

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

**March 15, 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 Carlos Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. MISS SHANAYA FASTJE DAY**
- 2. FRANKLIN MOUNTAINS POPPIES PRESERVATION DAY**
- 3. NATIONAL BRAIN INJURY AWARENESS 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 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 March 8, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook and Representatives Ann Morgan Lilly, Steve Ortega, and Rachel Quintana.

3. RESOLUTIONS:

3A. That the Mayor be authorized to sign the following Interlocal Governmental Agreements between the City of El Paso and the below listed Independent School Districts to allow for joint elections between the City and each Independent School District on May 14, 2011 for the purpose of sharing the costs. **(All Districts)**

- A. El Paso Independent School District
- B. Socorro Independent School District
- C. Ysleta Independent School District

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

3B. A Resolution appointing the election officials and election judges for the General Election on May 14, 2011. **(All Districts)**

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

3C. That the City Council approves the expenditure of additional available funding in the amount of \$93,500 to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. for additional construction costs for EPIA Runway 8R-26L & Taxiway L Extension & Reconstruction of Taxiway W. The change order provides for counterpoise wire or ground wire installations for FAA power and communications systems to be No. 1/0 stranded ground wire. At the time of bid the specification called for No. 6 stranded ground wire. The change order adds no days of contract time for Contract Number 2010-268. The new contract sum, including this change order, is \$6,846,236.10. **(All Districts)**

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

3D. That the City Manager be authorized to sign the Second Amendment to the Agreement for Professional Services by and between the City of El Paso and Kimley-Horn and Associates, Inc. for a project known as "Runway 8R-26L Extension" to add additional design services for the design of the MALSR approach lighting system as directed by the FAA, at an additional cost of \$20,373.02, thereby extending the contract amount from \$1,039,252.53 to \$1,059,625.55. **(All Districts)**

REGULAR AGENDA - INTRODUCTIONS

7. 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 changing the Zoning of all of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. Surveys, City of El Paso, El Paso County, Texas From R-4 (Residential) to C-4 (Commercial). The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 6331 Alabama Street, Property Owner: El Maida Shrine Temple ZON10-00109. **(District 4)** [Planning and Economic Development, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON APRIL 5, 2011, FOR ITEM 7

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

8. ENGINEERING AND CONSTRUCTION MANAGEMENT:

8A. Discussion and action on award of Solicitation No. 2011-128 for the Clint Cell Lining Cells 7-10, to L.D. Kemp Excavating, Inc., for a total estimated amount of \$3,993,139.20.

Department: Engineering and Construction Management
Award to: L.D. Kemp Excavating, Inc.
Base Bid: \$3,993,139.20
Total Estimated Completion: \$3,993,139.20
Funding Source: Disposal – garbage collection fees
Districts: All

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 and Environmental Services recommend award as indicated to the lowest responsible and responsive bidder.

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

- 8B.** Discussion and action on the award of Solicitation No. 2011-144 for Fire Station #31 to Banes General Contractors, Inc. for an estimated total amount of \$1,823,000. Banes General Contractors, Inc. has provided the highest ranked proposal (89.65).

Department:	Engineering and Construction Management
Award to:	Banes General Contractors, Inc.
Base Bid:	\$1,823,000
Total Estimated Completion:	\$1,823,000
Funding Source:	American Recovery and Reinvestment Act 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]

9. FIRE:

Discussion and action on the award of Solicitation No. 2011-152 (Scott Health and Safety Proprietary Products) to Fire Service Equipment, Inc. and Daco Fire Equipment for a total estimated award of \$2,234,421.30.

Department:	Fire
Award to: Vendor 1	Fire Service Equipment, Inc. El Paso, TX
Items:	1, 2 and 3
Initial Term:	3 years
Option:	None
Annual Estimated Award:	\$649,849.50
Total Estimated Award:	\$1,949,548.50 (3 years)

Award to: Vendor 2	Daco Fire Equipment Lubbock, TX
Items:	4, 5 and 6
Initial Term:	3 years
Option:	None

Annual Estimated Award: \$94,957.60
 Total Estimated Award: \$284,872.80 (3 years)
 Funding Source: UASI Regional SCBA Project FY08, FY09, and FY10
Districts: All

This is a Low Bid, unit-price contract.

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 cost under this requirements 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.

The Financial Services - Purchasing Division and Fire Department recommends award as indicated to Fire Service Equipment, Inc. and Daco Fire Equipment, the lowest responsive, responsible bidders.

[Fire, Wade A. Warling, (915) 771-1071]

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

REGULAR AGENDA – PUBLIC HEARINGS

10. TAX OFFICE:

An Ordinance authorizing the City Manager to execute a quitclaim (Tax Resale) deed conveying all right, title and interest in Real Property located at 6107 Laguna Vista Dr., to City of El Paso, in accordance with Section 34.05 (H) of the Tax Code. **(District 1)**

[Delgado, Acosta, Spencer, Linebarger & Perez, LLPC, Carmen Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS

11. PLANNING AND ECONOMIC DEVELOPMENT:

11A. Discussion and action on a recommendation by the Open Space Advisory Board that the City adopt a policy to leave ponding areas open for wildlife as a wildlife corridor in instances where ponding areas are located along a riparian corridor.

(All Districts) [Planning and Economic Development, David Coronado, (915) 541-4632]

11B. Discussion and action on a recommendation by the Open Space Advisory Board that the City Manager direct staff to coordinate with the necessary State agencies, Home Owner Associations, and if necessary, amend Title 19, to provide pedestrian access to designated state trailheads. **(All Districts)**

[Planning and Economic Development, David Coronado, (915) 541-4632]

11C. Discussion and action on a recommendation by the Open Space Advisory Board that the City initiate a rezoning of Keystone Heritage Park and Rio Bosque to Natural Open Space (NOS) District with Rio Bosque being designated under the Natural Open Space (NOS) District as a wildlife sanctuary. **(All Districts)**

[Planning and Economic Development, David Coronado, (915) 541-4632]

12. CITY MANAGER:

City Manager's report of current events and issues:

- 12A.** Status report, discussion and action regarding the 2008 Comprehensive Mobility Plan: Presentation by TxDOT, City and RMA staff. **(All Districts)**
[Deputy City Manager, Jane Shang, (915) 541-4686]
- 12B.** Presentation by City Staff of the Fiscal Year 2010 Spend Analysis report. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
[Financial Services, Bruce D. Collins, (915) 541-4313]

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.** Claim of Isidro Gama; Our File No. 10-C-185 (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/>