

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

November 20, 2006
10th 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, November 21, 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

November 21, 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 – Police Chaplain Clift Barnes
Pledge of Allegiance

PUBLIC RECOGNITION

**“STAR ON THE MOUNTAIN AWARD” TO EL PASO ASTRONAUT
DANNY OLIVAS**

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 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 November 14, 2006, and the Special City Council Meeting of November 13, 2006 (Agenda Review).

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

3. **RESOLUTION(S):**

That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee"), and Capital Cargo, Inc. ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas 79925. **(District 3)**
[Airport, Patrick T. Abel, (915) 780-4724]

4. **REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

- 4A. Campos, Guillermo – Airport Field Maintenance Worker
[Airport, Patrick T. Abel, (915) 780-4724]

- 4B. Alvarez, Ernesto – Senior Office Assistant
[Streets, Daryl W. Cole, (915) 621-6750]

5. BOARD APPOINTMENT(S):

Donald A. Michie to the Committee on Border Relations by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

6. APPLICATIONS FOR TAX REFUND:

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

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2007-020, Janitorial Services – Municipal Court, to The Eagle Janitorial Services for a total estimated award of \$87,215.00.

Department:	Municipal Court
Award to:	The Eagle Janitorial Services
	El Paso, TX
Item(s):	1
Option:	None
Annual Estimated Amount:	\$27,405.00
Account No.:	11010011-01101-502206
Funding Source:	Operating Account Janitorial Contracts
Estimated Total Award:	\$87,215.00
District(s):	8

This is a thirty-six (36) month contract with no option.

The Department of Municipal Court and Financial Services recommend award as indicated as this vendor has provided the Best Value Bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

8. BUDGET TRANSFERS:

BT2007-327 Airport

Transfer of funds to cover the cost of guard service required by new TSA mandates for increased security.

Increase	\$122,000	to	Fund Balance Transfer
Increase	\$122,000	to	Security Contracts
[Office of Management and Budget, David Almonte, (915) 541-4011]			
[Airport, Patrick T. Abeln, (915) 780-4724]			

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 5 (Business Taxes, Licenses and Regulations), Chapter 5.46 (Assisted Living Facilities), of the El Paso City Code, to create the chapter relating to state licensing, inspection and enforcement assistance regarding assisted living facilities; the penalty being as provided in Sections 1.08.010-1.08.030 of the City Code. **(All Districts)**
[Representative Susie Byrd, (915) 541-4416]
- 9B. An Ordinance to establish regulations whereby the City of El Paso may refuse to enter into an agreement with a person indebted to the City of El Paso, and whereby the City of El Paso may offset amounts it owes vendors by amounts owed by vendors to the City of El Paso. **(All Districts)**
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

PUBLIC HEARING WILL BE HELD ON DECEMBER 5, 2006, FOR ITEM 9A – 9B

- 9C. An Ordinance changing the zoning of the east one half of lots 16-20, both inclusive, block 214, Alexander Addition, an Addition to the City of 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: North of Robinson and West of Kansas. Applicant: Romelia Beard. ZON06-00124 **(District 1)**
[Development Services, Arlan Greer, (915) 541-4723]
- 9D. An Ordinance granting Special Permit No. ZON06-00110 to allow for a Planned Residential Development with private streets on a portion of Tract 1A, and all of Tract 1B, S.J. Larkin Survey No. 265, and a portion of H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, pursuant to Sections 20.12.040 and 20.22.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: South of Bear Ridge Drive, East of Redd Road. Applicant: Acro Developers I, LTD. ZON06-00110. **(District 1)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2006, FOR ITEMS 9C – 9D

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 HEARING(S) – DEVELOPMENT SERVICES

- 10A. An Ordinance changing the zoning of a portion of Lot 17, Block 126, Pebble Hills Subdivision Unit 15, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/Special Contract) to A-2 (Apartment). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Yarbrough Drive, North of Pebble Hills Boulevard. Applicant: EPT Pueblo Condominiums, L.P. ZON06-00112 **(District 5)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 10B. That the City Manager be authorized to sign a partial release of contract by and between Leavell Development Company, a corporation, and Individual Homes, Inc. (hereinafter the "Contract"), releasing conditions 1 and 2, in the contract dated March 2, 1977, for the property described as a portion of Lot 17, Block 126, Pebble Hills Subdivision Unit 15, City of El Paso, El Paso County, Texas. Subject Property: Yarbrough Drive, North of Pebble Hills Boulevard. Applicant: EPT Pueblo Condominiums, L.P. ZON06-00119 **(District 5)**
 [Development Services/Planning, Esther Guerrero, (915) 541-4720]
 POSTPONED FROM 10-31-06

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

That the City Manager be authorized to sign a Sponsorship Agreement between the City of El Paso and Overtime Sports Southwest, LLC commencing November 21, 2006, through February 28, 2007, to sponsor the Texas vs. The Nation Game, in an amount not to exceed \$75,000 and that City Manager is authorized to sign the necessary documentation to effectuate the contract.

Funding Source: 27456-P501566-57107100-502215. **(All Districts)**
 [Representative Presi Ortega, Jr., (915) 541-4189] [Representative Steve Ortega, (915) 541-4124]

12. DEVELOPMENT SERVICES:

Discussion and action regarding the determination and setting of parade fees, charges, and collections. **(All Districts)** [Development Services, Harry Steele, (915) 541-4570]

13. FINANCIAL SERVICES:

13A. BEST VALUE PROCUREMENT:

Discussion and action on the award of Solicitation No. 2006-179 for Rawlings Dental Health Clinic Project to F.T. James Construction, Inc. of El Paso, Texas, for a total estimated amount of \$818,818.00.

Department:	City/County Health
Award to:	F.T. James Construction, Inc. El Paso, Texas
Items:	Base Bid I: \$818,818.00
Account No:	G7131CD0024-71150069-07846-508027 G7131CD0024-31135001-27124-508027 G7131CD0024-31250204-60503-508027
Funding Source:	Community Development B-05-MC-48-0024 Certificates of Obligation FY 98A Certificates of Obligation FY 02
Total Estimated Award:	\$818,818.00
District(s):	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.

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.

This is a lump-sum contract.

The Departments of Financial Services and City/County Health recommend award to the bidder offering the best value bid.

[Engineering Department, Rick Conner, (915) 541-4423]

13B. BIDS:

Discussion and action on the award of Solicitation No. 2007-021 for District No. 8 Park Improvements to Blair Hall, Inc. of El Paso, Texas, for a total estimated amount of \$720,589.81. The contract includes improvements to several District No. 8 parks.

Department:	Parks and Recreation		
Award to:	Blair Hall, Inc.		
	El Paso, Texas		
Items:	Base Bid I:	\$623,116.92	
	Base Bid II:	\$ 97,472.89	
Total Estimated Award:	\$720,589.81		
Account No:	PBE04PA103-14200401-29103-508016	[\$ 20,591.74]	
	PBE04PA103-14200401-29103-508024	[\$ 5,369.00]	
	PBE04PA103-14200401-29103-508026	[\$ 25,000.00]	
	PBE04PA103-14200401-29103-508027	[\$511,021.29]	
	PBE04PA103-14200401-29103-508051	[\$ 25,000.00]	
	PQLPA177-31130500-60176-504405	[\$170,000.00]	
Funding Source:	2004 Bond and 2000 Quality of Life Bond		
District(s):	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 Financial Services and Parks and Receptions Departments recommend award as indicated to the lowest responsive, responsible bidder.

[Engineering Department, Rick Conner, (915) 541-4423]

14. POLICE DEPARTMENT – BUDGET TRANSFER:

14A. BT2007-288 POLICE

This transfer will increase appropriations for confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$638,136	to	Miscellaneous Non-Operating Revenue
Increase	\$115,000	to	Promotional Services
Increase	\$210,128	to	Furniture & Fixtures
Increase	\$313,008	to	Data Processing

(All Districts)

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

[Police Department, Paul Cross, (915) 564-7310]

14B. BT2007-289 POLICE

This transfer will increase appropriations for confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$736,160	to	Miscellaneous Non-Operating Revenue
Increase	\$ 27,360	to	Outside Contracts
Increase	\$ 9,500	to	Office Supplies & Equipment Maintenance
Increase	\$ 5,000	to	Pagers/Cellular
Increase	\$ 38,000	to	Vehicular Equipment
Increase	\$312,300	to	Public Safety
Increase	\$ 10,000	to	Animals
Increase	\$334,000	to	Construction

(All Districts)

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

[Police Department, Paul Cross, (915) 564-7310]

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. Direction and legal advice regarding the City-County Health District (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 CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

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