

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

REVISED **AGENDA FOR REGULAR CITY COUNCIL MEETING**

September 25, 2007
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 – Fire Chaplain Ed Sinke
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. **DON'T BORROW TROUBLE EL PASO DAY**
2. **ANNUAL INTERFAITH FAST BREAKING DINNER**
3. **EL PASO COMMUNITY COLLEGE HISPANIC HERITAGE DAY 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.

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 18, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign the First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and US Airways, Inc. for the purpose of extending the term to August 31, 2009, and replacing Exhibits A, B-1, and B-2. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Kemp Enterprises, Inc. ("Assignor"), and Wood Traditions Furniture Co., Inc. ("Assignee") for the following described property:

A portion of Lots 6 and 8, Block 3, Butterfield Trail Industrial Park Unit 1, City of El Paso, El Paso County, Texas, containing 3.078 acres, more or less, which is municipally known and numbered as 19 Founders Boulevard, El Paso, Texas. **(District 2)** [Airport, Patrick Abeln, (915) 780-4724]

3C. A Resolution that the City Manager be authorized to sign a Developer Participation Agreement between City of El Paso and Ranchos Real IV, LTD., pursuant to Texas Local Government Code, Chapter 212, Subchapter C, Section 212.071, and Chapter 19.12 of the City Code for the construction of certain parkland improvements to property described as a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, (the "Property") and more particularly described by metes and bounds attached to the Dedication Deed described below.

Further, that the City Manager be authorized to sign and accept a Dedication Deed from Ranchos Real IV, LTD, conveying to the City of El Paso a 11.029 acre parcel of land, more or less, for parkland purposes, in satisfaction of the community parkland requirements imposed by Ordinance Number 014264. Acceptance of the Dedication deed is conditioned on approval of Developer Participation Agreement. **(District 5)**
[Development Services/Planning, Eddie Garcia, (915) 541-4638]

- 3D.** That the City expend additional available funding in the amount of \$277,601.34 to Blair Hall-Company, Inc., to fund additional labor and materials for Contract Number 2006-186, Westside Sport Complex Project.

Change Order #3 funds the construction of a 20-foot earthen channel with concrete dissipaters at a cost of \$61,820.55.

Change Order #4 funds the change of a four-inch irrigation main line to a six-inch main line at a cost of \$73,136.00.

Change Order #5 funds the extension of an eight-inch domestic water line to reach the park at a cost of \$142,644.79. **(District 1)**

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

- 3E.** That the City Manager be authorized to sign an agreement granting an underground electrical utility easement with transformer site to the El Paso Electric Company for the purpose of providing electrical service to El Paso International Airport at taxiway presently under construction. Said property being more particularly described as a portion of real property known as Tract 4A26, Block 2, Ascarate Grant, and Block 4C, El Paso International Airport Tracts, Replat of Unit 5, City of El Paso, El Paso County, Texas. **(District 2)**

[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

- 3F.** That the City Manager be authorized to sign an agreement granting an underground electrical easement with transformer site to the El Paso Electric Company for the purpose of providing electrical service to a new building site located at 7110 Airport Road for a Butterfield Trail Industrial Park lease holder, Kasco Ventures, Inc. Said property being more particularly described as a portion of real property known as Lot 2, Block 6, Butterfield Trail Industrial Park, Unit One, Replat "A", City of El Paso, El Paso County, Texas. **(District 2)**

[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

- 3G.** That the City Manager be authorized to sign an agreement granting an overhead electrical utility easement to the El Paso Electric Company for the purpose of providing electrical service to the Spanish Creek Townhouses that are located between North Loop Drive and Lee Trevino Drive. Said property being more particularly described as a portion of real property known as Tract 4, Block 11, Ysleta Grant, City of El Paso, El Paso County, Texas. **(District 7)**

[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

- 3H.** That the Solid Waste liens on the attachment posted with this agenda be approved. **(Districts 2, 3, 4, 5, 6, & 8)** (See Attachment A)

[Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 3I.** That the City Manager be authorized to sign a Right-of-Entry and Temporary Construction Easement granting permission to SFPP, L.P. to use a portion of Tract 4A30F, Block 2, Ascarate Grant, El Paso, El Paso County, Texas, as a staging area to install a 12-inch pipeline under TxDOT Highway I-10 Right-of-Way. **(Districts 3 & 7)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

- 3J.** Suspending the rate change in the Statement of Intent to Change Rates filed by Texas Gas Service Company, a division of ONEOK, Inc., on August 31, 2007, for 90 days following the effective date of October 19, 2007. **(All Districts)**

[Financial Services, Nadia Powell, (915) 541-4011]

3K. That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, a Lease Agreement between Luciana V. Lyon, individually and as Independent Executrix of the Estate of Charles Lyon, Jr., Lessor, and the City of El Paso, Lessee. Said lease is for 63 parking spaces located at 216 South Ochoa Street, in the City of El Paso, El Paso County, Texas, and adjacent to the Municipal Court facility in downtown El Paso. **(District 8)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

4. BOARD APPOINTMENTS:

4A. Trinidad Acevedo to the Empowerment Zone Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

4B. Carlos E. Flores to the Civil Service Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

4C. Vivian Rojas to the Zoning Board of Adjustment by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

4D. Jessie N. Sustaita to the Civil Service Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

5. BID:

Request to reject all bids for Solicitation No. 2007-227 (Janitorial Services – East and Northeast Park Facilities) for the purpose of establishing new evaluation criteria as directed by Council at the September 11, 2007, Council meeting. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

6. 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.**

An Ordinance changing the zoning of Lot 119, Block 20, Loretto Place, Second Section, City of El Paso, El Paso County, Texas, from R-4 (Residential) to S-D /C (Special Development /Conditions) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 500 Raynolds. Applicant: Amalia Escobedo. ZON07-00067 **(District 2)**
[Development Services/Planning, Arlan Greer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2007, FOR ITEM 6

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

7. ENGINEERING:

Discussion and action on a Resolution that the City expend additional available funding in the amount of \$573,041.55 to Dantex Construction Company to fund additional labor and materials for Contract Number 2006-145, El Paso Zoo Western Expansion Project. **(District 3)** [Engineering, Rick Talamo, (915) 541-4884]

8. FINANCIAL SERVICES:

8A. Discussion and action on the award of Solicitation No. 2007-225 (Miller Circle/Orndorff Drive Street and Drainage Improvements) to Southwest Growth Corporation for an estimated total amount of \$1,047,977.

Department:	Street Department
Award to:	Southwest Growth Corporation El Paso, Texas
Items:	Base Bid I: \$ 482,723.50
	Base Bid II: \$ 390,126.00
	Base Bid III: \$ 49,810.00
	Base Bid IV: \$ 48,367.50
	Base Bid V: \$ 40,700.00
	Base Bid VI: \$ 36,250.00
Total Estimated Award:	\$1,047,977.00
Account Nos.:	G7132CD0015 – 71150069 – 10071 - 508027 G7132CD0016 – 71150069 – 10072 - 508027
Funding Source:	Community Development Block Grant
District:	3

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.

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 Departments of Financial Services, Engineering, and Street recommend award as indicated to the lowest responsive, responsible bidder.

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

8B. Discussion and action on a Resolution that the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Young Men’s Christian Association Of Greater El Paso, Texas, and Rio Grande Valley for the purchase

of Block 269, Campbell Addition, El Paso, El Paso County, Texas, also known as 701 Montana Avenue, and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution. **(District 8)** [Quality of Life Services, Deborah Hamlyn, (915) 541-4242]

REGULAR AGENDA – PUBLIC HEARINGS

9. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 9A.** An Ordinance changing the zoning of a portion of Tract 6B and all of Tract 10C2, S.A. & M.G. Railways Company Survey No. 268, and a portion of Tract 3B, John Wittaker Survey No. 134, City of El Paso, El Paso County, Texas, from R-3 (Residential) and R-3A (Residential) to P-R 1 (Planned Residential 1). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: south of Waterhouse Drive and west of Bartlett Drive. Applicant: Circle H Homes, LP. ZON07-00074 **(District 1)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 9B.** An Ordinance granting Special Permit No. ZON07-00076 to satisfy parking requirements for Parcel 1, described as Lots 1-4, Block 260, Campbell Addition, City of El Paso, El Paso County, Texas, (815, 823 Yandell Drive); by allowing off-site off-street parking of Parcel 2, described as all of Block 277, Pierce Finley Addition, and Block 270 and closed alley and closed St. Vrain Street, Campbell Addition, City of El Paso, El Paso County, Texas, (902-910 Rio Grande Avenue, 805, 901-917 Montana Avenue, 909-921 Ange Street), pursuant to Section 20.42.040 and 20.52.060 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: Parcel 1: 815, 823 Yandell Drive; Parcel 2: 902-910 Rio Grande Avenue, 805, 901-917 Montana Avenue, 909-921 Ange Street. Applicant: Centro De Salud Familiar La Fe, Inc, First Baptist Church. ZON07-00076 **(District 8)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 9C.** An Ordinance changing the zoning of Parcel 1: Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) District to C-4/C (Commercial/Conditions) District, and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: west of Dyer Street and north of Ashley Road. Applicant: MIMA Properties, LLC and Newman Ranch Partners, LP. ZON07-00016 **(District 4)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 9D.** An Ordinance changing the zoning of a portion of Tracts 59B6 and 59B2C, W.H. Glenn Survey No. 241 (Nellie D. Mundy Survey No. 241), City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Applicant: Levi LP. ZON07-00069 **(District 1)**
[Development Services/Planning, Frank Delgado, (915) 541-4238]
- 9E.** An Ordinance amending the effective date of Ordinance No. 016653, which amended the El Paso City Code by replacing Title 20 (Zoning) in its entirety, the

penalty being as provided in Chapter 20.24 of the City Code. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

9F. An Ordinance amending the effective date of Ordinance No. 016659 which amended Title 5 (Business Taxes, Licenses and Regulations) by adding Chapter 5.30 (Flea Market Operator Permit), Chapter 5.34 (Home Occupation License) and Chapter 5.94 (Sign Permit Fees, Licenses and Bonds) to the El Paso City Code. The penalty as being provided in Section 5.30 (11), Section 5.34G and Section 5.94B(11) of the El Paso City Code. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

9G. An Ordinance amending the effective date of Ordinance No. 016654 which amended Title 18 (Building and Construction) of the El Paso City Code by adding a new Chapter 18.46 (Landscape) to the El Paso City Code. The penalty as being provided in Section 18.46.180 of the El Paso City Code. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

10. PUBLIC HEARING – ECONOMIC DEVELOPMENT:

An Ordinance of the City of El Paso, Texas, establishing a policy regarding sale and use tax rebates within the area covered by the Downtown 2015 Plan. **(District 8)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

11. PUBLIC HEARINGS – TAX OFFICE:

11A. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 410 Charles Road, as more particularly described in the Ordinance to the City of El Paso, in accordance with Section 34.05 (h) of the Tax Code. **(District 8)**
[Tax Office, Carmen I. Perez, (915) 545-5481]

11B. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at the 400 Block of Charles Road, as more particularly described in the Ordinance to the City of El Paso, in accordance with Section 34.05 (h) of the Tax Code. **(District 8)** [Tax Office, Carmen I. Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

Discussion and action concerning a resolution regarding international bridge wait times.
[Representative Steve Ortega, (915) 541-4124]

13. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

Discussion and action on setting a uniform requirement for bicycle parking spaces for all uses within Chapter 20.14 (Off Street Parking & Loading Regulations) of Title 20 (Zoning) as recommended by the Planning and Development Legislative Review Committee. **(All Districts)**

[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

POSTPONED FROM 09-18-07

14. DEVELOPMENT SERVICES:

Discussion and action on submitted parade applications for the City's Fiscal Year 2008 and a determination on which events the City will support at no cost or at a reduced cost to the applicant pursuant to Municipal Code Section 13.36.050, F., Costs and Fees. **(All Districts)** [Development Services/Engineering, R. Alan Shubert, (915) 541-4423]

14A. El Paso Sun City Pride Parade

A Resolution that the City Manager be authorized to execute an agreement between the City of El Paso and the Parents, Families and Friends of Lesbians and Gays (PFLAG) for the El Paso Sun City Pride Parade 2008 on June 7, 2008, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed 39 on-duty police officers and 39 vehicles for the parade.

14B. Sexual Trauma & Assault Response Services, Inc.

A Resolution that the City Manager be authorized to execute an agreement between the City of El Paso and the Sexual Trauma & Assault Response Services, Inc. for the Carly Martinez Race for Awareness on November 10, 2007, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed 13 on-duty police officers and 13 vehicles for the parade.

14C. Del Norte Lions Club

A Resolution that the City Manager be authorized to execute an agreement between the City of El Paso and the Del Norte Lions Club for the 4th of July Parade on July 4, 2008, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed 23 on-duty police officers and 23 vehicles for the parade.

14D. International Aids Empowerment

A Resolution that the City Manager be authorized to execute an agreement between the City of El Paso and the International Aids Empowerment for the International Aids Empowerment Foot Race/Walk on October 27, 2007, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed 10 on-duty police officers and 10 vehicles for the parade.

14E. Transmountain Challenge Race Adventures/El Paso Times Services Fund

A resolution that the City Manager be authorized to execute an agreement between the City of El Paso and the Transmountain Challenge Race Adventures/El Paso Times Services Fund for the Transmountain Challenge 2008 on March 16, 2008, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed 12 on-duty police officers and 12 vehicles for the parade.

15. ECONOMIC DEVELOPMENT:

Discussion and action on a Resolution that the Mayor be authorized to sign the Interlocal Agreement with the El Paso Downtown Management District ("DMD") under which the City's Economic Development Department shall administer the City's Downtown Facade Improvement Program with technical assistance and a financial contribution from DMD.

(District 8) [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.** Ron Gomez, et al. vs. Landscape Structures, Inc., et al.; Cause No. 2004-5255 (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Workers' Compensation subrogation interest regarding Rosemary Smith. (551.071) [City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- EX3.** Discussion and action regarding intervention by the City of El Paso in Public Utility Commission of Texas Docket No. 34695, Application of El Paso Electric Company for a Certificate to Reconcile Fuel Costs and Revenues and Request to Recover Mine Closing Costs. (551.071). [City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX4.** Discussion and action regarding litigation related to Lisa Elizondo. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX5. Claim of Erin Seward, Our File No. 06-C-081. (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 REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

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