

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 22, 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 Cliff Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. NATIONAL ENGINEERS WEEK**
- 2. NATIONAL GIRLS AND WOMEN IN SPORTS DAY**

RECOGNITIONS

- 1. ICMA LATINOAMÉRICA DELEGATION FROM COSTA RICA - MUNICIPALIDAD DE CARTAGO: AND JASEC**
- 2. CITY STAFF RECENTLY ACCREDITED UNDER THE CONGRESS FOR NEW URBANISM (CNU)**

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 February 15, 2011 and the Special City Council Meeting of February 15, 2011.

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

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. A Resolution that Kern Place Merchants Association and Hemingway's KPT be authorized to provide for the sale and service of alcoholic beverages at the Cincinnati Street Mardi Gras in the closed portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue, and the adjacent alley between Mesa Street and Stanton Street from 12:00 p.m. Tuesday, March 8, 2011, to 2:00 a.m. Wednesday, March 9, 2011. SPL11-00005 **(Districts 1 and 8)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

3B. A Resolution that O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at the outdoor block party in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 p.m. Tuesday, March 8, 2011, to 2:00 a.m. Wednesday, March 9, 2011. SPL11-00004 **(District 8)** [Department of Transportation, Mirian Spencer, (915) 541-4482]

3C. That the City Manager be authorized to sign an overhead and underground electrical easement and transformer pad easement to the El Paso Electric Company for the purpose of relocating electrical service for city facilities (Stanton Toll Building) at Mesa and Eighth Streets, El Paso, Texas. Said property being more particularly described as a portion of Lots 11 through 18, Block 47, Campbell's Addition to the City of El Paso, El Paso County, Texas. **(District 8)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3D. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 2, 5, 6, 7 & 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3E. That the City Manager be authorized to sign, on behalf of the City of El Paso, the First Amendment to Addendum to City of El Paso, Invitation for Bids, Single Stream Curbside Recycling Collection and Processing Services for

Environmental Services Department Bid No. 2006-015, between the City of El Paso and Friedman Recycling of El Paso, LP ("Contractor"). Said amendment modifies the revenue sharing language, accepts new consideration and expands the residential curbside recycling program by including additional recyclables. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915)-621-6719]

- 3F. Approve a Resolution dedicating as parkland approximately 6.525 acres of City property located at 3005 Cheryl Ladd Court. **(District 6)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4283]

4. BOARD RE-APPOINTMENTS:

- 4A. Randy Brock to the Historic Landmark Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]
- 4B. Ricardo D. Gonzalez to the Historic Landmark Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 4C. Ricardo Aguilar to the Zoning Board of Adjustment by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

5. DISCRETIONARY FUNDS:

Expenditure of \$6,870 from District 5 discretionary funds for the purchase of dog park equipment. [Representative Rachel Quintana, (915) 541-4701]

6. REQUEST TO ISSUE PURCHASE ORDER:

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2008-053 (Physical Examinations and Drug Screenings) with Las Palmas Del Sol Healthcare System for two additional years pursuant to the provisions of an award approved by the City Council on February 5, 2008. The extended contract period will be from March 1, 2011 to February 28, 2013.

Department:	Human Resources
Award to:	Las Palmas Del Sol Healthcare System El Paso, TX
Option:	One [of One]
Annual Estimated Amount:	\$82,900
Total Estimated Amount:	\$165,800 (2 years)
Funding Source:	General Fund – Health Care Providers Services
Districts:	All

This is a Best Value, services contract.
[Human Resources, Linda Ball Thomas, (915) 541-4102]
[Financial Services, Bruce D. Collins, (915) 541-4313]

7. BID:

The award of Solicitation No. 2011-125 (Design, Furnish & Install New Clean Agent Inert Gas Fire Suppression System) to Assurance Fire Protection, LLC for a total award of \$62,297.

Department: Aviation

Award to: Assurance Fire Protection, LLC
 El Paso, TX
 Items: All
 Option: None
 Unit Amount: \$62,297
 Total Award: \$62,297
 Funding Source: Airport Operating Funds – Bldgs/Facilities Maintenance
 Contract
Districts: All

This is a low bid, unit price purchase.

The Financial Services - Purchasing Division and Aviation recommend award as indicated to Assurance Fire Protection, LLC, the sole responsive, responsible bidder.
 [Airport, Monica Lombrana, (915) 780-4793]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

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 granting a Special Privilege License to Northeast 58 TBH/IT LLC for the construction, installation, maintenance and repair of a bridge crossing and access driveway over portions of City right-of-way at Kenworthy Drive and across a portion of the Northgate Outlet Channel for a term of fifty years. **(District 4)**
 [Department of Transportation, Mirian Spencer, (915) 541-4482]

PUBLIC HEARING WILL BE HELD ON MARCH 1, 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 BIDS, CONTRACTS, PROCUREMENTS

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2011-055 for the A.B. Fall Mansion to Southwest G.C., EP, Inc. for an estimated total amount of \$1,171,574.85. Southwest G.C., EP, Inc. has provided the highest ranked proposal (88.00).

Department: Engineering and Construction Management
 Award to: Southwest G.C., EP, Inc.
 Base Bid: \$1,171,574.85
 Total Estimated Completion: \$1,171,574.85
 Funding Source: 2010 Certificates of Obligation
District: 8

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.

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 design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.
[Engineering and Construction Management, R. Alan Shubert, (915)541-4423]

REGULAR AGENDA – OTHER BUSINESS

10. MAYOR AND COUNCIL:

Legislative Review Committee Report:

1. For notation: Formal report of the Health, Safety and Community Services Legislative Review Committee meeting held on January 20, 2011, as submitted by Eddie Holguin, Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action on developing an optimal municipal pool use policy that fairly balances the interest of citizens, school districts and competitive club teams.
 - b. Discussion and action regarding amendments to the El Paso Municipal Code to permit construction and operation of electric security fences.
 - c. Discussion and action on establishing term limits for Animal Advisory boards.
 - d. Discussion and action on Confiscated Funds – Legal Use of Funds.
 - e. Discussion on a presentation of staff’s review on calls for service.
[City Manager-Health & Public Safety, David R. Almonte, (915) 541-4853]

11. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution to approve a Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding to Desert Rock Co., in the amount of \$212,294, as recommended by the Director of Community and Human Development; and, that the City Manager be authorized to execute any and all loan related documents between the City of El Paso, Desert Rock Co. and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney’s Office. **(District 6)**
[Community and Human Development, William Lilly, (915) 541-4643]

12. MUNICIPAL CLERK:

12A. Discussion and action on a Resolution providing for the 2011 General Election in the City of El Paso, calling for an election of four District Representatives, to be held within the City on May 14, 2011; and making provisions for the conduct of the election. **(Districts 1, 5, 6, & 8)**
 [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

12B. Discussion and action on a Resolution that the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at an estimated cost of up to \$71,162.85 to provide election services and equipment for the May 14, 2011 Election; and that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing or precinct expenses; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary. **(Districts 1, 5, 6, & 8)**
 [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

13. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action on a Resolution supporting legislation to create the “Montecillo Municipal Management District No. 1” within the limits of the City of El Paso as identified in the resolution. **(All Districts)**
 [Planning and Economic Development, Kathryn B. Dodson, (915) 541-4872]

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.

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| 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 Carole Feuerman; Our File No. 11-C-026. (551.071)
 [City Attorney's Office, Kenneth A. Krohn (915) 541-4550]
POSTPONED FROM 02-15-11

EX2. Portions of Lot 1, Block 1, Hawkins Plaza, El Paso, Texas. (551.071 and 551.072)
 [City Attorney's Office, Theresa Cullen, (915) 541-4550]

EX3. Discussion on legal issues relating to the Texas Legislative Budget Board's request regarding the transfer of the Wyler Tramway from the State of Texas to the City of El Paso. (551.071 and 551.072) [City Attorney's Office, Charlie McNabb, (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 FRIDAY AT THE ADDRESS BELOW:

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