

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 SPECIAL CITY COUNCIL MEETING

September 25, 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 26, 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.

AGENDA FOR REGULAR CITY COUNCIL MEETING

September 26, 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 – Fire Chaplain Ed Sinke
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. 2006 INTERNATIONAL LATINO ARTS FESTIVAL**
- 2. CHILDHOOD CANCER AWARENESS MONTH**

RECOGNITIONS

The Mayor's 100 Teens

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 19, 2006, and Special City Council Meetings of July 19, 2006 (Glass-Beach Brand Consultants), August 16, 2006 (Tax Rate), and September 18, 2006 (Agenda Review).

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

- 3. RESOLUTION(S):**

3A. That the City Manager be authorized to sign a first amendment to the Professional Services Contract between the City of El Paso and Storyline Studio, LLC originally entered into on April 26, 2005, in the amount of three hundred thousand dollars (\$300,000), such amendment providing for additional services and consideration in the amount of one hundred two thousand five hundred dollars (\$102,500) and extending the term of said contract. **(District 8)**
[El Paso Museum of History, Jennifer Nielsen, (915) 532-1707, extension 22]

3B. That the City of El Paso supports the Natural Events Action Plan (NEAP) approach in addressing particulate matter (PM) exceedances caused by uncontrollable natural events in the El Paso area and supports the City inclusion in the Natural Events Action Plan (NEAP) and authorizes the City Manager to

send a letter in support of the Natural Events Action Plan to the Texas Commission on Environmental Quality (TCEQ). **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3C. That the City Manager is authorized to request grant funding under the Rio Grande Council of Governments Request for Applications of the Regional Solid Waste Grants Program and designate Ellen A. Smyth, P.E., Environmental Services Director to act on behalf of the City of El Paso, Texas, in all matters related to the grant application and any subsequent grant contract and grant project that may result. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3D. That the City Manager be authorized to request grant funding under the Rio Grande Council of Governments Request for Applications of the Regional Solid Waste Grants Program and act on behalf of the City of El Paso in all matters related to the grant application and any subsequent grant contract and grant project that may result. **(District 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3E. That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Kathryn B. Dodson to employ Kathryn B. Dodson as Economic Development Director at an annual salary of \$120,000.00. The term of the contract shall be for the period of December 1, 2006, through November 30, 2007. Fund Source: 72010268-01101-72000.
[City Manager, Joyce A. Wilson, (915) 541-4844]

3F. That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), to assist the MPO to develop the International and Regional Transportation Model. The contract period is from September 30, 2006 through September 29, 2007. The total compensation under the Agreement is \$221,283.00 of which the total amount is local and federal funds. **(All Districts)**
[Metropolitan Planning Organization, Ricardo Dominguez, (915) 591-9735]

3G. That the Mayor be authorized to sign a contract by and between the City of El Paso and the Village of Vinton 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. 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:

Krueger, Lilia – Police Officer
[Police Department, Paul Cross, (915) 564-7310]

5. BOARD RE-APPOINTMENT(S):

Cynthia A. Foght to Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Steve Ortega. [Representative Steve Ortega, (915) 541-4124]

6. BOARD APPOINTMENT(S):

6A. Luis Mata to the Fair Housing Task Force by Representative Presi Ortega, Jr.
[Representative Presi Ortega, Jr., (915) 541-4189]

6B. Ray Minjarez, AIA, to the Historic Landmark Commission by Representative Presi Ortega, Jr. [Representative Presi Ortega, Jr., (915) 541-4189]

7. **BID(S):**

The award of Solicitation No. 2006-173, Resler Canyon Erosion Control Improvements Re-bid, to CK Construction Inc. for a total estimated award of \$357,790.00.

Location:	Alto Mesa Dr., Pizzaro Dr., and Marcena St.	
Contractor:	CK Construction Inc. El Paso, Texas	
Department:	N/A	
Account No.:	PFC06001/60600/31260001/508027 and PFC06001/27503/04102010/508027	
Funding Source:	FY 2003 Certificates of Obligation and Internal Capital Funding	
Item(s):	Location 4: Concrete Drainage Flume at Pizarro Cul-DeSac	\$14,800.00
	Location 7: El Cajon Drive	\$282,915.00
	Location 2: Parking Area at 200 Alto Mesa Dr.	\$60,075.00

Maximum Amount of Award: \$357,790.00
 Estimated Completion Date: Mid-December 2006
District(s): 8

The Engineering Department, in consultation with Frontera Land Alliance, recommends the award of Contract No. 2006-173, Resler Canyon Erosion Control Improvements Re-bid, to CK Construction, Inc., the low responsible, responsive bidder. This unit priced contract is for the total amount of \$357,790.00. The Resler Canyon Erosion Control Improvements project was created and funded as a result of a legal agreement as documented by a letter of understanding, dated December 20, 2005, wherein the City agreed to pay \$347,500.00 for repair maintenance and/or stabilization projects located in or appurtenant to Resler Canyon. The City authorizes the additional expenditure of \$10,290.00.

It is requested that the City Manager of the City of El Paso be authorized to execute contracts and any other necessary documents relating to this Solicitation which are necessary to carry out the intent of this award, to include working with Frontera Land Alliance to establish mutually agreed routes and filing of such agreed routes with the Real Property Records of the El Paso County, Texas.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. In no event shall the total contract amount paid under this contract exceed \$357,790.00 without further authorization of City Council. [Engineering Department, Rick Conner, (915) 541-4423]

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 changing the zoning of Parcel 1: a portion of Tract 7, H.G. Foster Survey No. 256, El Paso, El Paso County, Texas, from A-O/SC (Apartment/Office/Special Contract) to C-2/SC (Commercial/Special Contract); and Parcel 2: a portion of Tract 7, H.G. Foster Survey No. 256, El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Redd Road, West of Resler. Applicant: River Oaks Properties. ZON06-00027. **(District 1)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 8B.** An Ordinance changing the zoning of Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to A-2 (Apartment) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties. ZON06-00081. **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 8C.** An Ordinance granting Special Permit No. ZON06-00080 to allow for a Planned Residential Development on the property described as Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (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: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties. ZON06-00080. **(District 2)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 8D.** An Ordinance granting Special Permit No. ZON06-00075 to allow for a parking reduction on the property described as Tract 9F3, Block 2, Ascarate Grant, 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: 1505 Mescalero Drive. Applicant: Centro de Salud Familiar La Fe Care Center. ZON06-00075. **(District 3)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 8E.** An Ordinance changing the zoning of a portion of Tract 1B5B, S.J. Larkin Survey 266, El Paso, El Paso County, Texas, from R-3A (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Northeast corner Resler at Helen of Troy Drive. Applicant: Hunt Communities, Holding, L.P. ZON06-00090. **(District 1)** [Development Services, Stephen Schlett, (915) 541-4935]

PUBLIC HEARING WILL BE HELD ON OCTOBER 17, 2006, FOR ITEMS 8A - 8E

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

9. PUBLIC HEARING(S) – DEVELOPMENT SERVICES

- 9A.** 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]
- 9B.** 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, from C-4 (Commercial) to A-M (Apartment and Mobile Home Park). 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]
- 9C.** 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]
- 9D.** Discussion and action on a Resolution that the City Manager be authorized to sign a Partial Release of Contract releasing Conditions 1, 2, and 3 set forth in the Contract entered into on October 18, 1973, by and between Mortgage Investment Company of El Paso, Texas; Individual Homes, Inc.; Celeste Rasberry, individually and as independent executrix of the estate of J. L. Rasberry, deceased; Louise Murchison, individually and as independent executrix of the estate of S. M. Murchison, deceased; Jonathan Rogers and Patricia Murchison Rogers; and the City of El Paso (hereinafter the "Contract"), placing conditions on real property described as Lot 1, Block 3, Medical Center Plaza and a portion of Block 14, Highland Park Addition, El Paso, El Paso County, Texas (hereinafter, the "Property"), and imposing a further condition. Subject Property: 1810 Murchison Drive. Applicant: Ready One Industries, Inc. ZON06-00093. **(District 8)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- 9E.** 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]

10. PUBLIC HEARING(S) – ENGINEERING:

- 10A.** 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]
- 10B.** 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]
- 10C.** 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]
- 10D.** 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]

11. PUBLIC HEARING(S) – CITY ATTORNEY:

Public Hearing regarding the issuance by the Colorado Health Facilities Authority of Health Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project), Series 2006 (the "Bonds"), in an approximate amount of \$3,700,000.
(All Districts) [Norman Gordon, Outside Counsel, (915) 532-2000]

REGULAR AGENDA – OTHER BUSINESS

12. CITY ATTORNEY:

Discussion and action on a Resolution approving the issuance of Colorado Health Facilities Authority Revenue Bonds to refinance a portion of the Evangelical Lutheran Good Samaritan Society White Acres Good Samaritan Village project in El Paso, Texas.
(All Districts) [Norman Gordon, Outside Counsel, (915) 532-2000]

13. MAYOR AND COUNCIL:

Discussion and action regarding the City's present lease of land to the Insights Science Museum and if the City Manager has future plans to use the leased property. [Representative Melina Castro, (915) 541-4400]

14. FINANCIAL SERVICES:

Discussion and action on a Resolution to approve the City's Investment Policy for Fiscal Year 2007. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

15. FINANCIAL SERVICES – BEST VALUE PROCUREMENT:

15A. Discussion and action on the award of Solicitation No. 2006-159, Security Guard Services - El Paso International Bridges, to Mike Garcia Merchant Security for a total estimated award of \$1,135,171.26.

Department:	Street
Award to:	Mike Garcia Merchant Security El Paso, TX
Item(s):	1, 2, and 3
Option:	Option to renew for one additional year prior to the end of the contract.
Estimated Annual Amount:	\$378,390.42
Account No.:	32010283-40272-502212
Funding Source:	Operating Account – Security Contract
Total Estimated Award:	\$1,135,171.26
District(s):	6 and 8

This is a thirty-six month contract. No prompt payment discount offered.

The Departments of Financial Services and Street recommend award to the bidder offering the best value bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

15B. Discussion and action on the award of Solicitation No. 2006-204, Security Guard Services - El Paso City Zoo, to Whelan Security Co., Inc. for a total estimated award of \$563,236.80.

Department:	Zoo
Award to:	Whelan Security Co., Inc. El Paso, TX
Item(s):	All
Estimated Annual Amount:	\$187,745.60
Account No.:	52152001-15445-502212
Funding Source:	Operating Account – Security Contract
Total Estimated Award:	\$563,236.80
District(s):	8

This is a thirty-six month contract with no option to renew. No prompt payment discount offered.

The Departments of Financial Services and Zoo recommend award to the bidder offering the best value bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

- 15C.** Discussion and action on the award of Solicitation No. 2006-192, San Juan Senior Center Remodeling, to Matyear Construction Co., Inc. for a total estimated award of \$1,293,000.00.

Department:	Parks and Recreation
Location:	700 N. Glenwood
Award to:	Matyear Construction Co., Inc. El Paso, Texas
Item(s):	Base Bid \$1,293,000.00
Total Estimated Award:	\$1,293,000.00
Account No.:	71150069-G7131CD0022-07854-508027
Funding Source:	Community Development Grant
Estimated Completion Date:	June 2007
District(s):	3

Matyear Construction Co., Inc. has provided the best value proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

This is a lump-sum contract.

The Departments of Financial Services and Parks and Recreation recommend award to the bidder offering the best value bid.
[Engineering Department, Rick Conner, (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.** Maria Theresa Urbina vs. The City of El Paso; Cause No. 2005-6899. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Jesus Luna vs. Gabriel Peralta, et al.; Cause No.: EP-04-CA-0455-H. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** Ross T. Penn vs. John Colbey, et al; Cause No. 2002-3259. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX4.** Discussion and action concerning the employment status of the Director of the El Paso City-County Health and Environmental District. (551.071 and 551.074).
[Representative Steve Ortega, (915) 541-4124] POSTPONED FROM 09-19-06

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/>