

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

January 24, 2012
COUNCIL CHAMBERS
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
January 23, 2012
9:00 a.m.

NOTICE OF CHANGE IN STARTING TIME AND PROCEDURES EFFECTIVE IMMEDIATELY

PLEASE NOTE THAT THE CITY COUNCIL MEETING STARTS AT 8:30 A.M. AND PERSONS WISHING TO SIGN UP TO SPEAK ON THE AGENDA MUST SIGN UP PRIOR TO 8:30 A.M.

NOTICE: 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.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. CATHOLIC SCHOOLS WEEK
2. SISTERS OF LORETTO WEEK

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.

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 17, 2012.
[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 of the General Aviation Commercial Ground Lease by and among the City of El Paso ("Lessor"), Juliusson Family Limited Partnership ("Assignor"), and TJW Aviation LLC ("Assignee") for the following described property: Portions of Lots 2 and 3, Block 4, El Paso International Airport Tracts, Unit 10, El Paso, El Paso County, Texas and municipally known and numbered as 6805 Boeing Dr., El Paso, Texas. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a sub-recipient grant contract with El Paso Independent School District in connection with the City's Weed and Seed Department Of Justice Grant Program (FY12), awarding an amount not to exceed \$6,500 to support a tutoring program for at-risk youth in elementary and middle schools within the Chamizal Neighborhood Weed and Seed boundary, subject to the terms and conditions of the grant contract. **(District 8)**
[Community and Human Development, Mark Weber, (915) 541-4918]

3C. That the City Manager be authorized to sign Consent to Assignment of the contract by and between the City of El Paso, Envirosolve, Inc. ("Assignor") and Stericycle Specialty Waste Solutions, Inc. ("Assignee") with respect to the City of El Paso Contract 2007-122 Waste Removal and Disposal Services.

(All Districts)

[Environmental Services, Ellen Smyth, (915) 621-6750]
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 3D. That the Purchasing Manager is authorized to notify RB Wicker Tire & Rubber Company that the City is terminating Contract No. 2009-224, Part B, pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses, and that the termination shall be effective as of January 24, 2012.

(All Districts)

[General Services, Stuart Ed, (915) 621-6822]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 3E. A Resolution authorizing the City Manager or her designee to submit the Tax Increment Reinvestment Zone (TIRZ) No. 5 Annual Report to the appropriate entities as required by Section 311.016 of the Texas Tax Code. **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

- 3F. That the Mayor be authorized to sign an Interlocal Agreement with the University of Texas at El Paso ("UTEP") under which the Institute for Policy and Economic Development ("IPED") of UTEP shall provide economic impact assessments, briefing and training to City staff, and other technology-based economic development assessment services, all as requested by the Planning and Economic Development Department of the City. This agreement shall be for a term of one year, subject to renewal on mutual agreement, with a maximum cost to the City of \$30,000 per year. **(All Districts)**

[Planning and Economic Development, Leila Melendez, (915) 541-4859]

4. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
 (See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

5. REQUESTS TO ISSUE PURCHASE ORDERS:

- 5A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract No. 2009-062 (Barricade Rental Service) to Contractor's Barricade Service, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on February 3, 2009. The extended contract period will be from February 3, 2012 to February 2, 2014.

Department:	Department of Transportation
Award to:	Contractor's Barricade Service, Inc. El Paso, TX
Option:	One [of One]
Annual Estimated Award:	\$ 70,000
Total Estimated Award:	\$140,000 (2 years)
Account No.:	32010200 – 502411 – 01101
Funding Source:	Government Operations – Leases NOC
Districts:	All

This is a Low Bid, unit price contract.
 [Department of Transportation, Daryl W. Cole, (915) 621-6750]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 5B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Sharp Electronics Corp. NJPA/Sharp Electronics Company under Texas Association of School Boards, Inc. (TASB) BuyBoard Contract No. 379-11 (Copier & Supplies), for the lease and maintenance of 10 color copiers with the option to lease additional copiers as needed.

The participation by the City of El Paso in Texas Association of School Boards, Inc. (TASB) BuyBoard Cooperative Purchasing Program was approved by Mayor and City Council on August 21, 2007.

Department:	Financial Services
Award to:	Sharp Electronics Corp. NJPA/Sharp Electronics Company Mahwah, NJ
Initial Estimated Award:	\$112,000 (10 copiers)
Optional Purchase:	\$ 82,000 (additional copiers)
Total Estimated Award:	\$194,000 (through April 2014)
Account:	Various
Funding Source:	Various
Reference No.:	2012-142
Districts:	All

This is a Cooperative, unit price contract.
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 5C.** Request rejection of sole bid received for Solicitation No. 2012-063 (Off-Site Vehicle Propane Fueling Services) as recommended by Financial Services – Purchasing Division and General Services Department. Sole bid submitted was deemed non-responsive by our Legal department, due to bidder not following unit pricing instructions as provided within the bid solicitation.
- Districts: All**

A new solicitation will be issued.
[General Services, Stuart Ed, (915) 621-6822]
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 5D.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Southwestern Mill Distributors, Inc. and Spectrum Paper Companies, Inc. under Region 19 Contract No.11-6698 for Custodial Paper, Food Service Requirements and Related for various City facilities. 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 Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Departments:	General Services Aviation (El Paso International Airport)
Award to: Vendor 1	Southwestern Mill Distributors, Inc. El Paso, TX
Estimated Award:	\$160,000
Award to: Vendor 2	Spectrum Paper Companies El Paso, TX

Estimated Award: \$ 31,000
 Total Estimated Award: \$191,000
 Account Nos.: 31010325– 503111 – 01101
 62620003 – 503121 – 40101
 Funding Source: Cleaning Supplies – Government Operations
 Inventory Purchases-Material & Supplies – Airport
 Cost Centers
 Reference No.: 2012-049
Districts: All

This is a Cooperative, unit price contract.
 [General Services, Stuart Ed, (915) 621-6822]
 [Aviation, Monica Lombraña, (915) 780-4724]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 5E.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City’s option to extend current Contract 2009-063 (Armored Car Services) with Trans America Protection Corporation for one additional year pursuant to the provisions of an award approved by the City Council on February 24, 2009. The extended contract period will be from March 15, 2012 to March 14, 2013.

Department: International Bridges
 Award to: Trans America Protection Corporation
 El Paso, TX
 Option: One [of One]
 Annual Estimated Amount: \$72,000
 Total Estimated Amount: \$72,000 (1 year)
 Account No.: 64010283 – 502212 – 40272
 Funding Source: International Bridges Revenue – Security Contracts
Districts: All
 [International Bridges, Said Larbi-Cherif, (915) 858-4673]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 5F.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Advanced Security Contractors, Inc., a contractor under the Region 19 Cooperative Purchasing Program Contract No. 09-6356 (Electronic Surveillance & Locking Systems), for the purchase and installation of the Hirsch Access Control System in order to upgrade the present access control system to the newest standards used by the City of El Paso. 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 Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department: Police Department
 El Paso, TX
 Total Estimated Award: \$73,737.65
 Account No.: 22150024 – 502225 – 07192 – G221017
 Funding Source: Homeland Security Grant SHSP-LEAPS FY 2009
 Reference No.: 2012-139
Districts: All

This is a Cooperative, service-materials contract.

[Police, Raul Perez, (915) 564-7103]

[Financial Services, Bruce D. Collins, (915) 541-4313]

- 5G.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Brazos Technology Corporation, a contractor under Cooperative Purchasing Program GSA Contract, Schedule 70, GS-35F-0096X for the purchase of 22 In-A-Box Motorola electronic ticketing handheld devices with accessories. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

Department:	Police Department
Award to:	Brazos Technology Corporation College Station, TX
Total Estimated Amount:	\$86,409
Account No.:	21150010 – 508010 – 05441 – 2011-DJ-BX-3043
Funding Source:	BJA 2011 Byrne Justice Assistance Grant (JAG)
Reference No.:	2012-140
Districts:	All

This is a Cooperative, unit price contract.

[Police, Guadalupe Ruiz, (915) 564-7000]

[Financial Services, Bruce D. Collins, (915) 541-4313]

6. BID:

The award of Solicitation No. 2012-062 for the Jorge Montalvo Park Irrigation to Martinez Bros. Contractors, LLC, for a total estimated amount of \$282,467.50.

Department:	Engineering and Construction Management and Parks and Recreation Department
Award to:	Martinez Bros. Contractors, LLC
Base Bid:	\$219,723.50
Minus item 11	\$< 8,556>
Alternate 1	<u>\$ 71,300</u>
Sum Total Base Bid minus Item 11 plus Alternate 1	\$282,467.50
Funding Source:	Storm Water Utility, Parkland Dedication and 2012- 2013 Certificates of Obligation
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 Department and Parks and Recreation Department recommend award as indicated to the lowest responsible bidder.

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

[Parks and Recreation, Nanette Smejkal, (915) 541-4074]

POSTPONED FROM 01-10-12

REGULAR AGENDA - INTRODUCTIONS

7. 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.**

7A. An Ordinance granting a Special Privilege License to Joe Rosales permitting the encroachment of an 8 foot by 11 inch existing staircase within portions of City right-of-way on South Oregon Street adjacent to the property located at 510 South Oregon Street. NESV11-00051 **(District 8)**

[Department of Transportation, Mirian D. Spencer, (915) 541-4482]

PUBLIC HEARING WILL BE HELD ON JANUARY 31, 2012, FOR ITEM 7A

7B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.070 (Fences), of the El Paso City Code, to amend the requirements and standards for electrified fences, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**

[Engineering and Construction Management, Julie Baldwin-Munoz, (915-541-4987)]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 7, 2012, FOR ITEM 7B

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 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

8. ENGINEERING AND CONSTRUCTION MANAGEMENT:

8A. Discussion and action on the award of Solicitation No. 2012-090 for the Mountain View Skate Park Improvements to Grindline Skateparks, Inc., for a total estimated amount of \$718,826.45

Department:	Engineering and Construction Management
Award to:	Grindline Skateparks, Inc.
Base Bid:	\$699,826.45
Option I:	\$ 19,000
Total Estimated Completion:	\$718,826.45

Funding Source: Community Development Block Grant (CDBG) 36th
Year
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]

- 8B.** Discussion and action on the award of Solicitation No. 2012-017 for the Thermoplastic Striping 2012 to RoadSafe Traffic Systems, Inc. for a total estimated amount of \$667,341.

Department: Engineering and Construction Management and
Department of Transportation
Award to: RoadSafe Traffic Systems, Inc.
Base Bid: \$667,341
Total Estimated Completion: \$667,341
Option: To purchase 100% of the original contract quantities at the same unit price, for an additional 365 days, if option is exercised within 30 days prior to the expiration of the contract.
Funding Source: General Fund FY2012
Districts: All

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 or Department of Transportation Director 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 and The Department of Transportation recommend award as indicated to the lowest responsible bidder.

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

[Department of Transportation, Daryl W. Cole, (915) 621-6750]

9. GENERAL SERVICES:

Discussion and action on the award of Solicitation No. 2012-019 (Landfill Compactor) to Wagner Equipment Company for a total of \$871,739.

Department:	General Services
Award to:	Wagner Equipment Company El Paso, TX
Items:	Item 1, O-3
Option:	Option to Purchase Additional Quantity within 90 days of Award
Total Award:	\$871,739
Account No.:	34010296 – 40499 – 508029 – PSWM0017-ESD, Heavy Off Road Equipment
Funding Source:	Environmental Services Department, Heavy Off Road Equipment
Districts:	All

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Wagner Equipment Company, the vendor offering the best value bid.

[General Services, Stuart Ed, (915) 621-6822]

[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

10. PLANNING AND ECONOMIC DEVELOPMENT:

10A. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

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

POSTPONED FROM 9-20-11 AND 12-20-11

10B. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

(All Districts) [Planning and Economic Development, Mathew McElroy, (915) 541-4663]

POSTPONED FROM 9-20-2011 AND 12-20-11

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

11A. Discussion and action regarding a Resolution that the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on February 1, 2012:

1. David Marcus for Position 1, whose term will expire on February 1, 2014;
2. Rosario Holguin for Position 3, whose term will expire on February 1, 2014; and
3. Ralph Adame for Position 5, whose term will expire on February 1, 2014.

(All Districts) [Mayor John F. Cook, (915) 541-4145]

11B. Discussion and action on amending City Ordinance No. 752 which established the Public Service Board in May of 1952 to create an additional trustee appointment to the PSB board to include the City Manager of El Paso, Texas.

(Districts 5 and 8) [Representative Cortney Niland, (915) 541-4123]

[Representative Michiel Noe, (915) 541-4189]

12. CITY ATTORNEY:

Discussion and action regarding the scheduling of the special election for the recall.

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

13. CITY MANAGER:

City Manager's report of current events and issues:

13A. Discussion to consider and take appropriate action with respect to a Resolution authorizing the execution and delivery of certain agreements relating to transportation projects within Transportation Reinvestment Zone Number Two; resolving other matters related thereto; and providing an effective date.

(All Districts) [City Manager's Office, William F. Studer, (915) 541-4252]

13B. Discussion to consider and take appropriate action with respect to a Resolution authorizing the execution and delivery of an amendment to the agreement with respect to Transportation Reinvestment Zone Number Three; resolving other matters related thereto; and providing an effective date. **(All Districts)**

[City Manager's Office, William F. Studer, (915) 541-4252]

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.** Litigation strategies in pending or contemplated utility rate cases. (551.071)
[Sylvia Borunda Firth, City Attorney (915) 541-4550]
- EX2.** Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket 39973. (552.071) [Sylvia Borunda Firth, City Attorney (915) 541-4550]
- EX3.** Harold Collins, et. al. vs. Miami Tank Manufacturing, Inc., et. al.; Cause No. 2009-2736 (551.071) [City Attorney's Office, Robert Almonte (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/>