



AGENDA FOR REGULAR CITY COUNCIL MEETING

**May 11, 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**

MAYOR'S PROCLAMATIONS

- 1. FOSTER CARE AWARENESS MONTH**
- 2. NATIONAL DRUG COURT MONTH**
- 3. MENTAL HEALTH AWARENESS MONTH**
- 4. JUNIOR LEAGUE PROJECT 2013 DAY**

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 May 4, 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 a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee") and Elite Medical Transport, LLC ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia, El Paso, Texas.
(All Districts) [Airport, Monica Lombrana (915) 780-4793]
- 3B.** That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee") and Med Flight Air Ambulance, Inc. ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia, El Paso, Texas. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4793]
- 3C.** That the City Manager be authorized to sign a First Amendment to the Lease and Concession Agreement for the Development and Operation of News, Gifts, & Specialty Retail Concessions and Lessor's Approval of Assignment is made by and between the City of El Paso ("Lessor"), The Paradies Shops, Inc. ("Concessionaire"), and Paradies-El Paso, LLC ("Assignee").
(All Districts) [Airport, Monica Lombrana, (915) 780-4793]
- 3D.** That the City Manager or her designee is authorized to enter into the Texas Department of Transportation (TxDOT) Utility Installation Request Agreement or such substantially similar agreement that may be required by TxDOT from time to time as a condition of installing equipment within TxDOT right-of-way
(All Districts) [Engineering, Alan Shubert, (915) 541-4228]
- 3E.** That the City Manager or her designee is authorized to enter into El Paso Electric Company service agreements, including interconnection and parallel operation agreements for City facilities from time to time as service is requested by the City, provided that City Council shall approve any easements that may be required by El Paso Electric Company on City property outside of the City right-of-way. **(All Districts)** [Engineering, Alan Shubert, (915) 541-4228]

- 3F.** That the City Engineer be authorized to sign the Fifth Amendment to the Agreement for Architectural Services by and between the City of El Paso and Mijares-Mora Architects, Inc. for a project known as “Glory Road Transit Terminal” in the amount of \$11,339.48 thereby extending the contract amount from \$728,137.94 to a total of \$739,477.42.
(District 8) [Engineering, Alan Shubert, (915) 541-4228]
- 3G.** That the City Manager be authorized to sign the following three licenses from the El Paso County Water Improvement District Number 1 to the City:
1. License L-1124: A five foot by five foot concrete box culvert and headwall structures within the Montoya main lateral canal at station 159+32: 50 year term at a total cost to the City of \$7,470.
 2. License L-1125: One sixty inch reinforced concrete pipe and two thirty-six inch reinforced concrete pipes within Montoya drainage canal at station 241+20: 50 year term at a total cost to City of \$20,160.
 3. License L-1126: One sixty inch reinforced concrete pipe within the Montoya lateral canal “branch A” at Station 30+29: 50 year term at a total cost of \$9,312. **(Districts 1 & 8)** [Engineering, Alan Shubert, (915) 541-4228]
- 3H.** That the City Manager be authorized to sign a license from the El Paso County Water Improvement District Number 1 to the City. The license number L-1189 is for use of the District’s facilities by City for discharging and conveying groundwater produced during dewatering activities necessary for construction of pipeline, sewer lines, or other City facilities. The license is for 180 days and has a cost of \$1,000 application fee, and \$150 per acre-foot of groundwater for the first 1,000 acre feet and \$45 per acre feet thereafter.
(Districts 1 & 8) [Engineering, Alan Shubert, (915) 541-4228]
- 3I.** That Black Pearl be authorized to provide for the sale and service of alcoholic beverages at the outdoor concert in the closed portion of Durango Street between San Antonio Avenue and Overland Avenue from 10:00 pm, Friday, May 21, 2010 to 2:00 am, Saturday May 22, 2010 (SPL10-00013). **(District 8)**
[Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]
- 3J.** That O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 p.m., Sunday, May 30, 2010 to 2:00 a.m., Monday, May 31, 2010 (SPL10-00014) **(District 8)**
[Engineering/Traffic Division, Jared Jason Mendoza, (915) 541-4152]
- 3K.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 4, 6, 7 & 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 4. BOARD RE-APPOINTMENTS:**
- 4A.** Jeannine Kennedy to the Art Museum Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly (915) 541-4151]

4B. Joseph Riccillo to the Historic Landmark Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly (915) 541-4151]

5. BOARD APPOINTMENTS:

5A. Jennifer Barr Ardovino to the Parks and Recreation Advisory Board to fill an unexpired term by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

5B. Melissa Barba-Espinosa to the Cultural Affairs Advisory Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

5C. Erica Aguayo to the Art Museum Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

6. REQUEST TO ISSUE PURCHASE ORDER, ETC.:

Request that the City Manager or her designee be authorized to exercise the City's option to extend current Contract, 2008-188R Professional Auditing Services with BKD, LLP for one additional year pursuant to the provisions of an award approved by the City Council on July 1, 2008 and in conjunction with the City's audit for the fiscal year ended August 31, 2010, and sign an Agreement for Professional Auditing Services for fiscal year 2010. Estimated award of contract is \$335,420.

Department:	Financial Services
Option:	Two [of Four]
Estimated Amount:	\$355,420 (Total for one year extension)
Funds Source:	Various
Districts:	All

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

7. BEST VALUE PROCUREMENT:

The award of Solicitation No. 2010-152 (Herbicide Spraying Citywide Right of Ways) to H. Repair Solutions, Inc. for a total estimated award of \$371,773.60.

Department:	Street
Award to:	H. Repair Solutions, Inc. El Paso, TX
Item(s):	All
Option:	2 Years
Annual Estimated Amount:	\$185,886.80
Funding Source:	Street Medians
Total Estimated Award:	\$371,773.60 (2 Years)
Districts:	All

This is a twenty four (24) month requirements type contract.

The cost under this requirements 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 Departments of Financial Services-Purchasing Division, and Street recommend Maheir Janitorial Services be considered non-responsive to the bid and recommend award to H. Repair Solutions, Inc., the vendor offering the best value bid.

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

[Street Department, Daryl Cole, (915) 621-6750]

8. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2010-110R (Comprehensive Loss Control Program) to Risk & Insurance Management Consultants, Inc. for a total estimated award of \$405,000.

Department:	OMB – Insurance & Benefits
Award to:	Risk & Insurance Management Consultants, Inc. El Paso, TX
Item(s):	All
Option:	Two (2), Two-year periods
Annual Estimated Amount:	\$81,000
Funding Source:	Worker’s Compensation Fund
Total Estimated Award:	\$405,000 (5 Years)
Districts:	All

This is a (60) sixty month contract.

The Departments of Financial Services, Purchasing Division, and OMB – Insurance & Benefits recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked proposer.

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

[Office of Management and Budget, David Almonte, (915) 541-4777]

9. BIDS:

9A. The award of Solicitation No. 2010-151 (Aluminum Sign Blanks) to Vulcan, Inc. for a total estimated award of \$159,392.

Department:	Street
Award to:	Vulcan, Inc. Foley, AL
Item(s):	All
Annual Estimated Amount:	\$79,696
Funding Source:	Signs and Markings
Total Estimated Award:	\$159,392 (2 Years)
Districts:	All

This is a twenty-four month requirements type contract.

The cost under this requirements 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 Departments of Financial Services, Purchasing Division, and Street recommend award as indicated to the lowest responsive, responsible bidder.

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

[Street Department, Daryl Cole, (915) 621-6750]

- 9B. The award of Solicitation No. 2010-103 (Doors, Frames, Accessories and Installation) to Rawson Builders Supply of Texas, Inc. for a total estimated award of \$255,000.

Department:	General Services – Building Maintenance
Award to:	Rawson Builders Supply of Texas, Inc. El Paso, TX
Item(s):	All Items: Part A, Items #1 thru #22 & Part B
Option:	2 Years
Annual Estimated Amount:	\$85,000
Funding Source:	General Fund
Total Estimated Award:	\$255,000
Districts:	All

This is a thirty-six month requirements type bid.

The cost under this requirements 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 Departments of Financial Services, Purchasing Division, and General Services – Building Maintenance recommend award as indicated, to the lowest responsive, responsible bidder.

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

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

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 to amend Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.80 by adding Section 5.80.120 (Authority to Issue Citations); the penalty being as provided in Chapter 1.08.010 – 1.08.030 of the El Paso City Code. **(All Districts)** [Police Department, Michelle Gardner, (915) 564-7270]

PUBLIC HEARING WILL BE HELD ON MAY 18, 2010, FOR ITEM 10A

- 10B. An Ordinance to release the special contract imposed on property by Ordinance No. 8888 which changed the zoning of Tracts 1R and 1S, Block 5, Ascarate Grant, 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: 7705 Phoenix Drive. Property Owner: 7705 Phoenix, LLC. ZON10-00013 **(District 3)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 10C.** An Ordinance granting Special Permit No. ZON10-00007, to permit an Assisted Living Facility, on the property described as Lot 1, Block 1, Las Tres Marias, 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 in Chapter 20.24 of the El Paso City Code. Subject Property: 9355 North Loop Drive. Property Owner: Santiago Vega. ZON10-00007 **(District 6)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JUNE 1, 2010, FOR ITEMS 10B – 10C

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 authorizing the Purchasing Manager to notify Huntington T. Block Insurance Agency Inc., that the City is terminating Contract No. 2009-034R pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of May 11, 2010. **(All Districts)**

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

[Office of Management and Budget, David Almonte, (915) 541-4777]

- 11B.** Discussion and action on the award of Solicitation No. 2010-163R (Fine Arts Museum Insurance) to Huntington T. Block Insurance Agency Inc. for a total estimated award of \$590,000.

Department:	OMB - Insurance & Benefits
Award to:	Huntington T. Block Insurance Agency Inc. Houston, TX
Item(s):	All
Option:	Two (2), Two-year periods
Annual Estimated Amount:	\$147,500
Funding Source:	General Fund
Total Estimated Award:	\$590,000 (4 Years)
Districts:	All

This is a forty-eight month contract.

The Departments of Financial Services, Purchasing Division, and OMB – Insurance & Benefits recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the sole proposer.

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

[Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA – PUBLIC HEARINGS**12. DEVELOPMENT SERVICES:**

- 12A.** Approval of a detailed site development plan for all of Tracts 4B and 4D, M.J. McKelligon Survey No. 270, City of El Paso, El Paso County, Texas, pursuant to a condition Imposed by Ordinance No. 011247. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 3900 block of Piedmont Drive. Property owner: Piedmont Group, LLC. ZON09-00089.

(District 1) [Development Services/Planning, Esther Guerrero, (915) 541-4720]
POSTPONED FROM 03-23-10

- 12B.** An Ordinance granting Special Permit No. ZON09-00077, to allow for an 88% parking reduction on the property described as Lot 27 and the west 10 ft. of Lot 28, Block 69, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1319 Montana Avenue. Applicant: Christopher Swann. ZON09-00077 **(District 8)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 12C.** An Ordinance granting Special Permit No. ZON10-00023, to permit governmental use and building, on the property described as Lots 11 to 18, Block 47, Campbell Addition, 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 in Chapter 20.24 of the El Paso City Code. Subject Property: 1000 Block of south Mesa Street. Property Owners: City of El Paso. ZON10-00023 **(District 8)**

[Development Services/Planning, Andrew Salloum, (915) 541-4027]

13. ENGINEERING:

- 13A1.** An Ordinance to revise the process for obtaining a permit for a film-making event by amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.30 (Film-Making Events), of the El Paso City Code; by amending provisions for the issuance of permits for certain types of uses of streets, alleys and other areas owned by the City for Film-Making Events; and by Amending Title 15 (Public Services) Chapter 15.08 (Special Privilege License) Section G.3 (Exception), changing the 24 Hour exception for temporary commercial film-making activities to 48 hours; the penalty being as provided in Section 13.30.130 (Violation) and Chapter 1.08 (General Penalty) of the City Code.

(All Districts) [Engineering/Traffic Division, Ted Marquez, (915) 541-4050]

- 13A2.** Discussion and action on a Resolution that Schedule C, attached to the FY 2010 Budget Resolution and effective September 1, 2009, shall be amended to create the fee that shall be charged by the City for making an application for a film making permit. **(All Districts)** [Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

- 13B.** An Ordinance granting a Special Privilege to Kelbor Enterprises, Inc. doing business as Coconuts, permitting the encroachment of an outdoor patio cafe onto portions of City right-of-way located at 816 Piedras Street and allowing the

sale and service of alcoholic beverages as a permissible activity within the outdoor patio cafe area. SPL09-00035 **(District 8)**
[Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

REGULAR AGENDA – OTHER BUSINESS

14. MAYOR AND COUNCIL:

Legislative Review Committee Report:

1. For notation: Formal report of the Fiscal Affairs and Management Support/Internal Audit Legislative Review Committee meeting held on April 8, 2010, as submitted by Representative Rachel Quintana, Chair, and:
2. Discussion pertaining to the agenda item, as posted on the agenda of said Legislative Committee meeting, as follows:
 - A) Discussion and action concerning clarification of the City's Apprenticeship Program as it relates to horizontal construction.
 - B) Discussion and action concerning making Apprenticeship Program Compliance more transparent for the purpose of third party monitoring.
 - C) Discussion and action on whether the City should continue to investigate and design a special energy finance area as described in Chapter 376 of the Local Government Code

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

15. AIRPORT:

Discussion and action on the approval of a budget transfer setting up appropriation for the capital project titled Reconstruction of Taxiway L.

Increase	\$22,000	to	Contractual Services
Increase	\$923,000	to	Design
Increase	\$43,200	to	Engineering Services
Increase	\$290,000	to	Testing
Increase	\$14,155,880	to	Construction
Increase	\$15,434,000	to	Transfer In

(All Districts) [Airport, Monica Lombrana, (915) 780-4724]

16. COMMUNITY DEVELOPMENT:

- 16A. Discussion and action on a Resolution approving the Neighborhood Action Plan Guidelines, to include selection criteria for neighborhoods, the neighborhood planning process, and plan implementation. **(All Districts)**
[Community and Human Development, Mark Alvarado, (915) 541-4918]
- 16B. Discussion and action on a Resolution that City Council approve the Montoya Heights Neighborhood Action Plan, as the neighborhood action plan for Montoya Heights neighborhood as identified therein. **(District 1)**
[Community and Human Development, Olivia Montalvo, (915) 541-4721]

- 16C.** Discussion and action on a Resolution that Council approves the Cielo Vista Neighborhood Action Plan, as the neighborhood action plan for the Cielo Vista neighborhood as identified therein. **(District 3)** [Community and Human Development, Mark Weber, (915) 541-4932]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Discussion and action regarding Empowerment Zone Loan No. EZRLF-13, OK Machine Shop, Inc. (551.071) [City Attorney's Office, Marie Taylor, (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/>