

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**

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October 23, 2006  
10<sup>th</sup> 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, October 24, 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**

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October 24, 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 – Reverend Lisle Davis**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

1. **OPERATION SANTA CLAUS DAY**
2. **HALLOWEEN HAPPINESS WEEK 2006**
3. **MINORITY BUSINESS DEVELOPMENT WEEK**
4. **LAW ENFORCEMENT APPRECIATION DAY**
5. **ALPHA PHI ALPHA FRATERNITY DAY**

**RECOGNITION**

**AMIGO MAN 2006**

**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](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 October 17, 2006, and the Special City Council Meetings of October 17, 2006 (File No. 06-C-107), and of October 16, 2006 (Agenda Review).

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

3. **RESOLUTION(S):**

- 3A. That the City is still interested in pursuing the project known as the Rio Grande Trail System and authorizes the City Manager to sign an amendment to the Local Project Advance Funding Agreement between the City and the State of Texas, acting by and through the Texas Department of Transportation ("TXDOT"), for a project known as the Rio Grande Trail System to amend the scope of work and allow the City to make incremental payments of its portion of the funding that the City Manager is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution. **(District 6)**

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 3B. That the City exercises the option to extend the existing one year agreement for Engineering and Environmental Consultant Services by and between the City of El Paso and Sun City Analytical, Inc., for one additional one year period in an amount not to exceed one hundred fifty thousand and no/100 dollars (\$150,000.00). **(All Districts)** [Engineering Department, Rick Conner, (915) 541-4423]
- 3C. That the City Manager be authorized to sign an Employment Contract between the City of El Paso and Yvonne V. Guinn to employ Yvonne V. Guinn as a Public Safety Telecommunications Manager for the Information Technology Department at a biweekly rate of \$2,993.01. The term of the contract shall be for the period of October 30, 2006, through October 29, 2007. Fund Source: 39010352-01101-39000-501011 [Information Technology, Gerald Gordier, (915) 541-4288]
- 3D. That the City Manager be authorized to sign an Employment Contract between the City of El Paso and Steve Marshall to employ Steve Marshall as Zoo Director at an annual salary of \$130,000.00. The term of the contract shall be for the period of January 10, 2007, through January 9, 2009. Fund Source: 52010245-01101-52000. [Quality of Life, Deborah Hamlyn, (915) 541-4242]

**4. BEST VALUE PROCUREMENT:**

- 4A. The award of Solicitation No. 2006-203, City Hall 7<sup>th</sup> Floor Remodeling, to Matyear Construction Company, Inc. in the amount of \$64,506.00.

Department: Financial Services  
Base Bid : \$64,506.00  
Account No. 31250102-PMF05004-27181-508027  
Funding Source: FY2000 Certificates of Obligations  
**District(s): 8**

This is a lump-sum contract.

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 per numbered change order without further authorization by City Council.

The Departments of Financial Services and Engineering recommend award to the bidder offering the best value bid. [Engineering Department, Rick Conner, (915) 541-4423]

- 4B. The award of Solicitation No. 2006-205, Janitorial Services-Zaragosa Toll Bridge, to Maheir Janitorial Service for a total estimated award of \$61,128.00.

Department: Street  
Award to: Maheir Janitorial Service  
El Paso, TX  
Item(s): 1

Option: Option to renew two additional years prior to the end of the contract.  
 Annual Estimated Amount: \$20,376.00  
 Account No.: 32010283 – 40272 - 502206  
 Funding Source: Operating Account – Maintenance Service Contract  
 Estimated Total Award: \$61,128.00  
**District(s): 6**

This is a thirty-six month contract with the option to renew two additional years. Vendor offers a 1% 10 days prompt payment discount.

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

**5. REQUEST FOR PROPOSAL:**

The award of Solicitation No. 2007-007R, Arbitrage Rebate Compliance Professional Services, to First Southwest Asset Management, Inc. for a total estimated award of \$367,500.00.

Department: Financial Services  
 Award to: First Southwest Asset Management, Inc.  
 Dallas, Texas  
 Annual Estimated Amount: \$73,500.00  
 Account No.: Various  
 Funding Source: Debt Service Fund  
 Total Estimated Award: \$367,500.00  
**District(s): All**

That the City Manager be authorized to sign an agreement between the City of El Paso and First Southwest Asset Management, Inc., to provide arbitrage rebate compliance services for a contract term of October 25, 2006, through October 24, 2011.

This is a five (5) year contract

The Department of Financial Services recommend award as indicated.  
 [Financial Services, Terrence Freiburg, (915) 541-4313]

**6. BID(S):**

The award of Solicitation No. 2007-010, Pierce Proprietary Parts, to First In, Inc. for a total estimated award of \$210,000.00.

Department: Fire  
 Award to: First In, Inc.  
 El Paso, Texas  
 Item(s): #1  
 Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional year(s) if the option is exercised within two (2) or three (3) years from the date of the award.  
 Annual Estimated Amount: \$70,000.00

Account No.: 22010320-503118-01101  
 Funding Source: Fire Department Operating Funds-Vehicle Maint. Supplies  
 Estimated Total Award: \$210,000.00  
**District(s): All**

This is a requirements type contract with an initial term of thirty-six (36) months.

The Departments of Financial Services and Fire recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services, 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 2 (Administration And Personnel), Chapter 2.30 (Building Board Of Appeals), of the El Paso City Code to rename the board as the Construction Board Of Appeals; to expand the duties of the board to include the ability to hear requests for variances and appeals involving staff interpretations of the El Paso City Code Chapters on grading, storm water management, outdoor lighting, landscaping, and flood damage prevention, and to name the members of the Building Board Of Appeals as the members of the Construction Board Of Appeals. **(All Districts)**  
 [Development Services, Larry Nichols, (915) 541-4557]
- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A), of the El Paso City Code by adding a new location on Sixth Avenue between El Paso Street and Oregon Street, south side only. The penalty being as provided in Section 12.88.180 of the El Paso City Code. **(District 8)**  
 [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

#### **PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2006, FOR ITEMS 7A – 7B**

- 7C.** An Ordinance changing the zoning of Parcel 1: Tract 1F1, 1F1N, 1F1M1, Block 5, Ascarate Grant, El Paso, El Paso County, Texas, from R-3 (Residential) to S-D (Special Development); and Parcel 2: Tract 1E6, Block 5, Ascarate Grant, El Paso, El Paso County, Texas, from A-O (Apartment/Office) to S-D (Special Development). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Giles Road and North of Carolina Drive. Applicant: Farmers Dairies, Inc./Navar Irrevocable Trust. ZON06-00102. **(District 3)** [Development Services/Planning, Melissa Granado, (915) 541-4730]
- 7D.** An Ordinance changing the zoning of Tracts 4H and 5B2, Block 55, Ysleta Grant, El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1135 Zaragoza Road. Applicant: Portico Homes, Inc. ZON06-00098 **(District 7)**  
 [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 7E.** An Ordinance changing the zoning of a portion of Tract 13A, S.A. and M.G. Railroad Company Survey No. 266, El Paso, El Paso County, Texas, from R-5/C (Residential/Conditions) to C-3/C (Commercial/Conditions) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Medano Drive and east of Interstate Highway 10. Applicant: Housing Authority of the City of El Paso. ZON06-00108 **(District 1)** [Development Services/Planning, Melissa Granado, (915) 541-4730]
- 7F.** An Ordinance changing the zoning of a portion of Tracts 24 and 26, all of Tract 25, Coronado Place; all of Tracts 1C1, 1D, 2C1, 2C, 2B1B, and 1A, Block 223; and Tract 16B, Block 24, Ysleta Grant, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) and R-4 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Coronado Road. Applicant: Enrique Escobar. ZON06-00105 **(District 3)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 7G.** An Ordinance changing the zoning of Lots 14, 15, 16, and 17, Block 13, Revised Map of Sahara Subdivision, El Paso, El Paso County, Texas, from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of McCombs Street and South of Saluki Drive. Applicant: Portico Homes, Inc. ZON06-00099 **(District 4)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 14, 2006, FOR ITEMS 7C – 7G**

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**

**8. PUBLIC HEARING(S) – DEVELOPMENT SERVICES**

- 8A.** An Ordinance granting a Special Privilege to La Mujer Obrera to temporarily close a portion of Willow Street between Texas Avenue and Myrtle Avenue for the Annual Dia de los Muertos Street Festival on Saturday, October 28, 2006. (Fee: \$137.50, SPL06-00020). **(District 8)**  
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8B.** 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/Planning, Stephen Schlett, (915) 541-4935]  
POSTPONED FROM 10-17-06
- 8C.** 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]  
 POSTPONED FROM 10-17-06

**9. PUBLIC HEARING(S) – ENGINEERING:**

- 9A.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection C, (Exceptions), of the El Paso City Code to add an exception for memorial markers, the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. **(All Districts)** [Engineering Department, Rick Conner, (915) 541-4423]
- 9B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A), Subparagraph (88), of the El Paso City Code by deleting an existing location on San Antonio Avenue, South side only, between Florence Street and Ochoa Street; and Subparagraph (91) of the El Paso City Code by deleting an existing location on Florence Street, East side only, between Overland Avenue and San Antonio Avenue. The penalty as provided in Section 12.84.010 of the El Paso City Code. **(District 8)**  
 [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 9C.** 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 amend Subparagraph 363 to prohibit parking on San Antonio Avenue from Florence Street to Ochoa Street, North side only; and Subparagraph 365 to prohibit parking on Florence Street from San Antonio Avenue to Overland Avenue, West side only. The penalty being as provided in Section 12.84.010 of The El Paso City Code. **(District 8)**  
 [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 9D.** 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 amend Subparagraph 260, Overland Avenue, to prohibit parking on the North side, from Florence Street to a point 170 feet West and on the South side from Florence Street to a point 200 feet West. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 8)** [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 9E.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.180 (Regulations Pertaining to Certain Special Situations), Subsection B, Subparagraph 21 (Reserved for Law Enforcement Vehicles Loading and Unloading Prisoners Only), of the El Paso City Code to reserve all spaces between Overland Avenue and San Antonio Avenue that are on the East side of Campbell Street or the West side of Florence Street, and three spaces within the curb setback on the North side of Overland between Campbell and Florence. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 8)**  
 [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 9F.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A), of the El Paso City Code by adding a new location on Pendale Road from Gateway East Boulevard to Kastrin Street, both sides. The penalty being as provided in Section 12.88.180 of the El Paso City Code. **(District 7)**  
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

**10. PUBLIC HEARING(S) – FINANCIAL SERVICES:**

- 10A.** An Ordinance authorizing the City of El Paso to sell a 2.717-acre parcel, more or less, being a portion of Tract 14A, A.F. Miller Survey No. 210, and a portion of Tract 3B, John Whittaker Survey No. 134, City of El Paso, El Paso County, Texas, to Mountain Valley Homes, Inc. **(District 1)**  
[Financial Services, Gonzalo Cedillos, (915) 541-4074]
- 10B.** An Ordinance authorizing the City of El Paso to sell a 12.197-acre parcel of land, more or less, being a portion of Tract 6B, S.A. & M.G. Railways Survey Company No. 268, and a portion of Tract 3B, John Whittaker Survey No. 134, City of El Paso, El Paso County, Texas, to Ham Management, LLC. **(District 1)**  
[Financial Services, Gonzalo Cedillos, (915) 541-4074]
- 10C.** An Ordinance authorizing the City of El Paso to sell a 1.060-acre parcel, more or less, being all of Tract 8C1, S.A. & M.G.R.R. Survey, El Paso, El Paso County, Texas, to EP Summit, L.P. **(District 1)**  
[Financial Services, Gonzalo Cedillos, (915) 541-4074]

**REGULAR AGENDA – OTHER BUSINESS**

**11. MAYOR AND COUNCIL:**

Discussion and action regarding dissolution of City/County Health District and creation of City Health Department.  
[Representative Jose Alexandro Lozano, (915) 541-4515]

**12. CITY MANAGER’S REPORT:**

City Manager’s report of current events and issues:

- 12A.** Discussion and action on the parade ordinance as passed; length of parades as amended in the new ordinance; and options for private protection services for parades. **(All Districts)** [Development Services, Harry Steele, (915) 541-4570]
- 12B.** Museums and Cultural Affairs Department MCAD Bi-national Program Development Update: Dia de los Muertos Event. **(All Districts)**  
[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

**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 concerning the employment status of the Director of the El Paso City-County Health and Environmental District. (551.071 and 551.074)**  
[City Attorney's Office, John R. Batoon, (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 CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:**

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