

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
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

June 26, 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 and Fire Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. CITY OF EL PASO PARKS AND RECREATION MONTH**
- 2. NATIONAL HIV TESTING DAY**
- 3. SOUTHWEST AIRLINES' WEEK**

RECOGNITIONS

STAR ON THE MOUNTAIN AWARD TO CORA VIASCAS

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.

REGULAR AGENDA – OTHER BUSINESS

1. MUNICIPAL CLERK:

- 1A.** Discussion and action on the Election of Mayor Pro Tempore and Alternate Mayor Pro Tempore.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 1B.** Discussion and action on a Resolution adopting the Rules of Order for City Council meetings. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

2. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of June 19, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

- 4A.** That the El Paso International Airport Board's proposed Bylaws and accompanying Rules of Order, which are attached to this resolution, are hereby adopted by the City Council of the City of El Paso. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]
- 4B.** That the City Manager be authorized to sign an Air Cargo Building Lease Agreement by and between the City of El Paso and US Airways, Inc. for the Air Cargo Building located at 6415 Convair, El Paso, Texas. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]
- 4C.** That the City Manager be authorized to sign and accept on behalf of the City a Dedication Deed from the Ysleta Independent School District dedicating to the City real property for use as public right-of-way located within a portion of Tract 1F, Section 41, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed. **(District 4)**
[Development Services/Planning, Christina Stokes, (915) 541-4627]

- 4D. That the City Manager be authorized to sign the First Amendment to a Professional Services Agreement by and between the City of El Paso and Half Associates, Inc., for a project known as City of El Paso Annexation Assessment and Strategy to clarify that the Consultant will determine the maximum fee per service unit under the provisions of Section 395.015 of the Local Government Code. **(All Districts)** [Development Services/Planning, Kelly Carpenter, (915) 541-4139]

- 4E. Placing a condemnation lien on the following properties (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:
 - 4E1. 3511 Polk Avenue \$2,940.90 **District 2**
 Andrea Rodriguez
 [Development Services, William Stern, (915) 541-4800]

 - 4E2. 8925 Roberts \$7,483.32 **District 2**
 Shirley J. Cutright
 [Development Services, William Stern, (915) 541-4800]

- 4F. That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Carl Daniel Architects, a Texas Corporation, to perform consulting services for a project known as “Civic Center Plaza Improvements-Design and Construction Phase” in an amount not to exceed \$381,234. **(District 8)** [Engineering, Sam Rodriguez, (915) 541-4023]

- 4G. That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Parkhill Smith And Cooper, Inc. a Texas Corporation, to perform consulting services for a project known “Clint And McCombs Landfills Groundwater Monitoring System”, in an amount not to exceed \$76,969. **(Outside City Limits and District 4)**
 [Engineering, Javier Reyes, (915) 541-4630]

- 4H. That the City Council adopt the flag of the City of El Paso. **(All Districts)**
 [Mayor John F. Cook, (915) 541-4015]

- 4I. That the following persons are appointed to the El Paso Health Facilities Development Corporation’s Board of Directors: Susie Byrd, Steve Ortega, Beto O’Rourke, Rick Suarez, Tedd Richardson, and Andrea (Mandy) Chew. **(All Districts)** [Mayor John F. Cook, (915) 541-4015]

- 4J. That the Mayor be authorized to sign the Interlocal Agreement between the County and the City of El Paso for the County to submit a grant application to the U.S Department of Justice for a four-year grant in the amount of \$366,087 for the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG). The City portion will be used to continue efforts in reducing crime through the implementation of an Upfront Identification System which will serve as a major investigative tool. It will ensure that all arrestees with prior arrests by the El Paso Police Department are identified at the beginning of the arrest process; the system collects fingerprint images for use in identity verification and these prints run against records in the Automated Fingerprint Identification System (AFIS) to provide a

quick identification of a person in question. That the City Manager or her designee be authorized to sign any related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers, and submit any necessary revisions to the operational plan. Grant is a joint venture between City and County, with a 50%-50% allocation of funds, City portion being \$183,044.00. No cash match is required. **(All Districts)**

[Police Department, Paul Cross, (915) 564-7310]

- 4K. That five members of the Ethics Review Commission be designated to serve on the Ethics Ordinance Review Ad Hoc Committee, on an ad hoc advisory basis with the members of the Rules Legislative Review Committee, to review and make recommendations to the City Council on potential revisions to the City's Ethics Ordinance, and those members are designated as follows:

Andre Ewing
Gerald Mangrum
Jesus Padilla
Isela Pena
George Reynoso
[Representative Beto O'Rourke, (915) 541-4268]

5. **BOARD RE-APPOINTMENT:**

Ivan Ramirez to the Committee on Border Relations by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915) 541-4182]
POSTPONED FROM 06-12-07

6. **BOARD APPOINTMENT:**

Angelina Velarde-White to the City Plan Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
POSTPONED FROM 06-12-07

7. **PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**

Request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the current Contract 2005-244 (Storm Drain Grates) with Lone Star Welding for one additional year, pursuant to the provisions to an award approved by City Council on August 23, 2005. Contract period October 1, 2007, through September 30, 2008.

Department: Street
Option: One [of one]
Account No.: 32010160 – 01101 - 502215
Funding Source: Operating Account, Outside Contractors-NOC
Districts: All
Total Estimated Award: \$29,003
[Financial Services/Purchasing, Terrance Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

8. 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.**

- 8A.** An Ordinance amending Ordinance No. 16086 to revise the deadlines for placing matters on the Agenda for City Council Meetings. **(All Districts)**
[Representative Jose Alexandro Lozano, (915) 4515]
- 8B.** An Ordinance amending sections of Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments). To eliminate the reinspection fee for food operations; the penalty being as provided in Section 9.12.890 of The El Paso City Code. **(All Districts)**
[City Attorney's Office, Elaine Hengen, (915) 541-4550, on behalf of Robert Galvan, El Paso City County Health and Environmental District, (915) 771-5702]
- 8C.** An Ordinance amending Title 2 (Administration and Personnel) by deleting Chapter 2.96, City Employees' Health Benefit Program Advisory Board, of the El Paso City Code in its entirety. **(All Districts)**
[Office of Management & Budget, David Almonte, (915) 541-4777]

PUBLIC HEARING WILL BE HELD ON JULY 10, 2007, FOR ITEMS 8A – 8C

- 8D.** An Ordinance changing the zoning of a portion of Lot 1, Block 5, and a portion of Lot 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) District to R-3/C (Residential/Condition) District, and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Schwabe Street and North of Cooley Avenue. Applicant: Michael Truax and Ruby Truax. ZON07-00042 **(District 7)**
[Development Services/Planning, Natalie Nevarez-Straight, (915) 541-4904]
- 8E.** An Ordinance changing the zoning of Lots 27 to 29, Block 22, Cotton Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) District to C-3 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 2108 Grant Avenue. Applicant: Alfonso and Laura Villagrana, ZON07-00021 **(District 8) THIS IS AN APPEAL CASE.**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8F.** An Ordinance changing the zoning of the South 10 feet of Lot 17, and all of Lots 18, 19, and 20, Block 59, Alexander Addition, an addition to the City of El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. **(District 8)**
[Development Services/Planning, Arlan Greer, (915) 541-4723]
- 8G.** An Ordinance changing the zoning of the following real property described as: Parcel 1: A portion of Tract 6 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, from M-1/C (Light Manufacturing/conditions) to C-3/C (Commercial/conditions); and Parcel 2: A Portion of Tract 10 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, from M-1 (Light

Manufacturing) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of South Desert Boulevard, South of Montoya Drive. Applicant: Prime Desert Properties, LLC, ZON07-00029 **(District 1)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 8H.** An Ordinance releasing a condition placed on property by Ordinance No. 014543 which changed the zoning of a portion of Tract 6 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, and which imposed certain conditions and amending a condition placed on the property by Ordinance No. 014543. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of South Desert Boulevard, South of Montoya Drive. Applicant: Prime Desert Properties, LLC, ZON07-00030 **(District 1)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JULY 17, 2007, FOR ITEMS 8D – 8H

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

9. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 9A.** An Ordinance changing the zoning of a portion of Tracts 1B4, 3, and 8, O. A. Danielson Survey #315, City of El Paso, El Paso County, Texas, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Rojas Drive and west of Joe Battle Blvd. Applicant: Rumanas, L.P. ZON07-00025 **(District 7)** [Development Services/Planning, Frank Delgado, (915) 541-4238]

- 9B.** An Ordinance changing the zoning of Lot 2, Block 1, A & M Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) and R-F (Ranch-Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Interstate Highway 10 and East of Joe Battle Blvd. Applicant: Cinco Properties, LP. ZON07-00026 **(District 7)** [Development Services/Planning, Frank Delgado, (915) 541-4238]

- 9C.** 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]

POSTPONED FROM 06-19-07

**10. PUBLIC HEARING – COMMUNITY AND HUMAN DEVELOPMENT:
TO BE HELD AT 12:00 P.M. OR LATER**

Public Hearing and discussion and action on program performance and on the Proposed Annual Action Plan 2007-2008 of the Consolidated Plan for 2005-2010, and adoption of a Final Action Plan for 2007-2008, including the 33rd Year (2007-2008) Community Development Block Grant Program, FY 2007 Emergency Shelter Grant Program, and FY 2007 HOME Investment Partnerships Program Budgets. **(All Districts)**
[Community and Human Development, Bill Lilly, (915) 541-4643]

REGULAR AGENDA – OTHER BUSINESS

**11. COMMUNITY AND HUMAN DEVELOPMENT:
TO BE HELD AT 12:00 P.M. OR LATER**

11A. Discussion and action on a resolution that the City Council, having conducted a public hearing in order to receive comments on program performance and on the Proposed Annual Action Plan 2007-2008 of the Consolidated Plan for 2005-2010, hereby adopts a Final Action Plan for 2007-2008, including the 33rd Year (2007-2008) Community Development Block Grant Program, FY 2007 Emergency Shelter Grant Program, and FY 2007 HOME Investment Partnerships Program Budgets. **(All Districts)**
[Community and Human Development, Bill Lilly, (915) 541-4643]

11B. Discussion and action on a resolution that the City Manager be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2007-2008; all certifications contained therein; and to sign all documents related to the implementation and performance of the activities contained in the 2007-2008 Annual Action Plan and corresponding programs. **(All Districts)** [Community and Human Development, Bill Lilly, (915) 541-4643]

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, 06-12-07 AND 6-19-07

12B. Discussion and action regarding support and funding of the El Paso City-County Health and Environmental District by the City and the County and status of the Cooperative Agreement and negotiations with the County.
[Mayor John F. Cook, (915) 541-4015]

12C. Discussion and action regarding the appointment of the following individuals to the Board of Directors of Tax Increment Reinvestment Zone Number 5:

1. Jessie Alvarez
2. Mark Bernat

- 3. David P. Buchmueller
 - 4. Pauline Ann Dow
 - 5. Bonnie S.Y. Escobar
 - 6. Rebecca Friesenhahn
 - 7. Hector Gutierrez, Jr.
 - 8. Frank Rene Lopez
 - 9. Keith A. Mahar
 - 10. George Reynoso
- [Mayor John F. Cook, (915) 541-4015]

12D. Discussion and action regarding an amendment to the El Paso City-County Board of Health to amend the number of members from the recently approved seven (7) members to nine (9) members adding one additional member from the Food Industry and one at-large member.
[Representative Jose Alejandro Lozano, (915) 4515]

13. FINANCIAL SERVICES: BEST VALUE PROCUREMENT

Discussion and action on the award of Solicitation No. 2007-153 (Security Guard Services For Park Facilities-Rebid) to AlliedBarton Security Services for a total estimated award of \$763,605.

Department:	Parks and Recreation
Award to:	AlliedBarton Security Services El Paso, TX
Items:	All
Option:	Two additional years
Annual Estimated Amount:	\$254,535
Account No.:	51010214 – 502212 - 01101 51010279 – 502212 - P500201 - 16301
Funding Source:	Parks Administration General Fund Shelters/Administration User Fees
Total Estimated Award:	\$763,605
Districts:	All

This is a thirty-six month contract.

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

14. 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.** Claim of Jose Martinez and Jacqueline Nevarez, Our File No. 07-C-041. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX2.** Discussion and action regarding strategies and options related to ASARCO litigation and the TCEQ permit process. (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/>