

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
APRIL 12, 2011
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, and Steve Ortega. Late arrival: Eddie Holguin, Jr. at 8:37 a.m. during Executive Session deliberations, Beto O'Rourke at 8:37 a.m. during Executive Session deliberations, Ann Morgan Lilly at 8:38 a.m. during Executive Session deliberations, and Rachel Quintana at 8:40 a.m. during Executive Session deliberations. Early departure: Eddie Holguin Jr. at 3:03 p.m. and Ann Morgan Lilly at 3:28 p.m. The invocation was given by Border Patrol Chaplain, Jessie Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. CELEBRATION OF THE 10TH ANNUAL ADMINISTRATIVE PROFESSIONALS CONFERENCE**
- 2. MONTH OF THE MILITARY CHILD**
- 3. THE EL PASO CHAPTER OF THE NATIONAL HISPANIC NURSES ASSOCIATION DAY**
- 4. BOY SCOUTS OF AMERICA EAGLE SCOUT 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.

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.

The following members of the public commented:

1. Mr. Salvador Gomez
2. Mr. Raul Castaneda

Motion made by Representative Robinson, seconded by Mayor Pro Tempore, Acosta, and carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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 Executive Session items listed on the Agenda.

AYES: Representatives Byrd, Acosta, Robinson and Ortega
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representatives Lilly, Quintana, Holguin, and O'Rourke

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:24 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representatives Quintana

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EX1. Legal matters related to the City's Empowerment Zone Grant from the U.S. Department of Housing and Urban Development. (551.071)

Motion made by Mayor Pro Tempore Acosta, and seconded by Representative Byrd, and unanimously carried that outside counsel and the City Manager, in consultation with the City Attorney, be authorized settlement authority to resolve certain issues related to the El Paso Empowerment Zone grant, including settlement of related litigation and administrative matters; and be authorized to execute and submit any and all documents related to such settlements.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: None

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EX2. Caples Land Company and William D. Abraham v. The City of El Paso, Texas; Cause No.2010-1970 (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried that the City Attorney's Office be authorized to extend outside counsel's contract to take any and all action to protect the City's interest and position, both affirmative and defensive, including engaging in negotiations for settlement, negotiating settlement agreement, and signing all documents to resolve the lawsuit styled Caples Land Company LLC and William D. Abraham v. The City of El Paso; Cause No. 2010-1970.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: None

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EX3. Application of El Paso Electric Company to Implement Fuel Refund before the Public Utility Commission of Texas, Docket No. 39159. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to grant the authority to the City Attorney to enter into a settlement on behalf of the City regarding the

Application of El Paso Electric Company to Implement a Fuel Refund before the Public Utility Commission of Texas, Docket No. 39159.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

Mr. Norman Gordon, outside utility counsel, gave legal advice.

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ITEMS EX4 AND 1B TAKEN TOGETHER

EX4. Legal Issues regarding El Paso Electric Company's Energy Efficiency Program Agreements, Rates and Tariffs (551.071)

Mayor Cook and Representatives Robinson, Byrd, Acosta, O'Rourke, Holguin, commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Norman Gordon, outside utility counsel, gave legal advice.

Mr. Richard Fleager, and Mr. David Carpenter, El Paso Electric Company, commented.

The following members of the public commented:

- 1. Mr. Tony Reyes
- 2. Mr. Jim Kelly
- 3. Ms. Debra Kelly
- 4. Mr. Oscar Martinez
- 5. Mr. John Vandeven
- 6. Mr. Harry Schulte, President El Paso Solar Association
- 7. Mr. Duncan Schulte, Delta Solar Association, Coronado High School
- 8. Mr. Jared Chumsae, Delta Solar Association, Coronado High School
- 9. Ms. Rosemary Castillo, Bienbivir

NO ACTION was taken on this item.

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EX5. Lorenzo Marquez v. City of El Paso, Cause No. 2006-3154, City File No. 06-S-37. (551.071)

Motion made by Representative Quintana seconded by Mayor Pro Tempore Acosta, and unanimously carried to **DELETE** the item regarding Lorenzo Marquez v. City of El Paso, Cause No. 2006-3154, City File No. 06-S-37.

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1A. MAYOR AND COUNCIL

Discussion and action regarding updates to the City of El Paso State Legislative Agenda and matters involving public utilities.

NO ACTION was taken on this item.

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ITEMS 1B AND EX4 TAKEN TOGETHER

1B. MAYOR AND COUNCIL

1ST MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke.

NAYS: None

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and carried that the City Council of the City of El Paso authorizes the City's staff to pursue legislation to allow net metering in the El Paso Electric Company (EPEC) service area within the State of Texas and setting forth the following major points:

- a. EPEC and the City will jointly support an additional subchapter to Chapter 39 of the Utilities Code that will contain provisions for net metering that apply only to EPEC service area in the State of Texas:
- b. The net metering provisions will be:
 - i. Net metering will be on a monthly basis, no carry forward.
 - ii. The size of the installation will be no greater than a size sufficient to generate 100% of the customer's actual or expected annual energy usage.
 - iii. The maximum size of any installation will be 50 KW.
 - iv. Provisions will be inserted which will define a low income master metering exception which is intended to address the expected Housing Authority of the City of El Paso installation, and make it eligible.
 - v. Any net energy sold to EPEC is sold at "Avoided Cost."
 - vi. EPEC will be permitted to engage in direct marketing of solar energy and energy efficiency and provide incentive funds directly to its customers.
- c. The bill will also codify provisions relating to transition to competition in the EPEC service area located in the State of Texas.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega and O'Rourke

NAYS: Representative Holguin

Mayor Cook and Representatives Robinson, Byrd, Acosta, O'Rourke, and Holguin commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Norman Gordon, outside utility counsel, gave legal advice.

Mr. Richard Fleager, and Mr. David Carpenter, El Paso Electric Company, commented.

The following members of the public commented:

1. Mr. Tony Reyes
2. Mr. Jim Kelly
3. Ms. Debra Kelly
4. Mr. Oscar Martinez
5. Mr. John Vandeven
6. Mr. Harry Schulte, President El Paso Solar Association
7. Mr. Duncan Schulte, Delta Solar Association, Coronado High School
8. Mr. Jared Chumsae, Delta Solar Association, Coronado High School
9. Ms. Rosemary Castillo, Bienvivir Senior Health Services

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: None

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 5, 2011.

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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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4A.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership, an Arizona limited partnership ("Assignor"), and Pak West Airlines, Inc., a Texas corporation dba Sierra West Airlines ("Assignee") for the following described property:

A 59,215.26 square foot parcel, more or less, being Lot 28, Block 4, and a portion of Boeing Drive, vacated in Volume 1028, Page 423, Real Property Records of El Paso County Texas, El Paso International Airport Tracts Unit 2, and Lots 29 and 30, Block 4, and a portion of Boeing Drive vacated in Volume 1028, Page 423, Real Property Records of El Paso County, Texas El Paso International Airport Tracts Unit 1, and municipally known and numbered as 7615 Boeing Drive, El Paso, Texas.

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4B.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a General Aviation Non-Commercial Ground Lease Agreement between the City of El Paso ("Lessor") and Pak West Airlines, Inc. dba Sierra West Airlines ("Lessee") for the following described property:

A 59,215.26 square foot parcel, more or less, being Lot 28, Block 4, and a portion of Boeing Drive, vacated in Volume 1028, Page 423, Real Property Records of El Paso County Texas, El Paso International Airport Tracts Unit 2, and Lots 29 and 30, Block 4, and a portion of Boeing Drive vacated in Volume 1028, Page 423, Real Property Records of El Paso County, Texas El Paso International Airport Tracts Unit 1, and municipally known and numbered as 7615 Boeing Drive, El Paso, Texas.

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4C.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign Consent to Assignment of the contract by and between the City of El Paso, Deery American, Inc. ("Assignor") and Crafc0, Inc. ("Assignee") with respect to the City of El Paso Contract No. 2009-113 (Crack Seal Material).

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4D.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso awarded Contract No. 2010-151 to Vulcan, Inc. on May 11, 2010, for Aluminum Sign Blanks for the Department of Transportation; and

WHEREAS, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminates said Contract for convenience pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Section C, Paragraph 8A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Purchasing Manager is authorized to notify Vulcan, Inc., that the City is terminating Contract No. 2010-151 for convenience pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract and that the termination shall be effective as of April 12, 2011.

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4E.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

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 **BROCK & BUSTILLOS, INC.** for a project known as **“MONTWOOD STREET AND DRAINAGE IMPROVEMENTS”** to add additional design services for the design of a roundabout at the intersection of Montwood and Wedgewood at an additional cost of Seventy Two Thousand Four Hundred Fifty Three and 36/100 Dollars (\$72,453.36), thereby extending the contract amount from \$633,924.38 to \$706,377.74.

Representatives Quintana and Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

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4F.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign the Contract of Sale by and between the City of El Paso and Tropicana Development, INC. for the acquisition of property by the City for use as public right of way in connection with the Isela Rubalcaba Extension Project, and that the City Manager be authorized to sign any and all other documents approved by the City Attorney or his designee, which are necessary and proper to consummate the sale.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign the Contract of Sale by and between the City of El Paso and Philip Gaddy and Glenna Gaddy for the acquisition of property by the City for use as public right of way in connection with the Isela Rubalcaba Extension Project, and that the City Manager be authorized to sign any and all other documents approved by the City Attorney or his designee, which are necessary and proper to consummate the sale.

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4H.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

THAT the City Council approves the expenditure of additional available funding in the amount of \$202,000 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 additional processing of 101,000 cubic yards of soil required for the embankment to meet Federal Aviation Administration specifications, adding 33 days of contract time for Contract Number 2010-268. The new contract sum, including this change order, is 7,198,236.10.

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4I.

***R E S O L U T I O N**

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR.**

2ND MOTION

Motion made by Representative Ortega and seconded by Representative O'Rourke, to **MOVE TO RECONSIDER.**

3RD AND FINAL MOTION:

Motion made Representative O'Rourke, seconded by Mayor Pro Tempore Acosta, and carried to **APPROVE AS REVISED**, a Resolution authorizing the City Manager to sign, on behalf of the City of El Paso, 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.

AYES: Representatives Acosta, Quintana, Ortega, and O'Rourke

NAYS: Representatives Byrd and Robinson

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives O'Rourke, Holguin, and Acosta commented

Ms. Joyce Wilson, City Manager, commented and Ms. Josette Flores, Assistant City Attorney, gave legal advice.

Mr. Morris Friedman, Friedman Recycling, commented.

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4J.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 29th day of September, 2010, after due notice and hearing, issued an order to MELODY K. DUNN and ARNOLD DUNN, record Owners of the hereinafter described property that the structure be secured within thirty (30) days and that the premises be cleaned of all weeds, trash, and debris within thirty (30) days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Department of Transportation of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That the City Council determines the actual cost of the securing of the structure within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as: A portion of Lot 2, Block 13, Mountain Park Addition, Unit 3, to the City of El Paso, El Paso County, Texas, according to the recorded plat thereof on file in Volume 8, page 33, of the plat records of El Paso County, Texas, municipally known as 2827 Titanic Avenue, El Paso, Texas,

to be \$7,009.03, performed by the Department of Transportation of the City of El Paso, and \$1,170.18, performed by the City Clerk's Office and Environmental Services Department, making a total of \$8,179.21. The City Council finds that the work was completed on the 3rd day of December, 2010, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of EIGHT THOUSAND ONE HUNDRED SEVENTY-NINE AND 21/100 DOLLARS (\$8,179.21) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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4K.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso awarded Contract No. 2006-155R to First Southwest Company, on August 29, 2006, for financial advisory services relating to the issuance of public finance debt instruments and securities and debt management planning for an initial term of five (5) years; and

WHEREAS, the Council award includes an option to extend a contract for one additional year; and

WHEREAS, the City desires to exercise the option to extend the contract for an additional year beginning September 1, 2011 and ending August 31, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Purchasing Manager, Department of Financial Services, is authorized to notify First Southwest Company that the City is exercising the option to extend Contract No. 2006-155R for financial advisory services for one additional year beginning September 1, 2011 and ending August 31, 2012.

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4L.

***RESOLUTION**

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF LOT 8, STEVENS SUBDIVISION NO. 1 OF RONQUILLO RANCH, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, on June 10, 1986, City Council rezoned the property described as *a portion of Lot 8, Stevens Subdivision No. 1 of Ronquillo Ranch, City of El Paso, El Paso County, Texas*, from A-M (Apartment/Mobile Home) and RMH (Residential Mobile Home) to C-3 (Commercial) and as part of the rezoning imposed a condition that prior to the issuance of any building permits, a detailed site development plan must be approved by the Commission and the Mayor and City Council; and,

WHEREAS, the property owner **Valero (Big Diamond Inc.)** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

WHEREAS, the detailed site development plan is subject to the development standards in the **C-3/H/c (Commercial/Historic/condition) District** regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to requirements imposed on the subject property described as *a portion of Lot 8, Stevens Subdivision No. 1 of Ronquillo Ranch, City of El Paso, El Paso County, Texas* by Ordinance No. 008699 passed and approved June 10, 1986, the City Council hereby approves the detailed site development plan submitted by the Applicant. The detailed site development plan is subject to the development standards in the **C-3/H/c (Commercial/Historic/condition) District**.

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/H/c (Commercial/Historic/condition) District** regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/H/c (Commercial/Historic/condition) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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5. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to W. W. Grainger, Incorporated, a contractor under the Texas Multiple Award Schedule (TXMAS) Contract No. TXMAS 2-539030 for industrial supplies. 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 Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: Fire
Award to: W. W. Grainger, Incorporated
Lake Forest, IL
Total Estimated Award: \$100,000
Funding Source: Equipment and Vehicle Maintenance - General Fund
Reference No.: 2011-217

This is a Cooperative, unit price contract.

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6A. BIDS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-145 for the George Dieter & Rojas Storm Drainage Improvements, Phase 2 to Martinez Bros. Contractors, LLC for a total estimated amount of \$189,990.

Department: Engineering and Construction Management
Award to: Martinez Bros. Contractors, LLC
Base Bid: \$189,990
Total Estimated Completion: \$189,990
Funding Source: 2006 Stormwater Certificates of Obligation

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.

Representative Ortega commented.

Mr. Johanes Makahaube, Engineering Division Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. R. Alan Shubert, City Engineer, commented.

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6B. BIDS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-006 (Structural Fire Fighting Clothing) to Bazaar Uniforms & Men's Store, Casco Industries, Inc., Daco Fire Equipment, Emergency Response Solutions-Texas, Fire Service Equipment, Inc., and Quest Enterprises, Inc. for a total estimated award of \$468,179.00 for one (1) year.

Department:	Fire
Award to: Vendor 1	Bazaar Uniforms & Men's Store El Paso, TX
Item:	6
Option:	None
Annual Estimated Award:	\$89,500
Award to: Vendor 2:	Casco Industries, Inc. Shreveport, LA
Item:	5
Option:	None
Annual Estimated Award:	\$26,000
Award to: Vendor 3:	Daco Fire Equipment Lubbock, TX
Item:	4
Option:	None
Annual Estimated Award:	\$4,625
Award to: Vendor 4:	Emergency Response Solutions-Texas The Woodlands, TX
Item:	8
Option:	None
Annual Estimated Award:	\$13,865
Award to: Vendor 5:	Fire Service Equipment, Inc. El Paso, TX
Item:	3, O-1 and O-2
Option:	None
Annual Estimated Award:	\$64,983
Award to: Vendor 6:	Quest Enterprises, Inc. Walsenburg, CO
Items:	1, 2 and 7
Option:	None
Annual Estimated Award:	\$269,206
Total Estimated Award:	\$468,179 (1 year)
Funding Source:	City Capital Outlay FY09 – Public Safety Equipment

This is a Low Bid, unit-price contract.

The cost under this 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 recommend award as indicated to Bazaar Uniforms & Men’s Store, Casco Industries, Inc., Daco Fire Equipment, Emergency Response Solutions-Texas, Fire Service Equipment, Inc., and Quest Enterprises, Inc., the lowest responsive, responsible bidders.

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7. INTRODUCTIONS

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 7A.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to realign the proposed extension of Rojas Drive, Peyton Drive, Emerald Pass Avenue and extend a proposed collector known as Nonap Road.
- 7B.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.47 (Vested Rights) and 19.50 (Definitions) of the El Paso City Code to delete the Chapter 19.47 in its entirety and to amend the definition for vested rights petition. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
- 7C.** An Ordinance amending Title 1 (General Provisions), Chapter 1.04 (General Provisions), of the El Paso City Code to add a section addressing the vesting of projects. The penalty is as provided for in Section 1.08 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 19, 2011, FOR ITEMS 7A – 7C

- 7D.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.18 (Sign Regulations) of the El Paso City Code to add a definition for perpendicular signs and to add standards for perpendicular signs. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7E.** An Ordinance amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), Section 20.06.10 (Districts Established and Enumerated), Section 20.06.020 (Purpose Of Districts) and Chapter 20.10 (Supplemental Use Regulations) and Appendix A (Table of Permissible Uses) of the El Paso City Code to add a Restricted Growth District and establish standards for the district to include uses allowed in the district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7F.** An Ordinance releasing a condition placed on property by Ordinance No. 009147 which changed the zoning of a portion of Lot 1, Block 174A, Vista Del Sol Unit 52, 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.
- 7G.** An Ordinance amending Title 20 (Zoning), Chapter 20.14 (Off-Street Parking, Loading, and Storage Standards), and Appendix C (Minimum Parking Requirements) of the El Paso City Code, to add

maximum parking standards. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

7H. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Section 20.18.400 (General), Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) of the El Paso City Code to modify definitions related to signs, to modify monument and pole sign regulations, to modify wall sign regulations, and to add designated special control areas for on-premise signs. The penalty is as provided in Section 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MAY 3, 2011, FOR ITEMS 7D – 7H

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ITEMS 8A. AND 8B. TAKEN TOGETHER

8A.

ORDINANCE 17526

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 15558 ORIGINALLY ADOPTED ON SEPTEMBER 16, 2003 AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, AIRPORT REVENUE REFUNDING BONDS, SERIES 2003 (EL PASO INTERNATIONAL AIRPORT)”;** AND RESOLVING OTHER MATTERS RELATED THERETO.

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O’Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

8B.

ORDINANCE 17527

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, AIRPORT REVENUE BONDS, SERIES 2011 (EL PASO INTERNATIONAL AIRPORT)”;** AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING THE DELEGATION OF AUTHORITY. ESTIMATED AMOUNT OF AIRPORT REVENUE BONDS TO BE ISSUED IS \$16,750,000.

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O’Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED**.

Mr. Jeff Schultes, Assistant Director of Aviation, and Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services, presented a PowerPoint presentation, (copy on file in City Clerk's office).

Representative Byrd commented.

Mr. Paul Braden, outside bond council, commented.

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ITEMS 9A., 9B., 13A., AND 13B. TAKEN TOGETHER

9A1.

ORDINANCE 17528

The City Clerk read an Ordinance entitled: **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.**

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Quintana, Holguin, Ortega and O'Rourke

NAYS: Representatives Acosta and Robinson

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED**.

9A2.

RESOLUTION

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land; and,

WHEREAS, the City Council adopted a Resolution on January 6th 2011 detailing the relationship between the built environment and obesity and directed the City Manager to recommend subdivision code changes to increase opportunities for physical activity; and

WHEREAS, the design standards for parks within the subdivisions submitted under the provisions of Title 19 were adopted by Resolution on June 3, 2008, as the Park Facilities Standards; and,

WHEREAS, the City Council of El Paso is revising the park provisions of Title 19 (Subdivisions) and such revisions require the Park Facilities Standards to be amended to avoid any conflicts;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Park Facilities Standards, Division XI, Concrete Sidewalk Standard, be amended as follows:

Division XI, Concrete Sidewalk Standard

Provide a minimum 7 ft. wide Parkway from back of curb to the face of 7 ft. wide sidewalk along park perimeter on street right of way. Sidewalk construction must comply with all Municipal, State and Federal Regulations to include TAS and ADA.

Sidewalk Construction Standard:

1. Four inches thick minimum.
2. Concrete strength to be 3,000 psi minimum
3. Rough broom finish.
4. Cross-slope may not exceed two percent (2%), require standard cross slope to be set at one percent (1%).
5. Expansion joint must be provided along back of concrete curb and be provided with ½" thick expansion joint material.
6. Scored joint marks ¼" wide and ½" deep, every three and half feet (3.5') on center, both ways.
7. Expansion Cold joint every twenty-one feet (21') with ½" thick expansion joint material.
8. Running slope of sidewalk may not exceed five percent (5%) in any direction.

Wheel Chair Ramp:

1. Wheel chair ramp will not exceed six feet (6') in length or exceed an eight point three percent (8.3%) slope.
2. Wheel chair ramp(s) at street intersections must be provided by installation of two ramps running along direction of sidewalk with a landing at the bottom level to standard concrete curb and gutter, gutter line and a landing at top level to the concrete sidewalk.
3. Wheel chair ramp(s) and landing(s) must have a cross slope of one percent (1%) and not exceed two percent (2%). Surfaces must be sloped to insure that water does not collect or stand after a rain. Drain onto street or park site as required.
4. Wheel chair ramps and landing are to have a six inches (6") high by six inches (6") wide and six inches (6") deep curb installed on park side to insure that erosion does not occur onto ramps and landings.
5. Wheel chair ramp must comply with other requirements as set forth in City of El Paso design criteria for compliance with TAS and ADA.

Construction:

1. Forms – provide clean and damage free forms.
2. Install using good industry practices and methods with proper vertical and horizontal control to insure compliance with slope and cross-slope requirements.
3. Maintain forms in good repair prior to and during installation and while pouring of concrete sidewalk.
4. Sub-grade – scarify and compact eight inches (8") of sub-grade. Sub-grade must be compacted to 95% density per ASTM D-1557.
5. Densities – provide density tests of sub-grade as deemed necessary based on length of concrete sidewalk. Provide a minimum of one every 300 feet.

- 6. Site cleaning – complete and thorough cleaning is required of site after concrete sidewalk is installed. This is to include concrete waste (debris) found in soils and concrete splatter residue found on existing concrete curb and gutter or adjacent sidewalks.
- 7. Site restoration – adjacent ground and/or landscaping surfaces must be restored to previous condition as directed by Park Staff to insure that site is clear and free of any foreign materials not suitable for a park setting or maintenance of turf.

2. That except as expressly herein amended, Park Facilities Standards adopted on June 3, 2008 remain in full force and effect.

9B.

ORDINANCE 17529

The City Clerk read an Ordinance entitled: **AN ORDINANCE MODIFYING THE RIM-UNIVERSITY NEIGHBORHOOD PLAN, TO AMEND THE DESIGN STANDARDS TO ALLOW CERTAIN TYPES OF SOLAR PANELS TO BE PLACED ON ROOFTOPS AND THAT THE CITY’S COMPREHENSIVE PLAN, “THE PLAN FOR EL PASO,” BE AMENDED TO INCORPORATE THE MODIFICATION.**

Motion duly made by Representative Lilly, seconded by Representative O’Rourke, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O’Rourke
 NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED**.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Acosta, Byrd, O’Rourke, Robinson, Lilly, Quintana and Ortega commented.

The following City Staff commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 3. Ms. Kathryn Dodson, , Planning and Economic Development Director

The following members of the public commented:

- 1. Mr. Ray Aduato, El Paso Association of Builders
- 2. Mr. Richard Dayoub, CEO, Greater El Paso Chamber of Commerce
- 3. Ms. Linda Troncoso, Gray Jansing & Associates, Inc.
- 4. Mr. Greg Bowling, President, El Paso Association of Builders
- 5. Ms. Reni Ashby, Saratoga Homes
- 6. Mr. Edmundo Dena, President, Accent Homes
- 7. Mr. Sal Masoud, Del Rio Engineering and El Paso Association of Builders

10.

ORDINANCE 17530

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND ARTURO AGUILAR WHICH WILL ALLOW THE CITY TO CONVEY LOT 19, LESS THE NORTHERLY 4.36 FEET THEREOF, AND LESS THE SOUTHERLY 0.77 FEET THEREOF, BLOCK 3, HUECO MOUNTAIN VILLAGE REPLAT A, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO ARTURO AGUILAR.**

Motion duly made by Representative Quintana, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

Mr. William Lilly, Community and Human Development Director.

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11.

ORDINANCE 17531

The City Clerk read an Ordinance entitled: **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.**

Motion duly made by Representative Lilly, seconded by Representative O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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12A. MAYOR AND COUNCIL

Discussion and action on formally requesting that the soldiers not use McKelligon Canyon for training purposes until such time that they can ensure that their use of the canyon doesn't come at the expense of public use and until they can ensure that they will follow city rules when they use the canyon.

Mayor Cook and Representative Byrd, Acosta, Robinson, Ortega, and Quintana commented.

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager, commented
- 2. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.
- 3. Ms. Nanette Smejkal, Parks and Recreation Director, commented.

NO ACTION was taken on this item

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12B. MAYOR AND COUNCIL

Legislative Review Committee Report:

- 1. For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on March 10, 2011, as submitted by Suzie Byrd, Chair; and,
- 2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action regarding exploring options for using more recycled construction materials for city projects, including street and building projects.
 - b. Discussion and update regarding a future partnership with Ft. Bliss and one possible Waste to Energy Technology Project.
 - c. Discussion and action regarding City’s Sustainability Business Plan.
 - d. Discussion and action regarding expanding the City of El Paso Air Quality Program.
 - e. Discussion and action regarding a policy for recycling collections in severe weather conditions.
 - f. Discussion and action regarding Texas Product Stewardship Council initiatives which includes accounting for the full life cycle environmental impacts of products.

NO ACTION was taken on this item.

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12C. MAYOR AND COUNCIL

Motion made by Representative Lilly, seconded by Representative Byrd, and carried to **APPROVE** the formal comment/request that FEMA provide a more detailed study replacing the “without levee” analysis for preliminary FIRMs issued to El Paso.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Ortega, and O’Rourke
NAYS: Representatives Quintana and Holguin

Mr. R. Alan Shubert, City Engineer, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Lilly, O’Rourke, Robinson, Holguin, and Acosta commented.

The following citizen commented:

- 1. Mr. Larry Nance, Upper Valley Improvement Association
- 2. Mr. Lamar Skarda

- 3. Mr. Sal Masoud, Del Rio Engineering and El Paso Association of Builders
- 4. Mr. Karl McElhaney, with Congressmen Silvestre Reyes office

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 The City Council Meeting was **RECESSED** at 2:51 p.m. in order to convene the Mass Transit Department Board Meeting.

The City Council Meeting was **RECONVENED** at 3:48 p.m.

ITEMS 9A., 9B., 13A., AND 13B. TAKEN TOGETHER

13A DEPARTMENT OF TRANSPORATION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE, AS REVISED**, a Resolution adopting “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” as a recommended design guideline for the use in the design and construction of new thoroughfares and redesign and reconstruction of existing thoroughfares on all city projects within the City of El Paso.

13B. DEPARTMENT OF TRANSPORATION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to have city staff revise the City Code and the City of El Paso’s Design Standards for Construction Manual to adopt the “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” as a standard for constructing thoroughfare projects.

Mr. Richard Dayoub, El Paso Chamber of Commerce, commented.

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 Motion made by Representative Robinson, seconded by Representative O’Rourke, and unanimously carried to **ADJOURN** this meeting at .4:13 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk