

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REVISED

AGENDA FOR REGULAR CITY COUNCIL MEETING

**April 28, 2009
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 Dan Young
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

**GENERAL SERVICES ADMINISTRATION
AND
CUSTOMS AND BORDER PROTECTION WEEK**

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 21, 2009, and the Special City Council Meetings of April 15, 2009, (Joint City Council Meeting with Las Cruces) and April 20, 2009, (Ethics Review Commission Ordinance).
[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 a Second Amendment to Concession Agreement by and between the City of El Paso and Interspace Airport Advertising to exercise the City's second option to extend the Concession Agreement for an additional term of five years commencing July 15, 2009, and ending July 14, 2014. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

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

615 Arizona Avenue \$8,393.16 Lauriano and Maria de Jesús Rodriguez
(District 8) [Development Services, Victor Q. Torres, (915) 541-4557]

3C. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gillig-Stacey Investments, LLC for the purchase of the following property for \$23,000: Lots 7 and 8, Block 24, Lincoln Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 63, Plat Records of El Paso County, Texas, commonly known as 410 Radford Street, El Paso, El Paso County, Texas. Project #: PSTM06PW556; Fund: 27264; Department: 14200500; Account: 508000.
(District 3) [Engineering, R. Alan Shubert, (915) 541-4423]

3D. That the City Manager be authorized to sign and accept from Joe L. Guzman and Manuela Guzman the following easements for a total amount of \$9,046.00, which easements are needed for the Bowen Drive Subsurface Storm Drainage System

and Retention Pond Project: a) a Drainage Easement for a 0.0310 acre parcel of land, more or less out of a portion of Tract 18-E, Block 29, Ysleta Grant, City of El Paso, El Paso County Texas; and b) a Temporary Construction Easement within a portion of Tract 18-E, Block 29, Ysleta Grant, El Paso, El Paso County, Texas. Project #: PCP06FC002D; Fund: 27263; Department: 99331117; Account: 508000. **(District 7)** [Engineering, R. Alan Shubert, (915) 541-4423]

- 3E.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 3, 4, 5, 6, and 7)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3F.** That the Purchasing Manager is authorized to notify G.O.T. Supply, Inc. of El Paso, Texas, that the City is terminating Contract No. 2004-237 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of April 28, 2009.
(All Districts) [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
- 3G.** That the Purchasing Manager is authorized to notify Barnett Harley-Davidson of El Paso, Texas, that the City is terminating Contract No. 2008-157 for default pursuant to the provisions and requirements of Section C 18B of the Contract Clauses due to contractor's default and that the termination shall be effective as of April 28, 2009. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
- 3H.** That the City Manager be authorized to sign and submit a grant application form and other related documents for the Texas Department of State Health Services' Interlocal Immunization Program in the amount of \$787,791.79 for the period of September 1, 2009, through August 31, 2010, to conduct activities through the City of El Paso Department of Public Health to raise vaccine coverage in El Paso. Matching funds are required in the amount of \$268,899.61. The City Manager is authorized to approve necessary budget transfers to designate the required matching funds. **(All Districts)** [Public Health, Angela Mora, (915) 771-5706]
- 4. BOARD RE-APPOINTMENTS:**
 - 4A.** Estrella Escobar to the Cultural Affairs Advisory Board by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]
 - 4B.** John Rayborn to the City Plan Commission by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]
- 5. BOARD APPOINTMENT(S):**
 - 5A.** Vallarie Enriquez to the Art Museum Advisory Board by Mayor John F. Cook.
[Mayor John F. Cook, (915) 541-4145]
 - 5B.** Jaime Abeytia to the Complete Count Committee by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 6. NOTICE OF CAMPAIGN CONTRIBUTIONS:**
 - 6A.** For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Melina Castro, on April 2009 in the amount of

\$500 from Ju-Hsien; on April 2009 in the amount of \$500 from Hsin Shen Hsu; on April 2009 in the amount of \$500 from El Paso Sheriffs Association; on April 2009 in the amount of \$750 from The El Paso Association of Firefighters; on April 2009 in the amount of \$500 from Stanley P. Jobe; and on April 2009 in the amount of \$500 from David Fuller. [Representative Melina Castro, (915) 541-4400]

- 6B.** For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Susie Byrd on April 17, 2009 in the amount of \$500 from Michael Gibson and \$500 from Pauline Dow; and on April 19, 2009 in the amount of \$500 from L. Frederick Francis.
[Representative Susie Byrd, (915) 541-4416]

7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 7A.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a purchase order to INX, Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-239, in the amount of \$88,166.67 for SMARTnet supports with upgrades. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010351 – 502229 – 01101
Funding Source: Information Services, Office Equipment Maintenance,
Government Operations
Total Estimated Award: \$88,166.67
Reference No.: 2009-196
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 7B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase order to Motorola, Inc., the H-GAC contractor under Contract No. RA01-08 for Motorola Radio Repair Bank for maintenance of all Public Safety and Transit voice and data radio subscriber units. Total estimated amount not to exceed \$120,000.

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

Department: Communications
Account No.: 39010352-01101-502229
Funding Source: Telecommunications- Operating Account
Total Estimated Award: \$120,000
Reference No.: 2009-207
Districts: All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

8. BID:

The award of Solicitation No. 2009-188 (Bowen Drive Subsurface Storm Drainage System and Retention Pond) to SAAB Site Contractors, L.P., for a total estimated amount of \$253,916.

Department:	Engineering
Award to:	SAAB Site Contractors, L.P. El Paso, TX
Base Bid:	\$188,021
Option No. 1:	\$65,895
Account No.:	99331117 – 508027 – 27263 – PCP06FC002D
Funding Source:	2006 Certificates of Obligation
Total Estimated Award:	\$253,916
District:	7

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 Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsible bidder.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
[Engineering, R. Alan Shubert, (915) 541-4423]

9. OTHER BIDS, CONTRACTS, AND AMENDMENTS:

That the City Manager be authorized to sign Amendment No. 1 to Task Order No. 004 between the City of El Paso and Environmental Systems Research Institute, Inc. to extend the period of performance to October 31, 2009, for pavement condition survey, pavement image processing, and pavement distress recording per Master Agreement No. 2006MPA316. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTION

10. INTRODUCTION OF AN ORDINANCE 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.**

An Ordinance amending Title 3 (Revenue and Finance) by adding Chapter 3.48 (City Contracting Requirements); and sections thereunder; to establish a process by which potential city contractors must disclose familial relationships with members of the news media. [Representative Rachel Quintana, (915) 541-4701]

PUBLIC HEARING WILL BE HELD ON MAY 5 2009, FOR THE ITEM

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

11. FINANCIAL SERVICES:

11A. Discussion and action on the award of Solicitation No. 2009-079 for the Westside Transit Terminal to Venegas Engineering Management and Construction, Inc. for a total amount of \$1,591,964.

Department:	Mass Transit/Sun Metro
Award to:	Venegas Engineering Management and Construction, Inc. El Paso, TX
Base Bid	\$1,591,964
Total Estimated Award:	\$1,591,964
Account No.:	60600011 – 508027 – 11654 – G600354 [TX 90-X-573]
Funding Source:	Federal Transit Administration Grant and American Recovery & Reinvestment Act (ARRA)
District:	8

Venegas Engineering Management and Construction, Inc. was selected by the Mass Transit Department Board as the highest ranked Proposal and City staff has negotiated a contract that provides the best value to the Mass Transit Department of the City of El Paso.

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.

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 design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by The Mass Transit Board.

This is a lump-sum contract.

The Departments of Financial Services - Purchasing Division, Engineering, and Mass Transit/Sun Metro recommend award to the offerer who submitted the highest ranked proposal.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

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

- 11B.** Discussion and action on the request for rejection of all bids for Parks Upgrade 2008; Solicitation No. 2009-158 Pebble Hills Park; 2009-160 Central Parks Phase I; 2009-164 Lower Valley Parks; and 2009-165 Northwest Parks; and 2009-166 Northwest and Lower Valley Parks, as recommended by Financial Services-Purchasing Division, Engineering and the Parks and Recreation Departments, because the pricing for the playground equipment and swings portion of the solicitations were significantly higher than the City could purchase through various cooperative purchasing programs. **(All Districts)**

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 11C.** Discussion and action on the request authorization to purchase equipment and swings from the following cooperative purchasing networks, U.S. Communities Contract Nos. 040377 and 04378 and the Texas Association of School Boards, Inc. (TASB) Buy Board Contract No. 269-07, for bids for Parks Upgrade 2008 Solicitation No. 2009-158 Pebble Hills Park, 2009-160 Central Parks Phase I, 2009-164 Lower Valley Parks, and 2009-165 Northwest Parks, 2009-166 Northwest and Lower Valley Parks, 2009-174 Northeast Parks, and 2009-175 East Parks as recommended by Financial Services-Purchasing Division, Engineering and the Parks and Recreation Departments at the cost-savings amounts listed in attached RCA.

Department:	Engineering
Award to:	U.S. Communities Contract No. 040377 – Landscape Structures U.S. Communities Contract No. 04378 – Little Tikes TASB Contract No. 269-07 – The Playwell Group, Inc.
Account No.:	PCP08PA04-27263-99331117-508027 PCP08PA05-27263-99331117-508027
Funding Source:	2006 Certificates of Obligation
Total Estimated Award:	\$1,005,633.62
Reference No.:	2009-210

Districts: All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA – OTHER BUSINESS

12. MAYOR AND COUNCIL:

- 12A.** Discussion and action to allow Council and City staff to answer questions that may arise during call to the public during City Council meetings.
[Representative Eddie Holguin, (915) 541-4178]
- 12B.** Discussion and action to accept the “Housing and Transportation Affordability in El Paso” report. This report was commissioned by the City of El Paso, the El Paso Housing Finance Corporation and District 2, and it was prepared by the Center for Neighborhood Technology. [Representative Susie Byrd, (915) 541-4416]

13. DEVELOPMENT SERVICES:

- 13A.** Discussion and action on whether to seek County Commissioners Court potential participation in the dedication, acceptance, and maintenance of parkland within the City of El Paso Extra Territorial Jurisdiction as discussed by the Planning and Development Legislative Review Committee. **(All Districts)**
[Development Services/Planning, Mathew McElroy, (915) 541-4056]
- 13B.** Discussion and action on whether to delay pending annexation applications until a new annexation policy is adopted or proceed with processing applications under current policies, such direction being sought by the Planning and Development Legislative Review Committee. **(All Districts)**
[Development Services/Planning, Mathew McElroy, (915) 541-4056]
- 13C.** Discussion and action on an appeal by Centro Cultural Mexicano Paso del Norte regarding the denial of a Special Privilege License application for a temporary closure of public right-of-way at Virginia Street between Overland Avenue and San Antonio Avenue; and San Antonio Avenue between St. Vrain Street and Virginia Street for less than 24 hours from 3:00 p.m. to 9:00 p.m., Tuesday, May 5, 2009. SPL09-00010 **(District 8)**
[Development Services, Victor Q. Torres, (915) 541-4557]

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 a Resolution authorizing the City Manager to sign an amendment to the contract between the City of El Paso and Paul G. Gosselink, to amend the Scope of Services to increase the compensation amount. (551.071)
(All Districts) [City Attorney's Office, John Batoon, (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/>