve Ortega

Late Arrivals:

Beto O'Rourke at 4:06 p.m.

Not Present:

Jose Alexandro Lozano
Melina Castro
Eddie Holguin, Jr.

AGENDA

City Council Agenda for Tuesday, May 23, 2006 (attached).

The City Manager, City Department Heads, and Staff presented to Council Members short briefings on the agenda items for the City Council Agenda for Tuesday, May 23, 2006, and answered the questions of Council Members.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, and unanimously carried to adjourn this meeting at 4:30 p.m.

APPROVED AS TO CONTENT:

_____
Richarda Duffy Momsen, City Clerk

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 SPECIAL CITY COUNCIL MEETING

May 22, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, May 23, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

May 23, 2006
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. **AUSTIN HIGH SCHOOL WEEK**
2. **NATIONAL PUBLIC WORKS WEEK**
3. **NATIONAL DRUG COURT MONTH**
4. **NATIONAL WORKFORCE PROFESSIONALS 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/city_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: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of May 16, 2006, and Special City Council Meeting Minutes of May 15, 2006.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign the Second Amendment to Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Air Wisconsin Airlines Corporation for the purpose of extending the term to August 31, 2007. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign an Interlocal Cooperation Contract with the Texas Department of Public Service ("TDPS") providing for implementation of an automated system ("FTA System") whereby information regarding violators, subject to the provisions of Texas Transportation Code Chapter 706, may be accurately stored and accessed by TDPS for possible denial of renewal of a driver's license. Identified violators will be assessed an administrative fee of $30.00 for each qualifying citation. Fees to TDPS and the vendor will be paid from collected administrative fees. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3C. That the City Manager be authorized to sign a contract with AmeriNational Community Services, Inc. (ACS) thereby authorizing ACS to enter into and administer loan restructuring agreements on certain delinquent real property secured loans originally provided by and through the Community and Human Development Department and now serviced by ACS. **(All Districts)** [Community and Human Development, Pat White, (915) 541-4341]

3D. That the City Manager be authorized to sign a Contract of Sale by and between the City of El Paso ("Buyer") and Mercedes Naomi Ayala ("Seller") and any other documentation necessary to consummate the acquisition of the following described legal property:

A parcel of land containing 5,900 square feet, more or less, described as Lots 16 and 17, Block 1, Hadlock Gardens, an addition to the City of El Paso, according to the Plat thereof recorded in Volume 12, Page 20, Real Property Records, El Paso County, Texas

in the amount of forty-two thousand and no/100ths ($42,000.00) to be used for the City County Health Administration Building Phase III Project. Project #: PHE0203; Fund: 60504; Department: 31250204; Account: 508000. **(District 3)** [Deputy City Manager, Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

3E. That the City Manager be authorized to sign a First Amendment to the Professional Services Contract, passed and approved by the City Council on April 26, 2005, by and between the City of El Paso and Halff Associates, Inc., to allow for further development of the open space portion of the Comprehensive Park and Recreation Open Space and Master Plan in the form of a Green Infrastructure Plan and to revise the total amount paid not to exceed the amount of $280,450.00. **(All Districts)** [Development Services, R. Alan Shubert, (915) 541-4557]

4. BOARD APPOINTMENTS:

David W. Wysong to the Airport Board effective June 2, 2006, as requested by Mayor Pro Tempore Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

5. ENGINEERING:

Approve Change Order No. Two (Construction Change) to Jan-Car, Inc., for Contract No. 2005-195, City County Health Administrative Facility Phase II project, for an increased amount of $195,571.30. The purpose of this change order is to remodel an additional 3,652 square feet of existing shell space for City/County Health District to allow effective use of time-restricted health funding and deliver the completed call center sooner. **(District 5)** [Engineering Department, Rick Conner, (915) 541-4423]

6. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

6A. BT2006-750 AIRPORT

The budget transfer is necessary to cover the additional enhancement/upgrades to the Airfield GIS System to include vehicle "bricks" with associated hardware and software to provide capability to track speeds to avoid incursions and a lighting inspection system to identify the location of assets needing repair. **(District 2)**

Increase	$150,000	to	Fund Balance Transfer – Airport Operating Account
Increase	$150,000	to	Data Processing Equipment-Airport Capital Outlay

6B. BT2006-766 ENVIRONMENTAL SERVICES
Budget transfer will establish budget for the purchase of furniture for the new offices that will be located at El Paso Drive for Code Enforcement and Centralized Call Center. **(District 3)**

Decrease	$ 13,916.29	from	Land Improvements
Decrease	$130,000.00	from	Medical/Scientific Equipment
Increase	$143,916.29	to	Furniture & Fixtures

REGULAR AGENDA

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 granting a Special Privilege to Regent Communications - El Paso to temporarily close a portion of Santa Fe Street between Franklin Avenue and San Antonio Avenue; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (access road abutting Convention Center) between San Francisco Avenue and San Antonio Avenue; and Main Drive between Santa Fe Street and El Paso Street from 6:00 a.m. on Friday, June 30, 2006, through 6:00 a.m. on Monday, July 3, 2006, for the El Paso Downtown Street Festival. (Fee: $225.00, SP-06003) **(District 8)**
[Development Services Department/Planning, Esther Guerrero, Planner, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JUNE 6, 2006, FOR ITEM 7A

7B. An Ordinance changing the zoning of a portion of Lot 53, Cinecue Park, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.6 of the El Paso City Code. Subject Property: 8214 Troy Avenue. Applicant: CDE Framing and Remodeling, LLC (Representative: David Estrada). ZON06-00036 **(District 7)**
[Development Services/Planning, Mirian Spencer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2006, FOR ITEM 7B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. 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, 8AM to 5PM.

8. MAYOR AND COUNCIL:

8A. Discussion and action from the Manufacturing Cabinet of the El Paso Lyceum regarding recommendations to Council on the following items:

- The development of the original video regarding manufacturing
- Establishing a position within the City to support the Maquiladora industry
- A regional strategy planning process for manufacturing

[Mayor John F. Cook, (915) 541-4145]

8B. That the Mayor and City Council of the City of El Paso oppose President Bush's proposal and any other proposal that militarizes the border. Further, be it resolved that we instead demand comprehensive immigration reform. [Representative Susie Byrd, (915) 541-4416]

8C. Discussion and action on requesting that the Board of Directors of the City/County Health Department perform an annual performance evaluation of the Director and forward their evaluation and recommendations to the City Council and the County Commissioners. [Representative Susie Byrd, (915) 541-4416]

9. CITY ATTORNEY'S OFFICE:

Discussion and action on the City of El Paso's approval of a sublease by The El Paso Science Museum--Insights to the Burnham Wood Charter School, subject to the Burnham Wood Charter School receiving a grant from the Communities Foundation of Texas or the Texas Education Agency, and the sublease including the City's conditions, including but not limited to, off-site parking in accordance with City Code requirements, the City's approval of a traffic plan to accommodate pick up/drop off of students, the Lessee and Sub-lessee approving the City's right of first refusal to purchase any improvements or structures constructed on the leased premises, and the City receiving fair market rental for the leased area; and an appropriate amendment of the February 27, 1992, lease between the City of El Paso and The El Paso Science Museum--Insights. **(District 8)** [City Attorney's Office, Charlie McNabb, (915) 541-4550] POSTPONED FROM 05-09-06 AND 05-16-06

10. ENGINEERING:

Solicitation No: 2006-075		EPIA Golf Course Roadway
Location:		1000 George Perry Dr.
Contractor:		Southwest Growth, Corp. El Paso, Texas
Department:		Airport
Funds Available:		62620026-PAP0018-41053-508027
Funding Source:		Airport Revenue
Items:	Base Bid I	$1,291,231.50
	Base Bid II	$ 219,488.75
	Base Bid III	$ 84,544.25
Total Award:		$1,595,264.50
Estimated Completion Date:		October, 2006
District(s):		**2**

RECOMMENDATION:

The Departments of Engineering and Airport recommend the award of this contract to Southwest Growth, Corp., the 2nd lowest bidder. Based on the information received by the City, VeMac, L.P., the lowest bidder, was found non-responsible due to insufficient experience and expertise. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract and any other documents which are necessary to carry out the intent of this award.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity.

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, and do not effect the unit price not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council. [Engineering Department, Rick Conner, (915) 541-4423]

11. FINANCIAL SERVICES BID:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda

Solicitation No. 2006-115	Vehicle Rental Concessionaire	
Recommendation:	Vendor 1:	The Hertz Corporation Park Ridge, NJ
	Amount:	$1,067,800.00 (minimum annual guarantee for the first year of the contract)
Recommendation:	Vendor 2:	Avis Rent-A-Car System, LLC Parsippany, NJ
	Amount:	$722,504.00 (minimum annual guarantee for the first year of the contract)
Recommendation:	Vendor 3:	Devos Motor Co., Inc. (dba Dollar Rent-A-Car and dba Thrifty Car Rental El Paso, TX
	Amount:	$472,086.10 (minimum annual guarantee or the first year of the contract)
Recommendation:	Vendor 4:	Enterprise Leasing Company-West Albuquerque, NM
	Amount:	$456,980.00 (minimum annual guarantee for the first year of the contract)
Recommendation:	Vendor 5:	Midwest Car Corporation; an Independent Licensee of National Car Rental and Alamo Rent-A-Car Kaukauna, WI
	Amount:	$403,000.00 (minimum annual guarantee for the first year of the contract)
Recommendation:	Vendor 6:	Southwest-Tex Leasing Company, Inc. dba Advantage Rent-A-Car San Antonio, TX
	Amount:	$342,545.00 (minimum annual guarantee for the first year of the contract)
Recommendation:	Vendor 7:	Budget Rent-A-Car of El Paso, Inc. El Paso, TX
	Amount:	$277,650.00 (minimum annual guarantee

for the first year of the contract)

Department:	Department of Aviation
Funds available:	Revenue Contracts
Funding source:	Revenue Contracts
1st Year Total	$3,742,565.10 (total minimum annual guarantee for the first year of the contract)
4 Year Total	$14,970,260.40 (minimum with possible increases based on each year's revenues)
District (s):	**3**

The Department of Aviation and the Financial Services Department, Purchasing Division, recommend award as indicated to the responsive offers from responsible parties. These are concession, revenue-generating contracts.

These are contracts for the operation of nonexclusive vehicle rental concessions at the El Paso International Airport. These contracts are for a four (4) year time period with the City having the option, exercisable in its sole and absolute discretion, to extend the term for an additional one (1) year period. Contracts to start July 1, 2006. In the second, third, and fourth year of the agreement (and if the City in its sole and absolute discretion exercises its option to extend the term of the agreement for an additional fifth year), compensation to the City shall be the greater of: 1.) ten percent (10%) of the total annual gross revenues; or 2.) a minimum annual guarantee equal to the greater of eighty-five percent (85%) of the guaranteed amount paid for the immediate preceding year; or 3.) one hundred percent (100%) of the minimum annual guarantee for the first year of the agreement.

Additionally, it is requested that the City Attorney's Office review and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract. [Financial Services, Enrique Acosta, Jr., (915) 541-4316]

12. PUBLIC HEARINGS – DEVELOPMENT SERVICES:

12A. An Ordinance changing the zoning of Lot 5, Block 1A, Ranger Rest Subdivision Unit Four, El Paso, El Paso County, Texas, from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1110 Ranger Street. Applicant: Elva S. Torres. ZON06-00037. **(District 7)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

12B. An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.16 (Taxicabs), of the El Paso City Code to amend the provisions relating to rate schedules. **(All Districts)** [Development Services, R. Alan Shubert, (915) 541-4557]

12C. An Ordinance granting a Special Privilege to S & V Entertainment, LLC to temporarily close a portion of San Antonio Avenue between Stanton Street and Kansas Street for various street festivals on the following dates: May 27, 2006; June 3, 10, 17, and 24, 2006; July 1, 8, 15, 22, and 29, 2006; September 16, 2006; October 31, 2006; and December 31, 2006. (Fee: $650.00, SP-06005) **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

12D. An Ordinance amending Title 19 (Subdivisions), Chapter 19.04 (General Provisions), of the El Paso City Code by amending Subsection 19.04.170.A (Modifications of Conditions) in order to clarify the authority and scope of the City Plan Commission in granting modifications to the Subdivision Regulations of Title 19; and amending Subsection 19.04.170.C (Modifications of Conditions) in order to allow a request for modification to be submitted at any time prior to the recording of the plat. The penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)** [Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

12E. An Ordinance changing the zoning of Parcel 1: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions; Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential), and imposing a condition; and Parcel 3: A portion of Tract 3A-1, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11900 block of Dyer St. Applicant: Ranchos Real IV, LTD. ZON05-00157 **(District 4)** [Development Services/Planning, Christina Valles, (915) 541-4930] POSTPONED FROM 05-16-06

12F. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by adding Subsection 19.12.030A.3 (Parkland Calculation) in order to provide an exception for the dedication of parkland required to be deeded to the City for multi-family developments of ten or less units; amending Section 19.12.090 (Bonus Reductions for Recreational Improvements) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within multi-family development and open space amenities in general; amending Subsection 19.12.090.B (Bonus Reductions for Recreational Improvements) to revise the calculation formula; and amending Subsection 19.12.100.B.1 (Fee in Lieu of Parkland Dedication) in order to revise the time at which fees in lieu of parkland dedication are calculated for certain applications and decrease the park fee to be paid to the City in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)** [Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

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. Jesus Luna vs. Lt. Lisa Gailey, et. al.; Cause No. EP-06-CA-0067-FM (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

EX2. Jacob Telles vs. The City of El Paso, et. al.; Cause No. EP-03-CA-0528KC (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

EX3. Discussion and action on lifting the Order of Eminent Domain from the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071) [Representative Jose Alexandro Lozano, (915) 541-4515]

EX4. Discussion and action on requesting the City Attorney to dismiss the lawsuit filed for Eminent Domain regarding the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071) [Representative Jose Alexandro Lozano, (915) 541-4515]

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 CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

http://www.elpasotexas.gov/