

OSCAR LEESER
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

JULY 23, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
JULY 22, 2013
9:00 a.m.

NOTE:

- The City Council Agenda has been reorganized as directed by City Council on June 25, 2013 to allow for a **Call to the Public at 12:15 p.m. – 12:45 p.m.** Requests to speak must be received by **9:00 a.m.** on the date of the meeting. Three minutes may be allowed for each speaker. Thirty minutes in total will be devoted for Call to the Public.
- 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.
- If items are scheduled for the Executive Session, the Council will move to Executive Session at the end of the Regular Agenda items or after Call to the Public, whichever comes first or as determined by the Presiding Officer.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE BY ABIGAIL HOLGUIN AND REBEKAH HOLGUIN

MAYOR'S PROCLAMATION

- 1. NATIONAL DAY OF THE COWBOY**
- 2. JOVENES EMPRESARIOS/YOUNG ENTREPRENEURS WEEK**

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 July 16, 2013, and the Legislative Review Meeting of the Whole of July 15, 2013.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the sale and service of alcoholic beverages by Hello Day Cafe and Tricky Falls/Bowie Feathers, in the closed portions of City rights-of-way on South El Paso Street between West San Antonio Avenue and East Overland Avenue, from 3:00 p.m. Saturday, July 27, 2013 through 1:00 a.m. Sunday, July 28, 2013 is a permissible activity in conjunction with Melt: Last Saturdays Downtown. (NESV13-00020) **(District 8)** [City Development, Martin Camarillo, (915) 541-4007]

3B. That Townsquare Media of El Paso and St. Raphael Parish be authorized to utilize Cleveland Square Park from 1:00 a.m. to 5:00 a.m. Saturday, August 3, 2013, Sunday, August 4, 2013 and Monday, August 5, 2013. The sale and service of alcoholic beverages by Townsquare Media of El Paso and St. Raphael Parish, in the closed portions of City rights-of-way on East Franklin Avenue between North Oregon Street and North Santa Fe Street, on North El Paso Street between West Main Drive and East Franklin Avenue and in Cleveland Square Park, from 5:00 p.m. to 11:00 p.m. Saturday, August 3, 2013 and 5:00 p.m. to 10:00 p.m. Sunday, August 4, 2013 is a permissible activity in conjunction with The Mexican Food Cook Off. (NESV13-00021) **(District 8)**
[City Development, Martin Camarillo, (915) 541-4007]

3C. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(All Districts)**
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]

3D. That the City of El Paso supports the goals of the Enroll El Paso Collaborative to establish a program to help El Paso County consumers understand new health care coverage options and supports the efforts of the Enroll El Paso Collaborative to submit a federal grant application to fund the training and certification of Navigators to identify and assist the uninsured in establishing eligibility and enrolling in the health insurance marketplace created by the Patient Protection and Affordable Care Act. **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]

3E. Approve a Resolution to name the park located at 4701 Ramon Vega, El Paso, Texas as Eddie "Hirby" Beard Park. **(District 5)**
[Parks and Recreation, Tracy Novak, (915) 541-4338]

4. BOARD RE-APPOINTMENT:

Steve Nordberg to the Community Development Steering Committee by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4886]

5. 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, David Childs, (915) 541-4598]

6. BID:

The award of Solicitation No. 2013-228 for Yucca Park Expansion to Globe Builders, LLC, for an estimated total amount of \$360,360.

Department:	Engineering and Construction Management
Award to:	Globe Builders, LLC
	El Paso, TX
Base Bid:	\$360,360
Total Estimated Award:	\$360,360
Time for Completion:	150 Consecutive Calendar Days
Accounts:	190-29010-580270-4800-PCP13PRKA32
Funding Source:	2012 Quality of Life Bonds
District:	7

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder. [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

REGULAR AGENDA - INTRODUCTIONS

7. 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.**

7A. An Ordinance amending Ordinance No. 016528 to modify the boundaries of Tax Increment Reinvestment Zone Number 5, City of El Paso, Texas to include an additional area in Downtown El Paso: Addition C Area- South El Paso, as more

fully described herein; and adopting amendments to the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number 5 to incorporate the increase to the fund resulting from the expansion to the boundary, and to allocate additional funding from the financing plan to the Commercial Facade Improvement Program and Tax Increment Reinvestment Zone Administrative Costs; adopting said amendments as required by Section 311.011(E) Texas Tax Code; also providing a severability clause. **(District 8)**
[City Development, Marty Howell (915) 541-4680]

PUBLIC HEARING WILL BE HELD ON JULY 30, 2013, FOR ITEM 7A

- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping Or Standing - Tow Away Zone), of the El Paso City Code to delete an obsolete provision and provide more parking on Campbell Street, the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 8)** [Department of Transportation, Keith Bennett, (915) 621-6882]

- 7C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV - Speed Limits) Paragraph F (Thirty-Five Miles Per Hours and Paragraph G (Forty Miles per Hour), of the El Paso City Code, to add new locations, the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code. **(District 1)**
[Department of Transportation, Keith Bennett, (915) 621-6882]

PUBLIC HEARING WILL BE HELD ON AUGUST 6, 2013, FOR ITEMS 7B – 7C

- 7D.** An Ordinance changing the zoning of a portion of Lot 2, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Abram Wiebe Dyck and Aganetha Fehr Hildebrand, Location: south of Desert Boulevard and north of Los Mochis Drive, PZRZ11-00043 **(District 1)**
[City Development, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON AUGUST 20, 2013, FOR ITEM 7D

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, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

8. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2013-126 for Country Club Road Improvements to SUNDT Construction, Inc. for a total award of \$14,079,213.

Department:	Engineering and Construction Management
Award to:	SUNDT Construction, Inc.
	Tempe, AZ
Base Bid 1:	\$10,123,499.50

Base Bid 2:	\$ 3,397,553.50
Base Bid 3:	\$ 558,160.00
Total Estimated Award:	\$14,079,213.00
Time for Completion:	570 Consecutive Calendar Days
Account:	190-580270-4510-28320-PCP10TRAN010 190-580270-4950-38280-PCP10TRAN010 190-580270-4970-38230-PCP10TRAN010
Funding Source:	FHWA/State/City Match/EPWU
Districts:	1 and 8

That the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measure 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder. [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

REGULAR AGENDA – OTHER BUSINESS

9. CITY ATTORNEY:

9A. Discussion and action on Interim Rate Adjustment Request filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2013.
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]
[POSTPONED FROM 07-02-2013 AND 07-16-2013]

9B. Discussion and action regarding a Resolution amending the Joint Resolution between the City of El Paso and the El Paso Water Utilities Public Service Board approved by the El Paso City Council on July 31, 2012 to amend the size of soccer fields to be constructed; to add the expansion of two existing soccer fields; and to add a time period for completion of the expansion of the soccer fields. **(District 6)** [City Attorney's Office, Theresa Cullen, (915) 541-4550]

10. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on a Resolution to authorize an amendment to the 2011 Transportation Funding Plan to reprogram \$3,312,448 from the Montana Rapid Transit System project to the Mulligan (Luther) Building Rehabilitation Project; to authorize the City Manager to use surplus funds from other Capital Improvements Plan (CIP) projects as they are completed, to replenish the Montana RTS funding in the amount not to exceed \$3,312,448; to authorize the City Manager to use \$1,227,932 of additional funds from the list of completed CIP projects attached as Exhibit "A" to the resolution, and

reprogram these funds to the Mulligan (Luther) Building Rehabilitation project for a total project budget of \$13,399,316 for the Mulligan (Luther) Building Rehabilitation project; and to authorize the City Manager to make any necessary budget transfers and execute all documents necessary for the execution. **(All Districts)**
 [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

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.** Claim of John F. Cook, our file No. 13-1001-038. (551.071)
 [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

12:15 p.m. – 12:45 p.m. 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 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/>