

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

AGENDA FOR REGULAR COUNCIL MEETING

July 24, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
9:00 a.m.
July 23, 2012

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 PROCLAMATION

NATIONAL DAY OF THE COWBOY

RECOGNITION:

CITY OF EL PASO ENVIRONMENTAL SERVICES DEPARTMENT RECIPIENT OF THE 2012 FINEST AWARD "LANDFILL DESIGN AND OPERATIONS" AND THE 2012 FINEST AWARD "INTEGRATED SOLID WASTE SYSTEM" PRESENTED BY THE TEXAS SOLID WASTE ASSOCIATION OF NORTH AMERICA (TXSWANA)

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 July 17, 2012, and the Special City Council Meeting of July 11, 2012 (Budget Hearings for General Services, Sun Metro, Municipal Clerk and Fire), and the Special City Council Meeting of July 12, 2012 (Budget Hearings for Department of Public Health, Information Technology, Engineering and Construction Management and City Development).
[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 Third Amendment to the Industrial Site Lease by and between the City of El Paso ("Lessor") and Avis Rent A Car System, Inc. ("Lessee") to provide options to extend the Lease for additional periods for the following described property: Lots 3 and 3-A, Block 1-C, El Paso International Airport Tracts Unit 6 Replat, El Paso, El Paso County, Texas and municipally known and numbered as 6520 Convair Road. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a one year Agreement for Consulting Services by and between the City of El Paso and Walter P. Moore and Associates, Inc., a Texas Corporation, for a project known as "COMMUNICATIONS ENGINEERING ON-CALL CONSULTING SERVICES" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total one year contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the additional one year option for the same type of services described in the Agreement at the same limit on the amount of compensation, and provided that the total amount of compensation shall not exceed \$450,000 for each year of the Agreement. If the one year option is exercised, the total contract amount for the two years shall not exceed \$900,000.

(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3C.** That the Solid Waste liens on the attachment posted with this agenda be approved (See attachment A). **(All Districts)**

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

- 3D.** A Resolution that Townsquare Live Events, LLC and Osaple, Inc. be authorized to utilize San Jacinto Plaza from 1:00 a.m. to 5:00 a.m. Saturday, August 4, 2012 and Sunday, August 5, 2012; and that the sale and service of alcoholic beverages by Townsquare Live Events, LLC and Osaple, Inc. in the closed portions of City rights-of-way on Oregon Street between Main Drive and Texas Avenue, Mills Avenue between Oregon Street and Mesa Street and Main Drive between Oregon Street and Mesa Street, and in San Jacinto Plaza from 4:00 p.m. Saturday, August 4, 2012 to 2:00 a.m. Sunday, August 5, 2012, in conjunction with the Mexican Food World Cook-Off, is a permissible activity (NESV12-00020)

(District 8) [City Development, Mirian Spencer, (915) 541-4482]

4. BOARD RE-APPOINTMENT:

Micheal C. Wendt to the El Paso County 911 District Board of Managers by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

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, Leo Fierro, Jr., (915) 541-4369]

6. DISCRETIONARY FUNDS:

That the City Council declares that the expenditure of District Nos. 3, 5, 7, and 8 discretionary funds or any other Districts' discretionary funds, in the amount as determined by each contributing District, to offset a portion of No D.U.I. El Paso's costs in providing designated driver service trips that originate in El Paso at a rate of \$70 per trip, thereby serving as a crime prevention activity by reducing alcohol-related traffic accidents in El Paso and allowing the City to direct its resources toward other law enforcement activities, which serves a municipal purpose and is authorized.

(All Districts)

[Representative Cortney Niland, (915) 541-4268; Representative Steve Ortega, (915) 541-4124; Representative Emma Acosta, (915) 541- 4515; Representative Michiel Noe, (915) 541-4189]

7. REQUEST TO ISSUE PURCHASE ORDER:

Request issuance of a change order to a Purchase Order for Contract No. 2011-149R (PeopleSoft Re-Implementation Project) to CherryRoad Technologies Inc.

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

Department: Information Technology
 Award to: CherryRoad Technologies Inc.
 Morris Plains, NJ
 Total Estimated Award: \$73,644.48
 Account No.: 39010351 – 502202 – 01101
 Funding Source: General Fund
Districts: All

[Information Technology, Miguel Gamino, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

8. BIDS:

8A. To award Solicitation No. 2012-192 for Hondo Pass Environmental Services Remodel to Sunlight Enterprises Co., Inc., the highest ranked proposal, for an estimated total amount of \$266,000.

Department: Engineering & Construction Management
 Award to: Sunlight Enterprises Co., Inc.
 Base Bid: \$258,000
 Option No. 1 \$ 3,500
 Option No. 2 \$ 4,500
 Total Estimated Completion: \$266,000
 Funding Source: Environmental Operating funds
District: 4

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.

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 lump-sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.

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

8B. The award of Solicitation No. 2012-261 (Inflatable-Mobile Drive-through Pharmacy-Vaccination Shelter) to EMS Innovations, Inc. for a total award of \$91,584.

Department: Public Health
 Award to: EMS Innovations, Inc.
 Pasadena, MD
 Items: All
 Option: To purchase 100% at the same unit price if exercised within 90 days from date of award

Unit Amount: \$15,264
 Total Award: \$91,584 (for 6 Units)
 Account No.: 41150023 – 508007 – 06340 – G411225
 Funding Source: OPHP Bio Terrorism – Public Safety Equipment
Districts: All

This is a fixed-price, single (one-time) purchase.

The Financial Services - Purchasing Division and Public Health recommend award as indicated to EMS Innovations, Inc., the sole responsive, responsible bidder.

[Public Health, Michael Hill, (915) 771-5702]

[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

9. 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.

- 9A.** An Ordinance vacating a portion of a 15 foot alley, Block 61, Supplemental Map No. 1 of East El Paso, City of El Paso, El Paso County, Texas. Applicant: Vasquez Realty Holdings, LLC., (SURW12-00001). **(District 8)**
 [City Development, Justin Bass, (915) 541-4930]
- 9B.** An Ordinance granting a special privilege license to Marcus Courts Partners, LP, owner, Lowbrow Palace, LLC and Drag-IN, LLC dba The Palomino, Lessees, for the construction, installation, maintenance, use, and repair of two outdoor patio cafes within portions of City right-of-way along East Robinson Avenue adjacent to the property located at 2601 North Mesa Street, also known as 111 East Robinson Avenue, and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio cafe areas (NESV11-00032). **(District 8)** [City Development, Mirian Spencer, (915) 541-4482]
- 9C.** An Ordinance amending Title 13 (Streets, Sidewalks and Public places), Chapter 13.24 (City Parks and Recreation Areas), of the El Paso City Code in its entirety by repealing Chapter 13.24 in its entirety and adopting a new Chapter 13.24 (City Parks and Recreation Areas) in its place to clarify department policies; the penalty being as provided in Section 13.24.220 and Sections 1.08.010-1.08.030 of the El Paso City Code. **(All Districts)**
 [Parks and Recreation, Nanette Smejkal, (915) 541-4283]
- 9D.** An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.106 (Permit Fees) of the El Paso City Code, to clarify the criteria for valuation of New Residential and New Commercial permit fees, the penalty being as provided in Section 18.02.111 (Violations and Penalties) of the El Paso City Code. **(All Districts)** [City Development, Victor Morrison-Vega (915) 541-4556]
- 9E.** An Ordinance adopting the 2012 Edition of the International Energy Conservation Code as an Alternative Energy Conservation Code for the City and amending Title 18 (Building and Construction) of the El Paso City Code, to add Chapter

18.80 (Alternative Energy Conservation Code) and providing incentives for use of the Alternative Energy Conservation Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

(All Districts) [City Development, Victor Morrison-Vega, (915) 541-4556]

9F. An Ordinance vacating a portion of 9.5' alley adjacent to Lots 27 and 28, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00010
Applicant Information: Aurora A. Rosales, 200 Hardesty, El Paso, TX 79905.
(District 8) [City Development, Raul Garcia, (915) 541-4935]

9G. An Ordinance vacating a portion of 9.5' alley adjacent to Lots 25 and 26, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00009
Applicant Information: Maria Chaparro, 202 Hardesty, El Paso, TX 79905.
(District 8) [City Development, Raul Garcia (915)541-4935]

9H. An Ordinance vacating a portion of 9.5' alley adjacent to Lots 16, 17 and 18, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00007 Applicant Information: Raul Dozal, 212 Hardesty, El Paso, TX 79905.
(District 8) [City Development, Raul Garcia, (915) 541-4935]

9I. An Ordinance vacating a portion of 9.5' alley adjacent to Lot 15 and the north ½ of Lot 14, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00003 Applicant Information: Maria Teresa Siegemund, 214 Hardesty, El Paso, TX 79905. **(District 8)**
[City Development, Raul Garcia, (915) 541-4935]

9J. An Ordinance vacating a portion of 9.5' alley adjacent to Lots 8 and 9, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00004
(District 8) Applicant Information: Noe Roberto Carreon, 220 Hardesty, El Paso, TX 79905. **(District 8)** [City Development, Raul Garcia, (915) 541-4935]

9K. An Ordinance vacating a portion of 9.5' alley adjacent to Lot 6 and 7, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00008.
Applicant Information: Celia Romero, 222 Hardesty, El Paso, TX 79905.
(District 8) [City Development, Raul Garcia, (915) 541-4935]

PUBLIC HEARING WILL BE HELD ON JULY 31, 2012, FOR ITEMS 9A –9K

9L. An Ordinance changing the zoning of Tract 8C, Boothville Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Investment Builders, Inc. Subject Property: 8628 North Loop Drive. PZRZ12-00011 **(District 7)** [City Development, Andrew Salloum, (915) 541-4238]

9M. An Ordinance releasing all conditions placed on property by Ordinance No. 016861 which changed the zoning of Lot 1A, Block 1, Montecillo Unit 1 Replat A; and Lot 1, Block 2, Montecillo Unit Two, 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: Mesa Street at Montecillo Boulevard. Property Owner: EPT Mesa Development, L.P. PZCR12-00003. **(District 8)**
[City Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON AUGUST 21, 2012, FOR ITEMS 9L – 9M

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 – OTHER BIDS, CONTRACTS, PROCUREMENTS

10. INTERNATIONAL BRIDGES:

Discussion and action on the award of Solicitation No. 2012-193 (Single Space Parking Meters) to IPS, Group, Inc. for an initial term estimated award of \$1,708,080.

Department:	International Bridges
Award to:	IPS Group, Inc. San Diego, CA
Items:	All
Initial Term:	5 Years
Option:	None
Annual Estimated Award:	\$1,032,720 First Year, then \$ 168,840 each for Years 2, 3, 4 and 5
Initial Term Estimated Award:	\$1,708,080 (5 Years)
Total Estimated Award:	\$1,708,080 (5 Years)
Account No.:	Internal Financing through the Bridges Enterprise Fund
Funding Source:	Internal Financing through the Bridges Enterprise Fund
Districts:	All

This is a low bid, service contract.

That the City Council authorizes the City Manager to execute any and all documents related to this transaction, and make any necessary budget transfers necessary to implement this project. The costs will be capitalized and payment budgeted annually from parking meter revenues over a period not to exceed the life of the assets.

The Financial Services - Purchasing Division and International Bridges recommend award as indicated to IPS Group, Inc., the lowest responsive, responsible bidder, and that Duncan Parking Technologies, Inc. be disqualified as non-responsive.

[International Bridges, Said Larbi-Cherif, (915) 533-7428]

[Financial Services, Bruce D. Collins, (915) 541-4313]

POSTPONED FROM 06-26-12 AND 07-10-12

REGULAR AGENDA – PUBLIC HEARING

11. CITY DEVELOPMENT:

11A. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1,

City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

(All Districts) [Planning and Economic Development, Arturo Rubio, (915) 541-4633]
 POSTPONED FROM 9-20-11, 12-20-11, 1-24-12, 4-3-12 and 5-29-12

- 11B. An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

(All Districts) [Planning and Economic Development, Mathew McElroy, (915) 541-4663]
 POSTPONED FROM 9-20-2011, 12-20-11, 1-24-12, 4-3-12 and 5-29-12

REGULAR AGENDA – OTHER BUSINESS

12. CITY ATTORNEY’S OFFICE:

Discussion and action on Interim Rate Adjustment Request filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2012. (551.071)

[City Attorney’s Office, Sylvia Borunda Firth, (915) 541-4550]
 POSTPONED FROM 07-10-12

13. MAYOR AND COUNCIL:

- 13A. Discussion and action in regards to the South Side Neighborhood Association Neighborhood Block Party **(District 8)** [Representative Cortney Niland, (915) 541-4268]

- 13B. Discussion and action on clarifying council’s expectations for the CITY OF EL PASO ADVISORY COMMITTEE ON PUBLIC SERVICE BOARD (PSB) LAND MANAGEMENT to include 1) posting meetings in compliance with the Texas Open Meetings Act, 2) scope of work and 3) interaction between City Council members and the committee. **(All Districts)** [Representative Susie Byrd (915) 541-4416]

- 13C. Discussion and action regarding Mayor John F. Cook’s acceptance to the U.S. Department of Commerce invitation by Assistant Secretary for Market Access and Compliance to participate as a panelist in the “Realizing the Economic Strength of Our 21st Century Border: Trade, Education, and Jobs” conference to be held at the Arizona State University on September 23-25, 2012. The conference will feature a panel of prominent mayors from both sides of the border. Mayor Cook will be paying all travel expenses with personal funds. [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.** Public Utility Commission of Texas Docket No. 40343; SOAH Docket No. 473-12-6040, 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]
- EX2.** Public Utility Commission of Texas Docket No. 40347; Request of El Paso Electric Company 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.** Public Utility Commission of Texas Docket 40547, Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff Pursuant to PURA §36.354. (551.071) [City Attorney's Office, Sylvia Borunda Firth, (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/>