

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REVISED

AGENDA FOR REGULAR COUNCIL MEETING

May 15, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
May 14, 2012
9:00 a.m.

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

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION by Police Chaplain Lisle Davis

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. MENTAL AWARENESS MONTH
2. NATIONAL HISPANIC HEPATITIS AWARENESS DAY
3. NATIONAL KIDS TO PARKS DAY
4. DR. CARLOS A. GUTIERREZ DAY
5. RAY MICKENS DAY

RECOGNITION

DR. CARLOS A. GUTIERREZ – STAR ON THE MOUNTAIN AWARD

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE:

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.
30 Minutes total is allotted for speakers.
Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of May 8, 2012 and the Legislative Review Meeting of the Whole for May 7, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. BOARD RE-APPOINTMENTS:

- 3A.** Mark Dyer to the Capital Improvements Advisory Committee, by Representative Michiel R. Noe, District 5. [Representative Michiel R. Noe, (915) 541-4701]
- 3B.** Richard De Santos to the Revolving Loan Fund Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 3C.** Fernando R. Grado to the Revolving Loan Fund Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

4. BOARD APPOINTMENTS:

- 4A.** Al Jurado Jr. to the Building and Standards Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4515]

- 4B.** Kupper Gray to the Tax Increment Reinvestment Zone Number Five by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

REGULAR AGENDA - INTRODUCTIONS

5. 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.**

- 5A.** An Ordinance changing the zoning of the following real property known as: Parcel 1: a portion of Lot 2, Mediterranean Place, City of El Paso, El Paso County, Texas from C-3 (Commercial) to C-4 (Commercial); and, Parcel 2: All of Tract 1-C-14-A, Block 5, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-4 (Commercial). The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7642 and 7636 Gateway East Boulevard. Property Owner: EP Summit Investments, L.P. PZRZ12-00003 **THIS IS AN APPEAL CASE (District 3)**
[Planning and Economic Development, Andrew Salloum (915) 541-4633]
- 5B.** An Ordinance changing the zoning of a portion of Lot 2, Block 2, Butterfield Trail Aviation Park Unit Two, City of El Paso, El Paso County, Texas from C-4 (Commercial) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 10151 Montana Avenue. Property Owner: City of El Paso. PZRZ12-00006 **(District 2)**
[Planning and Economic Development, Andrew Salloum (915) 541-4633]
- 5C.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.070 (Fences), of the El Paso City Code, to amend the requirements and standards for electrified fences, the penalty being as provided in section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert (915) 541-4423]
- 5D.** An Ordinance to amend the El Paso City Code to reflect departmental reorganization by amending Title 20 (Zoning) to amend various sections thereunder pertaining to the duties that had been assigned to the Planning and Economic Development Department, to correctly identify the new department name; and regarding the duties of the City Engineer; the penalty being as provided in section 20.24.020 of the El Paso City Code. **(All Districts)**
[City Manager's Office, Deborah Hamlyn, (915) 541-4686]
- 5E.** An Ordinance to amend the El Paso City Code to reflect departmental reorganization by amending Title 21 (Smart Code), to amend section 21.70.010 to revise the definition of Planning Division to reflect the change of departmental name to the City Development Department; the penalty being as provided in sections 21.60.010-21.60.030 of the El Paso City Code. **(All Districts)**
[City Manager's Office, Deborah Hamlyn, (915) 541-4686]

PUBLIC HEARING WILL BE HELD ON JUNE 5, 2012, FOR ITEMS 5A – 5E

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

6. PLANNING AND ECONOMIC DEVELOPMENT:

- 6A.** An Ordinance changing the zoning of the following real property known as: Parcel 1: Block 34 excluding Lot 1 and Lot 31, all of Block 35 and Block 36 excluding Lot 1 and Lot 20, City of El Paso, El Paso County, Texas, from R-5/SC (Residential/Special Contract) to RMU (Residential Mixed Use); and, Parcel 2: Lot 1, Block 36, Montwood Heights Unit 8, City of El Paso, El Paso County, Texas, from C-3/SC (Commercial/Special Contract) to RMU (Residential Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Zaragoza Road and east of Joe Battle Boulevard. Property Owner: The Housing Authority of the City of El Paso. PZRZ12-00005 **(District 5)** [Planning and Economic Development, Michael McElroy, (915) 541-4238]
- 6B.** An Ordinance releasing all conditions placed on property by Special Contract No. 56-005 of the following parcels: Parcel 1: a portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas, and Parcel 2: a portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas, and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of I-10 and east of Magruder Street. Property Owner: Bassett Place Real Estate Company, LLC. PZCR12-00001 **(District 3)**
[Planning and Economic Development, Michael McElroy, (915) 541-4238]
- 6C.** An Ordinance changing the zoning for the following parcels of land: Parcel 1. a portion of Tract 1, all of Tracts 3 and 3A, John Barker Survey No. 10 and Tract 4F2B, A.F. Miller Survey No. 215 and Tracts 6 and 7, I.F. Harrison Survey No. 54 and Montecillo Unit Three Amending Plat save and except Lot 2, Block 2, thereof as recorded in clerk's file No. 20090065237 and save and except 4.6007 acres being Lots 3 and 4, Block 9, Montecillo Unit Three Replat A, recorded in clerk's file No. 20110085971, Real property records City of El Paso, El Paso County, Texas, from C-1, C-2, C-3/C, GMU/C, A-2, R-3, R-3A, R-5, and M-1 to SCZ (SmartCode Zone), and Parcel 2. Tract 4, John Barker Survey No. 10, City of El Paso, El Paso County, Texas from M-3 to SCZ (SmartCode Zone); and Parcel 3. Lot 1, Block 3, Kings Hill Replat and Tract 4A, 6G and a portion of Tract 6A, A.F. Miller Survey No. 216 and Tract 21, John Barker Survey No. 10, City of El Paso, El Paso County, Texas, from C-1, C-1/SC, A-O/SC, A-O/C/SC, PR-1/SC and R-3 to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: EPT Mesa Development, LP. PZRZ11-00058. **(Districts 1 and 8)**
[Planning and Economic Development, Laura Kissack, (915) 541-4723]
- 6D.** An Ordinance amending Title 21 (SmartCode), Chapter 21.30 (New Community Plans), Chapter 21.40 (Infill Community Plans), Chapter 21.50 (Building Scale Plans), Chapter 21.70 (Definitions of Terms), and Chapter 21.80 (Tables) of the El Paso City Code to clarify the Smartcode provisions, to calibrate the

SmartCode to the local character of the place and local conditions, and to add standards for a new transect zone; the penalty is as provided for in Chapter 21.60 of the El Paso City Code. **(All Districts)**

[Planning and Economic Development, David A. Coronado, (915) 541-4632]

6E. An Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; adopting said amendments as required by Section 311.011(E) Texas Tax Code. **(District 8)**

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

6F. An Ordinance vacating a portion of Kathy Drive right of way out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas. SURW11-00006
(District 6) [Planning and Economic Development, Kevin Smith (915) 541-4903]

6G. An Ordinance vacating a portion of Farrell Drive right of way out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas. SURW11-00007
(District 6) [Planning and Economic Development, Kevin Smith (915) 541-4903]

7. DEPARTMENT OF TRANSPORTATION:

7A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times on Certain Streets) to add Barker Road from J.C. Cramer Lane to a point 1,070 feet north, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 3)**

[Department of Transportation, Keith Bennett, (915) 621-6882]

7B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code, to add Prince Edward Avenue, Rushing Road, Donald Drive and McCombs Street, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 4)**

[Department of Transportation, Keith Bennett (915) 621-6882]

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

8. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2012-040R (Management and Operation Transit and LIFT System) to First Transit, Inc., and MV Transportation, Inc. for a total estimated award of \$43,409,530.00 for a 5 year term.

Department:	Mass Transit Department (Sun Metro)
Award to Vendor 1:	First Transit, Inc. Cincinnati, OH
Items:	Option 1 – Transit Management Service for Fixed Route Transit
Option:	2 years
Annual Estimated Amount:	Year 1. \$1,084,152 (12.66 Months) Year 2. \$1,066,222 Year 3. \$1,096,385

	Year 4. \$1,127,673
	Year 5. \$1,160,142
Total Estimated Award:	\$5,534,575 (5 years- includes incentive of possible \$360,000 and special allowance \$470,416)
Award to Vendor 2:	MV Transportation, Inc. Fairfield, CA
Items:	Option 3 – Transit Service Contract for LIFT Paratransit
Option:	2 Years
Annual Estimated Amount:	Year 1. \$7,241,609 (12.66 Months) Year 2. \$7,203,808 Year 3. \$7,530,944 Year 4. \$7,807,890 Year 5. \$8,090,704
Total Estimated Award:	\$37,874,955 (5 years- includes incentives of possible \$300,000 and special allowance \$2,530,693)
Total Estimated Award:	\$43,409,530
Account No.:	60600001 – 502207 – 40345
Funding Source:	Sun Metro Operating Fund – Management Service
Districts:	All

This is an RFP, service contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

The Financial Services - Purchasing Division and Mass Transit Department (Sun Metro) recommend award as indicated to First Transit, Inc., and MV Transportation, Inc. the highest ranked proposers based on evaluation factors established for this procurement.

[Financial Services, Bruce D. Collins, (915) 541-4313]
[Deputy City Manager, Jane Shang, (915) 541-4686]

REGULAR AGENDA – OTHER BUSINESS

9. PLANNING AND ECONOMIC DEVELOPMENT:

- 9A.** Discussion and action on a Resolution authorizing the Mayor to sign the First Amendment to Interlocal Agreement by and between the City of El Paso and El Paso Downtown Management District (“DMD”) regarding additional funding of the joint Downtown Commercial Façade Improvement Grant Program, under the terms and conditions set forth therein. **(District 8)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

- 9B.** Discussion and action on a Resolution that the City Manager be authorized to sign the First Amendment to Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Cruzero Development, LLC (the "Applicant") regarding Applicant's development of a Smart Code Master

Planned Community on approximately 228 acres of real property located at the intersection of Joe Battle and Montana Avenue in El Paso, Texas. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

10. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action that the City Manager be authorized to sign the Agreement for Professional Services by and between the City of El Paso and URS Corporation, a Nevada Corporation, for a project known as “El Paso Streetcar Preliminary Engineering and Environmental Assessment” for an amount not to exceed \$1,250,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$1,300,000. **(All Districts)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
[City Manager’s Office, Jane Shang, (915) 541-4327]

11. CITY ATTORNEY’S OFFICE:

Discussion and action regarding a Resolution that the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2012 be suspended for 45 days after the effective date specified in the filing; that Texas Gas Service Company is ordered to file with the City Clerk and City Attorney complete working papers supporting all of its claimed cost of the investment in service gas utility services; that the City Manager notify Texas Gas Service Company of the suspension; and that the City Attorney be authorized to engage outside counsel to represent the City on this matter. **(All Districts)** [City Attorney’s Office, Sylvia Borunda Firth (915) 541-4550]

12. CITY MANAGER’S REPORT

Discussion and action of a new, Proposed Process and Guidelines for focusing Community Development Block Grant (CDBG) Funds, HOME Investment Partnership Grant Funds and other Grant Funds annually in pre-determined target zones, beginning September 1, 2013 **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

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.

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|-----------------|--|
| 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.** Clear Channel Outdoor, Inc. vs City of El Paso, Cause No. 2009-3939. (551.071)
[City Attorney's Office, Kenneth Krohn, (915) 541-4550]
- EX2.** PUC Docket No. 40347 El Paso Electric Company's Request to Adjust System-wide Standards pursuant to P.U.C. Subst. R. 25.52. (551.071)
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX3.** PUC Docket No. 40301 Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Two Generating Units at the Montana Site in Texas. (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX4.** PUC Docket No. 40303 Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Goals and Cost Caps. (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX5.** PUC Project No. 39674 Rulemaking Proceeding to Amend Energy Efficiency Rules; Amendments to PUC Rule §25.181. (551.071)
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
- EX6.** The Texas Department of Transportation, et. al. vs. H & W Industrial Services, Inc., et. al.; Cause No. 2010-152. (551.071) [City Attorney's Office, Robert Almonte (915) 541-4550]
- EX7.** City of El Paso Firemen and Policemen's fund (551.071)
[City Attorney's Office, Laura P. Gordon (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 THURSDAY AT THE ADDRESS BELOW:

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