

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

REVISED

AGENDA FOR REGULAR CITY COUNCIL MEETING

January 26, 2010
Council Chambers, City Hall
9:00 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, Fire, & CIMA Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATION

NATIONAL LATINO CONGRESO 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.

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 19, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- 3A.** That the Mayor be authorized to sign a Modification to the Other Transaction Agreement (HSTS04-08-H-CT7021) by and between the City of El Paso and the Department of Homeland Security – Transportation Security Administration to extend the termination date of the Agreement from January 31, 2010, to March 31, 2010. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]
- 3B.** That the City of El Paso’s Design Standards for Construction Manual, Section 3-8 (Street Cross Sections) be amended to remove the 36’ Local Residential 1 street cross-section and to amend Section 3-8 (Street Cross Sections). **(All Districts)** [Development Services/Planning, Eddie Garcia, (915) 541-4638]
- 3C.** That the City Engineer be authorized to sign the Third Amendment to the Agreement for Architectural Services by and between the City of El Paso and Aguilar & Mesta, Inc. d/b/a Perspectiva for a project known as “Westside Transit Terminal” in the amount of \$19,056.25 thereby extending the contract amount from a total of \$174,246.00 to \$193,302.25. 60600011/508016/11711/PCP09MT005. Funding source: American Recovery and Reinvestment Act (ARRA). **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3D.** That the City approves the expenditure of additional available funding in the amount of \$78,191.24 to Venegas Engineering Management and Construction, Inc. for the Westside Transit Terminal project, to replace evaporative coolers with refrigeration units and roll up doors with glass store fronts including all hardware and automatic ADA push buttons, adding 30 days of contract time [change order number 7] for Contract Number 2009-079. The new contract sum, including change order 7, is \$1,784,844.08. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]
- 3E.** That the City approves the expenditure of additional available funding in the amount of \$290,752.10 to Vistacon General Contractors, Inc. for the Mission Valley Transit Terminal project to replace evaporative coolers with refrigeration units and roll up doors with glass store fronts including all hardware and automatic ADA push buttons, add a concessionaire area, and installing ceramic tiles on the walls at the waiting areas and restrooms in lieu of painted CMU walls, adding 50 days of contract time [change order number 4] for Contract Number 2009-200. The new contract sum, including change order 4, is \$2,574,981.90. **(District 7)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 3F.** That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Daniel Lemus for the purchase of the following property for \$55,000: Lot 70, Block 5, El Valle Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 3, Page 42, Real Property Records, El Paso County, Texas. This expenditure is funded through 2006 Certificates of Obligation. Project #: PSTM06PW556; Fund: 27264; Department: 14200500; Account: 508000. **(District 3)**
[Engineering, R. Alan Shubert, (915) 541-4423]
- 3G.** That the Classification and Compensation Plan shall be amended, as set forth on the attachment posted with this Agenda, as recommended by the Civil Service Commission. (See Attachment A) **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]
- 3H.** That the City Manager be authorized to approve to electronically submit a grant proposal to the Criminal Justice Division (Office of the Governor of the State of Texas) for the JABG grant program in the amount of \$19,730.00 with a local cash match of \$16,595.28 for a total of \$36,325.28. Cash match of \$16,595.28 is being provided from the General Fund #21010050-01101-506000. Funding agency requires submittal of Resolution. **(All District)**
[Police Department, Eric Shelton, (915) 564-7357]

4. BOARD RE-APPOINTMENT:

R. Brooks Vandivort to the City Plan Commission by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]

5. BOARD APPOINTMENTS:

- 5A.** Rachel Quintana to the Animal Shelter Advisory Committee by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, (915) 541-4178]
- 5B.** Yolanda Giner to the Animal Welfare Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5C.** Janet Selzer to the Parks and Recreation Advisory Board by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5D.** Lorraine Huit to the Building and Standards Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5E.** Larry Medina to the Ethics Review Commission, effective February 20, 2010, by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 5F.** Jeannine Kennedy to the Art Museum Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

6. NOTICE OF CAMPAIGN CONTRIBUTION:

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Susie Byrd on January 2, 2010, in the amount of \$500 from Noel R. Rosenbaum. [Representative Susie Byrd, (915) 541-4416]

7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

7A. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's Option to purchase up to 100% of the original contract quantities of Contract No. 2009-274 (Scott Health & Safety Proprietary Products) to Fire Service Equipment, Inc. for Self Contained Breathing Apparatus (SCBA) respirators, Airpacks, and parts.

Department: Fire
Funding Source: UASI Grant Budget FY08 and FY09
Items: All
Total Estimated Amount: \$475,000
Districts: All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Fire Department, Manuel Chavira, (915) 771-1002]

7B. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to TW TELECOM (Time Warner) for Internet Services under the General Services Administration (GSA) Contract GS-35F-0426R in the estimated amount of \$50,000 and for voice & data services under the Department of Information Resources (DIR) Contract TEXAN 2000-TWT-LS in the estimated amount of \$53,000. Total estimated award amount is \$103,000. Total estimated annual award amount is \$103,000 through January 31, 2011.

Department: Information Technology
Award to: TW TELECOM –
GSA Contract GS-35F-0426R - \$50,000
DIR Contract TEXAN 2000-TWT-LS - \$53,000
Funding Source: FY2010 Information Technology / General Fund
Total Estimated Amount: \$103,000
Reference No.: 2010-133
Districts: All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Information Technology, John Neal, (915) 541-4285]

8. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2010-079 (Janitorial Services – Municipal Court) to Total Cleaning Services for a total estimated award of \$101,398.68.

Department: Municipal Court
Award to: Total Cleaning Services
El Paso, TX
Items: All
Option: 2 years
Annual Estimated Amount: \$33,799.56
Funding Source: Municipal Court/General Fund
Total Estimated Award: \$101,398.68 (3 year total)
Districts: All

This is a thirty-six month requirements type contract.

The Departments of Financial Services, Purchasing Division, and Municipal Court recommend award to Total Cleaning Services, the vendor offering the best value bid.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

[Municipal Court, Lilly Worrell, (915) 546-2955]

REGULAR AGENDA - INTRODUCTIONS

9. 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.**

An Ordinance granting Special Permit No. ZON09-00074 to allow for an infill development and reduce the side street yard setback for a boarding house on the property described as Lots 15 and 16, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject property: 1230 Myrtle Avenue. Applicant: David Gillooly, Opportunity Center. ZON09-00074 **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 16, 2010, FOR THE ITEM

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

10. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2009-278R (Public Officials and Employment Practices Liability Insurance) to Illinois National Insurance Company through Wells Fargo Insurance Services of Texas, Inc. for a total estimated amount of \$1,121,696. Contract period is February 1, 2010 through January 31, 2014.

Department:	OMB – Insurance and Benefits
Award to:	Illinois National Insurance Company New York, NY
Item:	Public Officials Errors and Omissions Liability Insurance Policy (E&O)
Option:	2 additional one-year periods
Annual Estimated Amount:	\$280,424
Funding Source:	Non-Departmental – General Fund – General Liability Insurance
Total Estimated Award:	\$1,121,696 (4 years)
Districts:	All

This is a four year contract.

The Departments of Financial Services, Purchasing Division, and Office of Management and Budget (OMB) – Insurance and Benefits recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposer.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

[Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA – PUBLIC HEARINGS

11. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES/PSB:

An Ordinance amending Ordinance No. 017241 adopted on December 1, 2009, authorizing the issuance of “City of El Paso, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2009A;” and resolving matters which are necessary to effectuate said issuance. **(All Districts)** [Bond Counsel, Paul A. Braden, (915) 351-6053]

12. DEVELOPMENT SERVICES:

12A. An Ordinance changing the zoning of Tract 6B, Block 5, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to A-2/SC (Apartment/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 5257 Charl Ann Street. Applicant: Enrique Escobar. ZON09-00062 **(District 1)**

[Development Services/Planning, Andrew Salloum, (915) 541-4027]

POSTPONED FROM 12-22-09

12B. An Ordinance amending Title 19 (Subdivisions), Chapter 19.15 (Roadways), Section 19.15.110 (Street Width and Design), of the El Paso City Code to remove 36-foot wide paving widths on local, single family residential streets. The penalty as provided in Chapter 19.42 of the El Paso City Code. **(All Districts)**

[Development Services/Planning, Eddie Garcia, (915) 541-4638]

13. ENVIRONMENTAL SERVICES:

13A. An Ordinance amending Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), clarifying the application processing and license issuance provisions in 5.32.060 and 5.32.070; moving the correction and re-inspection, suspension, revocation, and appeals processes to Chapter 9.48; adding a water sampling fee to Section 5.32.140 (Fees); the penalty as is provided in Section 5.32.160 of the El Paso City Code.

(All Districts) [Environmental Services, Ellen A. Smyth, (915) 621-6719]

13B. An Ordinance amending Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), to delete references to bacteriological water sampling; to clarify signage in Section 9.48.130; to clarify violation categories in Section 9.48.150; to clarify suspension criteria in Section 9.48.250; to add revocation and appeal language in Sections 9.48.255 and 9.48.270, respectively; the penalty as provided in Section 9.48.260 of the El Paso City Code.

(All Districts) [Environmental Services, Ellen A. Smyth, (915) 621-6719]

REGULAR AGENDA – OTHER BUSINESS

14. BUDGET TRANSFER:

Discussion and action on requesting approval of a budget transfer for the funds received from the Agreement for Funding and Implementation of El Paso Particulate Matter Reduction Project to allow for unpaved roads, alley-ways, parking lots and/or medians and to reprogram 2006 Certificate of Obligations in order to increase the facility rehabilitation budget to allow for the renovation of the AB Fall Mansion. Funding source is 2006 Certificates of Obligations.

Increase \$1,497,682.36 to Construction
(District 8) [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

15. ENGINEERING:

15A. Discussion and action on a Resolution authorizing the City Manager to execute Amendment Number 1 to the Local Transportation Project Advance Funding Agreement for Bridge Replacement or Rehabilitation off the State System between the City of El Paso and the Texas Department of Transportation. Amendment Number 1 provides for TxDOT to perform additional work on the roadway approaches to the Yarbrough Bridge and reconstruction of the intersection of Yarbrough Drive at San Jose Road. The estimated cost of the additional work is \$2,651,950 and is to be paid by the City. Funding source: \$1,800,000 from 2006 Certificates of Obligation for Bridges and Overpasses and TxDOT Matches \$850,000 from future authorization of TxDOT matches.
(District 7) [Engineering, R. Alan Shubert, (915) 541-4423]

15B. Discussion and action on the award of Solicitation No. 2010-076 for the Coronado Road Street and Drainage Improvements Phase II to Danny Sander Construction, Inc. for a total estimated amount of \$648,648.

Department: Engineering
Award to: Danny Sander Construction, Inc.
Funding Source: Community Development Block Grant – American
 Recovery and Reinvestment Act (CDBG – ARRA) and
 Public Service Board (PSB).
Total Est. Award: \$648,648.00
District: **3**

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 Department recommends award as indicated to the lowest responsible bidder.
[Engineering, R. Alan Shubert, (915) 541-4423]

15C. On-Call Engineering Contracts for 2010-2011

Discussion and action on Resolutions authorizing the City Manager to sign the Agreements for On Call Architectural, Engineering, and Surveying Services by and between the City of El Paso and the Consultant Firms as listed on Attachment B. **(All Districts)** [Engineering, R. Alan Shubert, (915) 541-4423]

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

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/>