

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

October 21, 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. **PHARMACY WEEK**
2. **ARBOR DAY-TEXAS GOLD LEAF AWARD**
3. **HALLOWEEN HAPPINESS**

RECOGNITIONS

1. **AIR DEFENSE ARTILLERY SCHOOL**
2. **THE MAYOR'S 100 TEENS FOR 2008-2009**

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 14, 2008.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

- 3A.** That the City Manager is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso ("Lessor") and DTG Operations, Inc. d/b/a Dollar Rent A Car d/b/a Thrifty Car Rental ("Lessee") for the following described property: A portion of Tract 4A26, Block 2, Ascarate Grant, and a portion of Block 1D, El Paso International Airport Tracts, Unit 5, City of El Paso, El Paso County, Texas, containing approximately 16,825 square feet of land. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]
- 3B.** That Jack Morton Worldwide be authorized to provide for the sale and serving of alcoholic beverages at an outdoor concert in the closed portions of Oregon Street between Franklin Street and Texas Avenue, Mills Street between Sheldon Court and Stanton Street, Mesa Street between Franklin Street and Texas Avenue 12:00 p.m. Saturday, November 1, 2008, to 2:00 a.m. Sunday, November 2, 2008. **(District 8)** [Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 3C.** That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is the construction of Isela Rubalcaba Drive from the existing terminus to the proposed connection with Spur 276. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3D.** That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is the improvements of 15 intersections citywide, including, but not limited to, geometric improvements, pedestrian improvements, and traffic markings. **(Districts 1, 2, 3, 5, and 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 3E. That there is good cause to believe that there has been a violation of the prevailing wage rates under the Municipal Service Center East contract between the City and Dantex Construction Company and that the City Engineer be authorized to withhold payment to the contractor as required under Chapter 2258 of the Texas Government Code. **(District 7)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3F. That the City Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas, and the El Paso County Water Control and Improvement District No. 4 whereby the District may purchase vehicles under Contract No. 2005-262 previously awarded by the City of El Paso to Casa Ford, Inc. **(All Districts)** [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
- 3G. That inconformity with the approved Fiscal Year 2009 City budget and Fiscal Year 2008 - 2009 El Paso Water Utilities/Public Service Board annual budget, the Classification and Compensation Plan shall be amended to create the job specifications for positions for which funding was previously allocated and approved by the City Council in the Fiscal Year 2009 budget and the El Paso Water Utilities/Public Service Board Fiscal Year 2008 - 2009 annual budget, as set forth on the attachment posted with this agenda, as recommended by the Civil Service Commission. (See Attachment A) **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]
- 3H. That the Mayor be authorized to sign an Interlocal Government Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2008, through August 31, 2009, in an amount not to exceed \$208,500. **(All Districts)** [Police Department, Tom Whitten, (915) 564-7304]

4. BOARD RE-APPOINTMENTS:

- 4A. Elvia G. Hernandez to the Greater El Paso Civic Convention & Tourism Advisory Board by Representative Emma Acosta, District 3.
[Representative Emma Acosta, (915) 541-4572]
- 4B. Louis Mona to the Information Technology Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

5. BOARD APPOINTMENTS:

- 5A. James H. Tolbert to the Parks and Recreation Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 5B. Trinidad Munoz to the Parks and Recreation Advisory Board, by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5C. Glenn R. Walker, Jr. to the El Paso Mountain Committee 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 B) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. BID:

The award of Solicitation No. 2009-021 (Light Tower Rental for Airport) to Century Machinery Company, Inc. for a total estimated award of \$137,500.

Department:	Airport
Award to:	Century Machinery Company, Inc. El Paso, TX
Items:	All
Option:	2 years
Annual Estimated Amount:	\$45,833.33
Account No.:	62620027 – 508027 – 41080 - PAP0040
Funding Source:	Parking Lot Improvements; Construction (CWIP); Extension of LT Parking
Total Estimated Award:	\$137,500
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 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 vacating a portion of a 16-foot alley within Block 80, Alexander Addition, City of El Paso, El Paso County, Texas. **(District 1)**
 [Development Services/Planning, Fred Lopez, (915) 541-4322]

8B. An Ordinance amending Title 2 (Administration and Personnel) to add Chapter 2.80 to the El Paso City Code to establish the Capital Improvements Advisory Committee for the purpose of providing advice on issues related to impact fees and to provide for committee membership; duties, terms of office; rules, and administration. **(All Districts)**
 [Development Services, John Neal, (915) 541-4193]

PUBLIC HEARING WILL BE HELD ON OCTOBER 28, 2008, FOR ITEMS 8A – 8B

8C. An Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: west of Rich Beem Boulevard and north of Montana Avenue. Applicant: East Montana Joint Venture. ZON08-00058 **(District 5)**

[Development Services/Planning, Arturo Rubio, (915) 541-4633]

8D. An Ordinance changing the zoning of Tract 1B of F.M. Collins Survey No. 209 and Tract 6B of H.F. Fisher Survey No. 293, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment-Office), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1300 Murchison Drive. Applicant: Murchison Medical Doctors, LP c/o Hiatt & Associates. ZON08-00063 **(District 8)**

[Development Services/Planning, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 11, 2008, FOR ITEMS 8C – 8D

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

9. FINANCIAL SERVICES:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to be effective November 15, 2008, the expiration date of Contract 2006-013, to McNeilus Truck & Manufacturing for parts and warranty service for McNeilus Automatic Side Load Refuse Trucks, as necessary to preserve the public health or safety, for a total estimated semi-annual amount of \$375,000 with the option to extend for an additional 6-month period pending an internal reorganization and implementation of a parts procurement procedure.

Additionally, request authorization for City staff to negotiate, City Attorney's Office to review, and the City Manger be authorized to execute any related contract documents and agreements necessary to effectuate this contract.

Department: General Services
Account No.: 37370510 – 503121 – 45202
Funding Source: General Services, Fleet Services Division
Total Award: \$375,000
Reference No.: 2009-044

Districts: All

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

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

- 10A.** An Ordinance approving the Medical Center of the Americas Master Plan as a study area plan to be incorporated into the City's comprehensive plan, "The Plan for El Paso", and that the 2025 General Land Use Map be amended to incorporate the modification. Applicant: City of El Paso and the Medical Center of the Americas Foundation. **(District 3)**

[Development Services/Planning, Ernesto Arriola, (915) 541-4723] **POSTPONED FROM 10-14-08**

- 10B.** A Resolution addressing the concerns of the possible use of eminent domain for the purposes of the Medical Center of the Americas Master Plan, study area plan, and further, that the City Council resolves not to consider the use of eminent domain as an implementation strategy within the study area for any project other than for public purposes for the proposed Medical Center of the Americas as a study area. Further, any City of El Paso use of eminent domain will be brought before the City Council of the City of El Paso for approval. In cases where the City Council of the City of El Paso has approved the use of eminent domain, adequate compensation, which includes market value, damages, and relocation costs, will be used. Applicant: Representative Emma Acosta and the City of El Paso. **(District 3)**

[Development Services/Planning, Ernesto Arriola, (915) 541-4723]

REGULAR AGENDA – OTHER BUSINESS**11. MAYOR AND COUNCIL:**

Discussion and action to have the City apply and for staff to be designated to provide for the necessary documents to complete an application for a grant to the Department of Transportation Federal Railroad Administration for funding availability for the Program for Capital Grants for Rail Line Relocation and Improvement Projects to make one of the locations "The rail lines located in the proximity of the Medical Center of the Americas planned area", to request the County of El Paso, the County hospital district, Texas Tech, and any other jurisdiction as well as the Medical Center of the Americas Foundation, and any others that may wish to join in the application process so that the application and support effort is recognized by the awarding agency. That local, state, and federal elected representatives as well as other non-elected private and non-profit agencies be asked for letters of support. That all documents be prepared as indicated on the Federal Registry and the grant application be submitted by the deadline of November 28, 2008, or sooner.

[Representative Emma Acosta, (915) 541-4572] **POSTPONED FROM 10-14-08**

12. ENGINEERING:

Discussion and action to ratify establishment of appropriations required for Northwind Wall Improvement project by budget transfer #2008-1399 posted on July 18, 2008, for \$750,000 and further augment appropriations by an additional \$250,000 as requested by the Engineering Department. **(District 1)** [Engineering, R. Alan Shubert, (915) 541-4423] **POSTPONED FROM 10-14-08**

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]

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/>