

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**

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**March 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 – Police Chaplain Lisle Davis  
Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

- 1. WOMEN IN CONSTRUCTION WEEK**
- 2. ROBERT NESTA MARLEY DAY**

### **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 February 22, 2011.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

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

**3. RESOLUTIONS:**

**3A.** A Resolution that the Union Plaza Business Association be authorized to provide for the sale and service of alcoholic beverages in the closed portion of San Antonio Street, Western Street, and the adjacent alley between Anthony Street and Durango Street, and portions of City rights-of-way along Durango Street and Anthony Street from 5:00 p.m. Tuesday, March 8, 2011 to 2:00 a.m. Wednesday, March 9, 2011. **(District 8)** [Department of Transportation, Mirian Spencer, (915) 541-4482]

**3B.** A Resolution that Special Events Management and SMG F & B of Texas, LLC be authorized to provide for the sale and service of alcoholic beverages at the El Paso Downtown Mardi Gras in the closed portions of City rights-of-way on Main Street between Santa Fe Street and El Paso Street, Arts Festival Plaza, and Sheldon Court between Mills Avenue and Santa Fe Street from 5:00 p.m. Saturday, March 5, 2011 to 2:00 a.m. Sunday, March 6, 2011. **(District 8)** [Department of Transportation, Mirian Spencer, (915) 541-4482]

**4. BOARD RE-APPOINTMENTS:**

**4A.** Thomas Fullerton, Jr. to the Committee on Border Relations by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**4B.** Yolanda Giner to the Animal Welfare Advisory Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**4C.** Lorraine Huit to the Building and Standards Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**4D.** Carlos Torres Sr. to the Building and Standards Commission as an Alternate by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

**4E.** Linda T. Vick to the Building and Standards Commission by Representative Steve Ortega, District 7 [Representative Steve Ortega, (915) 541-4124]

**4F.** Angelica Quintanilla to the Committee on Border Relations by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

**5. BOARD APPOINTMENTS:**

- 5A.** Moises Rodriguez, Jr. to the Capital Improvements Advisory Committee by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]
- 5B.** Ernesto Martinez, Jr. to the Building and Standards Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4996]
- 5C.** Geoffrey Wright to the City Plan Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

**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. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**

- 7A.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to ExerPlay, Inc., a contractor under Texas Association of School Boards (TASB) BuyBoard Contract No. 346-10 (Parks, Recreation & Field Lighting Products & Installation), for BigBelly Solar Trash Compactors. 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 Texas Association of School Boards (TASB) BuyBoard was approved by Mayor and City Council on August 21, 2007.

Department:	Environmental Services and Code Enforcement
Award to:	ExerPlay, Inc. Cedar Crest, NM
Total Estimated Award:	\$346,224.08 (for 91 units)
Funding Source:	Energy Efficiency and Conservation Block Grant
Reference No.:	2011-178
<b>Districts:</b>	<b>All</b>

This is a cooperative, unit price contract.  
[Environmental Services, Ellen Smyth, (915) 621-6719]  
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 7B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2008-076 (Fertilizer) with Justin Seed for one additional year pursuant to the provisions of an award approved by the City Council on March 4, 2008. The extended contract period will be from March 5, 2011 to March 4, 2012.

Department:	General Services
Award to:	Justin Seed Justin, TX
Option:	One [of One]
Annual Estimated Amount:	\$100,000
Total Estimated Amount:	\$100,000 (1 year)

Funding Source: General Fund – Land Maintenance Supplies  
 Districts: All

This is a low bid, requirements contract.  
 [General Services, Stuart Ed, (915) 621-6822]  
 [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.**

- 8A. An Ordinance to amend Title 6 (Vehicles for Hire), Chapter 6.16 (Taxicabs) by adding Chapter 6.16.290 (Schedules - Convenience Fee). The penalty being as provided in Chapter 1.08.010 of the El Paso City Code. **(All Districts)**  
 [City Attorney's Office, John Batoon, (915) 541-4550]
- 8B. An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and Carolina Peralta which will allow the City to convey Lot 11, Block 157, Tierra Del Este Unit Forty Four Subdivision Addition, City of El Paso, El Paso County, Texas to Carolina Peralta. **(District 5)** [Community and Human Development, William Lilly, (915) 541-4845]
- 8C. An Ordinance authorizing the City Manager to execute a quitclaim (Tax Resale) deed conveying all right, title and interest in real property described as Lot 46, Block 102, Morningside Heights, amended, to City of El Paso, in accordance with Section 34.05 (H) of the tax code. **(District 1)**  
 [Delgado, Acosta, Spencer, Linebarger & Perez, LLP., Carmen Perez, (915) 545-5481]
- 8D. An Ordinance authorizing the City Manager to execute a quitclaim (Tax Resale) deed conveying all right, title and interest in real property described as Lots 31 & 32, and Lots 37 to 41, Block 102, Morningside Heights, to City of El Paso, in accordance with Section 34.05 (H) of the tax code. **(District 1)**  
 [Delgado, Acosta, Spencer, Linebarger & Perez, LLP., Carmen Perez, (915) 545-5481]
- 8E. An Ordinance authorizing the City Manager to execute a quitclaim (Tax Resale) deed conveying all right, title and interest in real property located at 240 Colfax St., to City of El Paso, in accordance with Section 34.05 (H) of the tax code. **(District 3)**  
 [Delgado, Acosta, Spencer, Linebarger & Perez, LLP., Carmen Perez, (915) 545-5481]
- 8F. An Ordinance authorizing the City Manager to execute a quitclaim (Tax Resale) deed conveying all right, title and interest in real property described as Lot 25, Block 8, Alamo Alto Townsite Addition, an addition in El Paso County, Texas, to Richard B. Martinez, Jr., in accordance with Section 34.05 (H) of the tax code. **(County)**  
 [Delgado, Acosta, Spencer, Linebarger & Perez, LLP., Carmen Perez, (915) 545-5481]

- 8G. An Ordinance authorizing the City Manager of the City of El Paso to sign a special warranty deed and any other documents required, such as, but not limited to, a disclaimer of interest in property or donation agreement, to convey to the State of Texas, approximately 12.080 acres of land known as Parts 1 and 2 of Parcel 14 along and adjacent to the existing Loop 375 being portions of Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas, for The State of Texas Loop 375 Highway Project. **(District 1)**  
[Department of Transportation, Teresa Quezada, (915) 621-6750]
- 8H. An Ordinance amending Title 7 (Animals), Chapter 7.28 (Animal Shelter Advisory Committee), Section 7.28.030 (Terms of Office) of the El Paso City Code to establish term limits. **(All Districts)** [Health, Michael Hill, (915) 771-5702]
- 8I. An Ordinance amending Title 7 (Animals), Chapter 7.30 (Animal Welfare Advisory Committee), Section 7.30.030 (Terms of Office) of the El Paso City Code to establish term limits. **(All Districts)** [Health, Michael Hill, (915) 771-5702]
- 8J. An Ordinance vacating a portion of Cebada Street (70' public right-of-way), between Block 60 and Block 61, East El Paso Addition, City of El Paso, El Paso County, Texas. **(District 8)**  
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 8K. An Ordinance amending Title 19 (Subdivisions), Appendix 111 (Mountain Area Defined), of the El Paso City Code to add land to the area identified as the Mountain Development Area (MDA). **(All Districts)**  
[Planning and Economic Development, Justin Bass, (915) 541-4930]

**PUBLIC HEARING WILL BE HELD ON MARCH 8, 2011, FOR ITEMS 8A – 8K**

- 8L. An Ordinance releasing a condition placed on property by Ordinance No. 16332 which changed the zoning of Lot 1, Block 1, Placitas De Zaragoza, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1508 Zaragoza Road. Property Owner: Purple Hawk, L.P. ZON10-00105 **(District 6)**  
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

**PUBLIC HEARING WILL BE HELD ON MARCH 22, 2011, FOR ITEM 8L**

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. ENVIRONMENTAL SERVICES:**

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]  
 POSTPONED FROM 2-22-11

**10. FIRE DEPARTMENT:**

Discussion and action on the award of Solicitation No. 2011-054R (Customer Service Call Center – Staffing & Management Service Operations) to Faneuil, Inc. for an initial term estimated award of \$5,096,855.12.

Department:	Fire
Award to:	Faneuil, Inc. Hampton, VA
Items:	All
Initial Term:	2 years
Option:	2 years if exercised within 2 years of date of award
Annual Estimated Amount:	\$2,548,427.56
Initial Term Estimated Award:	\$5,096,855.12 (2 years)
Total Estimated Award:	\$10,193,710.24 (4 years)
Funding Source:	General Fund – Temporary Services Contracts
<b>Districts:</b>	<b>All</b>

This is a Request for Proposal, services contract.

The cost under this service contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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.

The Financial Services - Purchasing Division and Fire Department recommend that Adecco North America and Kelly Services, Inc. be disqualified as non-responsive, and the contract be awarded as indicated to Faneuil, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

[Fire, Diana Kirk, (915) 832-6892]  
 [Financial Services, Bruce D. Collins, (915) 541-4313]  
 [City Manager's Office, Leila Melendez, (915) 541-4859]

**11. GENERAL SERVICES:**

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2010-003 (Vehicles – Police Department) with Casa Ford Inc. through the manufacturer's build-out date for Model 2012 vehicles pursuant to the provisions of an award approved by the City Council on March 9, 2010. The extended contract period will be from March 9, 2011 to March 8, 2012.

Department:	General Services
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Award to: Casa Ford Inc.  
 El Paso, TX  
 Option: One [of Two]  
 Annual Estimated Amount: \$1,500,000.00  
 Total Estimated Amount: \$4,751,867.40 (Vehicle Model Years 2010-2012)  
 Funding Source: Fleet Replacement – General Services Department  
 Confiscated Funds – Police Department  
**Districts: All**

This is a Best Value, requirements contract  
 [General Services, Stuart Ed, (915) 621-6822]  
 [Financial Services, Bruce D. Collins, (915) 541-4313]

**REGULAR AGENDA – PUBLIC HEARINGS**

**12. PLANNING AND ECONOMIC DEVELOPMENT:**

**12A.** An Ordinance changing the zoning of Tract 1A, Block 26, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7516 Alameda Avenue. Applicant: Jimmy C. Happ. ZON10-00098 **(District 3)**

[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

**12B.** An Ordinance changing the zoning of the following real property known as:  
 Parcel 1: a portion of Section 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-3 (Commercial) and imposing a certain condition;  
 Parcel 2: a portion of Section 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-3 (Commercial) and imposing a certain condition;  
 Parcel 3: a portion of Section 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Mesquite Hills Drive out of Mesquite Hills Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-3 (Commercial) and imposing a certain condition;  
 Parcel 4: a portion of Sections 16 and 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a Portion of Mesquite Hills Drive out of Mesquite Hills Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to C-1 (Commercial);  
 Parcel 5: a portion of Sections 16 and 17, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Mesquite Hills Drive out of Mesquite Hills Unit Two, City of El Paso, El Paso County, Texas, from R-F (Ranch & Farm) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Patriot Freeway/US 54, West of Mesquite Hills Drive. Property Owner: Newman Ranch Properties, LLC. ZON09-00065 **(District 4)**

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

**12C.** An Ordinance changing the zoning of Lot 2, Block 6, Castner Range Unit One, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El

Paso City Code. Subject Property: Stahala Drive, East of Kenworthy Street.  
Property Owner: Northeast 58 TBH/IT, LLC. ZON10-00016 **(District 4)**  
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]  
POSTPONED FROM 2-8-11 AND 02-15-11

**13. DEPARTMENT OF TRANSPORTATION:**

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]

**REGULAR AGENDA – OTHER BUSINESS**

**14. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

Discussion and action that the City Manager be authorized to sign a Developer's Participation Agreement between the City of El Paso and Northeast 58 THB/IT, LLC for the construction of a roadway bridge over the Northgate Outlet Channel and right-of-way improvements on Stahala Drive, in accordance with Local Government Code Section 212.071. There is no cost to the City. **(District 4)**  
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]  
POSTPONED FROM 02-15-11

**15. MAYOR AND COUNCIL:**

**15A.** Discussion and action on the design for Oregon Street travel and parking. **(District 8)** [Representative Beto O'Rourke, (915) 541-4268]

**15B.** Discussion and action regarding the progress on Southloop Park. **(District 6)**  
[Representative Eddie Holguin, (915) 541-4178]

**15C.** For Notation Only:  
Informal Report on attendance at the National Institute on Redistricting Conference, attended on February 7, 2011- February 10, 2011 in Washington, D.C.  
[Hosted and paid by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund.]  
[Representative Emma Acosta, (915) 541-4572]

**16. DEPARTMENT OF TRANSPORTATION:**

**16A.** Discussion and action to approve transportation priority projects for:  
1. Submittal to MPO in response to call for projects from Congestion Mitigation/Air Quality (CMAQ) funds,  
2. Submittal to MPO in response to call for projects for State funding that may become available,  
3. Submittal to federal or state funding agencies in response to calls for projects.  
[Department of Transportation, Terry Quezada, (915) 599-6201]

- 16B. Discussion and action on T. I. P. Reprogramming per Council direction at its January 27, 2011 Strategic Planning Session.  
[Department of Transportation, Terry Quezada, (915) 599-6201]

**TO BE HEARD AT 11:00 A.M. OR LATER (ITEM 17)**

**17. CITY MANAGER:**

City Manager's report of current events and issues:

Discussion and action on the Texas Department. of Transportation Loop 375 Transmountain Road (Westside Transmountain Road) project:

- 1) Presentation by TXDOT staff of the Draft Environmental Assessment for the project.
- 2) Presentation by City staff and WP Moore staff of the Traffic Impact Analysis performed on the project.

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]  
[Deputy City Manager, Jane Shang, (915) 541-4686]

**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.** 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]  
**POSTPONED FROM 2-22-11**
- EX2.** Application of El Paso Electric Company to Implement Fuel Refund before the Public Utility Commission of Texas, Docket No. 39159. (551.071)  
[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX3.** Application of El Paso Electric Company for an Amendment to its Certificate of Convenience and Necessity for a Peaking Generation Unit at the Rio Grande Site in New Mexico before the Public Utility Commission of Texas, Docket No. 38717. (551.071)  
[City Attorney's Office, Bertha Ontiveros, (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/>