

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

**April 27, 2010
Council Chambers, City Hall
8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Police Chaplain Lisle Davis
Pledge of Allegiance**

RECOGNITIONS

CITY EMPLOYEES

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 April 20, 2010.
[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 electrical transformer easement to the El Paso Electric Company for the purpose of providing electrical service for a proposed city park at 3186 Blue Dirt, El Paso, Texas. Said property being more particularly described as a portion of Tract 1, Section 46, Block 79, Township 2, T&P RR Survey, El Paso, El Paso County, Texas. **(District 6)**
[Engineering, R. Alan Shubert, (915)541-4423]

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

3C. A Resolution approving a detailed site development plan for all of Lots 1 thru 26, Block 1, Lots 1 thru 19, Block 2, Lots 1 thru 21, Block 3, Lots 1 thru 19, Block 4 and Lot 1, Block 5, Bartlett Landing, City of El Paso, El Paso County, Texas, pursuant to section 20.04.150 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Bartlett Drive and west of Waterhouse Drive. Property Owners: Circle H. Homes. ZON10-00012 **(District 1)**
[Development Services/Planning, Arturo Rubio, (915) 541-4633]

4. BOARD APPOINTMENT:

Michael H. Bray as an alternate member to the Zoning Board of Adjustment, to fill an unexpired term, by Representative Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4123]

5. DISCRETIONARY FUNDS:

Request authorization to allocate the use of District 1 Discretionary Funds in the amount of \$2,200 to fund an appraisal for approximately, 10.7 acres located in all of MJ Mc Kelligon Survey 270, Tract 4B, and MJ Mc Kelligon Tract 4D, City of El Paso, Texas. (Department ID #01153001; Account #504420; Fund #16501; Class #01001; Project ID 10422)
[Representative Ann Morgan Lilly, (915) 541-4151]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 6A.** Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue Purchase Order(s) to Kustom Signals, Inc. under Houston-Galveston Area Council (HGAC) Contract No. EF04-09 to purchase 40 ProLaser III units for the El Paso Police Department for the total estimated amount of \$113,740.

The participation by the City of El Paso in the Houston-Galveston Area Council (HGAC) Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Police
 Funding Source: Red Light Camera Funds
 Total Estimated Amount: \$113,740
 Reference No.: 2010-202
Districts: All
 [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
 [Police Department, Eric Shelton, (915) 564-7357]

- 6B.** Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order(s) to Howell Business Services Inc. dba: Business Interiors, under the State's TXMAS Contract No. 6-71111060-3 to purchase HON furniture for the El Paso Police Department – Pebble Hills Regional Command Center for the total estimated amount of \$246,849.39.

The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Police
 Funding Source: Confiscated Funds
 Total Estimated Amount: \$246,849.39
 Reference No.: 2010-203
District: 5
 [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
 [Police Department, Eric Shelton, (915) 564-7357]

7. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2010-062R (Defensive Tactics, Arrest & Control Program) to L. Hicks, Inc. for a total estimated award of \$241,800.

Department: Police
 Award to: L. Hicks, Inc.
 Virginia Beach, VA
 Option: 2 Years
 Annual Estimated Amount: \$154,300 (Year 1)
 \$57,000 (Year 2)
 \$30,500 (Year 3)
 Funding Source: Police Department - Confiscated Funds
 Total Estimated Award: \$241,800 (3 Years)

Districts: All

This is a thirty-six (36) month contract.

The Departments of Financial Services, Purchasing Division, and Police based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

[Police Department, Peter Pacillas, (915) 564-7304]

REGULAR AGENDA - INTRODUCTIONS

8. 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.

8A. An Ordinance terminating the Special Privilege License granted in Ordinance No. 016107 to Great Vibe L.L.C. for use of certain City right-of-way for a sidewalk cafe located at 209 South El Paso Street. SP-05014 **(District 8)**
[Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

8B. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.38 (Building and Standards Commission), Section 2.38.090 (Urban Nuisance; Repair, Demolition, Vacation, Reduction in Occupancy Load, Relocation, Securing, and Civil Penalties; Hearings; Notice), Subsection N. of the El Paso City Code, to revise the provisions to be in conformity with state law.
(All Districts) [Development & Infrastructure, Patricia D. Aduato, (915) 541-4853]

PUBLIC HEARING WILL BE HELD ON MAY 4, 2010, FOR ITEMS 8A – 8B

8C. An Ordinance granting Special Permit No. ZON10-00008, to allow for infill development on the property described as Lots 1-6, Block G, D. M. Payne’s Subdivision, City of El Paso, El Paso County, Texas, pursuant to section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3501 and 3505 San Antonio Avenue. Property Owners: Project Vida Community Development Corporation. ZON10-00008 **(District 8)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON MAY 18, 2010, FOR ITEMS 8C

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 Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. FINANCIAL SERVICES:

Discussion and action that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Motorola Western Division under Houston-Galveston Area Council (HGAC) Contract # RA01-08, Amendment # 2, for the purchase of radio communications equipment and services. Total estimated expenditures are \$884,564.80.

The participation by the City of El Paso in the Houston-Galveston Area Council Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Fire
 Funding Source: Home Security Grant Program UASI 2008 and 2009 Funds
 Total Estimated Award: \$884,564.80
 Reference No.: 2010-201
Districts: All
 [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
 [Fire Department, Ralph Johnson, (915) 838-3263]

10. ENGINEERING:

10A. Discussion and action on the award of Solicitation No. 2010-113 for the Video Surveillance & Count Stations 2009, to Highway Intelligent Traffic Systems Corp., for a total estimated amount of \$2,799,716.26.

Department: Engineering
 Award to: Highway Intelligent Systems, Corp.
 Base Bid: \$2,799,716.26
 Funding Source: \$2,746,612.38 - TxDOT (Federal Funds)
 \$53,103.88 - 2009 Certificates of Obligation
 Total Award: \$2,799,716.26
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 Department recommends award as indicated to the lowest responsible bidder.

The City Manager is authorized to execute any amendments to funding agreements
 [Engineering, R. Alan Shubert, (915)541-4423]

- 10B.** Discussion and action on the award of Solicitation No. 2010-148 for the Saipan - Ledo Park Pond, to Martinez Bros. Contractors, LLC for a total estimated amount of \$4,780,344.60

Department:	Engineering
Award to:	Martinez Bros. Contractors, LLC
Base Bid 1	\$4,310,271.60
Option #1	\$301,351
Option #2	\$271,677
Base Bid II	\$3,600
Base Bid III	\$58,077.50
Alternate 1	\$37,235
Alternate 2	\$69,809.50
Funding Source:	Storm 2006 and 2009 Certificates of Obligation
Total Award:	\$4,780,344.60
District:	3

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 Department recommends award as indicated to the lowest responsible bidder.
[Engineering, R. Alan Shubert, (915)541-4423]

- 10C.** Discussion and action on award of Solicitation No. 2010-178 for the Roseway Drive Phase 1 Street and Drainage Improvements to Saab Site Contractors, L.P. for a total estimated amount of \$1,992,950.50.

Department:	Engineering
Award to:	Saab Site Contractors, L.P.
Base Bid 1:	\$1,332,919.50
Base Bid 2:	\$529,317
Base Bid 3:	\$130,714
Funding Source:	2004 General Obligation Bonds / El Paso Water Utilities
Total Award:	\$1,992,950.50
District:	6

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 Department recommends award as indicated to the lowest responsible bidder.

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

REGULAR AGENDA – PUBLIC HEARINGS

11. DEVELOPMENT SERVICES:

- 11A.** An Ordinance amending Ordinance No. 017134 which changed the zoning, with conditions, of Lot 1, Block 1, Parkland Addition Replat B, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6047 Woodrow Bean Boulevard. Property Owner: David Horrell. ZON09-00093 **(District 4) THIS IS AN APPEAL CASE**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 11B.** An Ordinance changing the zoning of a portion of Lots 1 and 15, save and except two portions thereof, Block 3, Lots 2 through 14, Block 3, WFF Industries Park Unit One Replat A, City of El Paso, El Paso County, Texas, from M-1/SC (Manufacturing/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: Railroad Drive, north of Deer Avenue. Property owner: DBB Holdings, Inc. ZON09-00094 **(District 4)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 04-06-10 AND 04-13-10

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

Legislative Review Committee Report:

1. For notation: Formal report of the Economic and Community Development, Quality of Life and Tourism and Planning and Development Services Legislative Review Committee meeting held on April 15, 2010, as submitted by Representative Steve Ortega, Chair; and,
2. Discussion and action pertaining to the agenda item, as posted on the agenda of said Legislative Review Committee meeting, as follows:

Discussion and action on proposed amendments to the City's agreement with Hawkins Regency, LLC concerning financial incentives, terms and conditions related to the construction and operation of a lifestyle mall located at 8877 and 8889 Gateway West (Farah property).

[Economic Development, Kathryn B. Dodson, (915) 541-4872]

13. COMMUNITY AND HUMAN DEVELOPMENT:

13A. Discussion and action on a resolution authorizing the City Manager to execute a sub-recipient grant contract between the City and the El Paso Housing Finance Corporation in connection with the City's state-funded Neighborhood Stabilization Program (NSP) in an amount not to exceed \$1,483,771 for the purchase and rehabilitation/reconstruction of eligible foreclosed and abandoned properties within the target area, and resale to eligible income households; and that City Manager to execute assignments of purchase and sale contracts to HFC and any other documents related to HFC property acquisition. **(All Districts)**

[Community and Human Development, William Lilly, (915) 4643]

13B. Discussion and action on a Resolution that City Council approve an Empowerment Zone FY10 budget reallocation which adds a funding award to Sun Metro Job Express Program - \$459,396, and that the City Manager be authorized to sign any agreements or related documents upon approval by the City Attorney's Office and Director of Community and Human Development Department and to take any actions necessary to accomplish the intent of the resolution. **(Districts 1, 3, 6, 7, and 8)**

[Community and Human Development, William Lilly, (915) 4643]

14. ENGINEERING:

Discussion and action authorizing the City Manager to sign an Agreement for Engineering Services by and between the City of El Paso and Parkhill Smith & Cooper, Inc., a Texas Corporation, for a project known as "EPIA Taxiway L Reconstruction" in the amount of \$872,985 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$922,985. **(All Districts)**

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

15. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on Quarterly Financial Report: 2nd Quarter Financial Report for Fiscal Year 2010. **(All Districts)**

[Financial and Administrative Services, William F. Studer Jr., (915) 541-4215]

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.) 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. Discussion and action on economic development related negotiations and possible incentives for business prospect ND-042010. (551.087)
[Marie Taylor, City Attorney's Office (915) 541-4550]

EX2. Claim of Hernan Guardado, Our File No. 10-C-032 (551.071)
[City Attorney's Office, Karla M. Nieman (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>