

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, 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

January 11, 2011
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 – Border Patrol Chaplain Jesse Alvarez
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

MARTIN LUTHER KING, JR. 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 January 6, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTION:

That the Solid Waste liens on the attachment posted with this agenda be approved.
(See Attachment A) **(Districts 1, 2, 4, 6, 7 & 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

4A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Portable Computer Systems, Inc., d/b/a PCS Mobil, a contractor under Department of Information Resources (DIR) Contract #DIR-SDD-531, for the purchase of 24 Panasonic Toughbook computers, in the amount of \$86,643.12, and DIR Contract # DIR-SDD-518 for the purchase of 24 docking stations with related equipment, in the amount of \$18,908.04. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR), Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

This is a Cooperative, unit price type contract.

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| Department: | Fire |
| Award to: | Portable Computer Systems, Inc., d/b/a PCS Mobile Denver, CO (Corporate Office) |
| Total Estimated Award: | \$105,551.16 (for 24 units) |
| Funding Source: | Metropolitan Medical Response System (MMRS) FY '09 State Homeland Security Program (SHSP) FY'08 |
| Reference No.: | 2011-131 |
| Districts: | All |

[Fire, Ralph Johnson, (915) 838-3263] [Financial Services, Bruce D. Collins, (915) 541-4313]

- 4B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Adlerhorst International, Inc. to purchase one single purpose and five dual purpose police canines. This purchase is exempt as a sole source under Local Government Code Section 252.022(a) (2) since it is necessary to procure the single and dual purpose police canines in order to protect the public health and safety of El Paso residents.

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| Department: | Police |
| Award to: | Adlerhorst International, Inc. Riverside, CA |
| Total Estimated Award: | \$58,720 |
| Funding Source: | Confiscated Funds |
| Sole Source No.: | 2011-123 |
| Districts: | All |

[Police, Eric Shelton, (915) 564-7301]
[Financial Services, Bruce D. Collins, (915) 541-4313]

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 calling a Special Election in the City of El Paso for a Charter Election for the submission of a Charter Amendment to be held within the City on May 14, 2011; and making provisions for the conduct of the Election.

(All Districts) [City Attorney's Office, Elaine S. Hengen, (915) 541-4550]
POSTPONED FROM 11-16-2010

- 5B.** An Ordinance approving the "Plan El Paso 2010: Connecting El Paso: Building Transit-Oriented Neighborhoods at Remcon Circle, Oregon Corridor, and Five Points and Redeveloping ASARCO" Plan as a Study Area Plan to be incorporated into the City's Comprehensive Plan, "The Plan for El Paso," and that the 2025 General Land Use Map be amended to incorporate the modification.

(District 1, 2 & 8)
[Planning and Economic Development, Mathew McElroy, (915) 541-4056]

PUBLIC HEARING WILL BE HELD ON JANUARY 18, 2011, FOR ITEMS 5A – 5B

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 Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

6. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 6A.** Discussion and action on the award of Solicitation No. 2011-016 for the EPIA Medians Cottonwoods/Global Reach Landscape to Three C's Contractors, Inc. for a total estimated amount of \$2,182,499.34.

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| Department: | Engineering and Construction Management |
| Award to: | Three C's Contractors, Inc. |
| Base Bid: | \$2,182,499.34 |
| Total Estimated Completion: | \$2,182,499.34 |
| Funding Source: | Airport Enterprise Fund |
| District: | 2 |

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, upon the review of the City Attorney, 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 Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

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

- 6B.** Discussion and action on award of Solicitation No. 2011-066 for the Sandstone Ranch Park to Three C's Contractors, Inc. for a total amount of \$537,008.64.

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| Department: | Engineering and Construction Management |
| Award to: | Three C's Contractors, Inc. |
| Base Bid: | \$495,396.65 |
| Alternate | <u>\$ 34,959.04</u> |
| Sum Total Base Bid – Item 19 + Alternate | \$500,042.20 |
| Option 1 | \$ 14,543.44 |
| Option 2 | \$ 12,155.00 |
| Option 3 | <u>\$ 10,268.00</u> |
| Sum Total Base Bid – Item 19 + Option 1, 2 & 3 | <u>\$537,008.64</u> |
| Total Estimated Completion: | \$537,008.64 |
| Funding Source: | Texas Parks & Wildlife Grant & Parkland Dedication Funds |
| 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, upon the review of the City Attorney, 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 Engineering and Construction Management and Parks Departments recommend award as indicated to the lowest responsible bidder.

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

REGULAR AGENDA – PUBLIC HEARINGS

7. PLANNING AND ECONOMIC DEVELOPMENT:

7A. An Ordinance changing the zoning of the following real property known as: Parcel 1: Portion of Nellie D. Mundy Survey 246; City of El Paso, El Paso County, Texas, from R-3 (Residential) and PMD (Planned Mountain Development) to NOS (Natural Open Space); Parcel 2: Portion of Tract 1, Abstract 10070, S. J. Larkin Survey 269; City of El Paso, El Paso County, Texas, from PMD (Planned Mountain Development) to NOS (Natural Open Space); and Parcel 3: Portion of Tract 1-A, Abstract 10070, S. J. Larkin Survey 269, City of El Paso, El Paso County, Texas, from PMD (Planned Mountain Development) to NOS (Natural Open Space). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North and South of Transmountain Road, West of Franklin Mountain State Park. Property Owner: City of El Paso. **ZON10-00090 (District 1)**

[Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]

7B. An Ordinance changing the zoning of a portion of Lot B, Block 79, Eastwood Heights, City of El Paso, El Paso County, Texas from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2155 Wedgewood Drive. Applicant: Project Vida Community Development Corporation. **ZON10-00103 (District 5)**

[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

REGULAR AGENDA – OTHER BUSINESS

8. MAYOR AND COUNCIL:

8A. Legislative Review Committee Report:

1. For notation only: Formal report of the Transportation Legislative Review Committee meeting held on December 9, 2010, as submitted by Representative Ann Lilly; and
2. Discussion pertaining specifically to the agenda item posted by the Transportation Legislative Review Committee meeting, as follows:
 - a. Discussion and action on preventing cutting through sidewalks in order to build driveway access onto a property.
[Department of Transportation, Daryl Cole, (915) 621-6757]
 - b. Discussion and action on adding an intersection design to the Design Standards for Construction that allows bike lane access into complex intersections. [Department of Transportation, Daryl Cole, (915) 621-6757]
 - c. Discussion and action on options for on-street parking on University Avenue between Oregon and Blanchard.
[Department of Transportation, Daryl Cole, (915) 621-6757]
 - d. TxDOT report, discussion and action on various sidewalk gaps, Intersection Locations Study and Collaborative Partnership with the City of El Paso to address sidewalk gaps.
[Department of Transportation, Daryl Cole, (915) 621-6757]
[TxDOT, Ray Dovalina, (915) 790-4202]

8B. Discussion and action on a resolution that the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, the County of El Paso, and the El Paso County Hospital District to amend the 2000 Interlocal Agreement that created the El Paso Mental Health and Mental Retardation Center in its entirety. **(All Districts)** [Mayor John F. Cook, (915) 541-4145]

9. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council amend the Annual Action Plan (2008-2009) and the 2009-2012 Homelessness Prevention and Rapid Re-Housing Program (HPRP) Budget by redistributing HPRP funds within the identified target areas to enable the City to expend its \$3,492,976 grant in a more logical and efficient manner based on higher areas of need; and that the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution, including contract amendments with all HPRP-funded agencies, upon approval by the City Attorney's Office and Director of Community and Human Development Department. **(All Districts)** [Community and Human Development, William Lilly, (915) 541-4643]

10. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action on a request from Micah D. Miller, of Mounce, Green, Myers, Safi, Paxson & Galatzan, on behalf of Quality Licensing Corp., for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for properties located at 5631 Dyer and 5719 Dyer. **(District 2)** [Planning and Economic Development, Linda Castle, (915) 541-4029]

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 and the Rules of City Council.) 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 Vision Consultants, Our File No. 10-C-180 (551.071)
[City Attorney's Office, Kenneth Krohn (915) 541-4550]
- EX2.** Ronald G. Martin, Jr., et. al. vs. The City of El Paso, Texas; Cause No. 2010-4936
(551.071) [City Attorney's Office, Karla M. Nieman (915) 541-4550]
- EX3.** Six Kingdoms Enterprises, LLC, d/b/a Petland El Paso vs. The City of El Paso; Cause
No. EP-10-CV-0485-KC (551.071) [City Attorney's Office, Kenneth Krohn (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 THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>