

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 12, 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 – Police Chaplain Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

1. **90TH ANNUAL SOUTHWEST DISTRICT KIWANIS CONVENTION**
2. **BORDER CHORDER WEEK IN EL PASO**

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.

REGULAR AGENDA – OTHER BUSINESS

1. **EL PASO WATER UTILITIES:**

Presentation on the Program Elements and Schedule, the Public Participation Process planned to guide the development, and the formation of an Advisory Committee for the

Stormwater Master Plan for the City of El Paso and Extraterritorial Jurisdiction.
(All Districts) [El Paso Water Utilities Public Service Board, Ed Archuleta, (915) 594-5501]

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 August 5, 2008.
[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 a Concession Agreement by and between the City of El Paso and CheckPoint Mailers, Inc. ("Concessionaire") for the operation and maintenance of a self-service security checkpoint mailing concession at the El Paso International Airport. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

4B. That the City Council hereby rescinds its action of March 25, 2008, reflected in Document No. 20080024767 resolving to place a lien on the property located at Tract 2-D (2.284 ACRES), U.S. Government Parcel #10 Subdivision, El Paso County, and instructing City Clerk to file a copy of that Resolution as notice of that lien. **(District 6)** [Environmental Services, Ellen Smyth, (915) 621-6719]

5. BOARD RE-APPOINTMENTS:

5A. Yusuf Elias Farran to the Ethics Review Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5B. Tom Brown to the Public Utility Regulation Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

5C. Robert Borunda to the Construction Board of Appeals by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

6. BOARD APPOINTMENTS:

- 6A.** Alfredo Borrego to the Public Utility Regulation Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 6B.** Luis M. Ruiz to the History Museum Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 6C.** Santos Gutierrez, Jr. to the City Accessibility Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 6D.** Bart Kennedy to the PTSES Advisory Board, by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

7. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.:

Request that the Purchasing Manager be authorized to extend the terms of Contract 2005-198R (Comprehensive Loss Control Program) for one additional year with Risk Insurance Management Consultants, Inc., pursuant to the provisions to an award approved by City Council on August 16, 2005. Total yearly amount not to exceed \$78,000. Contract period is August 16, 2008, thru August 15, 2009.

Department: Insurance and Benefits/OMB
Options: One [of two]
Account No.: 99100255 – 45122 – 502215
Funding Source: Worker’s Compensation Insurance
Amount Not To Exceed: \$78,000
Districts: All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

8. BIDS:

- 8A.** The award of Solicitation No. 2008-148 (Spanish Language Library Materials) to Brodart Co. By: Nubro Inc., General Partner, for a total estimated award of \$375,000.

Department: Library
Award to: Brodart Co. By: Nubro Inc., General Partner
WilliamSPORT, PA
Items: All
Annual Estimated Amount: \$125,000
Option: 2 years
Account No.: 53010201 – 503101 – 01101
Funding Source: El Paso Public Library Department
Total Estimated Award: \$375,000
Districts: All

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated

minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Library recommend award to the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8B.** The award of Solicitation No. 2008-210 (Environmental Laboratory Services for Municipal Solid Waste Facilities) to TestAmerica Laboratories, Inc., for a total estimated award of \$120,000.

Department: Environmental Services
 Award to: TestAmerica Laboratories, Inc.
 North Canton, OH
 Items: All
 Annual Estimated Amount: \$40,000
 Option: 2 years
 Account No.: 34010296 – 502204 – 40403
 Funding Source: Environmental Services
 Total Estimated Award: \$120,000
Districts: All

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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

- 8C.** The award of Solicitation No. 2008-202 (Landfill Gas Blower and Flare Equipment) to LFG Specialties, LLC, for a total amount of \$173,020.

Department: Environmental Services
 Award to: LFG Specialties, LLC
 Findlay, OH
 Item: Base Bid 1-3, 5-6, and O1
 Account No.: 34010296 – 502204 – 40403
 Funding Source: Environmental Services
 Total Award: \$173,020
Districts: All

This is a fixed-price, single (one-time) purchase type contract for Landfill Gas Blower and Flare Equipment.

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award to the sole bidder as indicated.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

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 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; 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)**
[Development Services, Larry F. Nichols, (915) 541-4557].
- 9B.** An Ordinance amending Title 2 (Administration and Personnel) to amend Chapter 2.110 (City Organizational Structure); to revise the structure of the Departments known as the City Manager's Office and Development Services; authorize the City Manager to designate departments and staff to perform duties pursuant to City ordinances; and to delete duplicate provisions relating to departmental authorization. **(All Districts)**
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]
- 9C.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments) to amend Section 9.12.125 regarding the adoption and display of fees charged under Chapter 9.12. The penalty being as provided in Section 9.12.890 of the El Paso City Code. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]
- 9D.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments) to amend Section 9.12.830 (Inspection – Frequency) to establish a fee for a food establishment re-inspection. The penalty being as provided in Section 9.12.890 of the El Paso City Code. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]
- 9E.** An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places) to create Chapter 13.02 (Street and International Bridges Departments), and sections thereunder, in the El Paso City Code to create and establish the functions of the departments known as the Street Department and the International Bridges Department. **(All Districts)**
[Street Department, Daryl Cole, (915) 621-6750]
- 9F.** An Ordinance to amend Title 12 (Vehicles & Traffic), Chapter 12.78 (International Bridges), to amend Section 12.78.010 (Tolls for International Bridges), Subsection G, to change the duties from the Street Department to the International Bridges Department. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)**
[International Bridges, Said Larbi-Cherif, (915) 858-3842]

- 9G.** An Ordinance amending Ordinance numbers 011598, 011902, and 015748 for the purpose of naming the department head or designee for the City of El Paso's International Bridges Department as secretary to the International Bridge Commission. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]

PUBLIC HEARING WILL BE HELD ON AUGUST 19, 2008, FOR ITEMS 9A – 9G

- 9H.** An Ordinance changing the zoning of a portion of Lot 2, Block 1, Whitfield Subdivision Unit Two, City of El Paso, El Paso County, Texas, and Tract 18, S.A. and M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 350 Coates Road. Applicant: El Paso Independent School District. ZON08-00043 **(District 1)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 9I.** An Ordinance releasing a condition placed on property by Ordinance No. 8527 which changed the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, and which imposed certain conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6540 Mohair. Applicant: Eduardo Guzman. ZON07-00154 **(District 4) THIS IS AN APPEAL CASE.**
[Development Services/Planning, Ismael Segovia, (915) 541-4027]
- 9J.** An Ordinance changing the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, from C-4/SC (Commercial/Special Contract) to M-2 (Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6540 Mohair. Applicant: Eduardo Guzman. ZON07-00125 **(District 4) THIS IS AN APPEAL CASE.** [Development Services/Planning, Ismael Segovia, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2008, FOR ITEMS 9H – 9J

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 – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

- 10A.** An Ordinance changing the zoning of a portion of Sections 9, 10, 15, 16, 17, and 18, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 11, 14, and 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 11, 12, 13, 14, 19, 20, and 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys; and a portion of Sections 7, 17, 18, 19, 20, and 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm), PMD (Planned Mountain Development), M-2/C (Heavy

Manufacturing/Condition) to GMU (General Mixed-Use) and GMU/C (General Mixed Use/Condition) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of U.S. Highway 54 and east of Franklin Mountains. Applicants: El Paso Water Utilities – Public Service Board. ZON08-00055 **(District 4)**
[Development Services/Planning, Christina Valles, (915) 541-4930]

10B. An Ordinance amending The Plan for El Paso and the Year 2025 General Land Use Map by amending the Smart Growth Plan for the Northeast as a specific study area plan. Applicant: City of El Paso. **(District 4)**
[Development Services/Planning, Melissa Kellum, (915) 541-4730]

10C. 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 AND 08-05-08

10D. 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]

10E. 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]

11. FIRE DEPARTMENT:

An Ordinance setting the fee schedule for the Fire Department Medical Services System. **(All Districts)** [Fire Department, Manuel Chavira, (915) 771-1000]

12. OFFICE OF MANAGEMENT AND BUDGET:

Public Hearing on the Proposed Budget for the City of El Paso for Fiscal Year 2009. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

Presentation by the Community Scholars titled "Think Clean, Go Green: An Inventory of El Paso's Environmental Issues". [Representative Steve Ortega, (915) 541-4108]

14. ENGINEERING:

Presentation of the list of eligible applications for the Neighborhood Traffic Management Program. **(All Districts)** [Engineering/Traffic Division, Kimberly Forsyth, (915) 541-4165]

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.** Claim of Holly C. Johnson, Our File No. 08-C-149. (551.071)
[City Attorney's Office, Maria Martinez, (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/>