

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

REVISED

AGENDA FOR SPECIAL CITY COUNCIL MEETING

July 23, 2007
Council Chambers, City Hall
9:00 a.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 24, 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 24, 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. SENATE PROCLAMATION NO. 78 PRESENTED BY SENATOR ELIOT SHAPLEIGH**
- 2. CICLOVIA 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.

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 17, 2007, and the Special City Council Meetings of July 13, 2007 (Budget Hearings) and July 16, 2007 (Agenda Review). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Council (1) authorize the City Manager to sign a First Amendment to the CHDO HOME Financial Terms Contract between the City of El Paso and the YWCA Community Development Corporation for the Senior Housing project located at 8556 Dorbandt, originally approved on September 14, 2004; and (2) authorize amendment of the Loan and Secured Grant Notes (extending the terms from twenty to thirty years), correction of any clerical errors, and execution of related documents to secure the extension of the affordability period to thirty years as recommended by the Director of Community and Human Development. **(District 7)** [Community and Human Development, Jaime Herrera, (915) 541-4340]

3B. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Michael J. Johnson for the purchase of:

Parcel 5-1,500 square feet, more or less, being a portion of Lot 14, Block 2, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat Records of El Paso County, Texas.

to be used for the Edgemere Extension Project. Project #: PPWST03022; Fund: 60663; Department: 31260001; Account: 508000. **(District 5)**
[Development & Infrastructure Services, Patricia D. Adatao, (915) 541-4853]

- 3C. That the City Manager of the City of El Paso be authorized to execute a Contract of Sale by and between the Mass Transit Department Board of the City Of El Paso and Dr. Pedro Ortega, personally and behalf of Delgado Green Hospital, Inc. and Ysleta General Hospital, Inc. to purchase property for the Mission Valley Transit Terminal, which is described as follows:

Parcel 1A: Delgado Green Hospital, Inc. (Dr. Pedro Ortega), Lots 10, 11 & 12, Block 2, Harris Tract, City of El Paso, El Paso County, Texas, also known as 118 Harris; and

Parcel 1B: Ysleta General Hospital, Inc. (Dr. Pedro Ortega), Tract 20 D, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas, also known as 115-121 Zaragoza; and

Parcel 1C: Ysleta General Hospital, Inc. (Dr. Pedro Ortega), Lots 13, 14 & 15, Block 2, Harris Tract, City of El Paso, El Paso County, Texas, also known as 122 Zaragoza; and

Parcel 1D: Ysleta General Hospital, Inc. (Dr. Pedro Ortega), Portion of Lots 16, 17 & 18, Block 2, Harris Tract, including a portion of Depot Street, also known as 123 Zaragoza;

Grant:G600405; Fund: 11629; Department: 60600011; Account: 508000. **(District 7)** [Development & Infrastructure Services, Patricia D. Adatao, (915) 541-4853]

- 3D. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50.106 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

5629 Hemmingway Drive \$9,189.36 **District 4** Rico Alvarez
[Development Services, William Stern, (915) 541-4800]

- 3E. That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for a portion of Tract 8, Nellie D. Mundy Survey #239, El Paso, El Paso County, Texas, to provide electrical service to area that has experienced recent rapid commercial and residential growth. **(District 1)**
[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

- 3F. That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and following individuals.

- 1. Javier Gadney Business Services Coordinator
- 2. Leila Melendez Business First Coordinator
- 3. Mark Edward Grissom Development Coordinator

Funding Source: 72010268-01101-72000-501011. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4747]

- 3G.** That the Solid Waste liens on the attachment posted with this agenda be approved. **(All Districts)** (See Attachment A)
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3H.** That Lilia Worrell is appointed as alternate City Clerk to act as the City Clerk during the absence or disability of the City Clerk. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 3I.** That the City Manager be authorized to sign the following Development Agreements by and between the City of El Paso and GFA Limited Partnership for off-site dedication of park sites per requirements of Chapter 19.12 of the El Paso City Code.
- Ventanas Unit One
Ventanas Unit Two
Ventanas Unit Three
Ventanas Unit Four
(District 6) [Parks and Recreation, Barry Russell, (915) 541-4292]
- 3J.** That the City Manager be authorized to sign the following Development agreement by and between the City of El Paso and Americas Loop 375, L.P. for an off-site dedication of a park site per requirements of Chapter 19.12 of the El Paso City Code.
- Mesquite Trails Development Agreement
(District 6) [Parks and Recreation, Barry Russell, (915) 541-4292]
- 3K.** 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] **POSTPONED FROM 07-17-07**
- 3L.** Approve a Resolution authorizing the City Manager to submit a grant proposal to the Texas Department of Transportation for the Comprehensive Select Traffic Enforcement Program in the amount of \$480,000 with a local cash match of \$119,875.59 and in-kind of \$40,332.60 for a total of \$640,208.19. Cash match requirement is being provided from the General Fund #21010050-01101-506000. **(All Districts)** [Police Department, Paul Cross, (915) 564-7310]
- 3M.** Approve a Resolution authorizing the City Manager to submit a grant proposal to the Texas Department of Transportation for the Safe Communities Program in the amount of \$90,326.60 with a local cash match of \$63,941.37 for a total of \$154,267.97. Cash match requirement is being provided from the General Fund # 21010050-01101-506000. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]

4. BOARD RE-APPOINTMENT:

Jesus Olivas to the Airport Board by Representative Eddie Holguin, Jr., District 6.
[Representative Eddie Holguin, Jr., (915) 541-4178]

5. BOARD APPOINTMENTS:

- 5A.** Francisco D. Salazar to the Building and Standards Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5B.** Laura Gallegos to the Cultural Affairs Advisory Board to fill an unexpired term, by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5C.** Fernando R. Grado and Martha Cooper to the Revolving Loan Fund Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

6. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 6A.** Request that the Purchasing Manager for Financial Services Department be authorized to exercise the City's option to extend Contract 2005-185-C1 and C2 (Repair Service - Auto Radiators and Tanks) which was awarded on August 23, 2005, to the vendors listed below, for two additional years from August 24, 2008, to August 24, 2010.

Department: General Services-Fleet Division
Option: One of One
Award to: Emmett Radiator Service, Inc. - \$30,000 (Estimated Annual)
Duran's Radiator Shop - \$5,000 (Estimated Annual)
Account No.: 37370510 – 503121 – 503127 - 45202
Funding Source: General Services-Fleet Division,
Fleet Services Internal Service Fund
Total Estimated Amount: \$70,000 (total for two year extension)
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6B.** Request that the Purchasing Manager for Financial Services Department be authorized to issue a Purchase Order to KRONOS Incorporated, the sole source provider for the KRONOS 4500 Terminals and Workforce Central Software and its maintenance.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and that the City Manager be authorized to sign any and all additional documents as necessary.

Department: Information Services
Total Amount: \$174,815.20
Account No.: 30101351 – 01101 - 502202
Funding Source: Information Services, Operating Account,
Data Processing Service Contracts
Sole Source No.: 2007-232
(All Districts) [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6C.** Request that the Purchasing Manager for Financial Services Department be authorized to exercise the City's option to extend Contract 2006-127 (Evaluation of Lead-Based Paint Hazardous Services) which was awarded on June 20, 2006,

to L & P Scientific Consulting, LLC, for one additional year from July 24, 2007, through July 23, 2008.

Department: Community Development
Award to: L&P Scientific Consulting, LLC
El Paso, TX
Annual Estimated Amount: \$75,000
Account No.: 71150039 – 09933 - 502204 and
71150039 – 09935 - 502204
Funding Source: Community Development, Environmental Contracts,
Home Programs, CDBG Revolving Loan Funds
FY07 and FY08
Total Estimated Award: \$75,000
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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.

7A. An Ordinance amending Ordinance No. 016624 (an Ordinance relating to licensing requirements and regulations for sexually oriented businesses within El Paso) to amend Section 5.54.230, Effective Date. **(All Districts)**
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

7B. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission; to add Rule 2, Definitions and Rules of Construction; Rule 3, Department Heads; Rule 4, Classification; Rule 5, Compensation; Rule 15, Section 1, 1d,1g, 1m, 1n, 1o, 1p, Section 2, 4, 6, Suspension, Reductions, Discharge; Rule 17, Employees Seeking Public Office; Rule 18, Unclassified Service; Rule 19, Departmental Rules; Rule 23, Residency; Rule 24, Grievance Procedure; Section 1, Rule 25, Drivers Safety Standards; Rule 27, Non-Discrimination; Rule 28, Safety; Rule 29, Outside Employment; Section 1d and Section 3, Rule 30, Working Out of Class. **(All Districts)**
[Human Resources, Linda B. Thomas, (915) 541-4509]

PUBLIC HEARING WILL BE HELD ON JULY 31, 2007, FOR ITEMS 7A – 7B

7C. An Ordinance changing the zoning of all of Tract 10, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from A-M (Apartment and Mobile Home Park) to C-2 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Hondo Pass Drive, east of Stahala Drive. Applicant: EP Hillcrest Real Estate, LP. ZON07-00058 **(District 2)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 7D. An Ordinance changing the zoning of a portion of Lots 7 to 12 and adjacent 10 feet of alley on the west, Block 99, East El Paso Addition, City of El Paso, El Paso County, Texas, from A-2 (Apartment) District to A-O (Apartment/Office) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3120 Pershing Drive. Applicant: Antonio and Nora Herrera. ZON07-00053 **(District 8)**
[Development Services/Planning, Natalie Nevarez-Straight, (915) 541-4904]
- 7E. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 5, Block 14, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential); and Parcel 2: a portion of Tract 5, Block 14, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). Applicant: Rio Valley LLC. ZON07-00062 **(District 1)**
THIS IS AN APPEAL CASE.
[Development Services/Planning, Frank Delgado, (915) 541-4238]

PUBLIC HEARING WILL BE HELD ON AUGUST 14, 2007, FOR ITEMS 7C – 7E

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

8. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITES

An Ordinance authorizing the issuance of "City of El Paso, Texas, Water And Sewer Revenue Refunding Bonds, Series 2007;" and resolve matters which are necessary to effectuate said issuance. [Bond Counsel, Paul A. Braden, (915) 544-9997]

9. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 9A. 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]
POSTPONED FROM 07-10-07
- 9B. 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]
POSTPONED FROM 07-17-07

- 9C. 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]
- 9D. 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]
- 9E. 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]

10. PUBLIC HEARING – MAYOR AND COUNCIL:

Public Hearing to receive comments on and discussion and action on the Texas Parks & Wildlife Department Recreation Grants Branch "Outdoor Recreation Grant Program" Grant Application which would allow the City to develop the area surrounding the Van Buren Dam to make it accessible and attractive for community recreational uses. **(District 2)** [Representative Susie Byrd, (915) 541-4416]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A. Discussion and action on a Resolution authorizing the Director of Parks and Recreation to sign a Texas Recreation and Parks Account Outdoor Recreation Grant application with the Texas Parks and Wildlife Department for the development of the area surrounding the Van Buren Dam to make it accessible and attractive for community recreational uses. The enhancements will include walk, run and bike trails, sitting areas, a skate park, significant landscaping, and public art enhancements to assist in the overall health and well being of the residents of El Paso. The grant opportunity from the Texas Parks and Wildlife Department offers matching grants. The city's match will be the land values of the selected site and staff involvement. [Representative Susie Byrd, (915) 541-4416]
- 11B. Discussion and action on a plan to ensure highest level of customer service and satisfaction for Paso del Norte bridge pedestrian customers during General Services Administration (GSA) work. [Representative Beto O'Rourke, (915) 541-4268]
- 11C. Presentation by the Community Scholars regarding the Camino Real Regional Mobility Authority. [Representative Steve Ortega, (915) 541-4124]

- 11D. Discussion and action to amend existing code to prohibit full paving of front and side yards in residential neighborhoods. [Representative Beto O'Rourke, (915) 541-4268]
- 11E. Discussion and action on a Resolution that the City Council of El Paso, working conjunction with United States Federal Government, attempt to re-route of pedestrian crossing at the Paso Del Norte Bridge by instead constructing a pedestrian tunnel adjacent to the current building; and if unable to change the temporary re-routing, that the City of El Paso assist in addressing the needs of the pedestrian community as it is released onto Oregon Street, a six-block detour, taking into account their dignity and basic needs as human beings; and committing the resources of our City to accommodate those needs including but not limited to utilizing the City's Sun Metro Department, Environmental Department, Police Department, and the Streets Department.
[Representative Jose Alexandro Lozano, (915) 541-4515]

12. 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.** Jose F. Fong et. al. vs. City of El Paso; Cause No. 2007-2900. (551.071)
[City Attorney's Office, Hadley A. Huchton, (915) 541-4550]
- EX2.** Claim of Jaime Garcia, Carolina Garcia, and Enrique Garcia; Our File No. 07-C-049. (551.071) [City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX3.** Texas Commission on Environmental Quality (TCEQ) Docket No. 2007-0326-MSW-E; Enforcement Case No. 32858. (551.071) [City Attorney's Office, Josette Flores (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/>