

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

August 10, 2010
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 Cliff Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. LEED FOR NEIGHBORHOOD DEVELOPMENT MONTH
2. NAACP-EL PASO BRANCH DAY

RECOGNITION

LOUIE ALVIDREZ - 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 August 3, 2010 and the Special City Council Meeting of July 29, 2010 (Budget Hearings – Budget Wrap Up) and the Special City Council meeting of July 29, 2010 (Introduction of an Ordinance levying FY2011 Taxes).

[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 an electrical transformer easement to the El Paso Electric Company for the purpose of providing electrical services for a proposed city park at Marcus Uribe Drive at North View Street, El Paso, Texas. Said property being more particularly described as a portion of Section 22, Block 81, Township 1, T&P RR Survey, El Paso, El Paso County, Texas. **(District 4)** [Engineering, R. Alan Shubert, (915) 541-4423]

3B. That the City Council approves the expenditure of additional available funding by a change order in the amount of \$399,000 to Arrow Building Corporation for additional construction costs of the Glory Road Transit Terminal. The change order provides for labor, materials and equipment for removal of existing asphalt pavement and replace with concrete on Glory Road, Oregon Street and a portion of Cincinnati Street in front of the terminal, adding no days of contract time for Contract Number 2009-145. The new contract sum, including the change order approved herein, is \$9,733,480.83. (Funding Source: American Recovery and Reinvestment Act) **(District 1)** [Engineering, R. Alan Shubert, (915) 541-4423]

3C. That the City Council approves the Naming Policy for the El Paso Public Library. **(All Districts)** [Library, Carol Brey-Casiano, (915) 543-5406]

3D. That the City Council authorizes the City Manager to accept any donations from Friends for the purpose of remodeling the Westside Branch of the City of El Paso Public Library which includes the expansion of the work area as stated in the letter, which donation may be made in one or multiple payments. The City Manager is also hereby authorized to execute any and all necessary documents

for the acceptance of the donations for this purpose and any necessary documents for the allocation of such funds. **(District 8)**

[Library, Carol Brey-Casiano, (915) 543-5406]

- 3E.** That the Mayor be authorized to sign the Interlocal Agreement between the County and City of El Paso to submit a joint application to the Department of Justice – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$315,578. The funds received under the JAG program will be allocated 50% to the County and 50% to the City. The City grant funds will be utilized to purchase a “Blue Team” server, fund media centers at all Police Regional Commands, purchase tracking devices and night vision equipment and for travel and training. Funding agency requires that an Interlocal Agreement be submitted; no cash match is required. **(All Districts)**

[Police Department, Eric Shelton, (915) 564-7357]

- 3F.** That the City Manager be authorized to sign the Mission Valley Visitor’s Center Operating Agreement by and between the City of El Paso and the El Paso Mission Trail Association for the management and operation of the Mission Valley Transfer Center Visitor’s Center, at no cost to the City. **(Districts 6 and 7)**

[Sun Metro, Jay Banasiak, (915) 534-5810]

4. BOARD APPOINTMENT(S):

- 4A.** Shirley Roberts to the Retired and Senior Volunteer Advisory Council (RSVP) by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

- 4B.** Jane E Ratcliff to the Cultural Affairs Advisory Board by Representative Eddie Holguin Jr., District 6. [Representative Eddie Holguin Jr., (915) 541-4182]

5. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 5A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City’s option to extend current Contract 2009-252R (Baseline Physical Exams for Firefighters) with Las Palmas Del Sol Healthcare for two (2) additional years pursuant to the provisions of an award approved by the City Council on August 25, 2009. Extended contract period will be from August 26, 2010 to August 25, 2012.

Department: Fire
Option: One [of One]
Funding Source: General Fund
Total Estimated Amount: \$328,728 (total 2 year extension)

Districts: All

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

[Fire Department, Pat Dominguez, (915) 771-1045]

- 5B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City’s option to extend current Contract 2007-224 (GMC/Chevrolet Proprietary Parts and Service- Heavy Duty Vehicles) with Rush Truck Centers of Texas, L.P., d/b/a Rush Truck Center, El Paso for two (2) additional years pursuant to the provisions of an award approved by the City

Council on September 4, 2007. The extended contract period will be from September 4, 2010 to September 3, 2012.

Department: General Services - Fleet Division
Option: One [of One]
Annual Estimated Amount: \$30,000
Funding Source: Fleet Services Internal Service Fund
Total Estimated Amount: \$60,000 (2 years)

Districts: All
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
[General Services, Stuart Ed, (915) 621-6822]

5C. Request to reject all bids for Solicitation No. 2010-233 (City Fleet Vehicles) as recommended by Financial Services - Purchasing Division, and General Services - Fleet Division, because total cost of ownership evaluation will be utilized in future vehicle solicitations to achieve substantial savings. A new solicitation will be issued. **(All Districts)**

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
[General Services, Stuart Ed, (915) 621-6822]

5D. Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Innovative PBX Services, Inc. a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-667 for structured cabling services for various City Departments in the estimated amount of \$200,000.

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: Various
Total Estimated Amount: \$200,000
Reference No.: 2010-275

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

6. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2010-173R (Food and Beverage Concession for Athletic Fields) to Big Boy Ice Cream, Blue Star, Bryanna Ice Cream, Crystal Ice Cream, Manny's Ice Cream, Polar Ice Cream, Rainbow Ice Cream, and The Amigo Ice Cream for the total estimated revenue amount of \$120,000.

Department: Parks & Recreation
Award to: Vendor 1 Big Boy Ice Cream
El Paso, TX
Items: Northeast Regional Park, Blackie Chesher,
Marty Robbins, and Westside Sports Complex
Option: Two Years

Award to:	Vendor 2	Blue Star El Paso, TX
Items:		Grandview and Memorial Parks
Option:		Two Years
Award to:	Vendor 3	Bryanna Ice Cream Sunland Park, NM
Items:		Marwood, White Spur, and Yucca Parks
Option:		Two Years
Award to:	Vendor 4	Crystal Ice Cream El Paso, TX
Items:		Capistrano, Chester Jordan, Cielo Vista, and Eastwood Parks
Option:		Two Years
Award to:	Vendor 5	Manny's Ice Cream El Paso, TX
Items:		Nations Tobin Park
Option:		Two Years
Award to:	Vendor 6	Polar Ice Cream El Paso, TX
Items:		Washington Park
Award to:	Vendor 7	Rainbow Ice Cream El Paso, TX
Items:		Delta Park
Award to:	Vendor 8	The Amigo Ice Cream El Paso, TX
Items:		Carolina, Galatzan, Marian Manor, Pavo Real, Sue Young, and Veterans Parks
Option:		Two Years
Annual Estimated Revenue:	\$40,000	
Funding Source:	Revenue Generating	
Total Estimated Revenue:	\$120,000 (3 years)	
Districts:	All	

This is revenue generating type contract with an initial term of thirty-six (36) months.

Financial Services - Purchasing Division, and Parks and Recreation Department recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposers.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

[Parks & Recreation, Paula Powell, (915) 351-1320]

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 changing the zoning of all of Lots 43-49, Block 4, Eastside Industrial District, Unit One, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6880 Industrial Avenue. Applicant: Wayne and Patricia May. ZON10-00040 **(District 3)** [Development Services, Linda Castle, (915) 541-4029]
- 7B.** An Ordinance changing the zoning of Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas from A-O/C (Apartment-Office/Condition) to C-1/C (Commercial/Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 171 N. Zaragoza Road. Property Owner: Elvia Mendoza. ZON10-00030 **(District 7)** [Development Services / Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON AUGUST 31, 2010, FOR ITEMS 7A – 7B

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

8. INFORMATION TECHNOLOGY:

Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Dell Marketing LP, a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-1014, for the annual Microsoft software license expense in the estimated amount of \$526,745.84.

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	Data Process Services/General Funds
Total Estimated Amount:	\$526,745.84
Reference No.;	2010-266
Districts:	All

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

REGULAR AGENDA – PUBLIC HEARINGS

9. DEVELOPMENT SERVICES:

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 El Paso City Council in 1999, and as subsequently amended, to delete the proposed Berringer Street, as a Collector arterial, north of Artcraft Road and south of the proposed extension of Isela Rubalcava Street. **(District 1)**
[Development Services / Planning Division, Melissa Granado, (915) 541-4730]

10. MAYOR AND COUNCIL:

An Ordinance adding a new Section to Title 12 (Vehicles and Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations) of the City Code relating to Restrictions on Operating a Motor Vehicle near Vulnerable Road Users; The penalty being as provided in Section 12.84.010 of the El Paso City Code.
(All Districts) [Representative Beto O'Rourke, (915) 541-4268]

11. ENGINEERING:

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 by adding Sundance Avenue from Menlo Avenue to a point 340 feet north thereof, east side only. The penalty being as provided in Section 12.84.010 (Violation – Penalty) of the El Paso City Code. **(District 5)**
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]

12. ENVIRONMENTAL SERVICES:

An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) in its entirety related to Commercial Recyclables (9.04.190); to amend Construction or Demolition Waste (9.04.200), to clarify waste haulers requirements; add emergency powers (9.04.400); add flow control for Municipal Solid Waste in Article VII; clarify fee (9.04.410); clarify enforcement in 9.04.0480. The penalty being as provided in Section 9.04.510 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
POSTPONED FROM 07-13-10

13. OFFICE OF MANAGEMENT AND BUDGET:

First Public Hearing on the City of El Paso's proposed Fiscal Year (FY) 2011 property tax increase. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4777]

14. PUBLIC HEALTH:

An Ordinance amending Title 7 (Animals), Chapters 7.04 (Definitions), 7.12 (Dogs and Cats), 7.16 (Impoundment), and 7.24 (Livestock); and to create Chapter 7.14 (Animal Sales, Breeding and Shows); to define terms; to clarify fees and revise regulations applying to spayed, neutered, unspayed and unneutered dogs and cats; to revise permitting procedures; to provide for the services of animal welfare organizations; to

prohibit the sale of most dogs and cats, and the sale and transfer of all dogs and cats younger than eight weeks of age; to require that a litter permit number be displayed in any advertisement to sell or transfer puppies and kittens; to require animals released by the city and animal welfare organizations be spayed or neutered; and to provide for an annual report of euthanized animals in the city; the penalty being as provided in Section 7.04.080 of the El Paso City Code. **(All Districts)**
[City Attorney's Office, Elaine Hengen, (915) 541-4550]

REGULAR AGENDA – OTHER BUSINESS

15. MAYOR AND COUNCIL:

Discussion and action regarding a resolution that the City Council of the City of El Paso, Texas supports the recommendations of the Community Working Group for the improvement of cross-border mobility and security in the El Paso region. **(All Districts)**
[Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

16. DEVELOPMENT SERVICES:

16A. Discussion and action to direct the City Manager to initiate amendments to zoning conditions placed on properties abutting Loop 375/Trans-Mountain Road located between Highway 54 and Interstate 10 to include reduction of setback conditions and adding other development conditions to the properties.
(All Districts) [Development Services/Planning, Mathew McElroy, (915) 541-4193]

16B. Discussion and action to direct the City Manager to initiate a zoning change to the properties currently zoned Planned Mountain Development (PMD) abutting Loop 375/Trans-Mountain North of Interstate 10 Road located between Highway 54 and Interstate 10 and to add conditions to the rezoning.
(All Districts) [Development Services/Planning, Mathew McElroy, (915) 541-4193]

17. MUNICIPAL CLERK:

A Resolution calling a Special Election in the City of El Paso for the submission of a measure to be held within the City on November 2, 2010; and making provisions for the conduct of the Election.
(All Districts) [Municipal Clerk, Brian A. Heller, (915) 541-4127]

18. CITY MANAGER:

City Manager's report of current events and issues:

18A. Discussion and action on final policy direction regarding implementation of flow control and/or franchise agreements within the Corporate Limits of El Paso, Texas, and including the following associated items.

18A1. Settlement Offer and Agreement with Waste Connections, Inc. (related to the April 27, 2004 Solid Waste Disposal and Operating Agreement) and related documents.

18A2. Ordinance Redraft, Title 9.04 (Solid Waste Management):

- 18A2a.** Flow control, franchise and other provisions;
- 18A2b.** Proposed Franchise Agreement;
- 18A2c.** Proposed Franchise Fees;
- 18A2d.** Proposed Hauler Permit & Agreement;
- 18A2e.** Proposed Waste Sharing Agreement.

(All Districts)

[City Manager – Development & Infrastructure, Patricia D. Aduato, (915) 541-4853]
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

18B. 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.**

- 18B1.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) in its entirety relating to all provisions including solid waste and recyclables storage and collection, including commercial recyclables; distribution of handbills, weeds and vegetation; storage and disposition of construction or demolition waste; to clarify waste haulers requirements; to define terms; to add city emergency powers; to add flow control for municipal solid waste and franchising requirements; to add litter and shopping cart control requirements for retail and service establishments; to clarify the establishment and charging of fees; and to clarify enforcement officials and procedures; the penalty being 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 24, 2010, FOR ITEM 18B1

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.

- 18C.** Discussion and action on the FY2011 Budget Wrap-up session as related to Environmental Services regarding Flow control, franchises and fees.
(All Districts)
[Office of Management and Budget David Almonte (915) 541-4777]

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.** 5100 El Paso Drive. (551.071 and 551.072)
[City Attorney's Office, Mark Shoesmith, (915) 541-4550]

- EX2.** Discussion and action on legal issues relating to the contract between the City of El Paso and Waste Connections, Inc. passed and approved on April 27, 2004, Our File No. 10-C-105. (551.071) [City Attorney's Office, Charlie McNabb, (915) 541-4550]
POSTPONED FROM 07-13-10

- EX3.** Claim of Guillermo Sanchez; Our File No. 10-C-080 (551.071)
[City Attorney's Office, Audrey 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/>