

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

AGENDA FOR REGULAR CITY COUNCIL MEETING

October 16, 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 – Reverend Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. WHITE CANE SAFETY MONTH**
- 2. NONPROFIT AWARENESS DAY**
- 3. FOREIGN TRADE ZONE #68 WEEK**

RECOGNITION

THE MAYOR'S 100 TEENS - 2007-2008

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 October 9, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- 3A.** A Resolution that the City dedicate a Portion of Lot 1, La Sierra Vista Number 2, El Paso, El Paso County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof, for use as a public right-of-way to allow Shady Lane to be widened. SUB07-00090 **(District 8)**
[Development Services/Planning, Michelle Padilla, (915) 541-4903]
- 3B.** That the City Manager be authorized to sign a Release, Restatement, and Amendment to Declaration of Covenants, Conditions and Restrictions for real property more particularly described as Lot 1, Block 13, and Lot 1, Block 15, Colonia Del Carmen Unit Four, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 72, Page 3, Real Property Records, El Paso County, Texas, to allow for residential use. Location: north of North Loop Drive and east of Lee Trevino Avenue. SUB07-00098 **(District 7)** [Development Services/Planning, Eddie Garcia, (915) 541-4627]
- 3C.** That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Kimley-Horn and Associates, Inc. to perform professional services for a project known as "Neighborhood Traffic Management" in an amount not to exceed \$168,875 for basic services and not to exceed \$4,000 per meeting for additional services as needed. **(All Districts)**
[Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]
- 3D.** That the City participate with the County in conducting a survey of wages received by classes of workers employed on public works projects within the City of El Paso for the purpose of examining and providing recommendations to City Council on wage rate issues. **(All Districts)**
[Engineering, R. Alan Shubert, (915) 541-4423]

- 3E. That the City Manager be authorized to sign an agreement granting an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the El Paso International Airport property at 8700 Lockheed Drive, lease holder, Franklin Motors, Inc. Said property being more particularly described as a portion of real property known as Lot 5, Block 11, El Paso International Airport Tract Unit 8, City of El Paso, El Paso County, Texas. **(District 3)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3F. 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 on adjacent private property and on portions of City-owned property leased to Plains Pipeline, L.P. **(Districts 3 & 7)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]
- 3G. A Resolution that the El Paso Public Library Association be authorized to provide for the sale and serving of alcoholic beverages at the El Paso Public Library/Main Library on October 20, 2007, at a fundraising event for the benefit of the El Paso Public Library. **(District 8)** [Library, Carol Brey-Casiano, (915) 543-5406]
- 3H. A Resolution establishing the guidelines and fees for the use of the El Paso Museum of Archaeology facilities. **(All Districts)** [Museums and Cultural Affairs, Michael Tomor, (915) 532-1707]
- 3I. A Resolution establishing the guidelines and fees for the use of the El Paso Museum of History facilities. **(All Districts)** [Museums and Cultural Affairs, Michael Tomor, (915) 532-1707]
- 3J. To approve an amendment to the Resolution that was originally adopted on April 24, 2007, authorizing the City Manager to electronically submit a grant proposal to the Criminal Justice Division (Office of the Governor of the State of Texas) for the Violence Against Women ACT (VAWA) grant program in the amount of \$75,860.40 with an in-kind match of \$54,253.53 and cash match of \$19,368.12 for a total of \$149,482.05. Cash match requirement of \$19,368.12 is being provided from the General Fund #21010050-01101-506000. It is necessary to revise the matching funds as a result of budget revisions requested by granting agency; Resolution of Mayor and City Council is required. **(All Districts)** [Police Department, Paul Cross, (915) 564-7310]

4. BOARD RE-APPOINTMENTS:

- 4A. Carl R. Pataky to the Parks & Recreation Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]
- 4B. Carlos Gallinar to the City Plan Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

5. BOARD APPOINTMENTS:

- 5A. Sally J. Andrade to the Empowerment Zone Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

- 5B. Nicholas Charles Markovich to the Historic Landmark Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]
- 5C. Diego Amigo to the Parks and Recreation Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]
- 5D. Raymond A. Sanchez to the History Museum Board by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 5E. Maria A. Trunk to the Parks and Recreation Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- 5F. Lester L. Parker to the Brownfields Redevelopment Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

6. **BIDS:**

- 6A. Request to reject all bids for Solicitation No. 2007-248 (Janitorial Services – El Paso Museum of History and General) 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]
- 6B. The award of Solicitation No. 2007-251 (Emergency Lighting, Warning, and Communication Equipment and Installation) to Alamo Industries, Inc., dba Alamo Auto Supply, for a total estimated award of \$150,000.

Department:	General Services
Award to:	Alamo Industries, Inc. dba Alamo Auto Supply El Paso, Texas
Items:	All
Annual Estimated Amount:	\$50,000
Account No.:	45202 – 37370510 - 503121
Funding Source:	General Services, Internal Service Fund
Total Estimated Award:	\$150,000
Districts:	All

This is a thirty-six month requirements type contract for the purchase of emergency lighting, warning, and communication equipment and installation. No prompt payment discount is offered.

The Departments of Financial Services and General Services recommend award to the lowest responsive, responsible bidder.
[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 changing the zoning of a portion of Tracts 3 & 4, Block 6, Christy Tract in Block 31, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8031 Valley View Drive. Applicant: Sergio Elguea. ZON07-00083 **(District 7)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 7B.** An Ordinance changing the zoning of Lots 28 and 29 and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas, from R-4/H (Residential/Historic) to A-2/H (Apartment/Historic). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1509 Upson Drive. Applicant: Winton Custom Builders, Inc. ZON07-00095 **(District 8)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 7C.** An Ordinance granting Special Permit No. ZON07-00071 to allow for an infill development to reduce setbacks on the property described as Lots 28 and 29 and a portion of Lot 30, Block 6, Second Revised Map of Mundy Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.22.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 1509 Upson Drive. Applicant: Winton Custom Builders, Inc. ZON07-00071 **(District 8)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 6, 2007, FOR ITEMS 7A – 7C

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

8. ENGINEERING:

Discussion and action on a Resolution authorizing the City Manager to sign a Professional Services Agreement between the City of El Paso and Kimley-Horn and Associates, Inc., a North Carolina Corporation, to perform consulting services for a project known as "Reconstruction of Taxiway J and Taxiway M" in an amount not to exceed \$628,083.34. **(District 2)** [Engineering, Sam Rodriguez, (915) 541-4023]

9. FINANCIAL SERVICES:

9A. Request that the Purchasing Manager, Financial Services - Purchasing Division, be authorized to issue a Purchase Order to Western Fleet Services, Inc., the sole source provider of parts and services for Elgin Sweepers in the El Paso area. Total estimated yearly amount \$250,000. Total estimated 3 year award is \$750,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: Street
 Account No.: 32010363 – 01101 - 502300
 Funding Source: Street Operating Account, Equipment Maintenance
 Yearly Estimated Award: \$250,000
 Total Estimated Award: \$750,000 (3-year total)
 Reference No.: 2000-243

Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

9B. The award of Solicitation No. 2007-234 (Sixth Avenue Street and Drainage Improvements Phase II) to Allen Concrete, Inc., for an estimated total amount of \$376,784.65.

Department: Street
 Award to: Allen Concrete, Inc.
 El Paso, Texas
 Base Bid I: \$320,458.65
 Base Bid II: \$ 29,376.00
 Base Bid III: \$ 3,100.00
 Alternate I: \$ 23,850.00
 Total Estimated Award: \$376,784.65
 Account No. G7132CD0029 – 71150069 - 10075-508027
 Funding Source: Community Development Block Grant
District: 8

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] **POSTPONED FROM 10-09-07**

REGULAR AGENDA – PUBLIC HEARINGS**10. PUBLIC HEARINGS – DEVELOPMENT SERVICES**

- 10A.** 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]
- 10B.** Discussion and action on a Resolution releasing conditions placed on property by a contract dated December 15, 1973, which imposed conditions on Tract 2A, Block 11, Ysleta Grant, City of El Paso, El Paso County, Texas. Subject Property: Lee Trevino Drive and Assyria Drive. Applicant: Woodchase Senior Community, LTD. ZON07-00106 **(District 7)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10C.** Discussion and action on a Resolution releasing conditions placed on property by a contract dated December 15, 1973, which imposed conditions on Tract 1 and a portion of Tract 2A, Block 11, Ysleta Grant, City of El Paso, El Paso County, Texas. Subject Property: Lee Trevino Drive and Assyria Drive. Applicant: Woodchase Senior Community, LTD. ZON07-00107 **(District 7)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

11. PUBLIC HEARINGS – ENGINEERING:

- 11A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.041 (Schedule IV(A) - Parking Prohibited during Certain Hours, School Days Only), Paragraph A (No Parking 7:00 a.m. to 4:00 p.m.), of the El Paso City Code by adding Tierra Rey Court; and Tierra Nevada, between Edgemere and Tierra Espada, both sides. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District 5)** [Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]
- 11B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code, to add Zone Q: No Parking 7:00 a.m. to 4:00 p.m., School Days Only, on Sterling Mary Way. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 6)** [Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS**12. MAYOR AND COUNCIL:**

- 12A.** Discussion and action regarding setback issues and animal issues at the residence located at 7505 Dempsey, El Paso, Texas.
[Representative Jose Alexandro Lozano, (915) 541-4515]

12B. Discussion and action on directing the City Manger to evaluate the options for minimizing the impact that UTEP activities have on parking in the surrounding neighborhoods and reporting staff recommendations back to Council. [Representative Ann Morgan Lilly, (915) 541-4151]

13. ECONOMIC DEVELOPMENT:

Discussion and action directing city staff to conduct a cost/benefits analysis that analyzes requiring city initiated public building projects to achieve a LEED certification. **(District 7)**

[Representative Steve Ortega through Economic Development, Kathryn B. Dodson, (915) 541-4670]

14. FINANCIAL SERVICES:

Discussion and action on a Resolution to approve the City's Investment Policy for Fiscal Year 2008. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

15. TAX OFFICE:

Discussion and action on a Resolution that the appraisal roll be approved and constitute the 2007 tax roll for all entities (except Tornillo Independent School District and Canutillo Independent School District) which the City Tax Assessor/Collector collects taxes. **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

16. CITY MANAGER:

City Manager's report of current events and issues:

16A. Discussion and action on a Resolution that the City Manager be authorized to sign a Sponsorship Agreement between the City of El Paso and Overtime Sports Southwest, LLC commencing 1 November 2007, through 28 February 2017, to sponsor the Texas vs. The Nation Game for ten years with an initial amount not to exceed \$200,000 for the first year and that City Manager is authorized to sign the necessary documentation to effectuate the contract. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4777]

16B. Review and discussion of Economic Development Department's results of a study to determine El Paso's ability to become a retirement destination. **(All Districts)** [Economic Development, Kathy Dodson, (915) 541-4670]

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 on the following properties:

- a. Lot 25, Block 1, Seville Estates, El Paso, El Paso County, Texas
- b. Tract 9-D, Block 52, Ysleta Grant, El Paso, El Paso County, Texas
- c. Portion of Lot 14, Block 209, Vista Del Sol Unit 37, El Paso, El Paso County, Texas
- d. Lot 1, Block 2, Ysleta Industrial District #2, El Paso, El Paso County, Texas
- e. Tr 5-A, out of Tr 5, J.E. Johannsen Survey #185, El Paso, El Paso County, Texas
- f. Tr 8-A, out of Tr 8, J.E. Johannsen Survey #185, El Paso, El Paso County, Texas
- g. Nly pt of Lot 4, Block 2, The Village at Eastpointe, El Paso, El Paso County, Texas
- h. Sly pt of Lot 5, Block 2, The Village at Eastpointe, El Paso, El Paso County, Texas (551.071 and 551.072)

[City Attorney's Office, Theresa Cullen-Garney, (915) 541-4550] **POSTPONED FROM 10-02-07**

EX2. Discussion and action regarding legal issues relating to the enforcement of Ordinance 016624. (551.071) [City Attorney's Office, Hadley Huchton, (915) 541-4550]

EX3. Claim of MOMAR, LP, Our File No. 06-C-191. (551.071)
[City Attorney's Office, Michele C. Daly (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/>