

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 16, 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. NATIONAL HISPANIC HERITAGE MONTH**
- 2. SURGICAL TECHNOLOGISTS WEEK IN EL PASO**
- 3. EL PASO SOLAR ENERGY ASSOCIATION DAY**

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.

REGULAR AGENDA – OTHER BUSINESS

1. ECONOMIC DEVELOPMENT:

Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Hawkins Regency L.L.C., a Delaware limited liability company (“Applicant”), to provide for a grant from the City to the Applicant in an amount not to exceed \$8,000,000 Net Present Value in connection with the Applicant’s removal of the blighted conditions and redevelopment of the approximately 55-acre property located at 8889 Gateway West Boulevard in El Paso, Texas, subject to the terms and conditions provided in the Agreement. [General Fund] **(District 3)**

[Economic Development, Kathryn B. Dodson, (915) 541-4760] **POSTPONED FROM 09-09-08**

CONSENT AGENDA

2. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of September 9, 2008. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

4A. A Resolution approving a detailed site development plan for a portion of Lot 18, Block 2, Montwood Heights Unit Four, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by Ordinance 011446. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 12410 Montwood Drive. Applicant: Dance Spirit LLC. ZON08-00051

(District 6) [Development Services/Planning, Mirian Spencer, (915) 541-4192]

4B. That the City Manager be authorized to sign a First Amendment to an Agreement for Professional Services by and between the City of El Paso and Alvidrez Architecture, Inc., for a project known as “Municipal Services Center Expansion”, to add additional services in an amount not to exceed \$6,200 thereby extending the original contract value from \$258,811.12 to \$265,011.12. The funding source is Solid Waste Revenue Funds. **(District 7)** [Engineering, R. Alan Shubert, (915) 541-4423]

4C. That the City Manager be authorized to sign a License Agreement between the City of El Paso, (“City”) and BNSF Railway Company, a Delaware corporation, (“BNSF”), allowing the City access to BNSF right-of-way to make improvements to existing channel and drainage structures. The estimated cost for the license is

\$46,221, to be funded by Storm 2006 Certificates of Obligation. **(District 8)**
[Engineering, R. Alan Shubert, (915) 541-4423]

4D. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Matilde Andrade for the purchase of Lots 20 and 21, Block 1, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 12, Page 20, Plat Records of El Paso County, Texas, also known as 231 Colfax Street, El Paso, El Paso County, Texas. **(District 3)**

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

4E. That the City Manager be authorized to sign the First Amendment to the contract with First Southwest Company to add Financial Analysis Services on an as needed basis in an amount not to exceed \$80,000 to establish a Transportation Reinvestment Zone. **(All Districts)**

[Financial and Administrative Services, William F. Studer, Jr. (915) 541-4215]

4F. That City Council approves the rental agreements between the Library and individuals or entities desiring to rent Library space and facilities by agreement in substantial conformity with the Special Events Use Agreement, attached as Exhibit "A"; that the City Council finds that the fee reductions described hereinabove and in the El Paso Public Library Facility Rental Policy, attached as Exhibit "B", constitute an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to utilize City resources and provide services in order to directly support the mission of the El Paso Public Library and advance the spirit of the public education and public service program aspect of the mission of the El Paso Public Library; and that the City Council finds that the use of community rooms without charge, as allowed in the Meeting Room Policy, attached as Exhibit "C", constitute an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to utilize City resources and provide services in order to directly support the mission of the El Paso Public Library and advance the spirit of the public education and public service program aspect of the mission of the El Paso Public Library.

(All Districts) [Library, Carol Brey-Casiano, (915) 543-5406]

4G. That the Mayor be authorized to sign a contract by and between the City of El Paso, and the Paseo del Este 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]

5. BOARD APPOINTMENT(S):

Elizabeth M. Behrenhausen to the Greater El Paso Civic, Convention and Tourism Advisory 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 A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. **BID:**

The award of Solicitation No. 2008-157 (Police Motorcycles) to Barnett Harley-Davidson, for a total award of \$71,300.65.

Department: General Services
Award to: Barnett Harley-Davidson
El Paso, TX
Item: 1 (5 motorcycles)
Option: To purchase up to 100% of the contract quantity at the same unit price if the option is exercised within 365 days from the date of award.
Account No.: 37150068 – 508006 – 27507 – PFLESVC01
Funding Source: Equipment Replacement Fund
Total Award: \$71,300.65
Districts: All

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidder.
[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 the Hotel Don Quixote, LTD, permitting an aerial and subsurface encroachment of two air ducts, an interceptor, sampling well, and the related connecting pipes, within a portion of public right-of-way in the alley adjacent to Lots 37 - 40, Lots 42 - 46, and a portion of Lot 41, Block 1, Satterthwaite Addition, City of El Paso, El Paso County, Texas, commonly known as 113 West Missouri Street. Applicant: Hotel Don Quixote, LTD. SPL08-00011 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 8B. An Ordinance vacating a portion of Barney Street located Between Lot 1, Block 1, Pasadena No. 3, and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas. Subject Property: north of Delta Drive and east of Dolan Street. Applicant: Julia Esther Onate. SUB07-00113 **(District 8)**
[Development Services/Planning, Raul Garcia, (915) 541-4935]
- 8C. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest of the City of El Paso, Trustee, on behalf of all taxing units interested in the tax foreclosure judgments, in eighteen identified real properties to the City of El Paso, in accordance with Section 34.05 (i) of the Tax Code. **(All Districts)**
[Tax Office, Juan Sandoval, (915) 541-4369]

[Delgado, Acosta, Spencer, Carmen Perez, (915) 545-5481]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 23, 2008, FOR ITEMS 8A - 8C

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

9. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES:

9A. An Ordinance authorizing the issuance of “City of El Paso, Texas, Water And Sewer Revenue Bonds, Series 2008A;” and resolve matters which are necessary to effectuate said issuance. **(All Districts)**

[Bond Counsel, Paul A. Braden, (915) 351-6053]

9B. An Ordinance authorizing the issuance of “City of El Paso, Texas, Water And Sewer Revenue Bonds, Series 2008B;” and resolve matters which are necessary to effectuate said issuance. **(All Districts)**

[Bond Counsel, Paul A. Braden, (915) 351-6053]

10. DEVELOPMENT SERVICES:

10A. An Ordinance changing the zoning of a portion of Tract 9, Picnic Grove Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Alameda Avenue, north of Nevarez Road and south of Loop 375. Applicants: Antonio and Laura Mendoza. ZON08-00046 **(District 6)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

10B. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Article 1, (General Provisions), and Article IV, (On-premise Sign Regulations), Section 20.18.400 (General), of the El Paso City Code to allow changeable electronic variable message and digital signs and the penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Mathew McElroy, (915) 541-4056]

11. ENGINEERING:

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 add Helen of Troy Drive. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 1)**

[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

Discussion and action to eliminate all Legislative Review Committees and bring all items to council. [Representative Eddie Holguin, (915) 541-4178]

13. ENGINEERING:

Discussion and action on Resolution that the City Manager is hereby authorized to sign a three year Master Interlocal Cooperation Agreement with the Texas Transportation Institute (TTI) for the provision of various transportation research and studies by TTI, in an amount not to exceed \$750,000. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]

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.** Guadalupe Guerra vs. City of El Paso; Cause No. 2004-1749. (551.071)
[City Attorney's Office, Hadley Huchton, (915) 541-4550]
- EX2.** John Fox vs. City Council, et al. (various cases); Smith vs. City, et al., Cause No. EP-08-CA-0147-DB; and Martha Martinez vs. City of El Paso, et al., Cause No. 2004-3728. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX3.** Wells Fargo Home Mortgage Inc. vs. City of El Paso, et. al., Cause No. 2008-2719. (551.071) [City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX4.** Diana Kirk vs. City of El Paso, Cause No. 2008-3447 (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.

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ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

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