

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

April 9, 2013
501 N. OREGON
LIBRARY AUDITORIUM, 1ST FLOOR
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
April 8, 2013
9:00 a.m.

NOTICE: 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.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN LISLE DAVIS

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. NATIONAL COMMUNITY COLLEGE MONTH
2. MAYORS DAY OF RECOGNITION FOR NATIONAL SERVICE
3. STOP WATCHING AND START MOVING EL PASO DAY
4. AUTISM 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.

NOTICE

Requests to speak must be received by **8:30 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.

REGULAR AGENDA – OTHER BUSINESS

1. MAYOR AND COUNCIL:

Discussion and action on a presentation of a park project along the banks of the Rio Grande River by Coronado High School International Baccalaureate (IB) program students. [Mayor John F. Cook, (915) 541-4145]

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

2. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of April 2, 2013, and the Special City Council Meeting of March 21, 2013.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

4A. That the City Manager be authorized to sign a Certificate Concerning Ground Lease (a Lessor’s Approval of Assignment) by and between the City of El Paso (“Lessor”); Richard N. Azar Testamentary Trust, Jerry M. Coleman, Azar-Coleman Properties (successor-in-interest to Richard N. Azar), and Richard N. Azar Testamentary Trust (“Azar Trust”) as Trustee of the estate of Richard N. Azar (“Assignee”) for the following described properties: 10.782 acres, more or less, being a portion of Lot 1, Block 19, El Paso International Airport Tracts Unit 10, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on file in Book 53, Page 12, Plat Records of El Paso County, Texas; and 8.272 acres, more or less, being a portion of Lot 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas. **(All Districts)**
[Airport, Monica Lombraña, (915) 780-4724]

4B. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gary & Kathleen Roth dba GKR Enterprises, Inc., a Texas corporation, for the purchase of a portion of the property commonly known as

5401 East River Lane, El Paso, Texas more particularly described as a portion of Lot 10, Block 1, East River Estates Park, El Paso, El Paso County, Texas, according to the Plat thereof, recorded in Volume 79 Page 38, Plat Records of El Paso County, Texas and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

(District 1) [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

- 4C.** That the City Manager be authorized to sign a Local Transportation Project Advance Funding Agreement (LPAFA) by and between the City of El Paso (the "City") and the State of Texas, acting by and through the Texas Department of Transportation (the "State"), for the design and installation of fiber optic cable and hardware for the interconnection of traffic signals along the FM 659 (Zaragoza Road) corridor from Edgemere Blvd. to Montwood Drive. **(Districts 5 and 6)**
[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]
- 4D.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)**
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]
- 4E.** That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and University Medical Center of El Paso, for the collection of evidence and the handling and storage of sexual assault exam kits on behalf of the City's Police Department by Physicians and Sexual Assault Nurse Examiners from University Medical Center of El Paso for two years from the effective date of this agreement, with an option to extend by the City Manager for two additional years. **(All Districts)** [Police, Robert Feidner, (915) 564-7100]
- 4F.** That the City Manager or designee be authorized to sign and submit amendment 010A to Contract number 2013-041082 and other related documents for the Texas Department of State Health Services' RLSS/Local Public Health System – PnP, and to increase the total reimbursable amount to \$189,327, and to allow the City to utilize approximately 5% of personnel time to support emergency response efforts; and that the City Manager or designee be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change the contract amount, and to sign all related certifications. **(All Districts)**
[Public Health, Bruce Parsons, (915) 771-5702]

5. NOTATION OF CAMPAIGN CONTRIBUTIONS:

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on February 20, 2013, in the amount of \$500 from Cemex Employees PAC; on February 26, 2013, in the amount of \$1,000 from Gino Gaona, in the amount of \$1,000 from Ricardo Gutierrez; in the amount of \$1,000 from Tito and Sandra Porras; on February 27, 2013, in the amount of \$500 from Linebarger Goggan Blair & Sampson; in the amount of \$500 from David F. McGlohon; on February 28, 2013, in the amount of \$500 from Jack T Chapman; on March 4, 2013, in the amount of \$500 from Paul and Jennifer Gilcrease; in the amount of \$500 from TJ and Cindy Karam; on March 7, 2013, in the amount of \$500 from Dennis Neessen; on March 9, 2013, in the amount of \$500 from Evelina Ortega; on March 13, 2013, in the amount of \$1,000 from Maria G and Mario A Marquez; in the amount of \$500 from Stella E Ortega; and on March 21, 2013, in the amount of \$500 from Raymond C Caballero.
[Representative Steve Ortega, (915) 541-4124]

6. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment B) **(All Districts)** [Tax Office, David Childs, (915) 541-4598]

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.**

- 7A.** An Ordinance authorizing the City Manager to sign a transmission /distribution easement with the El Paso Electric Company for an easement with continuous access to enter and to erect, construct, operate and maintain equipment, and a line of towers for transmission and distribution of electric energy, and all necessary foundations, footings, crossarms and appliances, and an underground system supporting the transmission lines on a portion of the public park known as Esmeralda Park and Ellis Lateral Linear Trail, in the amount of \$19,250.00 and other good and valuable consideration. **(District 1)**
[Parks and Recreation, Liza Ramirez-Tobias, (915) 541-4599]

PUBLIC HEARING WILL BE HELD ON APRIL 16, 2013, FOR ITEM 7A

- 7B.** An Ordinance changing the zoning of all of Tract 3C, Block 47, Ysleta Grant, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9399 Alameda Avenue. Property Owner: Kathleen Louise Key. PZRZ12-00040 **(District 6)**
[City Development, Andrew Salloum, (915) 541-4633]
- 7C.** An Ordinance granting Special Permit No. PZST12-00018, to allow for infill development with reduced rear setback on the property described as a portion of Lots 30 through 32, Block 117, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1216 Copia Street. Property Owner: Victor M. Olivas and Estela Herrera. PZST12-00018 **(District 2)**
[City Development, Andrew Salloum, (915) 541-4633]
- 7D.** An Ordinance changing the zoning of a portion of Section 6, Block 82, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from P-MD (Planned Mountain Development) to Q (Quarry) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Transmountain Road and east of Desert Boulevard. Property Owner: Jobe Materials, LP. PZRZ13-00005 **(District 1) THIS IS AN APPEAL REQUEST**
[City Development, Art Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON APRIL 30, 2013, FOR ITEMS 7B – 7D

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 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, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

8. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action to award Solicitation No. 2013-011 for Mesa Corridor RTS to Martinez Bros. Contractors, LLC, for an estimated total amount of \$9,843,770.57.

Department:	Engineering & Construction Management
Award to:	Martinez Bros. Contractors, LLC
	El Paso, TX
Base Bid I:	\$6,447,096.16
Base Bid II:	\$3,199,922.75
Base Bid III:	\$ 180,511.66
Base Bid IV:	\$ 16,240.00
Total Estimated Award:	\$9,843,770.57
Time for Completion:	360 Consecutive Calendar Days
Accounts:	190-28330-580270-4530-PCP11MT030
	190-38170-580270-4950-PCP11MT030
Funding Source:	2011 Certificates of Obligation, FTA and
	TxDOT CMP
Districts:	1 and 8

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder. [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

REGULAR AGENDA – PUBLIC HEARING

9. CITY ATTORNEY:

An Ordinance authorizing the City Manager to sign a Memorandum of Agreement and any other necessary documents between the City of El Paso and Union Pacific Railroad

Company which will allow the City to convey approximately 2 acres of land being a portion out of the 11.87 acres conveyed to the City of El Paso by El Paso Union Passenger Depot Company, according to the Deed recorded in Volume 901, Page 1134, Real Property Records of El Paso County Texas, and a strip of City land adjacent to San Francisco Street and Coldwell Street as the streets are shown on recorded Campbell Addition Plat to the City of El Paso. **(District 8)**
 [City Attorney's Office, Theresa Cullen, (915) 541-4550]

REGULAR AGENDA – OTHER BUSINESS

10. MASS TRANSIT:

Discussion and action to amend the 2009 Capital Improvement Program as adopted on December 2, 2008, and subsequently amended on February 14, 2012, by increasing the authorization by \$2.950 million to \$76,078,137, plus associated bond issuance costs, to be funded by Certificates of Obligation and paid for by Sun Metro revenues to accordingly reflect an increase in bus shelter appropriations, pursuant to the City's Debt Management Policy; and to authorize the City Manager to establish funding sources and execute any and all documents necessary for the execution of these projects. This item mirrors Resolution approved by Mass Transit Board on March 12, 2013. **(All Districts)**
 [Mass Transit, Jay Banasiak, (915) 534-5811]
 [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action on a Resolution that the City Manager or designee be authorized to execute a contract with Secure Origins, Inc. to fund the Project-21 pilot program in the amount of \$195,000 for another 90-day period to facilitate cross border traffic at the Ysleta-Zaragoza Port of Entry.
 [Mayor John F. Cook, (915) 541-4145]
 [POSTPONED FROM 03-26-13 AND 04-02-13]
- 11B.** Discussion and action regarding proposed legislation relating to the El Paso Police and Fire Pension Plan. [Mayor John Cook, (915) 541-4015]
 [POSTPONED FROM 04-02-13]
- 11C.** Discussion and action concerning the creation of an El Paso International welcome and informational gathering site for pedestrians to be located within close proximity to the Paso del Norte "Santa Fe Street" International Bridge.
 [Representative Emma Acosta, (915) 541-4515]
 [Representative Steve Ortega, (915) 541-4124]

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. Proposed lease of Union Depot to Texas Tech University (551.071 and 551.072)
[City Attorney's Office, Sol M. Cortez, (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/>