

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 16, 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 – Police Chaplain Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. SENIOR ALL-STAR FOOTBALL CLASSIC WEEK**
- 2. ANA SERRANO DAY**
- 3. SAM'S CLUB TEACHER OF THE YEAR DAY**

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 December 9, 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"), Golf Management Inc. ("Assignor"), and Bueno Investments Inc. ("Assignee") for the following described property: a portion of Morehouse Survey No. 12 and a portion of Section 40, Block 80 TSP 2 T&P Survey, City of El Paso, El Paso County, Texas, municipally known and numbered as the Lone Star Golf Club (f/k/a Cielo Vista Golf Course) located 1510 Hawkins Boulevard, El Paso, Texas. **(District 3)**
[Airport, Patrick Abeln, (915) 780-4724]

3B. That the City Council ratify the action taken by the Mass Transit Department Board of December 9, 2008, in the settlement of TCEQ Docket Number 2005-0994-PST-E and authorize the City Manager to sign any related documentation. **(All Districts)** [City Attorney's Office, Cynthia Osborn, (915) 541-4550]

3C. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

512 North San Marcial St. \$3,899.54 Ola Mae Newton c/o Vivian A. Simmons
(District 8) [Development Services, Victor Q. Torres, (915) 541-4557]

3D. That the City Manager be authorized to sign a Developer's Participation Agreement between the City of El Paso and VG Partnership to allow the City to participate in the cost of the construction of drainage public improvements at 1350 George Dieter, El Paso, Texas, 79936, in an amount not to exceed \$190,975 in accordance with Local Government Code Section 212.071 and that the City Manager be authorized to accept a drainage dedication deed from VG Partnership. **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]

3E. That the Mayor is hereby authorized to sign on behalf of the City of El Paso an agreement between the City of El Paso and the El Paso Downtown Management District (the DMD) for the DMD to clean sidewalks, alleys, and storefronts and graffiti removal, among other tasks, for an annual \$60,000 payment from the City

from 2008 through 2011, and for the City to empty sidewalk trash containers in the DMD area for an annual payment from the DMD of \$90,000 in 2008 and \$180,000 in each of 2009 and 2010, with a possible adjusted payment amount for 2010 and 2011. **(District 8)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

3F. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3G. That the Mayor be authorized to execute a grant Agreement with the State of Texas, and be authorized to accept \$200,000 from the State of Texas to help fund the Northgate Transit Terminal as part of the City of El Paso Mass Transit Department Infrastructure. And that the Mayor be authorized to sign any related documents and take any action necessary to accomplish the intent of the Resolution. No matching funds will be required. **(All Districts)**
[Sun Metro, Lynly Leeper, (915)
[Development Services/Planning, Mathew McElroy, (915) 541-4056]

4. BOARD APPOINTMENT:

Sean Bruna to the El Paso Museum of Archaeology Advisory Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4108]

REGULAR AGENDA - INTRODUCTIONS

5. 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.**

5A. An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of a charter amendment, to be held within the city on May 9, 2009, making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance. **(All Districts)**
[Mayor John F. Cook, (915) 541-4145]

5B. An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.12 (Chauffeur's License), of the El Paso City Code to amend sections thereunder to create a qualified Chauffeur License for bicycles, pedicabs, and other similarly-operated vehicles that are operated as non-motorized vehicles for hire. **(All Districts)**
[Representative Steve Ortega, (915) 541-4108]

5C. An Ordinance granting a special privilege to Robins & Morton permitting the encroachment of an outdoor employee break area upon a portion of public right-of-way located beneath the Reynolds Street overpass north of Alberta Avenue. SPL08-00020 **(District 3)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

5D. An Ordinance amending Title 18 (Building and Construction) adding a new Chapter 18.47 (Irrigation Systems) of the El Paso City Code in order to establish the minimum standards for installation of Irrigation Systems within the Corporate Limits of the City and the Extraterritorial Jurisdiction; amending Title 18 (Building

and Construction), Chapter 18.46 (Landscape), Section 18.46.120 (Installation Standards) of the El Paso City Code requiring irrigation inspectors and eliminating installers after December 31, 2009; with penalties as provided in Section 18.02.107 of the El Paso City Code and in Section 18.47.180 of this Ordinance. **(All Districts)** [Development Services, Victor Q. Torres, (915) 541-4557]

- 5E. An Ordinance designating a Transportation Reinvestment Zone for El Paso; describing the boundaries of the Zone; providing for an effective date for the Zone; naming the Zone "Transportation Reinvestment Zone Number One, City of El Paso, Texas"; establishing a tax increment fund; and containing other provisions related thereto. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 5F. An Ordinance amending Chapter 12.56 (Parking Meters) of the El Paso City Code to change the references to the "Deputy Director of Streets" to "International Bridges Director"; to assign the duties and services relating to areas of parking meter concerns to the International Bridges Department; the penalties being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]
- 5G. An Ordinance granting a license to BORDERCOMM Partners, LP to construct, maintain, and use a single conduit interduct on the Zaragoza International Bridge property for the purpose of installing fiber optic cable for its telecommunication network; the following consideration is to be paid to the City: Annual License Fee of \$20,000 and Annual Bridge Fee of \$9,600, which fees shall be subject to a 5% annual escalation. **(All Districts)** [International Bridges, Said Larbi-Cherif, (915) 858-3842]

PUBLIC HEARING WILL BE HELD ON DECEMBER 23, 2008, FOR ITEMS 5A – 5G

- 5H. An Ordinance granting Special Permit No. ZON07-00161 to allow for a hotel on the property described as a portion of Block 8, Castner Range Subdivision Unit One, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 4631 Cohen Avenue. Applicant: Cohen Hospitality Group. ZON07-00161 **(District 4)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 5I. An Ordinance changing the zoning of Lots 52 through 56, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2101 Central Avenue. Applicant: Martin Beltran. ZON08-00071 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 5J. An Ordinance changing the zoning of Lot 58 and a portion of Lot 59, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2031 Central Avenue. Applicants: Alfredo and Veronica Gutierrez. ZON08-00052 **(District 8)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]
- 5K. An Ordinance changing the zoning of a portion of Tract 182, Sunrise Acres Unit One, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-2

(Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 8633 Gateway South Boulevard. Applicant: Glenn Soll. ZON08-00076 **(District 2)**
[Development Services/Planning, Mirian Spencer, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2009, FOR ITEMS 5H – 5K

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

6. FINANCIAL SERVICES:

6A. Discussion and action on the award of Solicitation No. 2009-028 (Fairbanks Median Landscape Improvements) to Medlock Commercial Contractors, LLC for a total estimated amount of \$1,125,521.38.

Department: Engineering
Award to: Medlock Commercial Contractors, LLC
El Paso, TX
Base Bid: \$1,125,521.38
Account No.: 99331117 – 508027 – 27263 – PCP08ST01
Funding Source: 2006 Certificates of Obligation
Total Est. Award: \$1,125,521.38
District: 4

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 may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.
[Engineering, R. Alan Shubert, (915) 541-4423]

- 6B.** Discussion and action on the award of Solicitation No. 2009-010 (Structural and Proximity Fire Fighting Clothing) to Bazaar Uniforms & Men’s Store, LLC; Fire Service Equipment Inc.; First In Inc.; and Metro Fire Apparatus Specialists Inc. for a total amount of \$970,236.

Department:	Fire Department
Award to: Vendor 1:	Bazaar Uniforms & Men’s Store, LLC El Paso, TX
Item:	8
Annual Estimated Amount:	\$ 83,500
Award to: Vendor 2:	Fire Service Equipment Inc. El Paso, TX
Items:	3, 4, 5, 6, 10, 11, 12, 13, 15, and Options O-1 and O-2
Annual Estimated Amount:	\$ 78,140
Award to: Vendor 3:	First In Inc. El Paso, TX
Items:	7, 14, 16
Annual Estimated Amount:	\$ 46,728
Award to: Vendor 4:	Metro Fire Apparatus Specialists Inc. Houston, TX
Items:	1, 2, 9
Annual Estimated Amount:	\$276,750
Account No.:	22010320 – 503123 – 01101 Logistics 62620010 – 503123 – 40101 Aircraft Rescue Fire Fighters 62620010 – 503303 – 40101 Aircraft Rescue Fire Fighters
Funding Source:	General Operating Funds and Airport Cost Centers
Total Estimated Award:	\$970,236
Districts:	All

This is a requirements type contract with an initial term of twenty-four months.

The cost under this requirement contract is only an estimated value. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total at the end of the contract term so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Fire recommend award as indicated to the lowest responsive, responsible bidders.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 6C.** Discussion and action on the award of Solicitation No. 2009-057 (Downtown Transit Terminal Project) to Arrow Building Corp., for a total amount of \$3,703,000.

Department:	Mass Transit/Sun Metro
Award to:	Arrow Building Corp.
Base Bid:	\$3,703,000
Account No.:	14400200-508027-PCP09MT001-27265 60600011/508027/11622/G6000359

60600011/508027/11675/G600461
60600011/508027/11680/G600461
Funding Source: Federal Transit Administration Grants: TX-90-X280;
TX-90-X650; TX-90-X691 and FY 2009 Certificates of Obligation
Total Est. Award: \$3,703,000
District: 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 a part of this award, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution 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 \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract.

The Departments of Financial Services - Purchasing Division, Engineering, and Sun Metro recommend award to the offeror who submitted the highest ranked proposal. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

7. ENGINEERING:

- 7A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 Schedule XIV (Speed Limits), G (Forty-Miles per Hour), of the El Paso City Code by adding Helen of Troy Drive between Desert North Boulevard and the east City Limits; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035] **POSTPONED FROM 11-11-08**
- 7B.** 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 adding Helen of Troy Drive, both sides; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035] **POSTPONED FROM 11-11-08**

REGULAR AGENDA – OTHER BUSINESS

8. ENGINEERING:

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: current City funds to be reimbursed from 2009 Certificate of Obligation Debt Authorization. **(District 3)** [Engineering, R. Alan Shubert, (915) 541-4423]
POSTPONED FROM 12-02-08

9. FINANCIAL SERVICES:

9A. Discussion and action regarding a Resolution that the City Council approve a revised list of underwriters from which the City Manager, or designee, may select to perform underwriter services related to the authorization and issuance of future debt instruments or other securities. **(All Districts)**

[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

9B. Discussion and action regarding a Resolution approving and authorizing publication of notice of intention to issue certificates of obligation. **(All Districts)**

[Financial and Administrative Services, William F. Studer, Jr., (915) 541-4215]
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

REGULAR AGENDA – PUBLIC HEARING

10. MUNICIPAL CLERK:

An Ordinance of the City of El Paso, Texas, transferring rate making authority and changing the rate of a municipal utility drainage system. **(All Districts)**

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

REGULAR AGENDA – OTHER BUSINESS

11. FIRE DEPARTMENT:

Discussion and action on a Resolution that the City Manager be authorized to sign the following agreements, all of which are necessary in order that the Fire Department EMS may participate in the Immediate Myocardial Metabolic Enhancement During Initial Assessment and Treatment In Emergency Care Trial. **(All Districts)**

[Fire Department, Roberto Rivera, (915) 771-1000]

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 on the acquisition of the following real property: 214 - 218 West Franklin Street and 417 - 419 North El Paso Street, El Paso, El Paso County, Texas. (551.071 and 551.072) [City Attorney's Office, Theresa Cullen, (915) 541-4550]

EX2. Claim of Jorge Valenzuela, Jr., Our File No. 08-C-177. (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/>