

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 23, 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 – Reverend Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. CANDLELIGHTERS WALK OF HOPE DAY**
- 2. AMIGO AIRSHO 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/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.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of September 16, 2008, and the Special City Council Meeting (Stormwater Utility Advisory Board) of September 16, 2008. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for November 25, 2008, is hereby canceled. **(All Districts)**
[City Attorney's Office, Charlie McNabb, (915) 541-4550]

3B. That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for December 30, 2008, is hereby canceled. **(All Districts)**
[City Attorney's Office, Charlie McNabb, (915) 541-4550]

3C. That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the attached described real properties located in El Paso County, Texas. (See Attachment A & B) **(All Districts)**
[Delgado, Acosta, Spencer, Carmen Perez, (915) 545-5481]

3D. That the City Manager be authorized to sign an agreement by and between the City of El Paso and Lowe's Home Centers, Inc., a North Carolina corporation, to allow Lowe's Home Center, Inc., access to a City ponding area, Lot 18, Block 89, Tierra Del Este Unit 18, El Paso, El Paso County, Texas, to construct new drainage system and upgrade existing system. There is no cost to the City. **(District 5)** [Development Services/Planning, Kareem Dallo, (915) 541-4425]

3E. That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and Texas Tech University Health Sciences Center, Department of Internal Medicine, for the provision of health services for the City's Department of Public Health Tuberculosis Control Clinic and the City's Department of Public Health Sexually Transmitted Disease Clinic by physicians from the Texas Tech University Health Sciences Center Department of Internal Medicine, for the period from September 1, 2008, through August 31, 2009. **(All Districts)** [Public Health, Angela Mora, (915) 771-5702]

4. BOARD RE-APPOINTMENT:

Sofia Ordoñez to the Retired & Senior Volunteer Program (RSVP) Advisory Council by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. BOARD APPOINTMENTS:

5A. Jose Larry Garcia to the Fair Housing Task Force by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

5B. Joel G. Guzman to the Fair Housing Task Force by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

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

Request rejection of all bids submitted for Solicitation No. 2008-175 (McNeilus Proprietary Parts & Services) as recommended by Financial Services Department - Purchasing Division and General Services Department - Fleet Division because all bids were non-responsive. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

7. 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.**

7A. An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.34 (Nonmotorized Vehicles for Hire), of the El Paso City Code, to amend sections thereunder to permit the licensing of bicycles, pedicabs and other similarly-operated vehicles as vehicles for hire; and to add equipment requirements for such vehicles; the penalty being as provided in Section 6.04.040 of the El Paso City Code. **(All Districts)** [Representative Beto O'Rourke, (915) 541-4123]

7B. An Ordinance repealing Ordinance Number 015721, adopted and approved on March 30, 2004, which created tax increment financing district number four, City of El Paso (50 acre site on the southeast corner of Viscount and Hawkins Blvd.); made findings of fact concerning the conditions of blight, residential property and assessed valuation within said district; created a tax increment financing district board of directors and defined the powers, duties, and terms of office thereof; provided for submission of a plan of improvements for said district; provided for duties of the tax assessor; set the boundaries for said district; and provided a severability clause. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

7C. An Ordinance amending Ordinance 016971 for the purpose of removing the membership requirement that nominated members of the International Bridge Commission reside in the same district as the City Representative making the nomination. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2008, FOR ITEM 7A – 7C

- 7D. An Ordinance changing the zoning of Lot 2, Block 147, Chaparral Park Unit 33, and Lot 3, Block 147, Chaparral Park Unit 36, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 930 East Redd Road. Applicant: St. Luke Catholic Church. ZON08-00057 **(District 1)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 7E. An Ordinance changing the zoning of Tract 2, aka the north ½ of the northwest ¼ of the southeast ¼ of Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and Tract 4B aka the west ½ of the southwest ¼ of the northwest ¼ of the southeast ¼ of Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of US Highway 54 and west of Dyer Street. Applicant: Jobe Materials, L.P. ZON08-00054 **(District 4)** [Development Services/Planning, Ismael Segovia, (915) 541-4027]

- 7F. An Ordinance changing the zoning of Lots 11 through 20, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, from A-O (Apartment/Office) to GMU (General Mixed Use) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: southeast corner of Oregon Street and Glory Road. Applicant: The University of Texas at El Paso. ZON08-00065 **(District 1)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]

- 7G. 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 amend the types of changeable electronic variable message and digital signs allowed. 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]

PUBLIC HEARING WILL BE HELD ON OCTOBER 14, 2008, FOR ITEMS 7D – 7G

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

8. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2008-236 (Security Guard Services for the El Paso International Airport - Rebid) to Akal Security, Inc., for a total estimated award of \$1,645,028.40.

Department: Airport
Award to: Akal Security, Inc.
Española, NM
Items: All
Annual Estimated Amount: \$ 532,200.00 Year 1
\$ 548,916.00 Year 2
\$ 563,912.40 Year 3
Account No.: 62620005-502212-40101
62620006-502212-40101
62620009-502212-40101
Funding Source: Terminal-Security Contract - Airport Cost Centers
Airport Parking Lots - Security Contract - Airport Cost Centers
Landing Area - Security Contract - Airport Cost Centers
Total Estimated Award: \$1,645,028.40
District: 3

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 Airport recommend award as indicated to Akal Security, Inc., the vendor offering the best value bid.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

9A. 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]

9B. 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]

10. 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] POSTPONED FROM 09-16-08

11. TAX OFFICE:

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]

REGULAR AGENDA – OTHER BUSINESS

12. COMMUNITY AND HUMAN DEVELOPMENT:

12A. Discussion and action on a Resolution authorizing the City Manager to execute a contract of sale on behalf of the City of El Paso for the purchase of property located in the Summerlin Subdivision in the City of El Paso for \$885,000 to be used for the First-Time Home Buyer New Construction (Self-Help) Program. **(District 4)** [Community and Human Development, William Lilly, (915) 541-4643]

12B. Discussion and action regarding a request to approve the First-Time Home Buyer New Construction Program Guidelines (Self-Help Component) for the Summerlin Subdivision. **(District 4)** [Community and Human Development, William Lilly, (915) 541-4643]

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. 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]

- EX2.** Workers' Compensation subrogation interest regarding Michael Garcia. (551.071)
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- EX3.** Hector Montes vs. the City of El Paso; Cause Number 2004-3749. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX4.** Subrogation claim of Ana Soto, our file No. 08-C-201. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX5.** Claim of Two Ton Creativity, Inc.; our file no. 08-C-198. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX6.** Discussion and action on the following Empowerment Zone Loans:
a. Rose Montes Tate d/b/a Pike Street Market, Loan No. EZRLF-67
b. OK Machine Shop, Inc., Loan No. EZRLF-13
c. RCG Foods of Texas, Inc., Loan No. EZRLF-028
d. Teresa Cardenas d/b/a T.T. Accounting, Loan No. EZRLF-59
(551.071) [City Attorney's Office, Marie Taylor, (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/>