

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 15, 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. TITLE IX – 36TH ANNIVERSARY**
- 2. EL PASO YOUTH SYMPHONY ORCHESTRA MONTH**

RECOGNITION

**ANA B. HINOJOSA, DIRECTOR OF FIELD OPERATIONS (DFO) FOR THE EL PASO
FIELD OFFICE, U.S. CUSTOMS AND BORDER PROTECTION**

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 July 8, 2008, and the Special City Council Meeting for July 9, 2008 (Budget Hearings).
[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 a Contract of Sale between the City of El Paso and EP Park Hills II, LTD, a Texas Limited Partnership, for the purchase of a 0.355 acre parcel of land, more or less, being a portion of Tract 1, H.G. Foster Survey No. 258, City of El Paso, El Paso County, Texas, for the Ojo de Agua Channel Project. Project #: PSTM06 PW56-0; Fund: 27264; Department: 14200500; Account: 508000. **(District 1)** [Engineering, R. Alan Shubert, (915) 541-4423]

3B. Resolution that the City Council approves and adopts the attached Exhibit A, Facility Rental Policy, the attached Exhibit B, Library Use Priorities and Fee Schedule for the El Paso Public Library, and the attached Exhibit C, El Paso Public Library Meeting Room Policy, for the purposes of establishing policy and fees for use of the El Paso Public Library buildings by individuals and entities and waiving fees for events held by organizations such as the Friends of the Library for the purpose of supporting and promoting the Library and Library events, fundraising, or presenting educational programs benefiting the Library. The Facility Rental Policy may be used as the special events use agreement and may be approved by the Director of the El Paso Public Library. **(All Districts)**
[Library, Carol Brey-Casiano, (915) 543-5413]

3C. 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 AND 07-01-08

4. BOARD RE-APPOINTMENT:

Rigoberto Mendez to the Zoning Board of Adjustment by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5. BOARD APPOINTMENTS:

- 5A. William Ricardo Suarez to the Historic Landmark Commission by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5B. James R. Ratcliff to the Photographic Traffic Signal Enforcement System (PTSES) Advisory Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5C. Jose Luis Carbonell to the El Paso Housing Finance Corporation by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

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. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request approval for the Purchasing Manager to reject the bid submitted for Solicitation No. 2008-192 (Armored Car Services – Streets & Sun Metro). Financial Services and the Street Department request that the bid be rejected because it exceeded budgeted appropriations. This item will be re-bid. **(All Districts)** [Financial Services/Purchasing, Terrence 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.**

An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from P-R I (Planned Residential I) to C-2 (Commercial) and imposing conditions; and, Parcel 2: a portion of Section 27, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from P-R I (Planned Residential I) to C-2 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Montana and west of Rich Beem Boulevard. Applicants: JNC Land Development, LP. ZON08-00034 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2008, FOR ITEM 8

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:

9A. Discussion and action on authorizing the City Manager to sign a tax-exempt lease-purchase agreement with Banc of America Public Capital Corp ("BAPCC") in a principal amount not to exceed \$9,767,054 to finance the energy-efficiency improvements for the City of El Paso and the El Paso Convention Center. It is also requested that the City Manager of the City of El Paso be authorized to execute any and all necessary documents relating to this lease-purchase agreement which are necessary to carry out the intent of this agreement. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

9B. Discussion and action that the City exercises its option to initiate a guaranteed performance contract through Solicitation No. 2007-073R (City-Wide Energy and Operational Savings Program) with Johnson Controls, Inc. pursuant to the provisions of the award approved by City Council on August 28, 2007.

Department: General Services
 Award to: Johnson Controls, Inc.
 Irving TX
 Items: All
 Funding Source: State Energy Conservation Office (SECO) - \$5,000,000
 Banc of America Public Capital Corp Lease - \$9,767,054
 Total Est. Award: \$14,767,054
Districts: All

As a part of this award, upon the review of the City Attorney, the Director of General Services may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

9C. Discussion and action on the award of Solicitation No. 2008-067 (Janitorial Services - City Hall, El Paso Museum of History, and Northwest Corral) to The Eagle Janitorial Service for a total amount of \$759,848.43.

Department: General Services
 Award to: The Eagle Janitorial Service
 El Paso, Texas
 Items: All
 Estimated Amount: \$ 57,061.11 (3 months)
 \$247,610.64 (12 months)
 \$455,176.68 (21 months)
 Option: 2 Years
 Account No.: 31010326 – 502206 - 01101
 31010327 – 502206 - 01101

Funding Source: General Services Department, Building Maintenance Division
Total Est. Award: \$759,848.43
Districts: All

This is a 36-month requirements type contract.

The Departments of Financial Services, Purchasing Division, and General Services recommend award to The Eagle Janitorial Service, the vendor offering the best value bid. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

- 10A.** An Ordinance changing the zoning of Lots 17 to 20, Block 3, Mirafior Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to A-O (Apartment-Office) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 503½ South Estrella Street. Applicant: J & L Unique Homes, Inc. ZON08-00010 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10B.** An Ordinance changing the zoning of a portion of Lots 52 and 53, San Jose Addition Replat, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8058 San Jose Road. Applicant: Irene Yglesias. ZON08-00021 **(District 7)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 10C.** An Ordinance vacating a portion of Denver Street (70' wide public right-of-way), City of El Paso, El Paso County, Texas. Location: Denver Street east of Murchison Drive and west of Idaho Street. Applicant: 1810 Murchison, L.P. SUB07-00111 **(District 8)**
[Development Services/Planning, Michelle Padilla, (915) 541-4903]

11. ENGINEERING:

Discussion and action that the Mayor be authorized to sign a First Amendment to an Interlocal Agreement by and between the City of El Paso and the El Paso County Community College District, passed and approved May 22, 2007, to allow the El Paso County Community College District to construct the parking lot at the northwest campus and the City contribute to the costs an amount not to exceed \$1,000,000. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – OTHER BUSINESS

12. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council amend the City's 2007 - 2008 Annual Action Plan of the Consolidated Plan for 2005 - 2010 by adding one new homeownership assistance activity, Affordable Housing Credit Union Service

Organization – Individual Development Account Program, totaling \$125,000, to the 33rd Year (2007 - 2008) Community Development Block Grant Program, and that the City Manager be authorized to sign any agreements or related documents upon approval by the City Attorney’s Office and Director of Community and Human Development Department and to take any actions necessary to accomplish the intent of the resolution.

(All Districts) [Community and Human Development, William Lilly, (915) 541-4643]

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.** Discussion and action regarding the legal issues and options for the City pertaining to the property located at 118 Northwind. (551.071)
[City Attorney’s Office, Charlie McNabb, (915) 541-4550]

- EX2.** Discussion regarding the following lawsuits entitled: Ray E. Gilbert, Jr., Joe A. Dominguez, Charles P. Cavretta, M.D. vs. City of El Paso and El Paso Water Utilities Public Service Board; Cause No. 2008-2030. (551.071)
[City Attorney’s Office, Laura P. Gordon, (915) 541-4550]

- EX3.** El Paso Apartment Association, et al vs. City of El Paso and Edmund G. Archuleta in his Official Capacity as President and Chief Executive Officer of the El Paso Water Utilities Public Service Board; Cause No. EP-08-CA-0145. (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/>