

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

September 2, 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 Cliff Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. EL PASO ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**
- 2. NATIONAL FOOD SAFETY EDUCATION MONTH**
- 3. HUNGER ACTION MONTH 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. REGIONAL 911 BOARD:

Discussion and action on the approval of El Paso County 911 District FY2009 budget to be presented by Joseph Lorkowski, Director of El Paso County 911 District.

(All Districts) [911 District, Joseph Lorkowski, (915) 562-3911] **POSTPONED FROM 08-26-08**

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 26, 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 Fifth Amendment to the Golf Course Operation and Concession Agreement between the City of El Paso (as Owner) and Golf Management, Inc. (as Concessionaire) for the real property known as Lone Star Golf Course located at 1510 Hawkins Boulevard, El Paso, Texas. **(District 3)** [Airport, Patrick Abeln, (915) 780-4724]

4B. That the City Manager be authorized to sign the First Amendment to the General Aviation Commercial Ground Lease by and between the City of El Paso (Lessor) and Air Parts of El Paso, Ltd. (Lessee) for the purpose of adding a ten-year option to extend. **(District 3)** [Airport, Patrick Abeln, (915) 780-4724]

4C. That the City Manager be authorized to sign a General Aviation Commercial Ground Lease by and between the City of El Paso (“Lessor”) and El Paso Air Limited (“Lessee”) regarding the following premises: Parcel 2D being a portion of Lot 2, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 50,608 square feet of land, El Paso, El Paso County, Texas, municipally known and numbered as 1740 American Drive, El Paso, Texas. **(District 3)** [Airport, Patrick Abeln, (915) 780-4724]

- 4D. That the City Manager be authorized to sign an Assumption Agreement by and among the City of El Paso, Maria de Jesus Perez, Adela Perez, Jesusita Vasquez, and Antonia Ruedas concerning liability for the City's rehabilitation loan and lien against the property located at 3929 Tularosa, El Paso, Texas. **(District 8)** [Community and Human Development, William Lilly, (915) 541-4643]
- 4E. That the City terminate the contract between the City and Bain Construction for a project known as Storm 2006 Northgate Diversion Channel, Solicitation No. 2008-036, under the provisions of Section 6.9, Right of Owner to Terminate Contract. **(District 4)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 4F. That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP") to assist the MPO in developing the International and Regional Transportation Model. The Agreement period is from October 1, 2008, through September 30, 2009, with the option for 2 one-year extensions. **(All Districts)**
[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]

5. BOARD RE-APPOINTMENTS:

- 5A. John P. Lane to the Construction Board of Appeals by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5B. Rene Nevarez to the Art Museum Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 5C. Albert Alvidrez to the Art Museum Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

6. BOARD APPOINTMENTS:

- 6A. Elvia G. Hernandez to the Greater El Paso Civic, Convention & Tourism Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 6B. Yvette Lascurain to the El Paso Mountain Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 6C. Alex Mares to the El Paso Museum of Archaeology Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

7. 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]

8. BID:

The award of Solicitation No. 2008-217 (Mobile Unit – WIC Program) to Metro Fire Apparatus Specialist, Inc., for a total award of \$184,700.

Department: Public Health
 Award to: Metro Fire Apparatus Specialist, Inc.
 Houston, TX
 Items: All
 Account No.: 41150011 – 508006 – 06330 – G4108AD
 Funding Source: Admin WIC – Admin FY08
 Total Award: \$184,700
Districts: All

This is a one-time purchase type contract for the Mobile Unit – WIC Program.

The Departments of Financial Services, Purchasing Division, and Public Health recommend award to Metro Fire Apparatus Specialist, Inc., the vendor offering the best value bid.

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

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. ENGINEERING – COMPETITIVE SEALED PROPOSAL:

Discussion and action on the award of Solicitation No. 2008-215 (Civic Center Plaza Renovation) to F.T. James Construction, Inc., for a total amount of \$6,859,654.

Department: Convention and Performing Arts Center
 Award to: F.T. James Construction, Inc.
 Base Bid: \$3,431,654
 Option 1B: \$ 195,000
 Alternate 4: \$ 850,000
 Alternate 5: \$ 210,000
 Alternate 7: \$2,165,000
 Alternate 9: \$ 8,000
 Account No.: 57107100 – 508027 (401021) – 27456 – P501566
 Funding Source: Hotel Occupancy Tax Revenue Bonds
 Total Estimated Award: \$6,859,654
District: 8

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 a part of this award, 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 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 lump-sum contract.

The Financial Services Department – Purchasing Division, Engineering Department, and Convention and Performing Arts Center recommend award to F.T. James Construction, Inc., the offeror who submitted the highest ranked proposal.

[Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

10A. 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]

10B. 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]

10C. 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]

10D. An Ordinance extending the term of Ordinance 16013 which granted a Special Privilege to Mario Hernandez, Hector Cobos, Jr., Eber Martinez, Maria Cobos, Margarita Cobos, Juan Torres, Pedro Orona, Hector Cobos, Maria Prieto, Maria Grado, Jack Kellog, Jesus Hernandez, Eusebio Coronel, Victor Ochoa, Carmen Cox, Maria Chavez, Eunise Morales, Maria Barraza, Santiago Aguilar, and Brandon Palma to encroach onto a portion of various public rights-of-way with a food-vending concession in the Downtown Area. Applicant: City of El Paso.

(District 8) [Development Services/Planning, Esther Guerrero, (915) 541-4720]

11. MAYOR AND COUNCIL:

An Ordinance amending Ordinance No. 16086, establishing deadlines and procedures for placing matters on the agenda for City Council Meeting, to amend Section 4 relating to the provision of back-up materials accompanying agenda items.

[Representative Rachel Quintana, (915) 541-4701]

12. HUMAN RESOURCES:

An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 12, to add a restriction on hiring former

Commissioners as Hearing Officers and a restriction on the representation of employees by former Hearing Officers. **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

Discussion and action requiring Environmental Services to create and/or promote a recycling program in the City of El Paso specifically focusing on the recycling of plastic bags and to encourage Friedmen Recycling to begin the recycling of plastic bags.
[Representative Eddie Holguin, Jr., (915) 541-4182]

14. ECONOMIC DEVELOPMENT:

Discussion and action on a Resolution authorizing the City Manager to sign a Grant Agreement between the City of El Paso and Project ARRIBA Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. ("Grantee") for the purpose of creating a permanent and sustainable source of local nurses, teachers and information technologists to address severe shortages in the City of El Paso. **(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.** Claim of the estate of Gregory Smith; our file No. 08-C-167. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550] **POSTPONED FROM 08-26-08**
- EX3.** Discussion and action regarding the retention of outside counsel for real property acquisitions. (551.071 and 551.072) [City Attorney's Office, John Batoon, (915) 541-4550]

EX4. 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, 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/>