

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 25, 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 – Police Chaplain Lisle Davis
Pledge of Allegiance**

RECOGNITION

CITY EMPLOYEES

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 18, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, 6, 7 & 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3B. That the City Manager be authorized to sign a Third Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway, LLC, for the lease of general office space for the Metropolitan Planning Organization at 10767 Gateway West Blvd., Suite 605, El Paso, El Paso County, Texas, to allow for an additional fixed three-year lease term with a renewable option. **(All Districts)**
[Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]
[Financial Services, Bruce D. Collins, (915) 541-4313]

4. BOARD APPOINTMENT:

Alma Miller to the Fair Housing Task Force by Representative Steve Ortega, District 7.
[Representative Steve Ortega, (915) 541-4124]

5. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

5A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Uniforms of Texas, a contractor under Region 19 Cooperative Purchasing Contract No.10-6562, for Protective Vests. 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 04, 2008.

Department:	Police
Vendor:	Uniforms of Texas El Paso, Texas
Total Estimated Award:	\$65,220
Funding Source:	UASI-IED FY08
Reference No.:	2011-150
Districts:	All

This is a Cooperative, unit price type contract.
 [Police, Eric Shelton, (915) 564-7309]
 [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 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 Education Service Center Region 19 (Region 19), Cooperative Contracts Program was approved by Mayor and City Council on March 4, 2008.

Department:	Police
Vendor	Advanced Security Contractors, Inc. El Paso, TX
Total Estimated Award:	\$237,546.99
Funding Source:	Operation Border Security Grant/Criminal Justice Division Funds
Reference No.:	2011-148
Districts:	All

This is a Cooperative, service-materials type contract.
 [Police, Eric Shelton, (915) 564-7309]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 5C.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Innovative PBX Services, Inc. a contractor under the Department of Information Resource (DIR) Contract No. DIR-SDD-667, to upgrade the structured cabling system at Mission Valley Regional Command Center to the newest standards for data communications. 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 Resource (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.

Department:	Information Technology
Award to:	Innovative PBX Services, Inc. El Paso, Texas
Total Estimated Award:	\$59,710.17
Funding Source:	2010 Certificates of Obligation - City Wide Network Infrastructure
Reference No.:	2011-117

Districts: All

This is a Cooperative, services and materials contract.

[Information Technology, Art Armas, (915) 541-4288]

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

REGULAR AGENDA - INTRODUCTIONS

6. 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.**

- 6A.** An Ordinance amending the El Paso City Code by amending Title 13 (Streets, Sidewalks, and Public Spaces), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.050 (Costs and Fees) E to extend the application period for organizations seeking City support, the penalty is as provided for in Section 13.36.100 of the El Paso City Code **(All Districts)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 1, 2011, FOR ITEMS 6A

- 6B.** An Ordinance granting Special Permit No. ZON10-00043, to permit infill development, on the property described as Tract 33, Pavo Real Subdivision, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 254 Carnes Road. Property Owner: Elder Ramirez. ZON10-00043 **(District 6)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 15, 2011, FOR ITEM 6B

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

7. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on award of Solicitation No. 2011-079 for Pasodale Subdivision Phase III Street and Drainage Improvements to Martinez Brothers Contractors, LLC, for a total estimated amount of \$1,775,831.50.

Department:	Engineering and Construction Management
Award to:	Martinez Brothers Contractors, LLC
Base Bid I:	\$1,225,062
Base Bid II:	\$239,272.50
Base Bid III:	\$199,827

Option #1: \$111,670
 Total Estimated Completion: \$1,775,831.50
 Funding Source: Community Development Block Grant
 2009 Certificates of Obligation
District: 7

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. **(District 7)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

8. PLANNING AND ECONOMIC DEVELOPMENT:

8A. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions); Chapter 20.06 (Zoning Districts and Maps); Chapter 20.10 (Supplemental Use Regulations); and Appendix A (Table of Permissible Uses) of the El Paso City Code, to amend the definition for Open Space and Natural Open Space, amend the Natural Open Space District; amend standards for Supplemental Uses in Natural Open Space; and to amend the Permissible Use Standards in Natural Open Space Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
 [Planning and Economic Development, David Coronado, (915) 541-4632]

8B. An Ordinance granting Special Permit No. ZON10-00080, to allow for infill development on the property described as Lots 17 to 23, and the East 5 feet of Lot 24, Block 110, Amended Map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3824 Lincoln Avenue. Applicant: TVP Non-Profit Corporation. ZON10-00080 **(District 2)**
 [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

9. DEPARTMENT OF TRANSPORTATION:

9A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso City

Code by Designating a forty five mile per hour speed limit on Zaragoza Road from Joe Battle Boulevard to Sun Fire Boulevard and designating a fifty mile per hour speed limit on Zaragoza Road from Sun Fire Boulevard to mile post 3.399; The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code **(Districts 5 & 6)**

[Department of Transportation, Rudy Pino, (915) 599-6204]

- 9B.** An Ordinance amending the El Paso City Code by amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection E (Types of Encroachments) to allow special privilege licenses for aerial or subsurface commercial buildings or structures over or under City right-of-way and Subsection F (Fees) establishing fees for such special privilege licenses; The penalty is as provided for in Section 15.08.125 of the El Paso City Code **(All Districts)**

[Department of Transportation, Mirian Spencer, (915) 599-6204]

REGULAR AGENDA – OTHER BUSINESS

10. DEPARTMENT OF TRANSPORTATION:

Discussion and action on a Resolution amending Schedule C of the City of El Paso FY2011 Budget Resolution effective September 1, 2010, to modify the annual fees listed therein that shall be charged by the City for special privilege licenses for aerial or subsurface commercial buildings or structures over or under City right-of-way.

(All Districts) [Department of Transportation, Mirian Spencer, (915) 541-4482]

11. MUSEUMS AND CULTURAL AFFAIRS:

- 11A.** Discussion and action regarding the proposed redistribution of \$200,000 in HOT funds originally allocated for "Texas vs. the Nation" to cultural activities downtown. **(District 8)**

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

- 11B.** Discussion and action on a Resolution authorizing the City Manager to enter into a contract with Splendid Sun Productions, LLC, a Texas Limited Liability Company ("Contractor") for a one-day "Neon Desert Downtown Music Festival" at the cost of \$20,000, and to authorize the City Manager to do a budget transfer to establish the funding for this agreement. **(District 8)**

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

12. DEPARTMENT OF TRANSPORTATION & PARKS AND RECREATION:

Discussion and action on a Resolution that Splendid Sun Productions, LLC and Coconuts be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 10:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011 and to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portions of City rights-of-way on Oregon Street, Franklin Avenue, Main Street, Mills Avenue, El Paso Street, and in Cleveland Square Park and San Jacinto Plaza from 12:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011. SPL11-00001

(District 8) [Department of Transportation, Mirian Spencer, (915) 541-4482]

13. POLICE:

- 13A.** BT2011-0340 Police Department
 Discussion and action to approve a budget transfer to increase Federal Confiscated Award to fund the FY2011 Confiscated Fund budget (\$531,500) and reallocate prior year appropriations.

Increase	\$ 30,000	to	Contractual Services
Increase	\$135,000	to	Materials and Supplies
Increase	\$ 25,000	to	Operating Expenditures
Increase	<u>\$341,500</u>	to	Capital Expenditures
	\$531,500		

All Districts

[Police, Eric Shelton, (915) 564-7357]
 POSTPONED FROM 12-21-10

- 13B.** BT2011-0341 Police Department
 Discussion and action to approve a budget transfer to increase State Confiscated Award to fund the FY2011 Confiscated Fund budget (\$545,230) and reallocate prior year appropriations.

Increase	\$ 65,000	to	Contractual Services
Increase	\$186,230	to	Materials and Supplies
Increase	\$ 2,000	to	Operating Expenditures
Increase	<u>\$292,000</u>	to	Capital Expenditures
	\$545,230		

All Districts

[Police, Eric Shelton, (915) 564-7357]
 POSTPONED FROM 12-21-10

14. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on El Paso Electric Solar Energy Initiative and Related Legislation. Presentation by El Paso Electric Company officials and staff report by Deputy City Manager William Studer and Assistant City Attorney Bertha Ontiveros.

[City Manager, Joyce Wilson, (915) 541-4109]

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.** The City of El Paso, Texas, vs. El Paso Empowerment Zone Corporation and Luis T. Sanchez, Cause No. 2008-867, 448th Judicial District Court, El Paso County, Texas, and on other legal issues related to the El Paso Empowerment Zone Corporation and to the U.S. Department of Housing and Urban Development. (551.071)
[City Attorney's Office, Marie Taylor, (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]

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/>