

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**

---

**February 1, 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 PROCLAMATION**

**BLACK HISTORY MONTH**

### **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](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 25, 2011.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTIONS:**

**3A.** A Resolution that the Mayor be authorized to sign an Amendment to the Interlocal Agreement between the City of El Paso, the County of El Paso, and the El Paso County Hospital District to provide for the termination of the City's participation in the El Paso MHMR Center; and that the City Manager provide notice to the Texas Department of State Health Services of the termination of the City's participation. **(All Districts)** [City Attorney's Office, Elaine Hengen, (915) 541-4550]

**3B.** Approval of the restated 457 Deferred Compensation Plan for Public Employees and authorize the City Manger to sign the restated document.  
**(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4448]

**3C.** That the City Manager be authorized to sign the restated deferred compensation 401(a) City of El Paso Profit Sharing Plan document.  
**(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4448]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Janice Nutt to the Animal Shelter Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

**4B.** Janice Nutt to the Animal Welfare Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

**4C.** Linda Krasowski to the Animal Welfare Advisory Committee, District 5.  
[Representative Rachel Quintana, (915) 541-4701]

**4D.** Laird S. Carmichael to the Committee on Border Relations by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

**5. BOARD APPOINTMENT:**

Frederick Caldwell to the Parks and Recreation Advisory Board by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson, (915) 541-4400]

**6. 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]

**7. REQUEST FOR PROPOSAL:**

Award of Solicitation No. 2011-092 for the Landfill Wells - 2010 for a total estimated amount of \$204,710.

Department:	Engineering and Construction Management
Award to:	WDC Exploration & Wells
Base Bid:	\$204,710
Total Estimated Completion:	\$204,710
Funding Source:	Disposal – garbage collection fees
<b>Districts:</b>	<b>All</b>

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]

**REGULAR AGENDA - INTRODUCTIONS**

**8. 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 amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on Certain Streets) of the El Paso City Code to Prohibit Parking on University Avenue Between Kansas Street and Ochoa Street; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 1)**  
[Department of Transportation, Keith Bennett, (915) 621-6882]

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 8, 2011, 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 Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – OTHER BUSINESS**

**9. CITY MANAGER:**

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]

POSTPONED FROM 01-25-11

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**10. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

Discussion and action on award of Solicitation No. 2011-069, for the Dallas Outfall Drainage Improvements Project to R.M. Wright Construction Co. for a total estimated amount of \$4,164,246.

Department:	Engineering and Construction Management
Award to:	R.M. Wright Construction Co.
Base Bid:	\$4,164,246
Total Estimated Completion:	\$4,164,246
Funding Source:	Storm 2006 Certificates of Obligation
<b>District:</b>	<b>8</b>

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.

This is a unit price contract. The Engineering and Construction Management and Environmental Services Department recommend award to the offeror who submitted the highest ranked proposal. [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**REGULAR AGENDA – PUBLIC HEARINGS**

**11. DEPARTMENT OF TRANSPORTATION:**

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]

**REGULAR AGENDA – OTHER BUSINESS**

**12. MAYOR AND COUNCIL:**

**12A.** Discussion and action on a Resolution that revises the nomination and appointment process required for the City Council's appointments to CRRMA Board of Directors; that reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions and remaining terms identified below:

- A. Jim Volk for Position 2, whose term will expire on February 1, 2013;
- B. Tony Payan for Position 4, whose term will expire on February 1, 2013; and
- C. Susan Melendez for Position 6, whose term will expire on February 1, 2013.

and that reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions and remaining terms identified below

- A. David Marcus for Position 1, whose term will expire on February 1, 2012; and
  - B. Ralph Adame for Position 5, whose term will expire on February 1, 2012.
- (All Districts)** [Mayor John F. Cook, (915) 541-4015]

**12B.** Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and RUSA Texas, LLC (the "Applicant") in relation to the Applicant's retention of full-time and part-time jobs at the facility located at 500 S. Mesa Hills, El Paso, Texas. **(All Districts)** [Representative Carl L. Robinson, (915) 541-4400]

**13. PLANNING AND ECONOMIC DEVELOPMENT:**

**13A.** Discussion and action regarding a Resolution that the Mayor be authorized to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to perform certain economic development services and supplemental sanitation services in connection with the City's revitalization efforts of Downtown El Paso, subject to the terms and conditions in the Interlocal Agreement. **(District 8)**

[Planning and Economic Development, Kathryn Dodson, (915) 541-4670]

**13B.** Discussion and action requesting the City Council to waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 4051 Emory Way, legally described as all of Tract 12B, Block 1, Upper Valley Surveys. **(District 8)**

[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

**14. CITY MANAGER:**

City Manager's report of current events and issues:

Discussion and action on Quarterly Financial Report: 1st Quarter Financial Report for Fiscal Year 2011. **(All Districts)** [City Manager's Office, William F. Studer, (915) 541-4777]

**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.** 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/>