

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

REVISED

AGENDA FOR REGULAR CITY COUNCIL MEETING

June 14, 2011
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. Juneteenth Freedom Celebration Day**
- 2. West Point Day**
- 3. A Bully - Free Year**

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 June 7, 2011.
[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 Non-Federal Reimbursable Agreement (AJW-FN-CSA-10-2028) between the City of El Paso, on behalf of the El Paso International Airport, and the Federal Aviation Administration ("FAA") whereby the FAA will furnish directly or by contract, supplies, equipment and services necessary to replace aging FAA equipment and relocate infrastructure related to this equipment as part of the Runway 08-R-26L Project. **(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:

3804 Edgar Park Avenue \$5,889.81 District 4
Regina R. Arnold, Debra A. Bremer, Ronald L. Arnold and Sherrie L. Lynch
(District 4) [Environmental Services, William V. Stern, (915) 599-3742]

3C. 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:

800 Park Street \$13,303.43 District 8
Gregorio Rodriguez and Francisca Rodriguez
(District 8) [Environmental Services, William V. Stern, (915) 599-3742]

3D. A Resolution approving a detailed site development plan for Lot 1A, Block 3, Keystone Business Park, Replat "A", City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24

of the El Paso City Code. Subject Property: 4508 Osborne Drive, Property Owner: Kasag, LLC, PZDS11-00005 **(District 8)**
[Planning and Economic Development, Geena Maskey, (915) 541-4192]

- 3E.** That the City Manager be authorized to sign the Compressed Natural Gas: Fuel Dispensing Licensing Agreement by and between the City of El Paso and Jobe Materials, L.P., a Texas Limited Partnership, (hereinafter "Licensee") for use of the City's Compressed Natural Gas (hereinafter "CNG") refueling and dispensing facility and adjacent areas of to access the facility, for the purpose of a two week demonstration of CNG powered ready mix concrete trucks, and the fee to be paid by Licensee for such use is \$0.08 per gallon of fuel delivered.
(All Districts) [Sun Metro, Jay Banasiak, (915) 534-5810]

4. DISCRETIONARY FUNDS:

- 4A.** Expenditure of discretionary funds, up to \$33,000, for the purchase and installation of new park name dedication signage and/or other park amenities in District 5. **(District 5)** [Representative Rachel Quintana, (915) 541-4189]
- 4B.** Expenditure of \$850 of District 8 discretionary funds for a marquee sign in the Buena Vista neighborhood. **(District 8)** [Representative Beto O'Rourke, (915) 541-4268]
- 4C.** Expenditure of \$2,500 of District 8 discretionary funds for a mural project in south El Paso. **(District 8)** [Representative Beto O'Rourke, (915) 541-4268]

5. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 5A.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Checkpoint Services, Inc, a contractor under Department of Information Resources (DIR) Contract# DIR-SDD-890, for Microsoft Office Professional License & Software assurance for ARRA BTOP (American Recovery & Reinvestment Act) (Broadband Technology Opportunity Program) Partner (non-city) intended computers. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department:	Libraries
Award to:	Checkpoint Services, Inc. El Paso, Texas
Total Estimated Award:	\$74,511.10
Funding Source:	ARRA BTOP Virtual Village
Districts:	All
Reference No.:	2011-285

This is a Cooperative, unit price contract.
[Libraries, Dionne Mack-Harvin, (915) 543-5413]
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 5B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Sigma Solutions, Inc. a contractor under the Department of Information Resources (DIR) Contract #DIR-SDD-1385, for Cisco routing equipment, and related hardware and licenses. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department: Libraries
Award to: Sigma Solutions, Inc.
San Antonio, TX
Total Estimated Award: \$129,001.02
Funding Source: ARRA BTOP Virtual Village
Districts: All
Reference No.: 2011-284

This is a Cooperative, unit price contract.
[Libraries, Dionne Mack-Harvin, (915) 543-5413]
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 5C.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Checkpoint Services, Inc, a contractor under Department of Information Resources (DIR) Contract# DIR-SDD-890, for the purchase of computers and laptops for El Paso Police Department. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department: Police Department
Award to: Checkpoint Services, Inc.
El Paso, Texas
Total Estimated Award: \$99,756.42
Funding Source: Federal Confiscated Funds
Districts: All
Reference No.: 2011-288

This is a Cooperative, unit price contract.
[Police, Eric Shelton, (915) 564-7310]
[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

- 6. 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.**

- 6A.** An Ordinance granting a Special Privilege License to MCAmericas Realty, Inc. for the maintenance, and repair of three surface posts attached to the structure located at 440 Raynolds Boulevard located within portions of City right-of-way along Rosa Street for a term of ten years. (NESV11-00012) **(District 3)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]
- 6B.** An Ordinance amending The Plan for El Paso and the year 2025 General Land Use Map by amending the Medical Center of the Americas Master Plan as a specific study area plan. PLRG11-00011 **(District 3)**
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]
- 6C.** An Ordinance vacating a portion of an alley being a 0.0136 acre parcel of land out of a 9.5 foot wide alley adjacent to Block 1, Map of Orchard Park Addition, City of El Paso, El Paso County, Texas. **(District 8)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 6D.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to add Plexxar as a north-south Collector Arterial with Bike Lanes, connecting the extensions of La Mesa Avenue and Hoover Avenue, across Trans Mountain Road, east of Resler Drive and west of the extension of Paseo del Norte Road. **(District 1)** [Planning and Economic Development, Todd Taylor, (915) 541-4114]

PUBLIC HEARING WILL BE HELD ON JUNE 21, 2011, FOR ITEMS 6A – 6D

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 Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

7. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2011-192 for the Clint Landfill Access Road & Public Drop-Off Area to Allied Paving Company of El Paso Inc., for a total estimated amount of \$1,000,481.12.

Department:	Engineering and Construction Management
Award to:	Allied Paving Company of El Paso Inc. El Paso, TX
Base Bid:	\$1,000,481.12
Total Estimated Completion:	\$1,000,481.12
Funding Source:	Environmental Services Fund
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-priced contract. The Engineering and Construction Management Department recommends the low bidder, Saab Site Contractors, L.P., be deemed non-responsible because the company has been deemed in default of its contract on a separate construction project.

Allied Paving Company of El Paso Inc. is the lowest responsible, responsive bidder. It is requested that the City Manager be authorized to sign the reference contract.
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

8. FIRE:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Daco Fire Equipment, Inc., a contractor under Houston Galveston Area Council Cooperative (HGAC) Contract # FS12-09, for one Quint type fire apparatus with a 100 foot aerial device. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The cost is only an estimated minimum value. The actual cost may be higher or lower than the total estimated minimum value, so long as increased funds are appropriated in the budget.

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

Department:	Fire Department
Award to:	Daco Fire Equipment, Inc. Lubbock, Texas
Total Estimated Award:	\$970,187
Funding Source:	Fire Station # 31 – Construction
Districts:	All
Reference No.:	2011-250

This is a Cooperative, unit price contract.

[Fire, Otto Drozd, (915) 771-1000]
[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

9. MAYOR AND COUNCIL:

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to Section 2.92.120 (Ethics Training) to add requirements for receiving training on the ethics and lobbying ordinances; the penalty being as provided in Section 2.92.150 A of the El Paso City Code. **(All Districts)**

[Representative Emma Acosta (915) 541-4572]

10. MUSEUM AND CULTURAL AFFAIRS

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museum and Cultural Affairs) adding Section 2.40.100 (Artist Market) to create an Artist Market permitting vendors from the region to display and sell hand made or hand assembled items for the benefit of the citizens and visitors to El Paso; the penalty provided in Sections 1.08.010 through 1.08.030 of the City Code..

(All Districts) [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4481]

11. DEPARTMENT OF TRANSPORTATION:

11A. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) Section 15.08.120 (Special Privilege Licenses and Permits) to create an exception from the permitting requirement for events produced by the Museums and Cultural Affairs Department. **(All Districts)**

[Department of Transportation, Teresa Quezada, (915) 621-6750]

11B. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations) Section 13.20.040 (Selling of Merchandise Prohibited on and near Public Right-of-way) to allow for the sale of items authorized by Ordinance or Permit **(All Districts)**.

[Department of Transportation, Teresa Quezada, (915) 621-6750]

11C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.30 (Temporary Traffic Control) Section 12.30.030 (Permit Required) to create an exemption from the permitting requirement for events produced by the Museums and Cultural Affairs Department. **(All Districts)**

[Department of Transportation, Teresa Quezada, (915) 621-6750]

12. PLANNING AND ECONOMIC DEVELOPMENT:

12A. An Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8482 Alameda Avenue. Applicant: NCJ Development, Inc. and Cash Investments, Inc. ZON10-00093 **THIS IS AN APPEAL CASE**

(District 7) [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 12B.** An Ordinance changing the zoning of Lot 1, Block 4, Hueco Mountain Village, City of El Paso, El Paso County, Texas from C-3/SP (Commercial/Special Permit) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11890 Montana Avenue. Applicant: SGARS, L.P. ZON11-00007 **THIS IS AN APPEAL CASE (District 5)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
POSTPONED FROM 06-07-2011
- 12C.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Sections 20.18.050 (Definitions), Section 20.18.400 (General) and Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) of the El Paso City Code to modify definitions related to signs, to modify monument and pole sign regulations and to modify wall sign regulations. The penalty is as provided in Section 20.24 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
POSTPONED FROM 5-31-2011 AND 6-7-2011

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

Discussion and action on the appeal by property owner of decision of Historic Landmark Commission concerning improvements to property located at 209 N. Stanton St. **(District 8)** [Representative Beto O'Rourke, (915) 541-4268]

14. ENGINEERING AND CONSTRUCTION MANAGEMENT/SUN METRO:

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 Lockwood, Andrews & Newman, Inc., a Texas Corporation, for a project known as "Mesa Corridor Rapid Transit System (Mesa Corridor RTS)" for an amount not to exceed \$1,480,791 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$1,530,791. **(Districts 1 and 8)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
[Sun Metro, Jay Banasiak, (915) 534-5810]

15. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action that City Council approve the creation of the City of El Paso Economic Development Incentive Policy "Impact Fund" for the purpose of achieving economic growth and development, wage growth, expanding and diversifying the tax base and creating new quality jobs within the City of El Paso. **(All Districts)**

[Planning and Economic Development, Ernesto Gamboa (915) 541-4670]

**THE FOLLOWING ITEM NOT TO BE HEARD BEFORE 11:00
A.M.**

REGULAR AGENDA – PUBLIC HEARINGS

16. MAYOR AND COUNCIL

An Ordinance amending Ordinance No. 017456, to provide that City health benefits shall be available to City employees and their legal spouse and dependent children and all other persons who are within an eligible class or in a class that actually received benefits under a City health benefits plan prior to November 10, 2010. **(All Districts)**

[Mayor John F. Cook, (915) 541-4145]

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.** Sleep Inn, Hotel Occupancy Tax Collection, Our File No. 11-COL-012 (551.071)
[City Attorney's Office, Audrey N. Hare, (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/>