

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

November 6, 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 – Police Chaplain Carlos Flores
Pledge of Allegiance

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 30, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Ann Morgan Lilly

3. RESOLUTIONS:

- 3A.** That the City Manager be authorized to approve the assignment of any existing El Paso City-County Health and Environmental District contact, grant agreement, and lease which extends past December 31, 2007, from the District to the City, to be effective January 1, 2008. **(All Districts)**
[City Attorney's Office, Elaine Hengen, (915) 541-4550]
- 3B.** That the City Manager be authorized to sign a contract with the El Paso Hispanic Chamber of Commerce for \$90,000 for Fiscal Year 2008, for Small Business Technical Assistance (\$66,000), and Revolving Loan Fund Administration (\$24,000). **(All Districts)** [Economic Development, Kathryn B. Dodson, (915) 541-4760]
- 3C.** That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Frank X. Spencer & Associates, Inc., a Texas Corporation, to perform consulting services for a project known as "Coronado Street and Drainage Improvements Phase II" in an amount not to exceed \$64,970. **(District 3)** [Engineering, Javier Reyes, (915) 541-4630]
- 3D.** That the City Manager be authorized to sign an overhead electrical easement to the El Paso Electric Company for a portion of Block 12, Lot 1, East El Paso, El Paso County, Texas to provide electrical service to the Rawlings Dental Clinic located at 3301 Pera Avenue. **(District 8)**
[Development Services/Engineering, R. Alan Shubert, (915) 541-4423]
- 3E.** That the Purchasing Manager is authorized to notify Initial Security, that the City is terminating Contract No. 2005-151 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of November 6, 2007. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
- 3F.** That the Purchasing Manager is authorized to notify Jet Graphic dba Print World Graphics, that the City is terminating Contract No. 2006-104-C1 for default pursuant to the provisions and requirements of Section C 8B of the Contract Clauses due to the failure to perform printing services and that the termination shall be effective as of November 6, 2007. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

3G. That the City Manager be authorized to sign a First Amendment to Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area (“MPO”), and the Instituto Municipal de Investigación y Planeación, (“IMIP”) wherein MPO will provide analysis and GIS technical work for IMIP travel study. This amendment will increase the total reimbursement by IMIP to \$38,000; expand the scope of work; and extend the Agreement for an additional year to expire October 30, 2008. **(All Districts)**

[Metropolitan Planning Organization, Ricardo Dominguez, (915) 591-9735, Ext. 19]

3H. A Resolution that the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso and the University of Texas at El Paso in an amount of \$15,000 for the University of Texas at El Paso’s Institute for Policy and Economic Development to develop a survey of City residents regarding the financial and strategic plan for the City of El Paso. **(All Districts)**

[Office of Management and Budget, David Almonte, (915) 541-4011]

3I. That the City Manager be authorized to sign a License Agreement between the City of El Paso and the El Paso Zoological Society for a term of five years.

(All Districts) [Zoo, Steve Marshall, (915) 521-1850]

4. BOARD RE-APPOINTMENT(S):

4A. Paul G. Zacour to the Building and Standards Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

4B. Herschel Stringfield to the Building and Standards Commission to serve as an alternate by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4015]

4C. Michael Bray to the Building and Standards Commission by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4015]

5. APPLICATIONS FOR TAX REFUND:

That the tax refunds listed on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

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

Request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Smiths Detection, the sole manufacturer, distributor and provider of all configuration and accessories of the HazMatID system which is used for chemical identification purposes.

Department: Fire
Total Award: \$62,500
Account No.: 22150024 – 07184 – 503101 - G220802
Funding Source: Metropolitan Medical Response Service Grant
Sole Source No.: 2008-052
Districts: All

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

7. BID:

The award of Solicitation No. 2008-021 (Printing-Neighborhood Watch Manuals) to Paso Del Norte Publishing Inc. for a total amount of \$65,214.

Department: Police
 Award to: Paso Del Norte Publishing Inc.
 El Paso, Texas
 Items: All
 Option: None – One Time Purchase
 Account No.: 21150060-16371-502116-PROJECT 500231
 Funding Source: Federal Confiscated Funds, Promotional Services
 Total Award: \$65,214
Districts: All

The Departments of Financial Services and Police recommend award to the lowest responsive, responsible bidder meeting specifications.
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

8. BUDGET TRANSFERS:

BT2008-207 ZOO

Budget transfer will allocate funding to address areas of concern relating to revised animal care standards in preparation of the Association of Zoos & Aquarium Accreditation site committee visit on January 6, 2008.

Increase	\$181,000	to	Fund Balance Transfer
Increase	\$ 20,000	to	Buildings/Facilities
Increase	\$ 96,000	to	Contractual Services
Increase	\$ 65,000	to	Materials & Supplies

(All Districts)

[Zoo, Steve Marshall, (915) 521-1850] [Office of Management and Budget, David Almonte, (915) 541-4011]

REGULAR AGENDA - INTRODUCTIONS

9. 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.**

9A. An Ordinance amending Title 9 (Health and Safety), to create Chapter 9.02 (Department of Public Health), and sections thereunder, in the El Paso City Code, to create and establish the functions of the Department known as the Department of Public Health. **(All Districts)**
 [City Attorney's Office, Elaine Hengen, (915) 541-4550]

9B. An Ordinance vacating a twenty-foot Public Service Board (PSB) easement located within a portion of Lot 45, Block 20, River Park West Unit Nine, City of El Paso, El Paso County, Texas. Subject property location: north of Artcraft Road and east of Westside Drive. Applicant: RPW Development. SUB07-00095. **(District 1)** [Development Services/Planning, Raul Garcia, (915) 541-4935]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 13, 2007, FOR ITEMS 9A – 9B

- 9C.** An Ordinance granting Special Permit No. ZON07-00085 to satisfy parking requirements for Parcel 1, described as Lots 17-32, Block 43, Bassett Addition, City of El Paso, El Paso County, Texas (2101 Myrtle Avenue); by allowing off-site/off-street parking on Parcel 2, described as Lots 6-11 and 18, and portions of Lots 5 and 19, Block 42, Bassett Addition, City of El Paso, El Paso County, Texas (2000 Texas Avenue); pursuant to Section 20.42.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.64.175 of the El Paso City Code. **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 9D.** An Ordinance granting Special Permit No. ZON07-00086 to allow for a parking reduction on the property described as Lots 17 - 32, Block 43, Bassett Addition, City of 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: 2101 Myrtle Avenue. Applicant: El Puente Community Development Corporation. ZON07-00086 **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 9E.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a Portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County Texas, be changed from R-5/SP (Residential/Special Permit) to C-1 (Commercial); and Parcel 2: a portion of Tract 1A5, Section 45, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from C-1 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: south of Pebble Hills Boulevard, east of Joe Battle Boulevard. Applicant: JNC Land, Inc. ZON07-00091 **(District 5)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 27, 2007, FOR ITEMS 9C – 9E

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

10. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 10A.** Discussion and action on a Resolution releasing conditions placed on property by a contract dated March 29, 1983, which imposed conditions on Lot 4, Block 15, Sageland Addition Unit 4, City of El Paso, El Paso County, Texas, and imposing additional conditions. Applicant: Lin & Wang Gateway LP. ZON07-00082 **(District 7)** [Development Services/Planning, Frank Delgado, (915) 541-4238]

- 10B.** 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]
- 10C.** 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]
- 10D.** 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]
- 10E.** An Ordinance vacating a 90-foot utility easement located within a portion of Plaza Circle Right-of-Way, Pan American Center for Industry Unit Three, City of El Paso, El Paso County, Texas. Subject property location: south of Americas and east of Pan American. **(District 6)**
[Development Services/Planning, Raul Garcia, (915) 541-4935]

11. PUBLIC HEARING – FIRE DEPARTMENT:

An Ordinance granting a franchise to Elite Medical Transport to operate a non-emergency ambulance transfer service. **(All Districts)**
[Fire Department, Manuel Chavira, (915) 771-1000]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

12A. Discussion and Action on changing City policy to require the notification to City Representatives of any meetings taking place within the City of El Paso regarding any city issues. City representatives should be informed or notified of any city-wide issues/meetings taking place as City Representatives cannot adequately represent their constituents if they are not privy to information taken, discussed or approved at any meeting that they were not notified of. City meetings should be posted as Public Meetings and/or Special City Council Meetings to avoid conflict with the Open Meetings Act; by Representative Jose Alexandro Lozano. [Representative Jose Alexandro Lozano, (915) 541-4515]

12B. Discussion and action regarding the upcoming retirement of Chief Richard Wiles and the possibility of creating a Police Commission position, instead of a Police Chief position, and sending this proposal to the voters and placing this item on the ballot during the next regular election; to allow the citizens of El Paso to determine if El Paso should have a Police Commissioner elected by the people or a Police Chief appointed by the City Manager; by Representative Jose Alexandro Lozano. [Representative Jose Alexandro Lozano, (915) 541-4515]

13. DEVELOPMENT SERVICES:

13A. Discussion and action on Sandstone Ranch Estates Unit Two Subdivision-obtain permission from the City Council for a Conditional "B" permit as per Section 18.02.103.1.1.6 Prerequisite to Issuance of Permits. **(District 4)**
[Development Services, Larry F. Nichols, (915) 541-4557]

13B. Discussion and action on Tres Suenos Unit One Subdivision-obtain permission from the City Council for a Conditional "B" permit as per Section 18.02.103.1.1.6 Prerequisite to Issuance of Permits. **(District 5)**
[Development Services, Larry F. Nichols, (915) 541-4557]

14. FINANCIAL SERVICES:

Discussion and action on a Resolution amending the City's Debt Management Policy. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
POSTPONED FROM 10-23-07

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 related to Asarco pending litigation and other legal matters. (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX2. Settlement Authority of the City Attorney. (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/>