

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 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, Fire and CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. PURPLE DAY FOR EPILEPSY**
- 2. EL PASO COMMISSION FOR WOMEN'S HALL OF FAME
INDUCTION DAY**
- 3. POISON PREVENTION WEEK**
- 4. PERSONAL ATTENDANT APPRECIATION 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 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 15, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign an Underground and Transformer Pad Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service for the Paso Del Norte Pedestrian Toll Plaza located at 1000 S. Santa Fe, El Paso, Texas. Said property being more particularly described as a portion of Lot 11, Block 44, Campbell Addition, El Paso, El Paso County, Texas. **(District 8)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3B. That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service for the Paseos Del Sol Park at 12599 Paseo Grande Drive. Said property more particularly described as a portion of Lot 53, Block 6, Paseos Del Sol Unit 2 amending, a subdivision in the City of El Paso, El Paso County, Texas.
(District 6) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3C. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

2230 Bassett Avenue	\$13,406.73	District 8
Rebeca A. Saenz		
[Environmental Services, William V. Stern, (915) 599-3742]		

3D. A Resolution to approve the revisions to the Cultural Funding Guidelines.
(All Districts) [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4898]

3E. A Resolution to approve the KickstArt Downtown Funding Program for recurring downtown events, to publish guidelines and begin the application process.
(All Districts) [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4898]

3F. That the Mayor be authorized to sign the state-required resolution and the City Manager or her designee be authorized to electronically submit a grant application to the Criminal Justice Division (Office of the Governor) for the SHOCAP FY11 grant program in the total amount of \$36,325.28; which includes a federal request of \$18,674.32 and a local cash match of \$17,650.96; and that the City Council designates the City Manager as the authorized official and her designees to be grant officials under the application; and that the City Manager or her designee be authorized to sign all grant applications, acceptances, modifications, termination, and other documents relating to the grant on behalf of the City of El Paso, and to sign Cooperative Working Agreements, as are approved as to form by the City Attorney or his designee, in conjunction with the operation of the grant program. **(All Districts)**
[Police, Eric Shelton, (915) 564-7357]

3G. That the Mayor be authorized to sign the state-required resolution and the City Manager or her designee be authorized to electronically submit a grant application to the Criminal Justice Division (Office of the Governor) for the General Victim Services FY12 grant program in the total amount of \$218,351.71; which includes a grant funding request of \$174,680.71 and a cash match of \$43,671; and that the City Council designates the City Manager as the authorized official and her designees to be grant officials under the application; and that the City Manager or her designee be authorized to sign all grant applications, acceptances, modifications, termination, and other documents relating to the grant on behalf of the City of El Paso, and to sign Cooperative Working Agreements, as are approved as to form by the City Attorney or his designee, in conjunction with the operation of the grant program. **(All Districts)**
[Police, Eric Shelton, (915) 564-7357]

4. BOARD APPOINTMENTS:

4A. Susan Goodman Novick to the Museum and Cultural Affairs Advisory Board by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

4B. David Berchelmann to the Historic Landmark Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

5. BOARD RE-APPOINTMENT:

Mary Castillo to the City Accessibility Advisory Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

6A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2008-152 (Grounds Maintenance-City Facilities) with Evergreen Lawn Service of El Paso for two additional years pursuant to the provisions of an award approved by the City Council on May 6, 2008. The extended contract period will be from May 7, 2011 to May 6, 2013.

Department: General Services
 Award to: Evergreen Lawn Service
 El Paso, TX
 Option: One [of One]
 Annual Estimated Amount: \$50,000
 Total Estimated Amount: \$100,000 (2 years)
 Funding Source: General Fund – Groundkeeping
Districts: All

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

- 6B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to The Armored Group, LLC., a contractor under the U.S. General Services Administration (GSA) Contract No. GS-07F-9375S, for three Ballistic Armored Tactical Transport (B.A.T.T) vehicles. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

Department: Police
 Award to: The Armored Group, LLC.
 Phoenix, AZ
 Total Estimated Award: \$300,000 (For 3 units)
 Funding Source: Operation Border Security FY11
 Reference No.: 2011-188
Districts: All

This is a Cooperative, unit price type contract.
 [Police, Eric Shelton, (915) 564-7309]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 6C.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2005-084R (Building Space Rental-San Elizario WIC Clinic) with Carlos Martinez for three additional years pursuant to the provisions of an award approved by the City Council on February 8, 2005. The extended contract period will be from April 1, 2011 to March 31, 2014.

Department: Public Health
 Award to: Carlos Martinez
 El Paso, TX
 Option: Two [of Two]
 Annual Estimated Amount: \$18,278.40
 Total Estimated Amount: \$54,835.20 (3 years)
 Funding Source: WIC Administration & WIC Nutrition-Building Leases
District: 6

This is an RFP, services contract.
 [Public Health, Michael Hill, (915) 771-5702]
 [Financial Services, Bruce D. Collins, (915) 541-4313]
 [Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2011-129 Document Scanning and Shredding Services to DataXport.Net, LLC for a total award of \$109,370.81.

Department:	General Services
Award to:	DataXport.Net, LLC El Paso, TX
Items:	All
Option:	None
Total Award:	\$109,370.81
Funding Source:	General Services, Outside Contracts
Districts:	All

This is a Best Value, service contract.

The Financial Services - Purchasing Division and General Services recommend that Mel's Enterprises be disqualified as non-responsive and the contract be awarded as indicated to DataXport.Net, LLC, the bidder offering the best value bid.

[General Services, Stuart Ed, (915) 621-6822]

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

8. BIDS:

8A. The award of Solicitation No. 2011-126 for the 2011 Sidewalk Gap Program to CPME, LLC for a total estimated amount of \$458,093.40.

Department:	Engineering and Construction Management
Award to:	CPME, LLC
Base Bid:	\$458,093.40
Total Estimated Completion	\$458,093.40
Funding Source:	2006 Certificates of Obligation
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 recommends award as indicated to the lowest responsible bidder.

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

- 8B.** The award of Solicitation No. 2011-170 (Vehicle Tracking Devices) to DTC Communications, Inc. for a total award of \$52,040.50.

Department: Police
 Award to: DTC Communications, Inc.
 Nashua, NH
 Items: All
 Option: To purchase 100% at the same unit price if exercised within 180 days from date of award
 Total Award: \$52,040.50
 Funding Source: Operation Border Security Grant 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 Financial Services - Purchasing Division and Police Department recommend award as indicated to DTC Communications, Inc., the sole responsive, responsible bidder.

[Police, Eric Shelton, (915) 564-7309]

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

- 8C.** That the Purchasing Manager is authorized to notify Allied Tube and Conduit Corporation, of Harvey, IL, that the City is terminating for convenience Contract No. 2010-048 pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses and that the termination shall be effective as of March 22, 2011. Vendor will be notified. **(All Districts)**

[Department of Transportation, Daryl W. Cole, (915) 621-6750]

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

- 8D.** That the Purchasing Manager is authorized to notify Centerline Supply, of Grand Prairie, TX, that the City is terminating for convenience Contract No. 2010-048 pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses and that the termination shall be effective as of March 22, 2011. Vendor will be notified. **(All Districts)**

[Department of Transportation, Daryl W. Cole, (915) 621-6750]

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

- 8E.** The award of Solicitation No. 2011-087 (Two Inch Galvanized Signposts) to Centerline Supply for an initial term estimated award of \$274,291.50.

Department: Department of Transportation
 Award to: Centerline Supply
 Grand Prairie, TX
 Items: All
 Initial Term: 3 years
 Option: 1 year
 Annual Estimated Award: \$91,430.50
 Initial Term Estimated Award: \$274,291.50 (3 years)

Total Estimated Award: \$365,722 (4 years)
Funding Source: General Funds – Public Access –
Maintenance & Repair
Districts: All

This is a Low Bid, requirements contract.

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 Department of Transportation recommend award as indicated to Centerline Supply, the lowest responsive, responsible bidder.

[Department of Transportation, Daryl W. Cole, (915) 621-6750]

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

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.**

9A. 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]

POSTPONED FROM 3-1-11

9B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No stopping or standing - Tow-Away Zone) Paragraph III (Oregon Street) of the El Paso City Code to remove the temporary suspension of No Stopping or Standing Tow-Away Zone between Kerbey Avenue and Robinson Avenue and to extend the No Stopping or Standing Tow-Away Zone from Yandell Drive to Schuster Avenue, the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

(District 8) [Department of Transportation, Ted Marquez, (915) 621-6750]

9C. 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). The penalty being as provided in Section 19.42 of the el Paso City Code. **(All Districts)**

[Planning and Economic Development, Justin Bass, (915) 541-4930]

POSTPONED FROM 3-1-11

- 9D.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.030 (Parkland Calculation) and Section 19.20.050 (Standards for Deeded Parkland), Chapter 19.23 (Lots-Determination and Regulation of Size) and Chapter 19.50 (Definitions) of the El Paso City Code to amend the park size requirements for residential development and parkland characteristics and improvements, to require front build-to lines on plats and to add definitions for build-to line, green, plaza, pocket park, and square. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code. **(All Districts)** [Planning and Economic Development, Kathryn Dodson, (915) 541-4872]
- 9E.** An Ordinance authorizing the City Manager to sign a contract of sale and any other necessary documents between the City of El Paso and the El Paso Collaborative for Community and Economic Development which will allow the City to convey:
- Lot 5, Block 98, Sun Valley Addition, an addition to the City of El Paso, El Paso County, Texas, being more particularly described in Volume 1178, Page 362, Deed Records of El Paso County, Texas; also known and numbered as 5629 Hemmingway Drive, El Paso, Texas. **(District 4)**
[Tax Office, Juan Sandoval, (915) 541-4476]
- 9F.** An Ordinance authorizing the City Manager to sign a contract of sale and any other necessary documents between the City of El Paso and the El Paso Collaborative for Community and Economic Development which will allow the City to convey:
- Lot 2071, Block 85, Mountain View Addition, an Addition to the City of El Paso, El Paso County, Texas, being more particularly described in Volume 2, Page 23, Plat Records of El Paso County, Texas; also known and numbered as 4903 Wichita Circle, El Paso, Texas to the El Paso Collaborative for Community and Economic Development. **(District 2)** [Tax Office, Juan Sandoval, (915) 541-4476]
- 9G.** An Ordinance vacating a portion of Frankfort Street Right-Of-Way, within Blocks 91 & 92, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas. **(District 2)** [Planning and Economic Development, Raul Garcia, (915) 541-4935]
- 9H.** An Ordinance amending Ordinance No. 017471, title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to amend the effective date of the Franchise Agreement requirements; the penalty being as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen Smyth (915) 621-6719]

PUBLIC HEARING WILL BE HELD ON MARCH 29, 2011, FOR ITEMS 9A – 9H

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

10. ENGINEERING AND CONSTRUCTION MANAGEMENT

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: Environmental Services Fund
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]
POSTPONED FROM 3-15-11

REGULAR AGENDA – PUBLIC HEARINGS

11. PLANNING AND ECONOMIC DEVELOPMENT:

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]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

12A. Discussion and action on improving mobile food vending opportunities in El Paso. **(All Districts)** [Representative Beto O'Rourke, (915) 541-4268]

- 12B.** Discussion and action to revise residential parking permit ordinance to allow for up to three parking passes for residents with special needs. **(All Districts)**
[Representative Beto O'Rourke, (915) 541-4268]

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.** Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988. (551.071) [City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX2.** Texas Board of Architectural Examiners Case #70-11E (Javier Reyes), Austin, Texas. (551.071) [City Attorney's Office, Cynthia Osborn, (915) 541-4550]
- EX3.** Claim of Isidro Gama; Our File No. 10-C-185 (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
POSTPONED FROM 03-15-11
- EX4.** Southside Low Income Housing Development, Corp., Case No. 10-30710, U.S. Bankruptcy Court, Western District of Texas, El Paso Division. (551.071)
[City Attorney's Office, Marie Taylor, (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/>