

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

**August 5, 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. NATIONAL NIGHT OUT 2008**
- 2. ROBERT "TITO" SALCIDO DAY**

RECOGNITIONS

- 1. U.S. ARMY SERGEANTS MAJOR ACADEMY**
- 2. CITY EMPLOYEE RECOGNITIONS**

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 29, 2008, and the Special City Council Meetings of July 24, 2008, July 25, 2008, July 28, 2008, and July 29, 2008 (Budget Wrap-ups). [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 an Overhead Electrical Easement to the El Paso Electric Company for a portion of Block 53, Magoffin Addition, El Paso County, Texas, to provide electrical service to the Alamo City Park located at Tays and Father Rahm Drive. **(District 8)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3B. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, 6, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3C. A Resolution that the City Manager be authorized to sign an Agreement by and between the City of El Paso and the El Paso Archaeological Society ("EPAS"), for use of adjacent meeting space and storage space for an initial term of one year with an option to extend for one year, and authorizing the City Manager to exercise said extension on behalf of the City. **(District 4)**
[Museum and Cultural Affairs, Michael A. Tomor, (915) 532-1707]

4. SPECIAL APPOINTMENT:

Appointment of Luz E. Sandoval Walker as Assistant City Attorney effective August 11, 2008. **(All Districts)** [City Attorney's Office, Charlie McNabb, (915) 541-4550]

5. BOARD APPOINTMENTS:

5A. Andres A. Oroz to the Community Development Steering Committee by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

- 5B. Ruben S. Robles to the Parks and Recreation Advisory Board, to fill an unexpired term, by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5C. Dan Chavez to the International Bridge Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 5D. Kay A. Mooy to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]
- 5E. Robert A. Arriola to the Public Utility Regulation Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

6. APPLICATIONS FOR TAX REFUND:

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

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

Request that the Purchasing Manager for Financial Services be authorized to issue a Purchase Order to GTSI Corporation for GIS Routing Services under U.S. Communities Purchasing Alliance Program Contract RQ03-605674-16A (Technology Solutions) in the amount of \$316,216.58 for residential solid waste and recycling collection route optimization software and services.

The participation by the City of El Paso in the U.S. Communities Purchasing Alliance Program was approved by Mayor and City Council on February 27, 2007.

Department:	Environmental Services
Account No.:	34010289 – 508035 – 40403
Funding Source:	Environmental Services
Total Estimated Award:	\$316,216.58
Reference No.:	2008-235
Districts:	All

[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.

- 8A. An Ordinance granting a Special Privilege to Cinco Puntos Press permitting the encroachment of canopies along a portion of public rights-of-way located at Lot 1, Block 228, Campbell Addition, City of El Paso, El Paso County, Texas, more commonly known as 701 Texas Avenue. Applicant: Cinco Puntos Press. SPL08-00014. **(District 8)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 8B.** An Ordinance approving the assignment of a Special Privilege granted to El Paso 221, L.P. a Texas Limited Partnership by Ordinance No. 014526 to Madison River Investments L.L.C. permitting the encroachment of an existing underground tunnel onto portions of public rights-of-way within a portion of Kansas Street between Mills Avenue and Texas Avenue. Applicant: Madison River Investments, L.L.C., SP-00007. **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 8C.** An Ordinance repealing Ordinances Nos. 015703 and 016420 for the purpose of abolishing the Brownfields Redevelopment Board. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 8D.** An Ordinance setting the fee schedule for the Fire Department Medical Services System. **(All Districts)** [Fire Department, Manuel Chavira, (915) 771-1000]

PUBLIC HEARING WILL BE HELD ON AUGUST 12, 2008, FOR ITEMS 8A - 8D

- 8E.** An Ordinance levying 2009 taxes. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]

PUBLIC HEARING WILL BE HELD ON AUGUST 19, 2008, FOR ITEM 8E

- 8F.** An Ordinance changing the zoning of Lots 11 and 12, Block 13, Sahara Subdivision, City of El Paso, El Paso County, Texas, from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5708 and 5710 Saluki Drive. Applicant: David Velasco. ZON08-00041 **(District 4)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 8G.** An Ordinance changing the zoning of a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-5 (Residential) 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: east of Zaragoza Road and north of the Hueco Water Wells. Applicant: Ranchos Real IV, LTD. ZON08-00039 **(District 5)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2008, FOR ITEMS 8F – 8G

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. 2008-208 (Parks Upgrades Sidewalk Gaps) to Martinez Bros. Contractors, L.L.C., for a total estimated amount of \$541,618.68.

Department:	Engineering
Award to:	Martinez Bros. Contractors, L.L.C. El Paso, TX
Base Bid I:	\$65,812.60
Base Bid II:	\$67,774.38
Base Bid III:	\$37,217.52
Base Bid IV:	\$68,655.60
Base Bid V:	\$87,083
Alternate Bid I:	\$68,511
Alternate Bid II:	\$86,055.98
Alternate Bid III:	\$5,194.40
Alternate Bid IV:	\$33,419.20
Alternate Bid V:	\$21,895
Total Estimated Award:	\$541,618.68
Account No.:	99331117 – 508027 – 27263 – PCP08PA03
Funding Source:	FY 2006 Certificates of Obligation
Districts:	All

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 will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer 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.

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]

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

10A. 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]

- 10B.** 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. Applicant: El Paso Water Utilities - Public Service Board. **(District 4)**
[Development Services/Planning, Chuck Kooshian, (915) 541-4632]
POSTPONED FROM 07-29-08

- 10C.** An Ordinance changing the zoning of Lot 3, Block 1, Farah Subdivision, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8877 Gateway West Boulevard. Applicant: Hawkins Motor Lodge of El Paso; Representative: Regency Centers. ZON08-00035 **(District 3)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192] **POSTPONED FROM 07-29-08**

- 10D.** An Ordinance changing the zoning of a portion of Tract 4A-31A, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8929 Viscount Boulevard. Applicants: Harmon Four Star, LLC. ZON08-00029 **(District 3)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633] **POSTPONED FROM 07-29-08**

11. ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.160 (Parking in Alleys) of the El Paso City Code, to allow parking in all alleys. The penalty being as provided in Section 12.44.160(C) of the El Paso City Code. **(All Districts)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

12. POLICE DEPARTMENT:

An Ordinance to amend Title 12 (Vehicles & Traffic), Chapter 12.54 (Towing Regulations and Fees) to amend Section 12.54.010 (Definitions) to add a definition for police ordered tow; Section 12.54.040 (Penalty) to clarify the application of the penalty; and to add Section 12.54.060 (Fee for Police Ordered Towing Services); the penalty being as provided in Sections 12.54.040 and 12.84.010 of the El Paso City Code. **(All Districts)**
[Police Department, Tom Whitten, (915) 564-7304]

13. PARKS AND RECREATION:

- 13A.** A Resolution of City Council approving the use of parkland for development of an elementary school on the eastern portion of Blackie Cheshier Park and in

accordance with Chapter 26 of the Texas Parks and Wildlife Code. The City Council finds there is no feasible and prudent alternative to the use of Blackie Chesher Park and that the proposed plans for the school include all reasonable planning to minimize harm to Blackie Chesher Park. **(District 6)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

- 13B.** An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and the Ysleta Independent School District, for the lease of a 7.8662 acre portion of Blackie Chesher Park, for a term of ninety-nine years. **(District 6)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

REGULAR AGENDA – OTHER BUSINESS

14. PARKS AND RECREATION:

Discussion and action on a Resolution that the Mayor be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas (the “City”) and the Ysleta Independent School District (“District”), whereby the District may lease a 7.8662 acre portion of Blackie Chesher Park property and construct a school and related facilities thereon, granting the City use of certain facilities within that school and related areas; and whereby the District shall construct two NCAA lighted soccer fields and related facilities on District property across Escobar Road from the 7.8662 acre area and grant the City exclusive use of said soccer fields and related facilities for as long as the Lease Agreement for said 7.8662 acres is in effect. **(District 6)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

15. MAYOR AND COUNCIL:

- 15A.** Discussion and action to direct staff to ensure that the bike plan is updated and prepared to take full advantage of the \$1 billion in mobility funding recently approved by the City and the MPO. [Representative Beto O'Rourke, (915) 541-4123]
- 15B.** Discussion and action to direct staff to ensure that our rapid transit plan is updated and prepared to take full advantage of the \$1 billion in mobility funding recently approved by the City and the MPO.
[Representative Beto O'Rourke, (915) 541-4123]
- 15C.** Discussion and action on placing the Farah Redevelopment on the next Brownfields Redevelopment Board agenda and to forward their recommendations to City Council. [Representative Rachel Quintana, (915) 541-4701]
- 15D.** Discussion and action regarding notice requirements for meetings of the City Council Legislative Review Committees. [Representative Melina Castro, (915) 541-4400]
- 15E.** Presentation and discussion of the supplier database by El Paso Lyceum Manufacturing Cabinet. [Mayor John F. Cook, (915) 541-4145]

16. ECONOMIC DEVELOPMENT:

Discussion and action that the City Manager be authorized to sign a Grant Agreement between the City of El Paso and the Trans-Pecos/El Paso Regional Center of Innovation

and Commercialization (RCIC), a 501(c)(3) tax exempt, non-profit Texas corporation, in an amount not to exceed \$12,500 for the public purpose of development and diversification of the economy of El Paso by supporting the establishment of a business technology services center in Downtown El Paso to assist high technology entrepreneurs, and whereby the City will be promoting and accelerating the creation of high quality jobs in emerging high technology sectors for the benefit of El Paso residents. **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4760]

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 strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)
[City Attorney's Office, Raymond L. Telles, (915) 541-4550]
- EX2.** Momar, L.P. vs. the City of El Paso, Cause No. 2007-4830. (551.071)
[City Attorney's Office, Karla Nieman, (915) 541-4550]
- EX3.** Guadalupe Guerra vs. City of El Paso, Cause No. 2004-1749. (551.071)
[City Attorney's Office, Hadley Huchton, (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/>