

**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

**REVISED**

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

**June 19, 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 Clift Barnes**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. JUNETEENTH**
- 2. LULAC PROJECT AMISTAD**

### **RECOGNITIONS**

**RECOGNITION OF MAYOR PRO TEMPORE PRESI ORTEGA, JR.**  
**BY**  
**CITY MANAGER AND EMPLOYEES**

### **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 June 12, 2007, and the Special City Council Meeting of June 13, 2007.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTIONS:**

**3A.** That the City be authorized to provide legal and administrative services to the Camino Real Regional Mobility Authority until such time that the City, through act of the City Council, City Manager, or City Attorney, shall provide written notice to the Camino Real Regional Mobility Authority that the provision of such services shall cease. **(All Districts)** [City Attorney's Office, Raymond Telles, 541-4550]

**3B.** That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and SLI Engineering, Inc., a Texas Corporation, to perform consulting services for a project known as "Alamito 2005 Hope Iv – St. Vrain Street, Street And Drainage Improvements" in an amount not to exceed \$103,025.63. **(District 8)** [Engineering, Javier Reyes, (915) 541-4630]

**3C.** That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Ricondo & Associates, an Illinois Corporation, to perform consulting services for a project known as "Environmental Assessment For Extension Of Runway 8r-26l El Paso International Airport," in an amount not to exceed \$371,807. **(District 2)** [Engineering, Sam Rodriguez, (915) 541-4023]

**3D.** A Resolution authorizing the Mayor to sign an Interlocal Governmental Agreement by and between the City of El Paso and El Paso City-County Health and Environmental District to install and monitor an air quality monitoring facility

within the basin of the city's Van Buren Dam located at the corner of Alabama Street and Harrison Street. **(District 2)**  
[Financial Services, Gonzalo Cedillos, (915) 541-4074]

**4. DISCRETIONARY FUNDS:**

Authorization for District 5 discretionary funds to pay for letters placed at Gary del Palacio Recreation Center in the amount of \$4,076 payable to Graphics International of which \$2,038 has been paid by Representative Presi Ortega (Account No. 504420, ID 01153007, Fund 16505, Project PD50426) as requested by Representative Presi Ortega, Jr. [Representative Presi Ortega, Jr., (915) 541-4701]

**5. APPLICATIONS FOR TAX REFUND:**

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

**6. BIDS:**

**6A.** The award of Solicitation No. 2007-158 (Proprietary Parts & Service-Ford New Holland Equipment) to Bissett Specialty Equipment, Inc. for a total estimated award of \$60,000.

Department: General Services-Fleet Division  
Award to: Bissett Specialty Equipment, Inc.  
El Paso, Texas  
Items: Part A and Part B  
Annual Estimated Amount: \$20,000  
Account No.: 37370510 – 503121 - 45202  
Funding Source: General Services Department-Fleet Services Internal Service Fund  
Total Estimated Award: \$60,000  
**Districts: All**

This is a requirements type contract for thirty-six months.

The Departments of Financial Services and General Services - Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.  
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**6B.** The award of Solicitation No. 2007-168 (Peterbilt Proprietary Parts & Service-Fleet Service) to Rush Truck Centers of Texas, L.P., d/b/a Rush Truck Center, El Paso for a total estimated award of \$375,000

Department: General Services-Fleet Division  
Award to: Rush Truck Centers of Texas, L.P.  
d/b/a Rush Truck Center, El Paso  
El Paso, Texas  
Items: Part A and Part B  
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two additional years if the option is exercised within two or three years from the date of the award.

Annual Estimated Amount: \$125,000  
 Account No.: 37370510 – 503121 - 45202  
 Funding Source: General Services Department/Fleet Services Internal Service Fund  
 Total Estimated Award: \$375,000  
**Districts: All**

This is a requirements type contract with an initial term of thirty-six months.

The Departments of Financial Services and General Services-Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.  
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6C.** The award of Solicitation No. 2007-180 (Sale of Used Crown Victoria Patrol Cars) to James W. Tate for a total amount of \$25,450.

Department: General Services  
 Award to: James W. Tate  
 El Paso, Texas  
 Items: 1 through 16  
 Account No.: 27507 – 407029 – 37150068 - PFLESVC01  
 Funding Source: Revenue  
 Total Award: \$25,450  
**Districts: All**

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

The Departments of Financial Services and General Services recommend award as indicated to the highest Bidder.  
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**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.**

An Ordinance changing the zoning of the South 60 feet of Tract 187, Sunrise Acres, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8641 Gateway Boulevard South. Applicant: Carlos Nuñez and Teresa Nuñez. ZON07-00035 **(District 2)** [Development Services/Planning, Natalie Nevarez-Straight, (915) 541-4904]

**PUBLIC HEARING WILL BE HELD ON JULY 10, 2007, FOR THE ITEM**

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 BUSINESS**

**8. FINANCIAL SERVICES:**

**8A.** Discussion and action regarding a Resolution approving an Amendment to the Memorandum of Agreement between the City and the Firemen and Policemen Pension Fund. **(All Districts)** [Paul A. Braden, Bond Counsel (915) 544-9997]

**8B. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES:**

An Ordinance authorizing the issuance of “City of El Paso, Texas, Taxable General Obligation Pension Bonds, Series 2007;” and resolve matters which are necessary to effectuate said issuance. **(All Districts)**  
[Paul A. Braden, Bond Counsel (915) 544-9997]

**REGULAR AGENDA – PUBLIC HEARINGS**

**9. PUBLIC HEARING – CITY MANAGER:**

An Ordinance establishing a Municipal Drainage Utility System. **(All Districts)**  
[City Manager, Joyce A. Wilson, (915) 541-4844]  
[El Paso Water Utilities Public Service Board, Ed Archuleta, (915) 594-5501]

**10. PUBLIC HEARINGS – DEVELOPMENT SERVICES**

**10A.** An Ordinance changing the zoning of Tracts 13 and 14, Hughes Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Roseway Drive and West of New Haven Drive. Applicant: MJ Real Properties, Inc. ZON07-00028 **(District 7)**  
[Development Services/Planning, Natalie Nevarez-Straight, (915) 541-4904]

**10B.** An Ordinance changing the zoning of the following real property described as Parcel 1: a portion of Lot 3, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial) and imposing a condition; Parcel 2: a portion of Lots 4 and 5, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial); and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Los Mochis Avenue and West of Interstate 10. Applicants: Chanate Partners, LTD. ZON07-00022 **(District 1)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]

**10C.** An Ordinance changing the zoning of Tract 11, Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing), and

imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Dyer Street and West of O'Donnell Street. Applicants: Jobe Materials, LP. ZON07-00024 **(District 4)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]

**10D.** An Ordinance granting Special Permit No. ZON07-00034 to allow for a convalescent home on the property described as Lot 4, Block 3, Cielo Vista Park East Unit Two, City of El Paso, El Paso County, Texas, pursuant to Section 20.22.040B of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 1440 Miracle Way. Applicant: ReadyOne Industries, Inc. ZON07-00034 **(District 7)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]

**10E.** An Ordinance changing the zoning of a portion of Lot 2, Block 46, Sun Ridge Unit 12, City of El Paso, El Paso County, Texas, from A-O/SC (Apartment/Office/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Zaragoza Road, West of Sun Country Drive. Applicant: Michael and Elizabeth Noe. ZON07-00018 **(District 6)**  
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

**10F.** An Ordinance changing the zoning of Lot 7, Block 6, Northgate Replat C, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 9400 Dyer Street. Applicant: Northgate Plaza, LLC. ZON07-00019 **(District 4)**  
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

**11. PUBLIC HEARING – PARKS AND RECREATION:**

An Ordinance authorizing the City of El Paso to enter into a lease agreement with El Paso Border Youth Athletic Association for the purpose of developing a plan for constructing and utilizing a youth baseball and softball facility on property located adjacent to Brown Street and Schuster Avenue consisting of all of blocks 104, 105, and 136, Alexander Addition, and a portion of blocks 68, 69, 99, 106, 107, 135, 137, 138, 139, 142, 143, and 174, and a portion of Ange Street, Octavia Street, Price Street, Noble Street, Daggett Street, Wade Street, University Avenue, Blanchard Avenue, Hague Avenue, and Rim Road rights-of-way (vacated), Alexander Addition, El Paso, El Paso County, Texas; and canceling the lease agreement approved by Ordinance #15568. **(District 1)** [Parks and Recreation, Norman Merrifield, (915) 541-4910]

**REGULAR AGENDA – OTHER BUSINESS**

**12. MAYOR AND COUNCIL:**

**12A.** Discussion and action to file a complaint with the Federal Communications Commission against T-Mobile for their failure to comply with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties in the installation of a cell tower located at 2219 Piedras Street.  
[Representative Susie Byrd, (915) 541-4996] **POSTPONED FROM 06-05-07 AND 06-12-07**

**12B.** Discussion and action, to allow staff to fully and openly respond to the recent public allegations, supported by probative evidence, made by ASARCO, regarding actions and expenditures by the City of El Paso, ongoing since the Spring of 2006, absent approval and oversight by the City Council, that could create the perception within the public that the City of El Paso has been other than forthcoming in its opposition to the possible reopening of ASARCO, and in so doing, even members of this City Council have been deprived of the ability to make honest decisions concerning matters pertaining to ASARCO.  
[Representative Melina Castro, (915) 541-4400]

**12C.** Discussion and action on the signing of an amendment for the Memorandum of Understanding on Cross Border Communications and Emergency Response Strategies for the Communities of: Municipality of Juarez, Chihuahua, Mexico, the City Of El Paso, Texas, United States, and the City of Sunland Park, New Mexico, United States. [Mayor John F. Cook, (915) 541-4145]

**13. ECONOMIC DEVELOPMENT**

**13A.** Discussion and action regarding a Resolution nominating ADP, Inc. as an Enterprise Zone Project pursuant to Chapter 2303, Subchapter F, of the Texas Enterprise Zone Act, Texas Government Code. **(District 1)**  
[Economic Development-Kathryn Dodson-541-4747]

**13B.** Discussion and action regarding a Resolution that the City Manager or her designee be authorized to send written notice to the presiding officer of the governing body of each taxing entity of the City of El Paso's intent to enter into a Tax Abatement Agreement by and between the City of El Paso and ADP, Inc. for a new Solutions/Technical Support Facility on such referenced property; and that the City Manager be authorized to sign a Tax Abatement Agreement with ADP, Inc. after the expiration of the seven day notice period required by §312.0241 of the Texas Tax Code. **(District 1)** [Economic Development-Kathryn Dodson-541-4747]

**14. ENGINEERING:**

Discussion and action regarding safety measures and/or efforts that can be taken to protect pedestrians on North Mesa Street near the Cincinnati Street intersection. **(District 1)** [Engineering Department, Traffic Division, Ted Marquez, 541-4035]

**15. FINANCIAL AND ADMINISTRATIVE SERVICES:**

Discussion and action on the award of Solicitation No. 2007-162 (Third Ave. Street & Drainage Improvements) to Karlsruhe Inc., dba CSA Engineers & Constructors, for a total estimated amount of \$676,668.35.

Department:	Engineering
Award to:	Karlsruher Inc. dba, CSA Engineers & Constructors El Paso, Texas
Items:	Base Bid I: \$515,829.30 Base Bid II: \$98,997.64 Base Bid III: \$61,841.41
Total Estimated Award:	\$676,668.35
Account No:	71150069 - G7132CD0012 – 07855 - 508027

Funding Source: Community Development  
District: 8

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 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 and Engineering recommend award as indicated to the lowest responsive, responsible bidder.  
[Engineering Department, R. Alan Shubert, (915) 541-4557]

**16. MUNICIPAL CLERK:**

Discussion and action on a Resolution canvassing the votes cast in the 2007 City of El Paso Run-Off Election. **(District 5)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**17. CITY MANAGER:**

City Manager's report of current events and issues:

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

**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.** Airport Business Center vs. City of El Paso; Cause No. 2003-1652. (551.071)  
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Discussion and action relative to City Manager's Annual Performance Review.  
(551.074) [Mayor John F. Cook, (915) 541-4145]

**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/>