

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 26, 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 Wednesday, December 27, 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 27, 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

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 December 19, 2006, and the Special City Council Meetings of December 18, 2006 (Agenda Review).

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

Representative Beto O'Rourke

3. **RESOLUTIONS:**

3A. That the City Manager be authorized to sign the Tenth Amendment to that certain State Use Contract - Contract for Cleaning Services dated May 26, 1998, by and between the City of El Paso, Texas Industries for the Blind and Handicapped, and Professional Contract Services, Inc. (the "Contract") to extend the term of the Contract for the provision of cleaning services in the El Paso International Airport Terminal for an additional year. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. Resolution designating the persons to serve on an ad hoc advisory basis with the members of the Rules Legislative Review Committee to review and make recommendations to the City Council on potential Charter amendments and a Charter election. **(All Districts)** [City Attorney's Office, Elaine Hengen, (915) 541-4550]

3C. That the City Manager be authorized to sign an underground electrical easement to the El Paso Electric Company for a portion of Lot 2, Block 1, Butterfield Trail Aviation Park Unit 2, El Paso, El Paso County, Texas, to provide electrical service to the current site of Well 47. **(District 2)**
[Engineering Department, Rick Conner, (915) 541-4423]

3D. That the City Manager be authorized to sign an underground electrical easement to the El Paso Electric Company for a portion of Lot 1, Block 6, Summerlin Subdivision, El Paso, El Paso County, Texas, to provide electrical service to the City park which is located between Silverland Drive and Firebush Drive. **(District 4)** [Engineering Department, Rick Conner, (915) 541-4423]

- 3E.** That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Parkhill, Smith & Cooper Inc., to perform professional services for a project known as "Miller Circle And Orndorff Drive Street And Drainage Improvements" in an amount not to exceed one hundred thirty-nine thousand seven hundred fifty-four and 00/100 dollars (\$139,754.00). **(District 3)** [Engineering Department, Rick Conner, (915) 541-4423]
- 3F.** That the City Manager be authorized to sign a Consultant Services Agreement between the City of El Paso and Archana Inc. on an "as needed" basis to provide environmental engineering services for a two year period in an amount not to exceed one million and no/100 dollars (\$1,000,000.00). **(All Districts)** [Engineering Department, Rick Conner, (915) 541-4423]
- 3G.** That the City Manager be authorized to sign a Third Amendment to the September 19, 1974, lease between the City of El Paso and the El Paso County Humane Society, Inc. for a one acre parcel commonly known as 325 Shelter Place, El Paso, El Paso County, Texas. **(District 8)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]
- 3H.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Associate Ombudsman is hereby created as specified in the duties and responsibilities attached hereto. The Code is 11335. The Grade is PM 125. Salary Range: \$39,553.61 - \$57,352.73 (PM 125). Fund Source: 33010034-01101-33000. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]
- 4. REINSTATEMENTS:** 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.** Stoltz, Nancy Sue – Secretary
[Metropolitan Planning Organization, Ricardo Dominguez, (915) 591-9735]
- 4B.** Rosales, Veronica – Chief Urban Planner
[Development Services, R. Alan Shubert, (915) 541-4557]
- 4C.** Aldridge, Alberto – General Services Lead Worker
[Streets, Daryl W. Cole, (915) 621-6750]
- 5. BOARD APPOINTMENTS:**
- 5A.** Vicki B. Walker to the History Museum Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 5B.** Jane Ratcliff to the Art Museum Advisory Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 5C.** Fernando Parra to the International Bridge Commission by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 6. FINANCIAL SERVICES:**
- 6A.** Request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the term of the agreement for two (2)

additional years from January 1, 2007, through December 31, 2008, pursuant to the provisions of contract 2004-046R, Fine Arts Museum Insurance, with Huntington T. Block Insurance, San Francisco, CA.

Department: OMB/Insurance
 Amount: \$34,992.00/year
 Total Amount: \$69,984.00
 Account No.: 99010273-01101-504409
 Funding Source: OMB/Insurance, Operating Account, Property Insurance Expense

District(s): 8
 [Financial Services, Terrence Freiburg, (915) 541-4313]

- 6B.** Request that the Purchasing Manager for Financial Services be authorized to issue a Purchase Order to Hagemeyer North America, Inc. under Contract No. RQ06-814063-10A, Homeland Security and Public Safety Equipment and Related Services, for the purchase of mass casualty incident supplies. This contract is part of the U. S. Communities Cooperative Purchasing Alliance that was approved by City Council on July 5, 2006. Total award is \$43,951.84.

Department: Fire
 Account No.: 502225-07181-22150024-G220706
 Funding Source: Homeland Security Grant
 Total Award: \$43,951.84

District(s): All
 [Financial Services, Terrence Freiburg, (915) 541-4313]

7. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2007-052R, Consultant Services for Assessment of the Current Business Practice with Regards to the Use of the Tidemark Advantage Software, to TruePoint Solutions, LLC for a total estimated award of \$44,000.00.

Department: Environmental Services
 Award to: TruePoint Solutions, LLC
 Loomis, CA
 Item(s): All
 Account No.: 34010289-40403-508010
 Funding Source: Solid Waste Management, Data Processing Equipment
 Total Estimated Award: \$44,000.00
District(s): All

Contract term is 60 days.

Authorization is requested for the City Attorney's Office to review and the City Manager of the City of El Paso to sign any contracts or documents required to effectuate this award.

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

8. BIDS:

8A. The award of Solicitation No. 2007-038, Graffiti Removal Trucks, to Casa Ford Inc. for a total award of \$161,098.28.

Department: Streets
 Award to: Casa Ford Inc.
 El Paso, Texas
 Item(s): #1 Graffiti Removal Truck – Qty. 2 @ \$77,322.14/each
 #O-1 Four Wheel Drive Option @ \$3,227.00/each
 Option: Vendor offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price through the manufacturer's 2008 build out date, if the option is exercised within three hundred sixty five (365) days from the date of award of the contract.
 Account No.: 508006-27503-04102010-P540010CTY
 Funding Source: Capital Outlay for Vehicular Equipment
 Total Award: \$161,098.28
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]

8B. The award of Solicitation No. 2006-199, Vocational Trucks (Dump Trucks and Rolloff Trucks), to Border International Trucks for a total award of \$256,620.00.

Department: General Services/Streets
 Award to: Border International Trucks
 El Paso, Texas
 Item(s): 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: \$256,620.00
District(s): All

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

No prompt payment discount was offered.

The Departments of Financial Services, General Services, and Street recommend award as indicated to the lowest responsive, responsible Bidder.
[Financial Services, Terrence Freiburg, (915) 541-4313]

9. OFFICE OF MANAGEMENT AND BUDGET:

Approve a two-year extension to the contract between the City and Physicians Healthcare Associates (PHA) for the City to provide space on City property for PHA to operate health care clinics for active, non-uniformed city employees, active duty police officers, active duty fire fighters, and all retirees enrolled in the City's Self-Funded Health Benefit Plan. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4011]

REGULAR AGENDA - INTRODUCTIONS

10. 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.**

- 10A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.041 (Schedule IV(A) - Parking Prohibited During Certain Hours, School Days Only), Paragraph A (No Parking 7:00 a.m. to 4:00 p.m.), of the El Paso City Code by adding both sides of Alex Guerrero Circle. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District 6)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON JANUARY 9, 2006, FOR ITEM 10A

- 10B.** An Ordinance changing the zoning of a portion of Lot 1, Block 2, Vista Ridge Unit 1, City of El Paso, El Paso County, Texas, from C-2 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11930 Picasso. Applicant: Miguel Zavala. ZON06-00131 **(District 6)**
[Development Services/Planning, Stephen Schlett, (915) 541-4935]
- 10C.** An Ordinance changing the zoning of Lot 2, Block 9, Lafayette Place, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8021 North Loop. Applicant: Jorge Rivera & Blanca Serrano. ZON06-00130 **(District 5)**
[Development Services/Planning, Stephen Schlett, (915) 541-4935]
- 10D.** An Ordinance changing the zoning of a portion of Lot 1, Block 294, Vista Del Sol Unit Sixty, City of El Paso, El Paso County, Texas, from C-4 (Commercial) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11500 Chito Samaniego. Applicant: William H. Van Haselen III. ZON06-00136 **(District 7)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 10E.** An Ordinance changing the zoning of Tracts 16A, 16B1, 16C, 17A, 22 and suspended area, Block 52, Ysleta Grant, City of El Paso, El Paso County Texas,

from R-F (Ranch and Farm) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Joe Rodriguez Drive and Venture Drive. Applicant: John Dillan. ZON06-00135 **(District 6)**

[Development Services/Planning, Stephen Schlett, (915) 541-4935]

- 10F.** An Ordinance changing the zoning of Lots 2-5, Block 2, Fuller Addition and a portion of Tracts 4 and 5, Block 1, Christy Tract, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to R-5/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Saenz Street and South of Mansfield. Applicant: Jose & Maria L. Saenz. ZON06-00149 **(District 5)**

[Development Services/Planning, Stephen Schlett, (915) 541-4935]

- 10G.** An Ordinance changing the zoning of a portion of lot 13, Bonnie Anne Place, City of El Paso, El Paso County, Texas, from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Property is located South of North Loop and East of Craig Way. Applicant: Ruben G. Candelaria. ZON06-00129 **(District 7)**

[Development Services/Planning, Arlan Greer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON JANUARY 16, 2007, FOR ITEMS 10B – 10G

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

11. PUBLIC HEARING(S) – DEVELOPMENT SERVICES

- 11A.** An Ordinance granting a Special Privilege to the El Paso Festival Association and the El Paso Empowerment Zone to temporarily close a portion of Anthony Street from San Antonio Avenue to San Francisco Avenue; Western Court from Anthony Street to Durango Street; Durango Street from San Antonio Avenue to San Francisco Avenue; and the alley between Durango Street and Anthony Avenue from December 30, 2006, through January 1, 2007, for a "New Year's Street Festival." (Fee: \$225.00, SPL06-00022) **(District 8)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 11B.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.010 (Policy Plan and Purpose) to reference the current El Paso Parks and Recreation Master Plan; Section 19.12.085 (Parkland Credits) to reference expanded park zones approved by resolution; Section 19.12.100 (Fee in Lieu of Parkland Dedication) to authorize the reprogramming of outstanding park fees to expanded park zones; and Section 19.12.110 (Parkland Fees Special Fund) to set forth certain parameters of expenditures of sums paid in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

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

11C. That the City Council of the City of El Paso hereby adopts newly reconfigured and expanded park zones, as referenced in the 2006-2016 Parks and Recreation Master Plan and used for the administration of the provisions of Chapter 19.12 (Parkland Dedication) of Title 19 (Subdivisions) of the El Paso City Code, and further that all outstanding park fees in the parkland dedication fund be automatically reprogrammed to the approved and applicable expanded park zones. **(All Districts)**

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

12. PUBLIC HEARING(S) – MAYOR AND COUNCIL:

An Ordinance repealing Ordinance Number 015987 which created the Workforce Retraining Advisory Committee and provided for membership and terms, officers, rules and regulations, administration, and duties of the Board. **(All Districts)** [City Attorney's Office, Sylvia Firth, (915) 541-4550]

13. PUBLIC HEARING(S) – COMMUNITY AND HUMAN DEVELOPMENT:

An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code by amending Chapter 2.102 (Neighborhood Association Recognition) in its entirety.

(All Districts) [Community and Human Development, William Lilly, (915) 541-4500]

POSTPONED FROM 11-28-06 AND 12-12-06

REGULAR AGENDA – OTHER BUSINESS

14. MAYOR AND COUNCIL:

14A. Report by Committee on Border Relations by the Committee Chair and the Mayor's Executive Assistant on International Relations - El Paso/Juarez.

[Mayor's Office, Robert Andrade, (915) 541-4145]

14B. Discussion and action to direct City Attorney to draft ordinance instructing the PSB to place open spaces designated in the Northwest Master Plan into conservation easements. [Representative Ann Morgan Lilly, (915) 541-4151]

14C. Discussion concerning the City of El Paso's 2007 State Legislative Agenda.

[Representative Steve Ortega, (915) 541-4124]

15. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

Council Ratification of contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Mowad Subdivision. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

- 1) 155 Mowad St., Jesus Benitez, \$98,000.00 Property Acquisition
- 2) 162 Mowad St., Pauline Rubio, \$99,000.00 Property Acquisition
- 3) 137A Mowad St., Victor Cervantes, \$95,000.00 Property Acquisition
- 4) 137B Mowad St., Marcelo and Maria F Cisneros, \$94,000.00 Property Acquisition
- 5) 183 Mowad St., Maria T. Barraza, \$90,000.00 Property Acquisition
- 6) 165 Mowad St., Marcos Hernandez, \$94,000.00 Property Acquisition

- 7) 195 Mowad St., Jose and Elodia Mijares, \$106,000.00 Property Acquisition
- 8) 180 Mowad St., Fernando and Martha Ramirez, \$103,000.00 Property Acquisition
- 9) 199B Mowad St., Ernesto and M Arredondo, \$80,000.00 Property Acquisition
- 10) 170 Mowad St., Eddie and Aurora Gonzalez, \$103,000.00 Property Acquisition
- 11) 167 Mowad St., Abigail Hernandez, \$96,000.00 Property Acquisition
- 12) 164 Mowad St., Augustina H and Marcelino Salinas, \$107,000.00 Property Acquisition

Council Ratification of contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Durazno/Saipan/Ledo area. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

- 1) None to report this week.

Council Ratification of contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Fiesta Street Area. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

- 1) 6212 Fiesta St., Maria Lena, \$108,000.00 Property Acquisition
- 2) 6200 Fiesta St., Jose and Guadalupe Salcedo, \$101,000.00 Property Acquisition.
- 3) 6204 Fiesta St., Conception Aguilara, \$100,000.00 Property Acquisition

16. BUDGET TRANSFERS:

16A. BT2007-414 ENGINEERING

Engineering proposes to transfer \$600,000 from the reprogrammed \$10.4 million of Storm 2006 Certificates of Obligation to Fiesta Land Acquisition project. **(District 8)** [Office of Management and Budget, David Almonte, (915) 541-4011]

Decrease	\$600,000	from	Construction Contingency
Increase	\$600,000	to	Land

16B. BT2007-415 ENGINEERING

Engineering proposes to transfer \$5.5 million from the reprogrammed \$10.4 million of Storm 2006 Certificates of Obligations to Saipan Land Acquisition project. **(District 3)** [Office of Management and Budget, David Almonte, (915) 541-4011]

Decrease	\$5,500,000	from	Construction Contingency
Increase	\$5,500,000	to	Land

17. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.
[Development Services, R. Alan Shubert, (915) 541-4557]

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.** Desert Adapt vs. City of El Paso, Texas; Cause No. EP-06-CV-292-DB. (551.071).
[City Attorney's Office, John L. Anderson, (915) 541-4550]
- EX2.** Truett L. Maddox and Berry H. Edwards vs. The City of El Paso; Cause No. 92-14046.
(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/>