

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

**December 2, 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.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
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. CHRISTMAS TREE LIGHTING CEREMONY AND HOLIDAY LIGHT PARADE**
- 2. OPERATION SANTA CLAUS DAY**
- 3. YOUTH FOR HUMAN RIGHTS WEEK**

RECOGNITIONS

- 1. RED KETTLE RING-OFF**
- 2. DR. LEA R. HUTCHINSON, EL PASO ZOO DIRECTOR EMERITUS**

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 November 18, 2008.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Lessor’s Approval of Assignment by and between the City of El Paso (“Lessor”), Boeing/Skypark II Ltd. (“Assignor”), and Ministerios Nuevo Amanacer, Inc. (“Assignee”) for the following described property: a portion of Lots 7 and 8, Block 5, El Paso International Airport Tracts, Replat “A”, City of El Paso, El Paso County, Texas. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign a Letter of Agreement between the City of El Paso, on behalf of the El Paso International Airport, and Headquarters Air Education and Training Command for the provision of secure ramp space for aircraft servicing and overnight parking as needed. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]

3C. That the City Manager and City Engineer be authorized as follows: 1) the City Engineer shall notify Tirayan Construction and its surety, Western Surety Company, that the City of El Paso is terminating Bid No. 2008-185 to Tirayan for the construction of a project known as Cedar Grove Sidewalks Improvements, pursuant to General Conditions 6.9, Right of Owner to Terminate the Contract, due to the default by Tirayan and that the termination shall become effective immediately upon service of the notice of termination upon Tirayan and Western Surety Company; 2) the City Engineer shall file a claim with Western Surety Company based on the default of Tirayan Construction and make demand that the surety perform the remainder of the work of the Cedar Grove Sidewalks Improvements project in accordance with the terms and conditions of Bid No. 2008-185; and 3) the City Manager is authorized to sign any take-over agreements or related documents upon approval by the City Attorney’s Office

and the City Engineer and to take any actions necessary to accomplish the intent of this Resolution. **(District 3)** [Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager be authorized to sign a 180-day License Agreement with the El Paso County Water Improvement District No. 1 for use of District facilities for conveyance of dewatering activities necessary for construction of pipeline, sewer lines, buildings or other facilities not owned by the District into one or more of the District's drainage canals or other facilities. The City Manager is also authorized to sign amendments to the License Agreement extending the time of the License up to an additional 180 days. **(District 1)**
[Engineering, R. Alan Shubert, (915) 541-4423]

3E. That the City expend additional available funding in the amount of \$60,909.80 to Vistacon, Inc. to fund additional labor and materials for Contract Number 2008-056, EPIA Terminal Modifications and Additional Public Concessions. **(District 2)** [Engineering, R. Alan Shubert, (915) 541-4423]

3F. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Carlos Castillo and Luciana Castillo, also known as Luciana Cruz Provencio, for the purchase of Lot 12, Block 3, Valle De San Miguel Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 53, Page 1, Real Property Records, also known as 8532 San Miguel Drive, El Paso, Texas, for the purchase price of \$73,618. Project #: PSTM06PW556; Fund: 27263; Department: 14200500; Account: 508000. **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]

4. BOARD RE-APPOINTMENTS:

4A. Doug Hamilton to the Airport Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

4B. Frederick J. Shuford to the Parks and Recreation Advisory Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

5. BOARD APPOINTMENTS:

5A. Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
POSTPONED FROM 11-11-08 AND 11-18-08

5B. Miguel Fernandez to the City Plan Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

5C. Eduardo Castorena to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5D. Angelica Quintanilla to the Committee on Border Relations by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

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

6A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order for Buffer Zone Protection CCTV cameras for railroad tunnels to Advanced Security Contractors, Inc., the sole source certified dealer and repair center for CCTV Cameras and accessories.

Department: Police Department
 Account No.: 21150010 – 508007 – 05408 – G210810
 Funding Source: Federal Police Grant, Buffer Zone Grant, Public Safety Equipment
 Total Estimated Award: \$161,581.01
 Sole Source No.: 2009-067
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

6B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to INX, Inc., in the amount of \$140,863.15. INX, Inc., is a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-239 for Catalyst 6500 Series and Cisco Upgrades. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
 Account No.: 39010351 – 508010 – 01101
 Funding Source: Information Services, Data Processing Equipment
 Total Estimated Award: \$140,863.15
 Reference No.: 2009-068
Districts: All
 [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

6C. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to CheckPoint Services, Inc., for Environmental Services computer hardware servers and server storage expansion needed for the Accela Automation Project under the Texas Department of Information Resources (DIR) Contract No. DIR-SDD-192 for Dell Computers and third party peripherals in the amount of \$105,551.81. The participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Environmental Services
 Account No.: 34010289 – 508010 – 40403
 Funding Source: Environmental Services
 Total Amount: \$105,551.81
 Reference No.: 2009-071
Districts: All
 [Financial Services/Purchasing, 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 granting a special privilege to The El Paso Project, LLC permitting two accessibility ramps with stairs, a wall, and a portion of the structure to encroach onto portions of public rights-of-way adjacent to the property located at 300 South Florence Street. Subject Property: 300 South Florence Street. Applicant: The El Paso Project, LLC. SPL08-00024 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.030 (Proximity to Curb) of the El Paso City Code by adding parking requirements for motorcycles. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(All Districts)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 7C.** An Ordinance amending Title 7 (Animals), by adding Chapter 7.30 (Animal Welfare Advisory Committee); and sections thereunder to establish the Animal Welfare Advisory Committee. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]
- 7D.** An Ordinance amending Title 7 (Animals), by adding Chapter 7.28 (Animal Shelter Advisory Committee); and sections thereunder to establish the City of El Paso Animal Shelter Advisory Committee. **(All Districts)**
[Public Health, Michael Hill, (915) 771-5702]

PUBLIC HEARING WILL BE HELD ON DECEMBER 9, 2008, FOR ITEMS 7A – 7D

- 7E.** An Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 100 Crown Point. Applicant: Jaime Portillo. ZON08-00072 **(District 1)**
[Development Services/Planning, Ismael Segovia, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON DECEMBER 23, 2008, FOR ITEMS 7E

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 – PUBLIC HEARINGS**8. DEVELOPMENT SERVICES:**

- 8A.** An Ordinance changing the zoning of a portion of a replat of Ysleta Industrial District, City of El Paso, El Paso County, Texas, from M-1 (Manufacturing) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 336 N. Zaragoza Road. Applicant: E.P Summit Investments, L.P. ZON08-00066 **(District 6)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 8B.** An Ordinance changing the zoning of a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-4 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Ardelle Avenue and east of George Dieter Drive. Applicant: J&L Unique Homes/Joe Lozano. ZON08-00067 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]
- 8C.** An Ordinance releasing conditions on property by Ordinance No. 009146 which changed the zoning of a portion of Lot 11, Block 5, Hueco View Acres, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: north of Ardelle Avenue and east of George Dieter Drive. Applicant: J&L Unique Homes/Joe Lozano. ZON08-00068 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

9. ENGINEERING:

- 9A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 Schedule XII (Restrictions on Parking in Residential Districts), Zone Q (No Parking 7:00 a.m. to 4:00 p.m., School Days Only) of the El Paso City Code by adding Milan Street from Quail Avenue to Naples Avenue, both sides. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 4)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
- 9B.** 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 by deleting Number 157 Lee Street between Magoffin Avenue and Olive Avenue, west side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

10. TAX OFFICE:

- 10A.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described herein to G.W.M. Investments II, L.P., in accordance with Section 34.05 (h) of the Tax Code. **(District 8)**
[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 located at 404 Nino

Aguilera to Centro De Salud Familiar La Fe, Inc., in accordance with Section 34.05 (h) of the Tax Code. **(District 8)**

[Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, Carmen Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

Discussion and action on a Resolution expressing support for the Big City Mayor's Legislative Initiative dealing with homelessness. **(All Districts)**

[Mayor's Office, Sylvia Borunda Firth, (915) 541-4657]

12. DEVELOPMENT SERVICES:

Discussion and action on Conditional B permit for Education Heights Subdivision.

(District 1) [Development Services, Victor Q. Torres, (915) 541-4557]

13. ENGINEERING:

Discussion and action on Tierra Commercial Unit 5 Subdivision Plat proportionality appeal submitted by River Oaks Properties, Ltd. and Ranchos Real XII, Ltd. under Section 19.46 of the El Paso City Code. **(District 5)**

[Engineering, R. Alan Shubert, (915) 541-4423] POSTPONED FROM 11-04-08 and 11-18-08

14. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on Capital Improvement Program including:

1. 2009 Debt Issuance
2. Storm 2006 Project Update
3. Sun Metro Capital Projects Update

(All Districts) [Engineering, R. Alan Shubert, (915) 541-4423]

4. Discussion and action on a Resolution that the City Council affirms that the list of projects totaling \$73,128,137 shall be the established list of Capital Improvement Program projects for 2009 and that the City Manager be authorized to establish the funding sources for these projects and make all necessary budget transfers at the appropriate times. **(All Districts)**

[Financial & Administrative Services, William Studer, (915) 541-4011]

5. Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Moreno Cardenas, Inc., for a project known as "Northeast Channel No. 2, Phase 1 Improvements" for an amount not to exceed \$469,841.80 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$519,841.80. Funding: 31260001/ 508016/ 60654/PSTM06 PW512 and 99331117/508016/27264/PSTM06 PW514. **(District 4)**

[Engineering, R. Alan Shubert, (915) 541-4423]

6. Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Quantum Engineering Consultants Incorporated for a project known as "Saipan-Ledo Park/Pond" for an amount not to exceed \$404,049.90 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$454,049.90. Funding: FY2009 Certificate of Obligation Debt Issuance. **(District 3)** [Engineering, R. Alan Shubert, (915) 541-4423]

7. Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Jacobs Engineering Group, Inc., for a project known as "Transit Planning Services: Alternatives Analysis Development" for an amount not to exceed \$980,951 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$1,030,951. Funding: FY 2009 Certificate of Obligation Debt Issuance. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]

8. Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City Of El Paso and CEA Group, Inc., for a project known as "Oregon Street Rehabilitation" for an amount not to exceed \$378,240.39 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$428,240.39. Funding: 9331117/508016/27263/PCP06ST022B and 31255002/ 508016/ 05791/ PCP06ST022B. **(Districts 1 and 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

9. Discussion and action 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 extension of Airway Boulevard from Gateway East to Market. Funding: 2009 Debt Issuance. **(District 3)**
[Engineering, R. Alan Shubert, (915) 541-4423]

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 relative to City Manager's Annual Performance Review.
(551.074) [Mayor John F. Cook, (915) 541-4145]

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/>