

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
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

September 5, 2006
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. HEART WALK DAY**
- 2. ORGANIZED LABOR WEEK, REBUILDING THE AMERICAN DREAM**
- 3. PRICE'S CREAMERIES 100TH ANNIVERSARY WEEK**
- 4. RONALD McDONALD HOUSE CHARITIES WEEK IN HONOR OF THE RMHC REGIONAL CONFERENCE**

RECOGNITION

STAR ON THE MOUNTAIN AWARD IN MEMORY OF MR. LUIS JIMENEZ

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/city_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:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of August 29, 2006, and the Special City Council Meeting of August 28, 2006 (Agenda Review).

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

3. **RESOLUTIONS:**

- 3A. That the City Manager is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso ("Lessor") and Enterprise Leasing Company - West ("Lessee") for the following described property: A portion of Block 2, Ascarate Grant, and a portion of Block 3-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, containing approximately 33,379 square feet of land. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

- 3B. That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Gerald L. Gordier to employ Gerald L. Gordier as Information Technology Director at an annual salary of \$120,000.00. The term of the contract shall be for the period of September 10, 2006, through September 10, 2009. Fund Source: 39010348-01101-39000. [Financial and Administrative Services, William Studer, (915) 541-4011]

4. **REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

- 4A. Hernando, Angela – Library Information Specialist I [Library, Carol Brey-Casiano, (915) 543-5413]

4B. Jimenez, Maria Sandra – Grants Planner
[Mass Transit, Kevin Bunce, (915) 534-5810]

5. **BOARD APPOINTMENTS:**

5A. Rene Nevarez to Art Museum Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915) 541-4178]

5B. Albert Alvidrez to Art Museum Advisory Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915) 541-4178]

5C. George Reynoso to Ethics Review Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

6. **APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment A)

7. **BID:**

Solicitation No.:	2006-158	Nitrile Medical Exam Gloves
Award to:		FirstLine, LLC Buellton, CA
Item(s):		#1 (small to xxx large)
Annual Estimated Amount:		\$70,000.00
Option:		Option to renew for two additional years, one year prior to the end of the contract term.
Department:		Fire
Account No.:		22010319-503112-22050-01101
Funding source:		Fire Department General Operating Funds - Clinical and Medical Supplies
Total Estimated Award:		\$210,000.00
District(s):		All

This is a requirements type contract with an initial term of thirty-six (36) months.

Various bids were submitted with a lower cost but were considered non-responsive by the Fire Department as per the memorandum attached.

The Departments of Financial Services and Fire recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services, Terrence Freiburg, (915) 541-4313]

8. **ENGINEERING:**

Approve Construction Change Order Number 3 to Accent Landscaping & Sprinklers, Inc. for the Median Landscaping George Dieter Drive, Montwood Drive, and Pebble Hills Boulevard Project. The dollar amount of this change order is \$37,288.98 and increases the unit quantities. Work under this unit-priced contract is only an estimated quantity and will be ordered, performed, invoiced, and paid by measured quantity at bid unit prices.

Funds Available: PBE04ST121-14200403-29136-508027,

PBE04ST110-14200403-29125-508027, and
PBE04ST126-14200403-29141-508027
Funding Source: 2004 General Obligation Bonds
Remaining Contingency: \$1,157,317.79
Location(s): George Dieter Drive, Montwood Drive, and Pebble Hills Boulevard
District(s): 5
[Engineering Department, Rick Conner, (915) 541-4423]

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 granting a Special Privilege authorizing the temporary closure of a portion of Myrtle Avenue for a “Dedication Ceremony” sponsored by the Opportunity Center for the Homeless on September 21, 2006. (Fee: \$137.50, SPL06-00001) **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 9B.** An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations), Section 14.16.413 (Fees-Supplemental Vehicles – Transferability - Refunds) of the El Paso City Code to amend the required permit fees for taxi cabs operating at the Airport. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 19, 2006, FOR ITEMS 9A – 9B

- 9C.** An Ordinance granting Special Permit No. ZON06-00074 to allow for a 100% parking reduction on the property described as the South 46 feet, 7 inches of the West 1/2 of Block 21, Anson Mills Map, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 500 North Oregon Street. Applicant: Chama Lounge & Gallery. ZON06-00074. **(District 8)** [Development Services/Planning, Melissa Granado, (915) 541-4730]
- 9D.** An Ordinance changing the zoning of Parcel 1: a portion of Lots 2, 3, and 4, Block 8, Rocket Warehouse Park Unit Two; a portion of Lot 1, Block 1, Rocket Warehouse Park Unit Three; and a portion of Tracts 1D1 And 7C, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas; and Parcel 2: a portion of Tracts 1D1 And 7C, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street near Ameen Avenue. Applicant: Cardon and Pratt. ZON06-00054. **(District 4)**
[Development Services/Planning, Christina Valles, (915) 541-4930]
- 9E.** An Ordinance changing the zoning of Lot 19, Block 2, Franklin Village Amending Plat, El Paso, El Paso County, Texas, from C-4 (Commercial) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City

Code. Subject Property: 6262 Woodrow Bean/Transmountain Drive. Applicant: Juan Gastelum. Zon06-00091. **(District 4)**
[Development Services/Planning, Stephen F. Schlett, (915) 541-4935]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 26, 2006, FOR ITEMS 9C – 9E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. 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, 8AM to 5PM.

REGULAR AGENDA – PUBLIC HEARINGS

10. PUBLIC HEARINGS – DEVELOPMENT SERVICES:

10A. An Ordinance amending ninety-five Sections/Subsections of Title 20 (Zoning) of the El Paso City Code by adding and amending provisions relating to personal wireless service facilities, setting forth regulations regarding the construction of personal wireless service facilities, and replacing existing code language with current terminology. The penalty is as provided in Chapter 20.68 of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Kimberly Forsyth, (915) 541-4631]
POSTPONED FROM 08-29-06

10B. An Ordinance amending Title 20 (Zoning) of the El Paso City Code by amending Section 20.62.020 (Non-Conforming Uses and Structures), to add Subsection M, regulating non-conforming personal wireless service facilities. The penalty is as provided in Chapter 20.68 of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Kimberly Forsyth, (915) 541-4631]
POSTPONED FROM 08-29-06

10C. An Ordinance changing the zoning of all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas, from R-4 (Residential) to A-3 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Radford Street and North of Nashville Avenue. Applicant: Victoria & Rosalie Hamrah. ZON06-00063. **(District 2) THIS IS AN APPEAL CASE.**

[Development Services/Planning, Christina Valles, (915) 541-4930]

11. PUBLIC HEARING – FINANCIAL SERVICES:

An Ordinance authorizing the City of El Paso to sell Lots 40-47, Block 2, Zach White Industrial District, City of El Paso, El Paso County, Texas to Eugenio P. Rivera. **(District 8)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

12A. Discussion and action regarding the Mayor's Congreso on Immigration Reform Resolution encouraging the United States Congress and the elected officials of

the State of Texas to pass fair and comprehensive immigration reform.
(All Districts) [Mayor John F. Cook, (915) 541-4145]

- 12B. Discussion and action on the future of elephants at the El Paso Zoo.
 [Representative Beto O'Rourke, (915) 541-4268]
- 12C. Discussion and action concerning the Public Service Board's citation policies for water related violations. [Representative Steve Ortega, (915) 541-4124]
- 12D. Discussion and action that the City Manager be authorized to sign and adopt changes to levy a fee for any and all persons doing business in El Paso. It is our duty as business owners and specialist (not just taxi drivers and the few businesses targeted for permits -- Airport Taxi Fees included) but all individual or companies serving our community, that a fee of approximately \$165.00 per year be allocated to do business in El Paso. This is not for the purpose of inspections but to quantify and qualify all businesses and services. Doing business in El Paso has a cost and requires city services; and any special permit or special privilege permits should remain as they are.
 [Representative Jose Alexandro Lozano, (915) 541-4515]

13. DEVELOPMENT SERVICES:

- 13A. Discussion and action on a resolution to set a new fee for a permit to operate at a City Taxicab Zone and to establish the parameters for a partial refund for previously issued permits. **(All Districts)**
 [Development Services, R. Alan Shubert, (915) 541-4557]
- 13B. Discussion and action on a Resolution that the City Manager be authorized to sign a Partial Release of Contract by and between the City of El Paso and Michael Johnson, successor in title and interest, releasing Condition 1, in the contract dated January 2, 1979, for the property described as Lots 15, 16, and the West 17 feet of Lot 14, Block 109, Grandview Addition, El Paso, El Paso County, Texas, and imposing further conditions. Subject Property: 3100 Dyer Street. Applicant: Michael Johnson. ZON06-00078. **(District 2)**
 [Development Services/Planning, Esther Guerrero, (915) 541-4720]

14. FINANCIAL SERVICES:

- 14A. Discussion and action on a resolution authorizing the City Manager to execute an amendment to Contract No. 2005-128, Air Purification Respiratory Parts, to: (i) amend the Contract to allow for termination by mutual agreement; and (ii) terminate the Contract. **(All Districts)**

Department: Fire Department
 [Financial Services, Terrence Freiburg, (915) 541-4313]

14B. BID:

Discussion and action on the award of Solicitation No. 2006-163 for Verdeland Drive Street and Drainage Improvements – Phase II to J. A. R. Concrete, Inc. of El Paso, Texas, for a total estimated amount of \$592,147.75.

Departments:	Engineering and Street
Award to:	J. A. R. Concrete, Inc. El Paso, Texas
Items:	Base Bid I: \$493,094.75 Base Bid II: \$ 60,293.00 Base Bid III: \$ 38,760.00
Total Estimated Award:	\$592,147.75
Account No:	71150069-G7130CD0024-07840-508027
Funding Source:	Community Development Grant
Estimated Completion Date:	February 2007
District(s):	7

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 part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract. The Financial Services and Street Departments recommend award as indicated to the lowest responsive, responsible bidder. [Engineering Department, Rick Conner, (915) 541-4423]

15. PARKS AND RECREATION:

15A. Discussion and action on a Resolution authorizing the City Manager to sign a five-year City Parks Litter Control Contract among the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH) and Border TM Industries, Inc., to provide litter control services for the City's Department of Parks and Recreation. The City shall pay TIBH the sum of \$639,103.79 for the period of September 5, 2006, through August 31, 2007; \$656,791.35 for the period of September 1, 2007, through August 31, 2008; \$676,495.09 for the period of September 1, 2008, through August 31, 2009; \$696,789.94 for the period of September 1, 2009, through August 31, 2010; \$717,693.64 for the period of September 1, 2010, through August 31, 2011. **(All Districts)**
[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

15B. Discussion and action on a Resolution authorizing the City Manager to sign a five-year City Parks Restrooms Maintenance Contract among the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for maintenance services at restrooms for the City's Department of Parks and Recreation. The City shall pay TIBH \$442,756.46 for the period from September 1, 2006, through August 31, 2011. **(All Districts)**
[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

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.** Armando Chacon vs. City of El Paso; Cause No.2001-4755. (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]
- EX3.** Lilli M. Heinrich, et. al v. City of El Paso, et. al; Cause No. 2004-2313. (551.071).
[City Attorney's Office, Jennifer F. Callan, (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 CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>