

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, 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

July 1, 2008
Council Chambers, City Hall
9:00 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.

9:00 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. HISPANIC BUILDERS ALLIANCE DAY**
- 2. NATIONAL HIV TESTING DAY - "TESTING IN THE BORDER"**
- 3. PARKS AND RECREATION 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 June 24, 2008, and the Special City Council Work Session Meetings of June 13, 2008 (Smart Code), June 20, 2008 (Smart Code), and June 23, 2008 (Smart Code).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. 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:

4809 Maureen Circle	\$1,373.90	Veronica Rodriguez	District 4
349 Maricela Drive	\$2,918.47	Elvira Dora Valenzuela	District 7

[Development Services, Victor Q. Torres, (915) 541-4557]

3B. That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and OMNI Construction Services, LLC, a Texas Limited Liability Company, to perform consulting services for a project known as “Carnegie Ave. Street & Drainage Improvements Construction Phase” for a contract amount of \$136,568.44 and that the City Engineer be authorized to approve up to \$50,000 in additional services, for a total contract amount not to exceed \$186,568.44. Funding: 99331117 – 508026 – 27263 - PSTM06ST010.
(District 2) [Engineering, R. Alan Shubert, (915)541-4423]

3C. That the City Manager is hereby authorized to sign Agreement STP – Metro Mobility Project Amendment #1 with the State of Texas, acting by and through the Texas Department of Transportation, for the Central Business District Phase IV street reconstruction project for downtown El Paso, El Paso County, Texas.
(District 8) [Engineering, R. Alan Shubert, (915)541-4423]

3D. That the City Manager be authorized to sign and accept a Perpetual Easement Agreement with El Paso County Water Improvement District in the District’s Nemexas Drainage Canal to construct, maintain, and use a traffic “round about” on and across that portion of District Property as more particularly shown in

Exhibit B of the Agreement. The cost to the City is \$46,105.70. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423] **POSTPONED FROM 06-24-08**

3E. A Resolution that the City Manager be authorized to sign a letter of understanding by and between the City of El Paso and BKD, LLP, for auditing services in conjunction with the City's audit for the fiscal year ended August 31, 2008, with an option to extend for four additional one-year terms as approved by City Council. **(All Districts)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

3F. That the City Manager be authorized to sign an Amendment No. 1 to Master Purchase Agreement No. 2006MPA316 (MPA) between City of El Paso and Environmental Systems Research institute, Inc. to extend the term of the Agreement until July 11, 2010. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

3G. A Resolution that the City of El Paso accepts the deeds on six parcels for the Singh Road extension. **(District 6)** [Street Department, Daryl Cole, (915) 621-6750]
POSTPONED FROM 06-24-08

4. BOARD RE-APPOINTMENT:

David M. Wysong to the Airport Board by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

5. BOARD APPOINTMENTS:

5A. Marianne Campbell to the Animal Shelter Advisory Committee by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
POSTPONED FROM 06-10-08

5B. Michelle Barron to the International Bridge Commission, filling an unexpired term, by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

6. APPLICATIONS FOR TAX REFUND:

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

7. BIDS:

7A. The award of Solicitation No. 2008-174 (North Park Drainage Channel Phase II) to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc., for a total estimated amount of \$306,370.

Department:	Engineering
Award to:	J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc. El Paso, TX
Base Bid:	\$306,370
Account No:	14200403 – 508027 – 29137 – PBE04ST122A
Funding Source:	2004 General Obligation Bonds
Total Estimated Award:	\$306,370
District:	4

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 may be higher or lower than the total estimated 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]

- 7B.** The award of Solicitation No. 2008-177 (Pavo Real Park Improvements – 2007-CD) to EPCON, Inc., for a total estimated amount of \$108,365.77.

Department:	Street
Award to:	EPCON, Inc. El Paso, TX
Base Bid:	\$108,365.77
Account No:	71150069 – 508027 – 10062 – G7133CD0040
Funding Source:	Community Development Block Grant 33 rd Year
Total Estimated Award:	\$108,365.77
District:	6

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 may be higher or lower than the total estimated 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, Engineering, and Street recommend award as indicated to the lowest responsive, responsible bidder. [Engineering, R. Alan Shubert, (915) 541-4423]

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 Title 18 (Building and Construction), Chapter 18.10 (Residential Code), Section 18.10.310 (Appendix G, Swimming Pools, Spas, and Hot Tubs), of the El Paso City Code to establish standards for swimming pools, spas, and hot tubs by adding barrier requirements for residential swimming pools, spas, and hot tubs and entrapment protection for residential swimming pool and spa suction outlets; providing for a one year period to bring certain existing swimming pools, spas and hot tubs into compliance; repealing Ordinance 016867 adopted April 1, 2008, and Ordinance 016875 Changing effective dates of Ordinance 016867; with penalties not to exceed \$2,000 per day per violation as provided in section 18.02.107 of the El Paso City Code. **(All Districts)** [Representative Beto O'Rourke, (915) 541-4123]

PUBLIC HEARING WILL BE HELD ON JULY 8, 2008, FOR ITEM 8A

- 8B.** An Ordinance changing the zoning of all of Lots 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to RMU (Residential Mixed Use) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1217 Magoffin Avenue. Applicants: Ray Tullius, Executive Director of the Opportunity Center for the Homeless. ZON08-00053 **(District 8)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 8C.** An Ordinance granting Special Permit No. ZON08-00044 to allow for a parking reduction on the property described as Lots 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 Parking Reduction of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1314 Myrtle Avenue. Applicants: Ray Tullius, Executive Director of the Opportunity Center for the Homeless. ZON08-00044 **(District 8)**
[Development Services/Planning, Ismael Segovia, (915) 541-4027]
- 8D.** An Ordinance granting Special Permit No. ZON08-00045 to allow for a parking reduction and infill development for reduced front and side set backs on the property described as Lots 7 and 8, Block 32, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 Parking Reduction and 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1314 Myrtle Avenue. Applicants: Ray Tullius, Executive Director of the Opportunity Center for the Homeless. ZON08-00045 **(District 8)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON JULY 22, 2008, FOR ITEMS 8B – 8D

Public Hearings will be held as part of the regular City Council meeting that 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

9. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2008-162 (Carnegie Avenue – Street & Drainage Improvements) to Southwest Growth, Inc., for a total estimated amount of \$3,299,044.80.

Department:	Engineering	
Award to:	Southwest Growth, Corp.	
	El Paso, TX	
Base Bid I:	\$1,890,975.05	Option 1: \$378,833.40
Base Bid II:	\$ 375,520.26	Option 2: \$327,738.60
Base Bid III:	\$ 171,430.00	
Base Bid IV:	\$ 14,950.00	
Base Bid V:	\$ 136,832.49	
Base Bid VI:	\$ 2,765.00	
Account No.:	99331117 – 508027 – 27263 – PCP06ST010	
Funding Source:	2006 Certificates of Obligation	
Total Estimated Award:	\$3,299,044.80	
District:	2	

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 may be higher or lower than the total estimated 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 which are within the appropriate 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] POSTPONED FROM 06-24-08

REGULAR AGENDA – PUBLIC HEARINGS**10. DEVELOPMENT SERVICES:**

An Ordinance changing the zoning of the following real property described as: Parcel 1: all of Tract 4, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from M-3 (Unrestricted Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 2: all of Tracts 6 and 7, I.F. Harrison Survey No. 54 and Tract 3, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential), A-2 (Apartment) and M-1 (Light Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 3: a portion of Tracts 6 and 7, I.F. Harrison Survey No. 54, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) and A-2 (Apartment) to R-5 (Residential); and, Parcel 4: all of Tract 7, I.F. Harrison Survey No. 54, Tracts 3 and 3A, J. Barker Survey No. 10, and Tract 4F2B, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas, be changed from M-1 (Light Manufacturing), R-3 (Residential), and A-2 (Apartment) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Interstate Highway 10 and south of Pete Payan Drive. Applicants: EPT Montecillo Development West, LP. ZON08-00017. **(District 8)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

11. CITY ATTORNEY'S OFFICE:

- 11A.** An Ordinance granting a Non-Exclusive Franchise to River Elms, LLC to place benches at bus stops on City rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)** [City Attorney's Office, Raymond Telles, (915) 541-4550]
- 11B.** An Ordinance granting a Non-Exclusive Franchise to Alta Vista Construction Group, L.L.C. to place benches at bus stops on City rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)** [City Attorney's Office, Raymond Telles, (915) 541-4550]
- 11C.** An Ordinance amending the Non-Exclusive Bus Bench Franchise previously granted to Oliva Manufactured Home Sales, Inc. d/b/a Southwest Bench Ads by Ordinance Number 016796, to reflect El Paso Bench Ads, LLC as the new franchisee; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)** [City Attorney's Office, Raymond Telles, (915) 541-4550]
- 11D.** An Ordinance amending the Non-Exclusive Bus Bench Franchise previously granted to Otto H. Maser, Jr. by Ordinance Number 016795, to reflect El Paso Bench Ads, LLC as the new franchisee; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)** [City Attorney's Office, Raymond Telles, (915) 541-4550]
- 11E.** An Ordinance amending the Non-Exclusive Bus Bench Franchise previously granted to Bench Ads of El Paso, Inc. by Ordinance Number 016793, to reflect El Paso Bench Ads, LLC as the new franchisee; the penalties being as provided in Section 13.20.110 of the El Paso City Code. **(All Districts)** [City Attorney's Office, Raymond Telles, (915) 541-4550]

12. EL PASO WATER UTILITIES:

- 12A.** An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to G H Dairy-El Paso, the sole and highest bidder, such land totaling approximately 9.635 acres of land out of a portion of Lot 1, Block 1, Riverside International Industrial Center, City of El Paso, El Paso County, Texas, located in the Mission Valley area of El Paso between Pan American Drive and Southside Drive. **(District 6)**
[El Paso Water Utilities, Robert D. Andron, (915) 594-5607]
- 12B.** An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to El Paso Independent School District, such land totaling approximately 14.7482 acres of land out of a portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso near I-10 and Sean Haggerty. **(District 4)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5607]
- 12C.** An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to El Paso Electric Company, such land totaling approximately 14.6275 acres of land out of a portion of Tract 1A, Section 11, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso near Stan Roberts Sr. Avenue. **(District 4)**
[El Paso Water Utilities, Robert D. Andron, (915) 594-5607]

13. ENGINEERING:

- 13A.** An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code to delete Chapter 2.06 (Bond Overview Advisory Committee) in its entirety. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 13B.** 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 Miranda Court. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 1)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 13C.** 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 K: No Parking 7:00 a.m. – 4:00 p.m., School Days Only, of the El Paso City Code by adding Stonehaven Drive. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 7)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

14. ECONOMIC DEVELOPMENT:

Discussion and action on a Resolution authorizing that \$50,000 from the Tax Increment Reinvestment Zone No. 5 (TIRZ No. 5) Fund be transferred to the Façade Grant Program for its continuation as recommended by the TIRZ No. 5 Board. **(District 8)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

15. CITY MANAGER:

15A. Discussion and action on a Resolution that the rate adjustment identified in the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONEOK, Inc., on May 23, 2008, be suspended for 45 days after the effective date specified in the filing, and ordering Texas Gas Service to file working papers on or before July 22, 2008, supporting all of its claimed cost of the investment in service for gas utility services as needed by the City’s attorneys and consultants to conduct its analysis and engagement of outside counsel and consultants. **(All Districts)** [Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]

15B. Discussion and action on a Resolution that El Paso Electric Company Rate Schedule No. 38-MP and Rate Schedule No. 11-TOU be approved in accordance with the City's Rate Agreement in order to effectuate an Interruptible Electric Service Agreement and a Critical Peak Pricing Agreement between El Paso Electric and El Paso Water Utilities which will provide lower electricity costs for EPWU. **(All Districts)**
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]

15C. City Manager’s report of current events and issues:

Staff update on open space and arroyo preservation initiatives.
[Development & 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.

- | | |
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| 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 |

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/>