

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 SPECIAL CITY COUNCIL MEETING

July 16, 2007
Council Chambers, 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, July 17, 2007. 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

July 17, 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. READING RALLY DAY**
- 2. SINGLE PARENT APPRECIATION DAY**

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.

1. MAYOR AND COUNCIL:

Discussion and action on a Resolution to approve an amendment to Section 13 of the City Council Rules of Order to revise the order of agenda items.

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

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 July 10, 2007, and the Special City Council Meetings of July 11, 2007, and July 12, 2007 (Budget Hearings).

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

4A. That the City Manager be authorized to sign the Employment Agreement Renewals between the City of El Paso and the following individuals.

- | | |
|-----------------------|------------------------------------|
| 1. Edgardo Chacon | Senior Network Administrator |
| 2. Michael L. DeMore | Senior Network Administrator |
| 3. Jose Esquivel | Programmer Analyst |
| 4. Jose Granillo, Jr. | G.I.S. Manager |
| 5. Yasmin Lopez | Programmer Analyst |
| 6. Antonio Rios | Database Administrator |
| 7. Alfredo Solano | Database Administrator |
| 8. David P. Wolking | Applications Support Administrator |

Funding Source: 702-810 and 39010351-501011-01101 **(All Districts)**

[El Paso Water Utilities, Fred Loweree, (915) 594-5519]

[Information Technology, Gerald Gordier, (915) 541-4288]

4B. That the City expend additional available funding in the amount of \$28,500 to F.T. James Construction Inc. to fund additional labor and materials for Contract Number 2006-190, Pavo Real Swimming Pool Project. **(District 6)**
[Engineering, Rick Talamo, (915)541-4884]

4C. That the Mayor be authorized to sign an amendment to the Interlocal Governmental Agreement, by and between the City of El Paso and the County of El Paso which was signed on February 24, 2004, and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code.
(All Districts) [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

4D. That the City Manager be authorized to sign a Lease Agreement between the City of El Paso and ELP Commercial for approximately 25,500 square feet of office space and 6,800 square feet of warehouse space at 1001 and 1003 Texas Street, El Paso, El Paso County, Texas, to house the El Paso Police Department property room and Internal Affairs Division operations. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]

5. BOARD RE-APPOINTMENT:

Evelina Ortega to the Committee on Border Relations by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915)541-4151]

6. BOARD APPOINTMENT(S):

Ratify City Manager's appointments of William Studer and Terri Garcia to the Police and Fire Pension Fund Board. [City Manager, Joyce A. Wilson, (915) 541-4844]

7. 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]

8. BID:

The award of Solicitation No. 2007-183 (EPIA Long Term Parking Expansion) to Robles and Sons, Inc., for a total amount of \$469,304.

Department:	El Paso International Airport
Base Bid I:	\$469,304
Account No.	PAP0040 – 62620027 – 41080 - 508027
Funding Source:	EPIA Enterprise Funds
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.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design but which do not increase the scope of the contract as awarded in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract.

The Departments of Financial Services, Engineering, and Airport recommend award as indicated to the lowest responsive, responsible bidder.

[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

NONE

REGULAR AGENDA - INTRODUCTIONS

9. 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.

9A. An Ordinance amending Title 15 (Public Services), Chapter 15.08. (Street Rentals), Section 15.08.120 (Special Privilege Licenses) Subsection C (Exceptions) of the El Paso City Code to provide an exception for uses of public right of way less than thirty days and provide for a separate approval process, the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Kimberly Forsyth, (915) 541-4631]

9B. An Ordinance amending the 2025 proposed Thoroughfare System as detailed in the map atlas of The Plan for El Paso and its related documents as originally approved by The El Paso City Council in 1999, and as subsequently amended, to remove Crestmont Drive. **(District 8)**

[Development Services/Planning, Chuck Koosian (915) 541-4632]

9C. An Ordinance amending Title 18 (Building and Construction) of the El Paso City Code by amending Chapters 18.08 (Building Code); 18.10 (Residential Code); 18.12 (Mechanical Code); and 18.50 (Property Maintenance Code); to require a cooling supply for existing buildings and new construction; the penalty being as provided in Section 18.02.107 of no more than \$2,000 per day per violation.

(All Districts) [Development Services, Larry F. Nichols, (915) 541-4556]

PUBLIC HEARING WILL BE HELD ON JULY 24, 2007, FOR ITEMS 9A – 9C

- 9D. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at the Northeast Portion of Shady Lane Road, as more particularly described in the Ordinance to The City of El Paso, in accordance with Section 34.05 (h) of the Tax Code. **(District 8)** [Tax Office, Carmen I. Perez, (915) 545-5481]

PUBLIC HEARING WILL BE HELD ON JULY 31, 2007, FOR ITEM 9D

- 9E. An Ordinance changing the zoning of a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) District to C-4 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00050 **(District 2)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 9F. An Ordinance granting Special Permit No. ZON07-00051 to allow for an animal crematory on the property described as a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.42.040(R) of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00051 **(District 2)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 9G. An Ordinance granting Special Permit No. ZON07-00052 to allow for a veterinary clinic on the property described as a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.42.040(P) of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00052 **(District 2)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 9H. An Ordinance granting Special Permit No. ZON07-00038 to allow for a helistop on the property described as a portion of Lot 24, Block 63, Tierra Del Este Unit 41, City of El Paso, El Paso County, Texas, and imposing conditions, pursuant to Section 20.08.203 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: East of Joe Battle Boulevard and North of Tierra Cortez Avenue. Applicant: Tenet Hospitals Limited. ZON07-00038 **(District 5)** [Development Services/Planning, Melissa Granado, (915)541-4730]

PUBLIC HEARING WILL BE HELD ON AUGUST 7 2007, FOR ITEMS 9E - 9H

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**10. PUBLIC HEARINGS – DEVELOPMENT SERVICES**

- 10A.** Discussion and action on a Resolution releasing conditions placed by a contract dated January 9, 1968, which imposed conditions on the following real property: Parcel 1: Tract 2E, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas; and, Parcel 2: Tract 2C, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. Subject Property: Alabama Street, North of McKelligon Canyon Road. Applicants: Roberto Moreno, Andrea Geiger, and Ted Andresen. ZON07-00036 **(District 4)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10B.** 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]
- 10C.** 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]
- 10D.** 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]
- 10E.** 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]
- 10F.** 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]

- 10G.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code, Chapters 19.08 (Platting Procedures), 19.28 (Construction and Guarantees) and 19.32 (Inspection and Acceptance of Improvements), by clarifying the requirements for subdivision improvement plan submission, approval and phasing; inspections of subdivision improvements; and replacing all references to the Deputy Director of Building Services. The penalty being as provided in Section 19.04.190 of the Code. **(All Districts)**
 [Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]
- 10H.** An Ordinance granting a Special Privilege to the El Paso Festival Association to temporarily close portions of Texas Avenue, Florence Street, Ochoa Street, Virginia Street, St. Vrain Street, Ange Street, and Octavia Street from August 17, 2007, through August 20, 2007, for a "Custom Car and Chopper Street Festival". SPL07-00009 **(District 8)**
 [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10I.** An Ordinance granting a special privilege to Enriquez & Enriquez, Ltd to temporarily close a portion of Roswell Road for a "30th Anniversary Celebration" to be held on Saturday, August 4, 2007. SPL07-00007 **(District 3)**
 [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10J.** An Ordinance annexing a portion of Montana Avenue and a portion of Sections 28, 33 and 34, Block 79 Township 2, Texas and Pacific Railway Company Surveys into the City of El Paso, Texas. Subject Property: north of Montana Avenue and east of Loop 375. Applicant: County of El Paso, Cesar Viramontes, Bam Joint Venture, Roberto Barron, Armando Barron, and Daniel Barron. AN07003 **(East ETJ – Adjacent to District 5)**
 [Development Services/Planning, Christina Valles, (915) 541-4930]

11. PUBLIC HEARINGS – ENGINEERING:

- 11A.** 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 a new location of Sunglow Avenue from 100 feet east of Avalon Drive to a point 300 feet west thereof. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 3)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 11B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "F" (Thirty-Five Miles per Hour), of the El Paso City Code to add Sean Haggerty Drive. The penalty is as provided in section 12.84.010 of the El Paso City Code. **(District 4)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 11C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "F" (Thirty-Five Miles per Hour), of the El Paso City Code to amend the thirty-five miles per hour speed limit on High Ridge Drive. The penalty is as provided in Section 12.84.010 of the El Paso City Code. **(District1)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

- 11D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), and Section 12.88.180 (No Stopping or Standing – Tow-Away Zone), of the El Paso City Code, to add an area on Common Drive. The penalty being as provided in Section 12.88.180F (Violation - Penalty) of the El Paso City Code. **(District 7)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

12. PUBLIC HEARINGS – FINANCIAL SERVICES:

- 12A.** An Ordinance authorizing the City of El Paso to sell 0.459 acres of land, more or less, being a portion of Portion of Block 38, Clardy-Fox Subdivision, Unit 5, El Paso, El Paso County, Texas, commonly known as 200 Lisbon Street, to Jorge Valenzuela. **(District 3)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]
- 12B.** An Ordinance authorizing the City of El Paso to sell 1.734 Acres of land, more or less, being a portion of Tract 4A-31A, Block 2, Ascarate Grant, El Paso, El Paso County, Texas, commonly known as 8929 Viscount Boulevard to Harmon Custom Homes, LLC. **(District 3)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

REGULAR AGENDA – OTHER BUSINESS

13. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

- 13A.** Discussion and action on a Resolution adopting a fee for Expedited Plan Review for submission and review of Subdivision Improvement Plans required by Title 19 (Subdivisions) of the El Paso City Code and administered by the Development Services Department. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Aauto, (915) 541-4853]
POSTPONED FROM 07-10-07
- 13B.** Council Ratification of the Storm 2006 professional services contracts listed on the attachment posted with this agenda. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution. (Attachment B).
[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

14. MUSEUM AND CULTURAL AFFAIRS:

Discussion and action on a Resolution that the City Manager be authorized to approve the FY 2008-2012 Strategic Plan for the El Paso Museum of Art. **(All Districts)**
[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

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.** Lisa Elizondo vs. John Cook; Cause No. 2007-2617. (551.071)
[City Attorney, Charlie McNabb, (915) 541-4550]
- EX2.** Chris Jennings vs. City of El Paso, et al., EP-03-CA-0286-KC. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** Discussion and action regarding strategies and options related to ASARCO litigation and the TCEQ permit process. (551.071) [City Attorney's Office, Raymond L. Telles, (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/>