

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 10, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
April 9, 2012
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 Clift Barnes

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. Community Development Week
2. National Donor Awareness Month
3. Child Abuse Prevention Month-Go Blue Day
4. National Public Safety Telecommunications Week in El Paso
5. UTEP Women's Basketball Week

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.

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 April 3, 2012 and the Special City Council Meeting of April 3, 2012.

[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 all contracts and documents with the Texas Department of Housing and Community Affairs (TDHCA) for additional Homeless Housing and Service Program (HHSP) Funds, and with the agencies approved for Below Market Interest Rate (\$51,461) and Housing Trust Funds (\$271,442), as specified in the Resolution, as well as amendments to such contracts which add or reduce funding when such amendments are consensual, including the de-obligation of funds by mutual termination; and authorizing the City Manager to take any actions necessary to accomplish the intent of this resolution and to sign all Certifications, Performance Reports, and any Agreements or related documents for TDHCA or agency HHSP activities upon approval by the City Attorney's Office and Director of Community and Human Development.

(All Districts) [Community and Human Development, William Lilly, (915) 541-4643]

3B. That the City Engineer for the City of El Paso, R. Alan Shubert, is authorized to act as the representative for the City of El Paso in matters relating to the acceptance or the acquisition of property interests and the right to use property, including but not limited to licenses, leases, easements and deeds, associated with approved capital projects for the city; and he or his designee is authorized to sign any and all documents necessary to complete the property transactions.

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

3C. That the Solid Waste liens on the attachment posted with this agenda be approved (See attachment A) **(Districts 1, 2, 4, 5, 6, 7, and 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3D. That the City Manager be authorized to execute a Tax Abatement agreement between the City of El Paso and Edgar Lopez, property owner of 2308 Wheeling Avenue, El Paso, Texas 79902, per the City of El Paso Infill Development Incentive Policy **(All Districts)**
[Planning and Economic Development, Mathew McElroy (915) 541-4193]

4. BOARD APPOINTMENT:

Taylor L. Moreno to the Fair Housing Task Force by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]

5. 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, Juan Sandoval, (915) 541-4369]

6. REQUEST TO ISSUE PURCHASE ORDER:

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Tom Growney Equipment Inc., the sole source provider and authorized dealer for John Deere Proprietary Parts and Service, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	General Services
Award to:	Tom Growney Equipment Inc. El Paso, TX
Annual Estimated Amount:	\$ 70,000
Total Estimated Award:	\$210,000 (3 years)
Account Nos.:	37370510 – 203121 – 45202
Funding Source:	Internal Service Fund – Inventory Purchases – Materials & Supplies
Sole Source No.:	2009-185
Districts:	All

This is a Sole Source, parts and services contract.
[General Services, Stuart Ed, (915) 621-6822]
[Financial Services, Bruce D. Collins, (915) 541-4313]

7. BEST VALUE PROCUREMENTS:

7A. The award of Solicitation No. 2012-119 (Front Loaders) to Sierra Machinery, Inc., for a total of \$251,526.

Department:	General Services
Award to:	Sierra Machinery, Inc. El Paso, TX
Items:	1, O-2, O-3

Option: Purchase 100% of Original Contract Quantities, up to 365 days
 Total Award: \$251,526 (2 vehicles)
 Account No: 34010289 – 508029 – 40499 – PSWM0017
 Funding Source: Environmental Services Department, Heavy Off-Road Equipment
Districts: All

This is a Best Value, single (one-time) purchase.

The Financial Services - Purchasing Division and General Services – Fleet Division recommend award as indicated to Sierra Machinery, Inc, the bidder offering the best value bid.

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

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

- 7B.** The award of Solicitation No. 2012-157 (Fuel Pump/Tank Service, Parts, and Repair) to D & H Petroleum and Environmental, for an initial term estimated award of \$150,000.

Department: General Services
 Award to: D & H Petroleum and Environmental
 El Paso, TX
 Items: All
 Initial Term: 3 Years
 Option: None
 Annual Estimated Award: \$ 50,000
 Total Estimated Award: \$150,000 (3 Years)
 Account No.: 37370155 – 502226 – 45202
 Funding Source: General Services, Internal Service Fund
Districts: All

This is a Best Value, requirements contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to D & H Petroleum and Environmental, the sole responsive, responsible bidder.

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

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

- 7C.** The award of Solicitation No. 2012-056 (Juniper Network Switches) to M&S Technologies, Inc. for a total estimated award of \$299,054.96.

Department: Information Technology
 Award to: M&S Technologies, Inc.
 Dallas, TX
 Items: All
 Total Estimated Award: \$299,054.96
 Account No.: 14400500 – 508010 – 27051 - PCP12IT01
 Funding Source: 2012-2013 Certificates of Obligation CIP Plan
Districts: All

This is a Best Value, service and supplies contract.

The Financial Services - Purchasing Division and Information Technology recommend award as indicated to M&S Technologies, Inc., the bidder offering the best value bid.

[Information Technology, Miguel Gamino, (915) 541-4746]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

8. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2012-145R (Foreign Trade Zone No. 68 Strategic Study Consulting Services) to IMS Worldwide, Inc. for an initial term estimated award of \$58,250.

Department:	Aviation (El Paso International Airport)
Award to:	IMS Worldwide, Inc. Webster, TX
Items:	All
Initial Term:	1 Year
Option:	1 Year
Annual Estimated Award:	\$ 58,250
Initial Term Estimate Award:	\$ 58,250 (1 Year)
Total Estimated Award:	\$116,500 (2 Years)
Account No.:	62620044 – 502215 – 40101
Funding Source:	Outside Contracts – NOC – Airport Cost Centers
Districts:	All

This is a Request for Proposal, services contract.

The Financial Services - Purchasing Division and Aviation (El Paso International Airport) recommends that the contract be awarded as indicated to IMS Worldwide, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

[Aviation, Monica Lombrana, (915) 780-4724]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

9. BIDS:

9A. The award of Solicitation No. 2012-169 for the 2010 Neighborhood Traffic Program Phase II Trowbridge Drive from Radford Street to Pennsylvania Place to Martinez Bros. Contractors, LLC, for a total estimated amount of \$165,817.25.

Department:	Engineering and Construction Management
Award to:	Martinez Bros. Contractors, LLC
Base Bid 1:	\$150,072.25
Option 1:	\$ 15,745.00
Total Estimated Completion:	\$165,817.25
Funding Source:	2010 Certificates of Obligation
District:	2

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]

- 9B. The award of Solicitation No. 2012-107 (Library Periodicals) to Cox Subscriptions Inc. dba WT Cox Subscriptions for an initial term estimated award of \$168,914.91.

Department:	Libraries
Award to:	Cox Subscriptions Inc. dba WT Cox Subscriptions Shallotte, NC
Items:	All
Initial Term:	3 Years
Option:	None
Annual Estimated Award:	\$ 56,304.97
Initial Term Estimated Award:	\$168,914.91 (3 years)
Total Estimated Award:	\$168,914.91 (3 years)
Account No.:	53010202 – 503103 – 01101
Funding Source:	Library Materials - General Fund
Districts:	All

This is a low bid, requirements contract.

The Financial Services - Purchasing Division and Libraries recommend award as indicated to Cox Subscriptions Inc. dba WT Cox Subscriptions, the lowest responsive, responsible bidder.

[Libraries, Dionne L. Mack-Harvin, (915) 543-5413]

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

REGULAR AGENDA - INTRODUCTIONS

10. 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.**

- 10A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow Away Zone), of the El Paso City Code, to amend Paragraph 106 to allow for parking on a portion

of Pendale Road between Castner Drive and Kastrin Street, the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 7)**
 [Department of Transportation, Keith Bennett, (915) 621-6882]

10B. An Ordinance amending Title 2 (Administration and Personnel) Chapter 2.22 (Open Space Advisory Board), of the El Paso City Code, to clarify the role of the Open Space Advisory Board in the development review process and to amend staff support for the Board. **(All Districts)**
 [Planning and Economic Development, Mathew McElroy, (915) 541-4193]

10C. An Ordinance amending Title 2 (Administration and Personnel), of the El Paso City Code, by amending Chapter 2.38 (Building and Standards Commission) in its entirety regarding the creation and authority of the Building and Standards Commission; and establishing the process for the conduct of administrative hearings and appeals of vacant building registration denials or revocations by the Commission; the penalty is as provided in Section 2.38.080 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen Smyth, (915) 621-6702]

10D. An Ordinance amending Title 18 (Building and Construction), of the El Paso City Code, by creating Chapter 18.42 (Dangerous structures), to establish emergency authority for the securing of a dangerous structure before a hearing; and to provide for the recovery of and filing of a lien for the costs and expenses incurred by the City. **(All Districts)** [Environmental Services, Ellen Smyth, (915) 621-6702]

PUBLIC HEARING WILL BE HELD ON APRIL 17, 2012, FOR ITEMS 10A – 10D

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, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

11. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), of the El Paso City Code by adding Section 12.85.065 (Final Judgments); and amending Section 12.85.070 (Enforcement), to clarify the procedure for enforcement; the penalty is as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)** [City Attorney's Office, Elaine S. Hengen, (915) 541-4550]

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

12. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2012-168 for the San Antonio Avenue Street Improvements to J.A.R. Concrete dba J.A.R. Construction Inc. for a total estimated amount of \$1,663,937.82.

Department:	Engineering and Construction Management
Award to:	J.A.R. Concrete dba J.A.R. Construction, Inc.
Base Bid:	\$1,663,937.82
Total Estimated Completion:	\$1,663,937.82

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.

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 recommend award as indicated to the lowest responsible bidder.
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

13. GENERAL SERVICES:

Discussion and action on the award of Solicitation No. 2012-161 (Animal Transport Vehicles) to Casa Ford, Inc., for a total award of \$562,142.34.

Department: General Services
 Award to: Casa Ford, Inc.
 El Paso, TX
 Items: 1, O1-O8
 Option: None
 Total Award: \$562,142.34 (9 Vehicles)
 Account Nos.: 37150068 – 508054 – 27265 – PFLESVC01
 37150068 – 508055 – 27265 – PFLESVC01
 Funding Source: General Services – Cars, Pickups, Vans
 General Services – Buses, Large Trucks
Districts: All

This is a Best Value, single (one-time) purchase.

The Financial Services - Purchasing Division and General Services – Fleet Division recommend award as indicated to Casa Ford, Inc, the bidder offering the best value bid.

Financial Services – Purchasing Division is requesting City Council waive the delivery time requirement as minor irregularity since no vendor could meet that requirement.
 [General Services, Stuart Ed, (915) 621-6822]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

14. HUMAN RESOURCES:

Discussion and action on the award of Solicitation No. 2012-031R (Benefit Consulting Services) to John D. Williams Insurance dba JDW Insurance and Hay Group, Inc. for a total estimated award of \$534,600.

Department:		Human Resources
Award to:	Vendor 1	John D. Williams Insurance dba JDW Insurance El Paso, TX
Items:		All
Option:		Two, 2 Year options
Annual Estimated Amount:		\$ 42,150
Total Estimated Award:		\$210,750 (5 years)
Award to:	Vendor 2	Hay Group, Inc. Dallas, TX
Items:		All
Option:		Two, 2 Year options
Annual Estimated Amount:		\$ 64,770
Total Estimated Award:		\$323,850 (5 years)
Total Estimated Award:		\$534,600 (5 years)
Account No.:		09100249 – 502115 – 45121
Funding Source:		Health Benefit Fund
Districts:		All

This is an RFP, services contract.

The Financial Services - Purchasing Division and Human Resources recommend award as indicated to John D. Williams Insurance dba JDW Insurance and Hay Group, Inc., the highest ranked proposers based on evaluation factors established for this procurement.

[Human Resources, Linda Ball Thomas, (915) 541-4102]

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

REGULAR AGENDA – OTHER BUSINESS

15. PLANNING AND ECONOMIC DEVELOPMENT:

15A. Discussion and action on a Resolution that City Council approve amendments to the City's Green Building Grant Program and Program Guidelines, as recommended by the Deputy Director of the Planning and Economic Development Department. **(All Districts)**

[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

15B. Discussion and action on a Resolution that the City Manager be authorized to sign an Agreement for the Temporary Closure of State Right-of-Way (FORM TEA 30A), made by and between the State of Texas, acting by and through the Texas Department of Transportation, and the City of El Paso, for the temporary closure and use of State owned and operated highways within the City of El Paso for the purpose of the Erase3 Urban Challenge, April 22, 2012, found by the City to

serve a public purpose, and the event is scheduled to exceed four hours in length. **(District 8)**

[Planning and Economic Development, Mirian Spencer, (915) 541-4482]

- 15C. Presentation and discussion by Project Arriba on a mid-year report on status of fundraising activities during the fiscal year, use of grant funds and progress in the performance measures required under the agreement with the City of El Paso. **(All Districts)** [Planning and Economic Development, Leila Melendez, (915) 541-4859]

16. MAYOR AND COUNCIL:

- 16A. Discussion and action on the status of updating the El Paso Department of Transportation's Pavement Management System (PMS), updating the deficiencies of the intra city road infrastructure via the PMS, the amount budgeted per year for road improvements and the actual number of miles improved for the last three years, the location of streets by area and district, a cost estimate to determine an increase of future allocations via the budget cycle or certificates of obligation for increased road improvements citywide. **(All Districts)** [Representative Emma Acosta, (915) 541-4515]

16B. LEGISLATIVE REVIEW COMMITTEE –

- 1. For notation only: Formal report of the Finance, Internal Audit, Engineering/CIP and Management Services Legislative Review Committee meeting held on March 15, 2012, at 1:00 p.m. in Council Chambers. The report is being submitted by LRC Chair, Representative Carl Robinson; and,
- 2. Discussion pertaining specifically to any of the agenda items posted on the agenda of said Legislative Review Committee meeting, as follows:
 - A. Approval of Minutes for the Finance, Internal Audit, Engineering/CIP & Management Services meeting of January 26, 2012. [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4313]
 - B. Discussion and action on the policy and procedures for exercising options pertaining to City contracts for goods and services. [Financial Services, Bruce D. Collins, (915) 541-4308]

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

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/>