

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

December 4, 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, December 5, 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

December 5, 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 and Fire Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. YOUTH FOR HUMAN RIGHTS WEEK**
- 2. CELEBRATION FROM THE CITY OF EL PASO FOR THE ASSOCIATION OF THE UNITED STATES ARMY- AUSA**

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 Meetings of November 21, 2006 (corrected), November 28, 2006, and the Special City Council Meeting of November 27, 2006 (Agenda Review).

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

3. **RESOLUTIONS:**

3A. That the City Manager be authorized to sign a Ninth Amendment to the Facilities Management and Tourism Agreement between the City of El Paso and SMG to provide for an additional year of management and operation services of the Visitor's Information Center located within the Airport Terminal Building at the El Paso International Airport. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That the City Council of the City of El Paso hereby adopt amended standards for Department of Community and Human Development loan delinquency management in connection with (1) Loan Restructuring in Lieu of Foreclosure, (2) Loan Foreclosure/Lawsuits, and (3) Declaring Loans Uncollectible; and that the Director of Community and Human Development be authorized to take any and all action consistent with this Resolution necessary to remedy such delinquencies. **(All Districts)**

[Community and Human Development, William Lilly, (915) 541-4643]

3C. That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the Alameda Traffic Signal Interconnect which will expand the existing interconnect system to the existing computerized signal system by providing communications ranging from fiber optics to twisted copper and other related hardware for the interconnection of traffic signals. The project includes the installation of video surveillance cameras and video detection system for traffic management. **(Districts, 3, 6, & 7)**
[Engineering Department, Rick Conner, (915) 541-4423]

3D. That Cheryl S. Lay be appointed to serve in a full time position as Substitute Associate Municipal Judge during the remainder of her current term of office expiring on the fourth Tuesday in June 2007, and;

That David Biagas be appointed to serve in a full time position as Substitute Associate Municipal Judge during the remainder of his current term of office expiring on the fourth Tuesday in June 2009.

(All Districts) [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

4. BOARD RE-APPOINTMENT:

Robert Gray to the Information Technology Advisory Board by City Representative Beto O'Rourke, District 8.

[Representative Beto O'Rourke, (915) 541-4268]

5. BOARD APPOINTMENTS:

5A. Gary Porras to the Construction Board of Appeals by Representative Eddie Holguin, Jr., District 6.

[Representative Eddie Holguin, Jr., (915) 541-4178]

5B. James W. Wolff to the Historic Landmark Commission by Representative Jose Alexandro Lozano, District 3.

[Representative Jose Alexandro Lozano, (915) 541-4515]

6. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

That the tax refunds listed on the attachment posted with this agenda be approved. (See attachment A) **(All Districts)**

7. BID:

The award of Solicitation No. 2006-199, Vocational Trucks (Dump Trucks and Rolloff Trucks), to Border International Trucks for a total award of \$465,670.00.

Department: General Services/Fleet Division

Award to: Border International Trucks

El Paso, Texas

Item(s): 1A (Dump Truck) - Qty. 2 @ \$104,525.00/each

2A (Rolloff Truck) - Qty. 2 @ \$128,310.00/each

Option: Vendor offers options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if

the option is exercised within ninety (90) days and/or one hundred eighty (180) days from the date of award of the contract.

Account No.: 508006-27507-37150068-PFLESVC01

Funding Source: Equipment Replacement Fund

Total Award: \$465,670.00

District(s): All

This is a fixed-price, single (one-time) purchase.

No prompt payment discount was offered.

The Departments of Financial Services and General Services recommend award as indicated to the lowest responsive, responsible bidder.

[Financial Services, Terrence Freiburg, (915) 541-4313] POSTPONED FROM 11-28-06

8. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

Council Ratification of the Storm 2006 professional services and/or construction contracts listed on the attachment posted with this agenda. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution. (See attachment B)

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

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 vacating a portion of Convair Road right-of-way within El Paso International Airport Tracts Unit 5, City of El Paso, El Paso County, Texas. Subject Property: East of Convair Drive and West of Northrop Drive. Applicant: El Paso International Airport. SV06006 **(Districts 2 & 3)**
[Development Services/Planning, Jim Fisk, (915) 541-4638]

9B. An Ordinance designating the five areas described as Redevelopment Districts in the El Paso Downtown 2015 Plan as a Tax Increment Reinvestment Zone; describing the boundaries of the Zone; creating a Board of Directors for the Zone; providing for an effective date and a termination date for the Zone; naming the Zone "Reinvestment Zone Number Five, City of El Paso, Texas"; establishing a Tax Increment Fund; and containing other provisions related thereto.
(City Downtown/District 8)
[Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

9C. An Ordinance reaffirming the authorization, approved in Ordinance No. 016484, for 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, and correcting an error in the legal description to include "all of Tract 10C2" and "now known as Tract 3B2" in the

identified legal description and survey. **(District 1)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON DECEMBER 19, 2006, FOR ITEMS 9A – 9C

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 – MAYOR AND COUNCIL:

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]

11. PUBLIC HEARING – FINANCIAL SERVICES:

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]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

12A. Discussion and action on the future of elephants at the El Paso Zoo.
[Representative Beto O'Rourke, (915) 541-4268] **POSTPONED FROM 09-05-06 AND 09-12-06**

12B. Discussion and action on traffic control measures on Tays and Delta.
[Representative Beto O'Rourke, (915) 541-4268]

12C. Discussion and action concerning creating a City Charter Review Process, timetable for possible ballot election, creation and composition of a Citizen Charter Review Committee, and potential amendments to the Charter.
[Mayor John F. Cook, (915) 541-4145]

13. FINANCIAL SERVICES

13A. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2007-019, Public Information Officer and Public Relations Representative of the Environmental Services and Street Department, to Keep El Paso Beautiful for a total estimated award of \$385,842.00.

Departments: Environmental Services and Street
 Award to: Keep El Paso Beautiful
 El Paso, Texas
 Item(s): All
 Options: 1 Year
 Account No.: 34010289-40403-502116
 Funding Source: Solid Waste Management, Promotional Services
 Annual Estimated Amount: \$128,614.00
District(s): All
 Total Estimated Award: \$385,842.00

This is a thirty-six (36) month contract.

No prompt payment discount was offered.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review, and the City Manager execute any additional documents and agreements as necessary.

The Departments of Financial Services and Environmental Services recommend award to the bidder indicated. [Financial Services, Terrence Freiburg, (915) 541-4313]

13B. REQUEST FOR PROPOSALS:

Discussion and action on the award of Solicitation No. 2007-003R, Lease, Develop, and Operate News, Gifts, & Specialty Retail Concessions, at the El Paso International Airport to The Paradies Shops, Inc. for a projected amount of \$14,005,669.00.

Department: Department of Aviation
 Award to: The Paradies Shops, Inc.
 Atlanta, GA
 Account No.: Revenue Contracts
 Funding Source: Revenue Contracts
 Projected Amount: \$14,005,669.00
 (\$11,164,367.00 - Projected Revenue during the
 Contract's Term)
 (\$2,841,302.00 – Initial Capital Improvements)
District(s): 3

The Review Committee recommends award as indicated. The Paradies Shops, Inc. submitted the highest ranked and best proposal to meet the needs of the City.

The term of this contract is comprised of two parts, the Interim Term and the Primary Term. The Interim Term will begin January 1, 2007, and will terminate upon delivery of newly constructed concession areas to The Paradies Shops, Inc. (estimated Spring 2008). The Primary Term is ten (10) years after possession of newly constructed concession areas to The Paradies Shops, Inc.

The Paradies Shops, Inc. has committed \$2,841,302.00 to initial capital improvements for all concession areas, which was the highest capital improvement amount proposed.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review, and the City Manager execute any additional documents and agreements as necessary.

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

14. OFFICE OF MANAGEMENT AND BUDGET:

Discussion and action on proposals to increase the tax exemption for elderly and disabled or provide a general homestead exemption for residential taxpayers effective January 1, 2008. **(All Districts)**

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

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.** Claim of Vickie Shields, Our File No. 06-C-211/Fire. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Claim of Daniel Lopez, Our File No. 06-C-082/Street. (551.071).
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** Billy Ray Nitsch vs. The City of El Paso, et. al.; Cause No. EP-06-CA-0042-KC. (551.071). [City Attorney's Office, Jennifer F. Callan, (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/>