

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 28, 2008
Council Chambers, City Hall
9:00 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

VOTER EDUCATION AND OUTREACH MONTH

RECOGNITIONS

CITY EMPLOYEE RECOGNITIONS

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 21, 2008.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook

3. RESOLUTIONS:

3A. That the prohibition against landing aircraft within the City limits except upon a regularly established airfield or landing place contained in Section 14.12.080 of the El Paso City Code is hereby waived to permit the newly created Customs and Border Protection El Paso Air Branch to land a Eurocopter AS-350 B3 Helicopter on the baseball diamond south of Lujan-Chavez School in connection with Red Ribbon Week/Career Day activities at the school to be held on October 31, 2008. **(District 6)** [Airport, Patrick Abeln, (915) 780-4724]

3B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

182 Coronado Road \$28,334.81 Jose Antonio Hernandez **(District 3)**
[Development Services, Victor Q. Torres, (915) 541-4557]

3C. That the City Manager be authorized to sign an agreement by and between the City of El Paso and S&DF Properties, LLC, to allow access to Lot 30, Block 6, Esper Subdivision Replat, for the purpose of completing the construction of the drainage structure and that the City Manager be authorized to accept on behalf of the City a permanent access easement to the ponding area. There is no cost to the City. **(District 5)** [Development Services/Planning, Kareem Dallo, (915) 541-4425]

3D. That the City Manager be authorized to sign a Second Amendment to an Agreement for Engineering Services by and between the City of El Paso and SLI Engineering, Inc. for a project known as "Upper Valley Road" to add additional services thereby increasing the contract amount from \$341,138.68 to \$376,178.64 for a net increase not to exceed \$35,039.96. The funding source is 2004 General Obligation Bonds. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]

- 3E. That the City Manager be authorized to sign an Electrical Service Agreement with the El Paso Electric Company for the purpose of providing electrical service to the Municipal Services Center at 7968 San Paulo using an easement granted to the El Paso Electric Company previously approved by the City Council. **(District 7)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3F. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 4, 5, 6, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3G. That the City Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas, and the Ysleta Independent School District whereby the District may purchase pharmacy benefit management services under Contract No. 2007-297R previously awarded by the City of El Paso to Medco Health Solutions, Inc. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

4. BOARD RE-APPOINTMENTS:

- 4A. Brian D. Wickstrom to the Parks and Recreation Advisory Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 4B. David Turner to the Parks and Recreation Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

5. BOARD APPOINTMENTS:

- 5A. Ralph Adame to the Information Technology Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5B. Michael Edwin Armstead to the Parks and Recreation Advisory Board by Representative Rachel Quintana, District 5.
[Representative Rachel Quintana, (915) 541-4701]

6. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

Request the approval of the increase in the amount of basic term life insurance from \$15,000 to \$50,000 per employee under Contract 2004-193R Supplemental Life Insurance effective January 1, 2009, through August 31, 2009, in the estimated amount of \$142,742. This increase would include all non-uniformed full-time employees and also employees of collective bargaining units after the execution of a Memorandum of Understanding between the City and the respective collective bargaining units.
(All Districts) [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2008-163 (Janitorial Service – Richard Burges and Doris Van Doren Regional Libraries) to The Eagle Janitorial for a total estimated award of \$105,132.40.

Department: Library
Award to: The Eagle Janitorial
El Paso, TX

Items: All
 Option: 2 years
 Annual Estimated Amount: \$ 35,044.13
 Account No.: 53010201 – 502206 – 01101
 Funding Source: General Funds
 Total Estimated Award: \$105,132.40
Districts: 1 and 4

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 Library recommend award as indicated to the vendor offering the best value bid. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

8. BID:

The award of Solicitation No. 2009-023 (Zoo Animal Food - Produce) to Superior Fruit & Vegetable for a total estimated award of \$171,941.25.

Department: Zoo
 Award to: Superior Fruit & Vegetable
 El Paso, TX
 Items: All
 Option: 2 years
 Annual Estimated Amount: \$57,313.75
 Account No.: 52152005 – 503110 – 15445
 Funding Source: Animal Health & Nutrition, Zoo Animal Food & Supplies,
 Zoo Gate Revenue
 Total Estimated Award: \$171,941.25
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 Zoo recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

9. BUDGET TRANSFERS:

BT2009-0138 FIRE DEPARTMENT
 To appropriate funds to cover Emergency Operation Center (EOC) activation for Hurricane's Ike and Gustav per governor's declaration.
 Increase \$150,000 to Federal Grant Proceeds

Increase \$150,000 to Community Service Projects
(All Districts)
 [Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA - INTRODUCTIONS

10. 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.**

- 10A.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described as Lot 16, Block 21, Del Norte Acres Addition, an Addition to the City of El Paso, being more particularly described in Volume 560, Page 524, Deed Records of El Paso County, Texas, to MJ Real Properties Inc. **(District 2)**
 [Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]
- 10B.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described as the southerly portion of Lot 10, Block 10, Lomas Del Rey Replat, an Addition to the City of El Paso County, Texas, to MJ Real Properties Inc. **(District 8)**
 [Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]
- 10C.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described as 0.075 acres in Tract 1, (18' X 170.06'), beginning 338.73' southwest of the southeast corner, La Sierra Vista #2, Replat, an Addition to the City of El Paso, El Paso County, Texas, to MJ Real Properties Inc. **(District 8)**
 [Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]
- 10D.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described as .50 acres, out of Tracts 18 and 19, Canutillo Townsite, being more particularly described in Volume 793, Page 868, Deed Records of El Paso County, Texas, to MJ Real Properties Inc. **(District 1)**
 [Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]
- 10E.** An Ordinance authorizing the City of El Paso to sell all of Lots 1, 2, and 3, Block 107, Highland Park Addition, commonly known as 2201 North Piedras Street, El Paso, El Paso County, Texas, to Victor F. Nevarez d/b/a Sunset Carpets. **(District 2)** [Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 4, 2008, FOR ITEMS 10A – 10E

- 10F.** An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.08 (Passenger Buses and Streetcars), of the El Paso City Code to add a new Section 6.08.060 to provide for priority seating for senior and mobility-impaired passengers on Sun Metro buses, including penalties for violation. **(All Districts)**
 [Sun Metro, Lynly Leeper, (915) 533-1220]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 18, 2008, FOR ITEM 10F

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 BUSINESS

11. FINANCIAL AND ADMINISTRATIVE SERVICES:

Discussion and action on a Resolution to accept the audit of actuarial valuations of the City Employee's Pension Fund and the Firemen and Policemen Pension Fund of El Paso, pursuant to Chapter 802, Texas Government Code. **(All Districts)**
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]

REGULAR AGENDA – PUBLIC HEARINGS

12. DEVELOPMENT SERVICES:

12A. 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]

12B. 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]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

13A. Discussion and action to direct that the City Manager prepare a study area plan for the Alameda Corridor between Paisano Drive and Delta Drive as described in the attached Proposed Neighborhood Corridor Option 1 Map that incorporates land use recommendations and development design guidelines; that the analysis include options for establishing a zoning overlay within the Corridor to encourage redevelopment pursuant to any adopted study area plan; and that the preparation of the study area plan by the Development Services Department, Planning Division, be handled as a priority and presented to the City Council for finalization within a period of no more than six months.
[Representative Emma Acosta, (915) 541-4572]

13B. Discussion and action on Five Points Quiet Zone Pilot Project.
[Representative Susie Byrd, (915) 541-4416]

14. ECONOMIC DEVELOPMENT:

14A. Presentation by Bob Cook, President of El Paso Regional Economic Development Corporation, of the quarterly report to Council as stated in Section 4 of the Agreement executed on August 8, 2006. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4670]

14B. Discussion and action on a Resolution that the City Council approve revisions to the Revolving Loan Fund Plan that: address the current economic development priorities of the El Paso region; increase the minimum loan amount to \$10,000 and the maximum loan amount to \$100,000; revise the targeted industries for loan funding priorities; and provide non-substantive revisions to clarify loan funding procedures and program administration. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

14C. Discussion and action on a Resolution to authorize the City Manager or her designee to certify the annual report to the Economic Development Administration of the City/County Joint Revolving Loan Fund for the period ending September 30, 2008. **(All Districts)**
[Economic Development, Kathryn B. Dodson, (915) 541-4760]

15. FINANCIAL AND ADMINISTRATIVE SERVICES:

Discussion and action on a Resolution regarding the quality of transmission and customer service provided by Time Warner Cable under the state issued certificate of franchise authority. **(All Districts)**
[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]
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

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.

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ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

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