

**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  
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS  
TUESDAY, DECEMBER 6, 2005  
9:00 A.M.**

**AND**

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION  
COUNCIL/STAFF QUESTION AND ANSWER SESSION  
10TH FLOOR, CONFERENCE ROOM  
MONDAY, DECEMBER 5, 2005  
4:00 P.M.**

**ROLL CALL**

Invocation – Police Chaplain Carlos Flores  
Pledge of Allegiance

**MAYOR'S PROCLAMATIONS**

- 1. OPERATION SANTA CLAUS DAY**
- 2. SENIOR ALL-STAR FOOTBALL CLASSIC WEEK**

**RECOGNITION**

**"STAR OF THE MOUNTAIN" AWARD TO MR. NESTOR VALENCIA**

**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](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.

**CONSENT AGENDA**

**1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of November 29,2005 and Special City Council Meetings of November 14, 2005 (Texas Open Meetings Act) and November 28, 2005.

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

**3. RESOLUTIONS:**

**3A.** That the City Manager be authorized to sign a GSA Standard Form 30, *Amendment of Solicitation/Modification of Contract*, and other GSA/Federal forms required for the design completion and construction of the Storm Drain System for the Santa Fe Bridge/Paso Del Norte Port of Entry Expansion Project within City property. Be it further resolved that the City Manager is hereby authorized to make the necessary budgetary adjustments or transfers to carry out the intent of this Resolution. Project #: PPWFLO3047; Fund: 27707; Department: 31255013; Account: 508016. **(All Districts)**  
[Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]

**3B.** That the City Manager be authorized to sign a First Amendment to the Gomez Road Extension Developer Agreement, by and between the City of El Paso and Frontera Vista LP. The purpose of the amendment is to expand the scope of the agreement to include the construction of improvements to the right of way abutting Valley Creek Park. **(District 1)**  
[Engineering Department, Rick Conner, (915) 541-4200]

**3C.** That the City Manager be authorized to sign a Fourth Amendment to an Agreement for Architectural Services by and between the CITY OF EL PASO and MARTINEZ/JOHNSON ARCHITECTURE, P. C. for a Project related to the renovation of the "Plaza Theatre and Centre Annex", to include the design for the Annex/Roof catering accommodations, vending carts and concessions, and blade signs in an amount not to exceed TWENTY-NINE THOUSAND SEVEN HUNDRED THIRTY-SIX and 50/100 DOLLARS (\$29,736.50). **(District 8)**  
[Engineering Department, Rick Conner, (915) 541-4200]

**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.** Orozco, Lina – Secretary II  
[Airport, Patrick Abeln, (915) 780-4724]

**4B.** Zubia, Angel – Traffic Counter  
[Engineering, Rick Conner, (915) 541-4200]

**4C.** Cruz, Gabriela – Public Safety Dispatcher  
[Fire, Roberto Rivera, (915) 771-1000]

**4D.** O'Hara, Virginia – Library Information Specialist I  
[Library, Carol Brey-Casiano, (915) 543-5406]

**5. BOARD RE-APPOINTMENTS:**

Leopoldo Gemoets to the Information Technology Advisory Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

**6. BOARD APPOINTMENTS:**

**6A.** Gail Caldwell to the Parks and Recreation Advisory Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

**6B.** James P. Maloney to the Airport Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]

**6C.** Dr. Carina (Karen) Ramirez to the Bond Overview Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

**7. RESIDENTIAL STREET LIGHT(S):** Approve installation, power, and maintenance of residential street light(s) at the following location(s):

Between 2116 & 2124 Zanzibar Rd. at a cost of \$899.00  
(Special Projects Account 504420, Dept. ID 01010005, Fund 01101, District 5).  
[Representative Presi Ortega, Jr., (915) 541-4189]

**8. CHANGE ORDERS:**

**8A.** Approve Change Order No. Eighteen (Construction Change) to Byrne / Arrow, Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration and Expansion project, for an increased amount of \$48,961.00. Change Order also adds seven (7) days to the contract time. The purpose of this change order is to annex revision for Catering Kitchen. El Paso Community Foundation will fund these changes: 31255011-PPW0310-27697-508027.

The revised completion date for this project through this change order is January 8, 2006.

Location: 125 Pioneer Plaza  
District: 8  
[Financial Services, Byron E. Johnson, (915) 541-4308]

**8B.** Approve Change Order No. Twenty-Three (Construction Change) to Byrne / Arrow, Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration and Expansion project, for an increased amount of \$49,018.00. Change Order also adds seven (7) days to the contract time. The purpose of this change order is for revisions to air return ducts due to unknown existing conditions. City of El Paso will fund these changes: 14300100- PPW0310-27911-508027.

The completion date for this project through this change order is January 21, 2006.

Location: 125 Pioneer Plaza  
District: 8  
[Financial Services, Byron E. Johnson, (915) 541-4308]

- 8C. Approve Change Order No. Twenty-Six (Construction Change) to Byrne / Arrow, Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration and Expansion project, for an increased amount of \$30,592.00. Change Order also adds nine (9) days to the contract time. The purpose of this change order is for information technology communication outlets. City of El Paso will fund these changes: 14300100-PPW0310-27911-508027.

The completion date for this project through this change order is January 30, 2006.

Location: 125 Pioneer Plaza  
District: 8  
[Financial Services, Byron E. Johnson, (915) 541-4308]

- 8D. Approve Change Order No. Thirty (Scope Change) to Byrne / Arrow, Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration and Expansion project, for an increased amount of \$132,264.00. Change Order also adds seven (7) days to the contract time. The purpose of this change order is for revisions to south Fly Tower wall to save time, additional hours for iron workers and Diversified Interior works and temp roof, and to apply sound proofing to interior of Fly Tower wall. City of El Paso will fund these changes: 14300100-PPW0310-27911-508027.

The completion date for this project through this change order is February 6, 2006.

Location: 125 Pioneer Plaza  
District: 8  
[Financial Services, Byron E. Johnson, (915) 541-4308]

9. **BIDS:**

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

- 9A. Solicitation No. 2006-012 Delineator and Object Marker Assemblies  
Award to: San Bar Construction Corp.  
Albuquerque, NM  
Item(s): 1 through 7: \$172,720.25  
1A though 6A: \$157,990.85  
1B through 7B: \$62,128.60  
Amount: \$392,839.70 (estimated)  
Department: Street  
Funds available: 508027-27710-31255013-PBR05001  
503206-40272-32010283  
Funding source: Federal Capital Projects, Zaragosa Bridge DCL  
\$330,711.10

Bridge Operations, Stanton Street Bridge  
 \$62,128.60  
 Total award: \$392,839.70 (estimated)  
 District (s): Citywide

The Street and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties.

This is a unit price contract for the purchase of materials and for the installation of Delineator and Object Marker Assemblies. Quantities are estimated. No prompt payment discount was offered.  
 [Financial Services, Barbara Crumley, (915) 541-4315]

- 9B.** Solicitation No. 2006-032 Plumbing Fixtures & Supplies-Rebid  
 Award to: Dale Boren's Service Supply, Inc.  
 El Paso, Texas  
 Item(s): Group I, Item #1, Group II, Item #1  
 Amount: \$25,000.00 (estimated annually)
- Department: General Services-Building Maintenance  
 Funds available: 31010326-503200-01101  
 Funding source: Building Maintenance General Operating Funds-City Wide Building Maintenance
- Total award: \$75,000.00 (estimated)  
 District (s): All

General Services-Building Maintenance and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

No options offered by the vendor.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.  
 [Financial Services, Jesus M. Juarez, (915) 541-4317]

**10. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events. [Development Services, R. Alan Shubert, (915) 541-4560]

- 10A.** San Juan Bautista Catholic Church to hold a procession on December 11, 2005 from 3:00 p.m. to 5:30 p.m. Route: Start at the church – 5647 Dailey to Chelsea, turn right on Chelsea to Chelsea Apartments, enter parking area (south entrance) and exit parking area (north exit) to Chelsea, turn left on Chelsea to Rosa, turn left on Rosa to Glenwood, turn right on Glenwood to Dailey, turn right on Dailey and finish at the church. Approximately 200 persons will take part. This request includes permission to use amplification (1 p.a. system and 2 microphones). PERMIT # 05-187 [James P. Martin] **(District 3)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 8 OFFICERS AND 8 VEHICLES. ESTIMATED COST TO CITY: \$532.50 ESTIMATED COST TO APPLICANT: \$467.50. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 10B.** Dora Carlos to block off Raynor between Findley and north end of San Antonio on December 12, 2005 from 3:00 p.m. to 5:00 p.m. for a matachines block party. Approximately 50 persons will take part and 20 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-190 [Dora Carlos] **(District 8)**  
 NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

**REGULAR AGENDA**

**11. 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.**

- 11A.** An Ordinance to change the date of the City general election for officers to an authorized uniform election date and to adjust the terms of office to conform to the new election date. **(All Districts)**  
 [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 20, 2005 FOR ITEM 11A**

- 11B.** An Ordinance changing the zoning of Tract 2, Save and Except a portion thereof, Map of Lomaland, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to A-1/c (Apartment/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8303 North Loop. Applicant: Guadalupe Yturales. ZON05-00104 **(District 7)**  
 [Planning, Christina Valles, (915) 541-4930]
- 11C.** An Ordinance changing the zoning of 24.566 acres out of and a part of Tract 2A, Block 1, Ysleta Grant and Tract 3B, Block 56, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: Loop 375 and North Loop. Applicant: Ben L. Ivey LTD. ZON05-00055 **(District 6)** [Planning, Christina Valles, (915) 541-4930]
- 11D.** An Ordinance changing the zoning of all of Lot 6 & the West 1/2 of Lot 7, Block 59, East El Paso, El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 3411 Gateway West. Applicant: Romualdo Delgadillo. ZON05-00067 **(District 8)** [Planning, Christina Valles, (915) 541-4930]
- 11E.** An Ordinance changing the zoning of a portion of Tract 3, S.A. & M.G. Survey No. 268, El Paso, El Paso County, Texas from R-3 (Residential) to R-4 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 314 Thorn Avenue. Applicant: D.H. & Mary Villarreal. ZON05-00119 **(District 1)** [Planning, Christina Valles, (915) 541-4930]



**15. PUBLIC HEARINGS – MAYOR AND COUNCIL:**

An Ordinance amending Title 7 (Animals) of the El Paso City code in its entirety, providing that penalties for violations thereof shall not exceed two-thousand dollars (\$2,000.00) per day per violations as provided in 7.04.080 of the El Paso City Code. [Representative Beto O'Rourke, (915) 541-4268]

**16. PUBLIC HEARINGS – ENGINEERING:**

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), to add a New Location On Dorbandt Circle, From Davis Drive to a Point 650 Feet West Thereof, Southside Only. The Penalty Being as Provided in Section 12.84.010 of The El Paso Municipal Code. **(District 7)**  
[Engineering Department, Traffic Division, Ted Marquez, 541-4035]

**17. PUBLIC HEARINGS – FIRE DEPARTMENT:**

An Ordinance granting a renewal of the franchise for Life Ambulance Service, to operate a non-emergency ambulance transfer service.  
[Fire Department, Assistant Fire Chief Manny Chavira, (915) 771-1000]

**18. PUBLIC HEARINGS – PARKS AND RECREATION:**

**18A.** An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and El Paso's Miracle League, Inc., for the development of a baseball field and related facilities accessible by the disabled community. Such field and facilities to be located at a portion of Ponder Park, also known as a portion of lot 97, Cielo Vista Subdivision, El Paso, El Paso County, Texas for a term of twenty (20) years, with renewal options. **(District 3)**  
[Parks and Recreation, Norman Merrifield, (915) 541-4331]

**18B.** An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and Teens In Action, for the lease of a portion of 43 Ysleta, Tract-1C, El Paso, Texas for a term of one (1) year, with renewal options for an additional five years. **(District 6)**  
[Parks and Recreation, Norman Merrifield, (915) 541-4331]

**19. PUBLIC HEARINGS – PLANNING:**

**19A.** Discussion and action on a resolution that the City Manager be authorized to sign an Amendment to Contracts between the City of El Paso and Monterrey Properties, LTD. amending the Contracts dated May 15, 1963 and March 14, 1973, to delete conditions for the property described as Tract 17-E-3, Section 38, Block 81, TSP1, Texas and Pacific RR Surveys, in the City of El Paso, El Paso County, Texas. Subject Property: 4600 Block of McCombs Blvd. Applicant: Monterrey Properties, LTD. ZON05-00112 **(District 4)** [Planning, Christina Valles, (915) 541-4930]

**19B.** An Ordinance vacating a fifteen foot (15') wide portion of Keltner Avenue between Blocks 47 and 48, Logan Heights Addition, City of El Paso, El Paso County, Texas. **(District 2)** [Planning, Esther Guerrero, (915) 541-4720]

**20. CITY MANAGER:** [City Manager, Joyce A. Wilson, (915) 541-4844]

Presentation of Debt Management Policy approved by City Council at the November 28, 2005 Special City Council Meeting.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

**21.** 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:

**21A.** Discussion and action on the claim of Bill Bowden (SWM/L0066) (551.071)

[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

POSTPONED FROM 11/08/05 AND 11/22/05

**21B.** *Isabel Burke and Cecilia Aguirre vs. City of El Paso*; Cause No. EP-03-CA-0426-FM in the United States District Court for the Western District of Texas (551.071)

[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

**21C.** *Sylvia Aguilar vs. City of El Paso*, Cause No. 2004-084 in the 168<sup>th</sup> District Court (551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

**21D.** Discussion and action re: Notice of intent to file declaratory judgment action against the City of El Paso by City Representative Melina Castro (551.071)

[City Attorney's Office, Laura P. Gordon, (915) 541-4550]

**21E.** Economic development related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)

Economic Development, David G. Dobson, (915) 541-4674]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape 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>