

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

June 1, 2010
Council Chambers, City Hall
9:00 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 PROCLAMATION **COLUMBIAN SQUIRES WEEK**

RECOGNITION **PEDRO VILLAGRANA - 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.

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 25, 2010 and the Special City Council meeting of May 19, 2010 (in conjunction with the Transportation Committee of The Greater El Paso Chamber of Commerce meeting).

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTION(S):

3A. That the City Manager be authorized to sign the "Release of Restrictive Covenants" for property purchased by the City located at 6212 Fiesta Drive, El Paso, Texas. **(District 8)** [Engineering, R. Alan Shubert, (915) 541-4423]

3B. That the City Manager is authorized to sign the Overpass Modification Agreement for the reconstruction of the existing Yarbrough Drive Overpass grade separation crossing with the Texas Department of Transportation and the Union Pacific Railroad Company providing for a license and permission to enter the Railroad's right of way for construction and future maintenance. Under this agreement TxDOT reimburses the railroad for the work it performs. **(District 7)** [Engineering, R. Alan Shubert, (915) 541-4423]

3C. That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and D & L Land Partnership, L.P. for the purchase of the following property for the Roseway Street Drainage Improvement Project for \$130,000. Parcel 3: a portion of Tract 12T, Block 46, Ysleta Grant, in the City of El Paso, El Paso County, Texas, according to the resurveyed of said Ysleta Grant made by El Paso County Texas for tax purposes, and Parcel 4: a portion of Tract 12A, Block 46, Ysleta Grant, in the City of El Paso, El Paso County, Texas, according to the resurveyed of said Ysleta Grant made by El Paso County Texas for tax purposes. Project: PBE04ST127 Fund: 29142 Department: 14200403 Acct.: 508000 **(District 6)** [Engineering, R. Alan Shubert, (915) 541-4423]

3D. That Parents, Families and Friends of Lesbians and Gays (PFLAG)/El Paso Sun City Pride Organization be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portions of public right-of-way on Stanton Street between Franklin Street and Missouri Street from 12:00 p.m. Saturday, June 5, 2010, to 2:00 a.m. Sunday, June 6, 2010. SPL10-00016 **(District 8)** [Engineering/Traffic Division, Mirian Spencer, (915) 541-4482]

3E. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 3, 5, 7 & 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3F. The Mayor be authorized to sign an Affiliation Agreement (the "Agreement") by and between the City of El Paso (the "City") and the El Paso County Hospital District, D/B/A University Medical Center of El Paso ("Hospital"), for the Fire Department Training Academy accredited EMT-Basic course clinical training for the Fire Department employees. **(All Districts)**
[Fire Department, Otto Drozd, (915) 771-1000]

4. SPECIAL APPOINTMENT:

Appointment of Tiffany A. Quindt as Chief Prosecutor effective June 21, 2010.
(All Districts) [City Attorney's Office, Charlie McNabb, (915) 541-4550]

5. BOARD RE-APPOINTMENT:

Seam Chow to the Construction Board of Appeals by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

6. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment B) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

7A. Request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a Purchase Order to M&S Technologies, a State Department of Information Resources (DIR) contractor under DIR Contract DIR-SDD-488 for Fortinet web appliance software that blocks access to harmful, inappropriate, and dangerous websites in the amount of \$112,180.25.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department:	Information Technology
Funding Source	IT Capitol Acquisitions
Total Estimated Amount:	\$112,180.25
Reference No.;	2010-222
District(s):	All

[Information Services, Art Armas, (915) 541-4288]
[Information Technology, Terrence Freiburg, (915) 541-4188]

7B. Request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a Purchase Order to INX, Inc. a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-239 to expand existing wireless coverage at City Hall and deploy wireless communications at the El Paso Art Museum (Downtown) and the El Paso History

Museum, Richard Burges, Esperanza Acosta Moreno, Dorris Van Doren Libraries, and Mission Valley and Northeast Regional Command Centers in the estimated amount of \$89,186.13.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology
Funding Source FY09 Action Plan Funds
Total Estimated Amount: \$89,186.13
Reference No.; 2010-220
District(s): All
[Information Services, Art Armas, (915) 541-4288]
[Information Technology, Terrence Freiburg, (915) 541-4188]

- 7C.** Request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to issue a Purchase Order to INX, Inc. under the Department of Information Resources (DIR) Contract Number DIR-SDD-239 for the purchase of Cisco switches for replacements, upgrades, and additions in the estimated amount of \$58,901.65.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology
Funding Source FY09 Action Plan Funds
Total Estimated Amount: \$58,901.65
Reference No.; 2010-221
Districts: All
[Information Services, Art Armas, (915) 541-4288]
[Information Technology, Terrence Freiburg, (915) 541-4188]

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.**

An Ordinance changing the zoning of a portion of Lots 2 and 3, Block 2, Pan American Center for Industry Unit One, City of El Paso, El Paso County, Texas from M-1/SC/SP (Light Manufacturing/Special Contract/Special Permit) to C-3/SC/SP (Commercial/Special Contract/Special Permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9585 Plaza Circle. Applicant: Scott Kubitz. ZON10-00015 **(District 6)**
[Development Services/Planning, Andrew Salloum, (915) 541-4027]

PUBLIC HEARING WILL BE HELD ON JUNE 22, 2010, 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

9. ENGINEERING:

- 9A.** Discussion and action on award of Solicitation No. 2010-112 for the ITS Expansion Phase I to Tri-State Electric, LTD., for Base Bid 1 with Alternate 1 \$261,731.25; Base Bid 2 with Alternate 2 \$316,712.50; Base Bid 3 with Alternate 3 \$912,340.65; Bid Option 1 \$18,990.00; Bid Option 2 \$ 70,610.50 and Bid Option 3 plus Alternate to Bid Option 3 \$392,578.50 for a total estimated amount of \$1,972,963.40.

Department:	Engineering
Award to:	Tri-State Electric, Ltd.
Base Bid 1 with Alternate 1	\$261,731.25
Base Bid 2 with Alternate 2	\$316,712.50
Base Bid 3 with Alternate 3	\$912,340.65
Bid Option 1	\$ 18,990.00
Bid Option 2	\$ 70,610.50
Bid Option 3 plus Alternate Bid Option 3	\$392,578.50
Funding Source:	Congestion Mitigation and Air Quality (CMAQ - TXDOT)
Total Award:	\$1,972,963.40
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.
[Engineering, R. Alan Shubert, (915) 541-4423]

- 9B.** Discussion and action that the City be authorized to enter into negotiations with Urban Associates, Inc., who submitted the highest ranked proposal for the International Bridges – Stanton Toll Facility and Paso del Norte Facility

Improvements project, as per recommendations from the International Bridges and Engineering Department. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror. **(District 8)**
[Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

10. DEVELOPMENT SERVICES:

- 10A.** 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]
- 10B.** 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]

11. FINANCIAL SERVICES:

An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and Woodworkers Club of El Paso, Texas, Inc., for the lease of the property at 3228 Sacramento Avenue, El Paso, Texas, for a term of twenty (20) years, with one renewal option for an additional ten (10) years. **(District 2)**
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

12. HUMAN RESOURCES:

- 12A.** An Ordinance amending El Paso City Code, to uniformly define and use the terms “legal holiday” and “city observed holiday” within the City Code, to define the terms by amending Title 1 (General Provisions), Section 1.40.030 (Definitions and rules of construction); to change the word “holidays” to “legal holidays” by amending Title 5 (Business Taxes, Licenses and Regulations) Section 5.44.040 (Registration – form – filing), Title 9 (Health and Safety) Section 9.40.120 (Exemptions), Title 12 (Vehicles and Traffic) Sections 12.52.060 (Stopping, standing or parking prohibited during certain hours on any day), 12.88.170 (Schedule XVI-Parking limited on certain streets on all days), 12.88.180 (No stopping or standing-Tow-away Zone), and 12.88.190 (No stopping or standing at any time), Title 14 (Aircraft and Airports) Section 14.20.250 (Meters), and Title 18 (Building and Construction) Section 18.02.103.1.1.8 (Emergency work); to change the word “holidays” to “city observed holidays” by amending Title 18, Section 18.02.109.1.1.5 (Non-business hours inspection fee); and to eliminate other separate definitions of “legal holiday” by amending Title 12, Section 12.44.170 and Title 13 (Streets, Sidewalks and Public Places) Sections 13.28.010 and 13.36.010. **(All Districts)**
[City Attorney’s Office, Elaine Hengen, (915) 541-4550]

- 12B.** An Ordinance amending Ordinance 8064 (Classification and Compensation Plan) to amend Section 4.6 Legal Holidays, clarifying the holidays observed by the City, and the manner in which holidays observed by the City are administered for accrual and payment to City employees. **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]
- 12C.** An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, amending Rule 1, (Civil Service Commission) Section 5, to provide for selection of the Chair of committees appointed by the Civil Service Commission; amending Rule 4 (Classification) Section 4, changing “An” to “A”; amending Rule 6 (Certification) decreasing the number of waivers from 5 to 3; amending Rule 13 (Leave of Absence, Resignation, Sick Leave and Vacations) to provide for Special Leave based on operational necessity, as determined by the City Manager, and to provide for required testing of uniformed employees requesting reinstatement to the Police Department; and amending Rule 25 (Driver Safety Standards) Section 3, to add the requirement to report an outstanding traffic warrant by employees with driving duties; as applicable to the Civil Service System of the City of El Paso and City Employees. **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]

REGULAR AGENDA – OTHER BUSINESS

13. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council amend the City’s 2009-2010 Annual Action Plan of the Consolidated Plan for 2005-2010 by adding one new planning activity, Analysis of Impediments to Fair Housing Choice, totaling \$50,000, to the 35th Year (2009-2010) Community Development Block Grant Program, and that the City Manager be authorized to take any actions necessary to accomplish the intent of the resolution, upon approval by the City Attorney’s Office and Director of Community and Human Development Department.

(All Districts) [Community and Human Development, William Lilly, (915) 541-4643]

14. DEVELOPMENT SERVICES:

Discussion and action on Historic Landmark Commission’s request that the City Council initiate the rezoning of the property located at 500 S. Hills Street from A-3 (Apartment) to A-3/H (Apartment/Historic) and that the necessary funds be allocated and documents prepared to process such rezoning application pursuant to city code section 20.20.040.

(District 8) [Development Services/Planning, Mathew McElroy, (915) 541-4193]

15. ENGINEERING:

Discussion and action to approve a resolution to update the City of El Paso Apprenticeship program policies. **(All Districts)**

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

THIS ITEM WILL NOT BE CONSIDERED BEFORE 12:00 NOON

16. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on proposed amendments to the Solid Waste Management Regulations in Title 9.04 incorporating flow control, franchise fees and other related issues. **(All Districts)**

[Environmental Services, Ellen A. Smyth, (915) 621-6719]

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 |

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/>