

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

REVISED

AGENDA FOR SPECIAL CITY COUNCIL MEETING

September 11, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, September 12, 2006. 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.

REVISED

AGENDA FOR REGULAR CITY COUNCIL MEETING

September 12, 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 Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. NATIONAL NEONATAL NURSES DAY**
- 2. NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**
- 3. RaceELPASO DAY**
- 4. HELP, HOPE, HEALING WEEK FOR VICTIMS OF CRIME**
- 5. BUILDING ON FAITH WEEK**

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 Regular City Council Meeting of September 5, 2006, and the Special City Council Meeting of August 8, 2006 (Budget Wrap-up).

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

3. **RESOLUTIONS:**

- 3A. That the City Manager be authorized to sign an Approval of Assignment of the Vehicle Rental Concession Agreement by and between the City of El Paso, Devos Motor Co., Inc. dba Dollar Rent A Car dba Thrifty Car Rental (“Assignor”), and DTG Operations, Inc. dba Dollar Rent A Car dba Thrifty Car Rental (“Assignee”) for the following described property: Counter area #6 on the ground floor of the Airport terminal building and certain allocated spaces in the Ready/Return lot. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

- 3B. That the City Manager is hereby authorized to sign a Maintenance Facility and Land Lease for Auto Rental Concession by and between the City of El Paso (“Lessor”) and DTG Operations, Inc. dba Dollar Rent A Car dba Thrifty Car Rental (“Lessee”) for the following described property: Lot 4, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, consisting of 33,114 square feet of land, including 2,476 square feet of building and site

improvements; municipally known and numbered as 6511 Allegheny Dr., El Paso, Texas. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3C. That the City Manager is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso (“Lessor”) and DTG Operations, Inc. dba Dollar Rent A Car dba Thrifty Car Rental (“Lessee”) for the following described property: A portion of Tract 4A26, Block 2, Ascarate Grant, and a portion of Block 1D, El Paso International Airport Tracts, Unit 5, City of El Paso, El Paso County, Texas, containing approximately 16,825 square feet of land. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3D. That the Mayor be authorized to sign a contract by and between the City of El Paso, and the El Paso County Municipal Utility District No. 2 to join various other entities for whom the City acts as property tax assessor/collector. **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

4. BOARD RE-APPOINTMENTS:

4A. Lidia Flynn to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Beto O’Rourke, District 8. [Representative Beto O’Rourke, (915) 541-4268]

4B. Rene D. Pena to the City Employees Pension Fund Board of Trustees by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]

4C. Robert C. Schulz to the Public Utility Regulation Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

5. BOARD APPOINTMENT:

Dolores A. Gutierrez Gross, Ph.D., to the Committee on Border Relations by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

6. RESIDENTIAL STREET LIGHT(S): Approve installation, power, and maintenance of residential street light(s) at the following location(s):

Northeast corner of intersection of Wright and Nevada. Estimated cost is \$1,398.00. Funding source to be provided from District 8’s Discretionary Account Council Special Project (ID #01010008, Project # 504420, Fund # 01101, Class #01001). **(District 8)** [Representative Beto O’Rourke, (915) 541-4268]

7. ENGINEERING:

Approve Change Order Number 7 to J.A.R. Concrete, Inc. for Contract Number 2005-119, Central Business District (CBD) Phase III Project. This Change Order directs the contractor to replace asphalt paving with concrete on Oregon Street from Wyoming Avenue to Main Street and on Mills Street from Mesa Street to Stanton Street. The dollar amount of this change order is \$98,198.50.

Funds Available: PPWST03001-27704-31255002-508027
Funding Source: 2004 General Obligation Bonds
Location: Oregon Street and Mills Street

District(s): 8
[Engineering Department, Rick Conner, (915) 541-4423]

8. PURCHASING:

Request that the Purchasing Manager, Financial Services/Purchasing Division, be authorized to exercise the City's option to extend the term of the agreement for a one year period, from October 1, 2006, through September 30, 2007, pursuant to the provisions of contract 2004-221, Sale of Recyclable Aluminum Cans, Tin Cans, and Scrap Metals.

Vendor 1: Desert Eagle Recycling
El Paso, TX
Item: 2 (Aluminum Cans)
Vendor 2: Lucero Scrap
El Paso, TX
Item: 3 (Scrap Metals)
Department: Environmental Services
Option No.: One of One
Estimated Amount: \$19,000.00
Account No.: Environmental Services Revenue
Funding Source: Environmental Services Revenue
District(s): All
[Financial Services, 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 granting a Special Privilege to the International Hispanic Cultural Institute, Incorporated, to temporarily close a portion of San Francisco Avenue (Trolley Lane) between El Paso Street and Santa Fe Street from September 29, 2006, through October 1, 2006, for the "Latino Arts Outdoor Festival". (Fee: \$225.00, SPL06-00002) **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

9B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) to add a new location on Vista Del Sol Drive from Sumac Drive to City Limits, both sides. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 6)**
[Engineering, Traffic Division, Ted Marquez, (915) 541-4035]

9C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to delete both sides of Vista Del Sol Drive from Yarbrough Drive to a point 500 feet east of Vista De Oro Drive. The

penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 6)** [Engineering, Traffic Division, Ted Marquez, (915) 541-4035]

9D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040, Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph J (No Parking 7:00 am to 4:00 pm) of the El Paso City Code to delete certain subparagraphs of Paragraph J. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District-All)** [Engineering, Traffic Division, Ted Marquez, (915) 541-4035]

9E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) of the El Paso City Code by adding Section 12.88.041, Schedule IV(a) (Parking Prohibited during Certain Hours, School Days Only); the penalty being as provided in section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District-All)** [Engineering, Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 26, 2006, FOR ITEMS 9A - 9E

9F. An Ordinance granting Special Permit No. ZON06-00084 to allow for a special permit for a governmental use on the property described as Parcel 1 and 3: a portion of Woodlawn Addition and Washington Park, and portions of State Highway Right of Way, El Paso, El Paso County, Texas; and Parcel 2: a portion of Woodlawn Addition and Washington Park, pursuant to Sections 20.24.040 and 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 4001 E. Paisano. Applicant: City of El Paso. ZON06-00084. **(District 3)** [Development Services/Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON OCTOBER 3, 2006, FOR ITEM 9F

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

10. PUBLIC HEARING – DEVELOPMENT SERVICES:

An Ordinance granting Special Permit No. ZON06-00070 to allow for a Planned Residential Development on Tract 199 and the South 130 feet of Tract 200, Sunrise Acres No. 2, El Paso, El Paso, County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Apollo Avenue. Applicant: Keith W. and Maria T. Alexander. ZON06-00070. **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action on the future of elephants at the El Paso Zoo.
[Representative Beto O'Rourke, (915) 541-4268] **POSTPONED FROM 09-05-06**
- 11B.** Request the City Manager to present new IT Director and brief on major duties, responsibilities, and obligations for the Department and organization by Representative Alexandro Lozano.
[Representative Jose Alexandro Lozano, (915) 541-4515]
- 11C.** Discussion and action to adopt the same operating policies and procedures for the Downtown-6th Street and the Airport Taxi Cabs, and to proceed with the "In and Out" policy in both destinations by Representative Alexandro Lozano.
[Representative Jose Alexandro Lozano, (915) 541-4515]

12. ENGINEERING:

Discussion and action on a Resolution authorizing the City to exercise the option to extend the agreement for Construction Management Services by and between the City of El Paso and Paragon Project Resources, Inc., and that the City Manager be authorized to sign an amendment to the agreement to increase the total amount of compensation under the agreement by an additional seven hundred fifty thousand and no/100 dollars (\$750,000.00). **(All Districts)**
[Engineering Department, Rick Conner, (915) 541-4423]

13. PARKS AND RECREATION:

Discussion and action on a Resolution that the Year 2006-2016 Parks and Recreation Master Plan for the City of El Paso, Texas, be officially adopted, as is on file with the Office of the City Clerk, and incorporated herein for all intents and purposes.
(All Districts) [Parks and Recreation, Norman C. Merrifield, (915) 541-4910]
POSTPONED FROM 08-29-06

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.** James K. Terrell vs. City of El Paso, et. al; Cause No. EP-03-CA-0364-KC. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Tomas Garcia vs. The City of El Paso; Cause No. 2004-2341. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** International Commercial Bank of China, Los Angeles Branch vs. Mediacopy Texas, Inc., et. al.; Cause No. 2005-1987. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX4.** 6415 Boeing, L.P. vs. The City of El Paso Central Appraisal District and the City of El Paso; Cause No. 2003-1691. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX5.** Alfred Corona vs. City of El Paso, Texas; Cause No. 2003-5296. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX6.** Economic development related negotiations with business prospect (SV-0803-1) and the possible offer of incentives to the subject business prospect. (551.087).
[Economic Development, Lucille Ponticelli, (915) 541-4679]

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/>