

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 CITY COUNCIL MEETING

**August 2, 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, Fire, and CIMA Chaplain Sam Faraone
Pledge of Allegiance**

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 July 26, 2011, the Special City Council Meeting of July 23, 2011 (Neighborhood Summit), and the Special City Council meeting of July 27, 2011 (Budget Hearings for General Services, Human Resources, City Attorney, Mayor and Council, Office of Management and Budget/City Manager and Non-Departmental).

[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 nine Local Project Advance Funding Agreements (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for the agreements are described as the installation of school zone flashers within the vicinity of schools located in the El Paso Independent School District, Socorro Independent School District and Ysleta Independent School District areas as part of the Safe Routes to School Program. There is no cost to the city. **(All Districts)**

[Department of Transportation, Ted Marquez, (915) 621-6814]

3B. 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]

3C. A Resolution approving a detailed Site Development Plan, for a portion of Lot 18, Block 2, Montwood Heights Unit Four, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property, 12400 Montwood Drive, property owner: Oro Partners Ltd., PZDS11-00011 **(District 6)**

[Planning and Economic Development, Geena Maskey, (915) 541-4192]

3D. That the action of the Representatives on July 12 2011 to resolve themselves in to the Legislative Review Committees be amended to add Emma Acosta as the 5th member of the Economic Development, Planning & Tourism Legislative Review Committee. **(All Districts)** [Representative, Ann Morgan Lilly, (915) 541-4151]

4. 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]

5. REQUEST TO ISSUE PURCHASE ORDERS:

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to TW TELECOM (Time Warner), a contractor under General Services Administration (GSA) Contract GS-35F-0426R, for Internet Services. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

Department: Information Technology
 Award to: TW TELECOM (Time Warner)
 Littleton, CO
 Annual Estimated Amount: \$ 89,568
 Total Estimated Award: \$268,704 (3 years)
 Account No.: 39010352-504000-01101
 Funding Source: FY 2012 Information Technology General Funds
 Reference No.: 2011-337
Districts: All

This is a Cooperative unit price type contract.
 [Information Technology, Miguel Gamino, (915) 541-4746]
 [Purchasing Manager, 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 amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - parking prohibited at all times on certain streets) of the El Paso City Code to amend and delete some of the existing locations. **(District 8)**

[Department of Transportation, Ted Marquez, (915) 624-6814]

6B. An Ordinance granting a Special Privilege Permit to The Place At Union Plaza, Inc. permitting the encroachment of twelve awnings, one metal façade, and two handicap accessibility ramps within Portions of City rights-of-way on Anthony Street and W. San Antonio Avenue adjacent to the property located at 518 San Antonio Avenue (NESV11-00026) **(District 8)**

[Department of Transportation, Mirian Spencer, (915) 541-4482]

6C. An Ordinance granting a non-exclusive franchise to American Disposal Service, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**

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

6D. An Ordinance granting a non-exclusive franchise to El Paso Disposal, LP, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as

provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

6E. An Ordinance granting a non-exclusive franchise to Heist Disposal, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

6F. An Ordinance granting a non-exclusive franchise to Moore Service, Inc., to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

6G. An Ordinance granting a non-exclusive franchise to Sandoval Capital, Inc. d/b/a Bronco Disposal, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

6H. An Ordinance granting a non-exclusive franchise to Jose Roman Gonzalez, Jr. d/b/a JRG Disposal Service, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2011, FOR ITEMS 6A – 6H

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 award of Solicitation No. 2011-192 for the Clint Landfill Access Road & Public Drop-Off Area to Saab Site Contractors, L.P., for a total estimated amount of \$902,315.

Department: Engineering and Construction Management
Award to: Saab Site Contractors, L.P.
Base Bid: \$902,315
Total Estimated Completion: \$902,315
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. Saab Site Contractors, L.P. 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]

REGULAR AGENDA – PUBLIC HEARINGS

8. PLANNING AND ECONOMIC DEVELOPMENT:

- 8A.** An Ordinance changing the zoning of all of Tract 1A4, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of Joe Battle (Loop 375) and South of Maribel Chavez Court. Property Owner: The Episcopal Church Diocese of the Rio Grande. PZRZ11-00019 **(District 5)**
[Planning and Economic Development, Geena Maskey, (915) 541-4192]
- 8B.** An Ordinance to correct a clerical error in Ordinance No. 017303 approved on March 30, 2010, which rezoned several parcels of property. **(District 6)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 8C.** An Ordinance granting Special Permit No. PZST11-00004, to allow for a convenience store with gas pumps and approving a detailed site development plan on the property described as Lot M, Block 45, Mills Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 311 W. Paisano Drive. Applicant: Enrique Guajardo. PZST11-00004 **(District 8)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 8D.** An Ordinance changing the zoning of all of Lot 8, Block 3, Hueco View Acres, City of El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11440 Turner Road. Applicant: Dominguez Properties, LTD. PZRZ11-00009 **(District 5)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
POSTPONED FROM 07-19-2011
- 8E.** An Ordinance changing the zoning of all of Tract 26 and south half of Tract 25, Rangers Rest Subdivision, City of El Paso, El Paso County, Texas from R-4

(Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1025 and 1029 Ranger Street. Applicant: Alfredo Rodarte. ZON10-00110 **(District 7)**

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

POSTPONED FROM 07-19-2011

- 8F.** An Ordinance zoning Parcel 1: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, to C-2 (Commercial), Parcel 2: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to R-5 (Residential) and Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Pebble Hills Boulevard and East of John Hayes Boulevard. Applicant: Ranchos Real IV, LTD. ZON10-00106 **(District 5)**
[Planning and Economic Development, Arturo Rubio, (915) 541-4633]
POSTPONED FROM 07-12-2011 and 07-19-2011
- 8G.** An Ordinance annexing the following real property described as a portion of Sections 37 and 48, Block 79, Sections 7 and 18, Block 78, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Property Owner: Ranchos Real IV, LTD. AN10-003 (ZON10-00075)
(East ETJ, Adjacent to District 5)
[Planning and Economic Development, Ernesto Arriola, (915) 541-4723]
POSTPONED FROM 07-12-2011 and 07-19-2011
- 8H.** An Ordinance granting Special Permit No. PZST11-00005, to allow for infill development for lot width and lot size reduction on the property described as Lot 39, Block 1, Alexander addition to Ysleta, 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 for in chapter 20.24 of the El Paso City Code. Subject Property: 461 Gonzales. Applicant: Javier Martinez. PZST11-00005 **(District 6)**
[Planning and Economic Development, Geena Maskey, (915) 541-4192]
POSTPONED FROM 07-12-2011, 07-19-2011 and 07-26-2011
- 9. CITY MANAGER:**
- 9A.** An Ordinance establishing deadlines and procedures for placing matters on the agenda for City Council Meetings and repealing Ordinance No. 16086.
(All Districts)
[City Manager, Joyce Wilson, (915) 541-4844 on behalf of Mayor and Council]
- 9B.** Discussion and action on a Resolution adopting revised Rules of Order for the City Council. **(All Districts)** [City Manager, Joyce Wilson, (915) 541-4844 on behalf of Mayor and Council]
- 10. DEPARTMENT OF TRANSPORTATION:**
- An Ordinance granting a Special Privilege License to United Bank of El Paso Del Norte permitting the encroachment of seven canopies and 12 façade encroachments totaling 372.0 square feet over and along portions of City right-of-way located on Main Drive Kansas Street, and Campbell Avenue adjacent to 401 E. Main Drive. (NESV11-00022) **(District 8)** [Department of Transportation, Mirian Spencer, (915) 541-4482]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

Discussion and action to issue a release of lien at 5613, 5617 and 5621 Ranchito.
(District 4) [Representative Carl L. Robinson, (915) 541-4400]

12. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action that the City Manager be authorized to sign the Second Amendment to the Agreement for Professional Services by and between the City of El Paso and Jacobs Engineering Group, Inc., a Delaware Corporation, for a project known as “Transit Planning Services: Alternative Analysis Development” to add additional professional services for program management and design oversight for the City of El Paso’s Rapid Transit System (RTS), in the amount of \$672,563, thereby extending the contract amount from \$1,030,865 to \$1,703,428. **(All Districts)**
[Sun Metro, Jay Banasiak, (915) 534-5810]
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

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 Raul De la Rosa, Our File No. 11-C-077 (551.071)
[City Attorney’s Office, Karla M. Nieman (915) 541-4550]
- EX2.** Claim of Eric Flores, Our File No. 11-C-102 (551.071)
[City Attorney’s Office, Karla M. Nieman, (915) 541-4550]
- EX3** Legal matters relating to the franchise agreement with ONEOK WesTex Transmission, LLC (551.071) [City Attorney’s Office, Bertha Ontiveros, (915) 541-4550]
- EX4.** The request of Texas Gas Service Company, an operating Division of ONEOK, Inc., for an Interim Rate Adjustment dated May 2, 2011 pursuant to Texas. Utility Code Ann §104.301 (GRIP Statute). (551.071) [City Attorney’s Office, Bertha A. Ontiveros, (915) 541-4550]

- EX5.** Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff before the Public Utility Commission of Texas, Docket No. 39590. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX6.** Empowerment Zone Loan EZRLF-56 to Alameda Plumbing Repair, Inc., loan guarantors being Alejandro Puga, Juan Puga, and Diana Pedregon. (551.071) [City Attorney's Office, Marie Taylor, (915) 541-4550]
- EX7.** Claim of Leroy Puga, Our File No. 11-C028 (551.071) [City Attorney's Office, Karla M. Nieman (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/>