

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

**September 27, 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 – Chaplain Charlie Flores
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. DOWN SYNDROME AWARENESS MONTH**
- 2. BINATIONAL HEALTH WEEK**
- 3. ECOCLUB DAY**

RECOGNITIONS

- 1. ERIC PEARSON – STAR ON THE MOUNTAIN AWARD**
- 2. CHARLES "CHUCK" HORAK – STAR ON THE MOUNTAIN AWARD**
- 3. CITY - COUNTY COOPERATION 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 September 20, 2011.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Emma Acosta

3. RESOLUTIONS:

3A. That the City Manager be authorized to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for administration of the Amy Young Barrier Removal Program (2012-2013), which provides one-time grants of up to \$20,000 to low-income (80% AMFI) persons with disabilities, for home modifications necessary for accessibility and the elimination of hazardous conditions; that the City Manager be authorized to execute a Reservation System Access Agreement to participate in the Program; and that the City Manager or the Director of Community and Human Development, when acting as her designee, is further authorized to act as Administrator(s) in the Program on behalf of the City. **(All Districts)**
[Community and Human Development, William Lilly, (915) 541-4643]

3B. That Yubia Fierro be authorized to provide for the sale and service of alcoholic beverages at the El Paso Loves St. Jude Fashion Night in the closed portion of Sheldon Court between N. Santa Fe Street and Oasis Bistro Lounge from 5:00 p.m. Thursday, September 29, 2011, to 11:30 p.m. Thursday, September 29, 2011. NESV11-00035 **(District 8)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

3C. That the City Manager be authorized to sign an Agreement for the Temporary Closure of State Right-of-Way (Form TEA 30A), made by and between the State of Texas, acting by and through the Texas Department of Transportation, and the City of El Paso, for the temporary closure and use of State-owned and operated highways within the City of El Paso for the purpose of Transmountain Challenge (October 9, 2011), found by the City to serve a public purpose and the event is scheduled to exceed four hours in length. **(Districts 1 and 4)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

- 3D.** That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Mission Valley Traffic Analysis Study ("the Project"), State CSJ#0924-06-299, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project. **(Districts 6 and 7)**
[Department of Transportation, George Acosta, (915) 599-6202]
- 3E.** That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Expansion of Ysleta/Zaragoza Port of Entry Study ("the Project"), State CSJ #0924-06-301, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project. **(Districts 3 and 6)**
[Department of Transportation, George Acosta, (915) 599-6202]
- 3F.** That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Zaragoza Corridor Study ("the Project"), State CSJ #0924-06-302, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project. **(Districts 6 and 7)**
[Department of Transportation, George Acosta, (915) 599-6202]
- 3G.** That the City Manager be authorized to sign an Amendment #1 to the Advanced Funding Agreement between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"), dated November 7, 2008. The scope of work for the original agreement was to reconstruct 15 intersections citywide to help reduce congestion and improve traffic flow along various corridors. With the available funding, no more than 7 intersections can be reconstructed. The amendment replaces Attachment B with Attachment B-1, entitled Project Location Map, which reduces the number of intersection from 15 to 7 locations, and replaces Attachment C with Attachment C-1, entitled Project Budget, which aligns the available funding with the project scope. The 7 locations are: Yarbrough & Montana, Trawood & Montwood, Viscount & Acer, Sunland Park & Mall Exit, George Dieter & Montwood, George Dieter & Pellicano, and George Dieter & Vista Del Sol.
(Districts 1, 2, 3, 5, and 8) [Department of Transportation, George Acosta, (915) 599-6202]
- 3H.** 1. That the City Council approves the expenditure of additional available funding in the amount of \$2,655.02 to CPME, LLC for additional construction costs for Pueblo Viejo Park Improvements. The construction quantity notice provides for an increase for the removal of asphalt and a decrease for the removal of concrete slab because the basketball court slab was found to be mostly asphalt, adding two days of contract time for Contract Number 2011-046. The new contract sum, including this construction quantity notice, is \$236,028.09. Community Development Block Grant 36th Year.
(District 6) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 2. That the City Council approves the expenditure of additional available funding in the amount of \$17,256 to CPME, LLC for additional construction costs for Pueblo Viejo Park Improvements. The change order provides for removal of soil that does not meet compaction requirements and replacement with imported engineering fill, adding three days of contract time for Contract Number 2011-046. The new contract sum, including this change order, is \$253,284.11. Community Development Block Grant 36th Year. **(District 6)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3I. That the City Manager be authorized to sign an Underground Electrical Easement and Transformer Pad Easement to the El Paso Electric Company for the purpose of providing service to a new fire station at 122 Mesa Park Drive, said easement being more particularly described as a portion of Tract 2-G-9, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas.
(District 8) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3J. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment B) **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 3K. That the Purchasing Manager is authorized to notify the underwriting firms selected under the April 2007 contract (RFQ 2007-120R) that the City of El Paso is terminating the contract for convenience pursuant to the provision and requirements of Section XII of the Contract Clauses and that the termination shall be effective October 31, 2011; and

That the City Council approve the award of RFQ Solicitation 2011-199R (Professional Underwriter Services) to Morgan Stanley & Co. Incorporated; Merrill Lynch, Pierce, Fenner & Smith, Inc.; CitiGroup Global Markets, Inc.; Morgan Keegan & Company, Inc.; RBC Capital Markets, LLC; Wells Fargo Bank National Association; Southwest Securities, Inc.; and Barclays Capital Inc. The selected firms shall be utilized on a rotating basis by the City Manager or the City Manager's designee. The selection and rotation of the underwriting firm will depend on the number of firm's necessary for a particular issuance, which will vary depending on the size and complexity of each issuance; and all associated fees will be negotiated at the time of issuance.

Department:	Financial Services
Award to:	Vendor 1: Morgan Stanley & Co. Incorporated Dallas, TX
	Vendor 2: Merrill Lynch, Pierce, Fenner & Smith, Inc. Houston, TX
	Vendor 3: CitiGroup Global Markets, Inc. Houston, TX
	Vendor 4: Morgan Keegan & Company Inc. Memphis, TN
	Vendor 5: RBC Capital Markets, LLC

New York, NY

Vendor 6: Wells Fargo Bank National Association
San Antonio, TX

Vendor 7: Southwest Securities, Inc.
Dallas, TX

Vendor 8: Barclays Capital Inc.
New York, NY

Items: All

Account No.: Various – through future bond issuances or other debt instruments issued

Funding Source: Various – through future bond issuances or other debt instruments issued

Districts: All

This is an RFQ, services contract.

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

The Financial Services - Purchasing Division and Financial Services recommend award as indicated to Morgan Stanley & Co. Incorporated; Merrill Lynch, Pierce, Fenner & Smith, Inc.; CitiGroup Global Markets, Inc.; Morgan Keegan & Company, Inc.; RBC Capital Markets, LLC; Wells Fargo Bank National Association; Southwest Securities, Inc.; and Barclays Capital Inc. the highest ranked proposers based on evaluation factors established for this procurement.

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

[Carmen Arrieta-Candelaria, Financial Services (915) 541-4011]

- 3L.** A Resolution approving a Historical Preservation tax exemption for the property located at 703 - 705 Texas Avenue, located in the City of El Paso, El Paso, Texas, pursuant to Section 3.04.035 and Title 20.20 of the El Paso City Code.

(District 8) [Planning and Economic Development, Providencia Velazquez, (915) 541-4027]

- 3M.** That the City Manager be authorized to sign and submit Contract number 2012-039612 and other related documents for the Texas Department of State Health Services' Immunization Branch – Locals program, in the amount of \$783,065 for the period of September 1, 2011 through August 31, 2012, to conduct activities through the City of El Paso Department of Public Health to implement and operate an immunization program for all ages, with special emphasis on improving the immunization coverage of children two years of age or younger in El Paso. Matching funds are required from the City in the amount of \$439,522, of which \$262,597 is a cash match already approved in the current budget and of which the remaining \$176,925 is a cash match that the City shall charge through administration fees for the immunizations. **(All Districts)**

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

- 3N.** That the City of El Paso hereby requests the Sheriff of El Paso County to sell in accordance with Section 34.05 subsections(c) and (d) of the Texas Property Tax Code the parcels of property described in the attached Exhibit "A".

(All Districts & County)

[Delgado, Acosta, Spencer, Linebarger, & Perez, LLP., Carmen Perez, (915) 545-5481]

- 3O.** That the City of El Paso does not accept title to the real property at 11441 Samalayucca Road, City of Socorro, Texas, as recited in Document 20100054830 filed in the Official Records of El Paso County Texas, and disclaims title to that property in favor of the United States of America.

(All Districts)

[Delgado, Acosta, Spencer, Linebarger, & Perez, LLP., Carmen Perez, (915) 545-5481]

4. BOARD RE-APPOINTMENTS:

- 4A.** Marc Bernat to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

- 4B.** George Reynoso to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

- 4C.** Jeannine Kennedy to the Museums and Cultural Affairs Advisory Board by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4886]

- 4D.** Jane Thomas to the Museums and Cultural Affairs Advisory Board by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4886]

- 4E.** Lamar Skarda to the Zoning Board of Adjustment, as an alternate member, by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4886]

- 4F.** Robert Garland to the Zoning Board of Adjustment, as a regular member, by Representative Ann Morgan Lilly, District 1.
[Representative Ann Morgan Lilly, (915) 541-4886]

- 4G.** Jose M. Landeros to the City Plan Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

5. BOARD APPOINTMENTS:

- 5A.** Annette Gutierrez to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

- 5B.** Michael B. Churchman to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

- 5C.** R. Terry Smith to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

- 5D. Frederic Dalbin to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5E. Homar Niestas to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 5F. Alisa Jorgensen to the Districting Commission by Representative Cortney Carlisle Niland, District 8. [Representative Cortney Carlisle Niland, (915) 541-4268]

6. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
 (See Attachment C) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. REQUESTS TO ISSUE PURCHASE ORDERS:

- 7A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Environmental Systems Research Institute, Inc. (ESRI), a contractor under Department of Information Resources (DIR) Contract# DIR-SDD-1637, for the renewal of the annual License and Software Maintenance Contract. 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:	Information Technology
Award to:	Environmental Systems Research Institute, Inc. (ESRI) Redlands, CA
Total Estimated Award:	\$102,878.14
Account No.:	39010351 – 502202 – 01101
Funding Source:	General Fund, Information Technology
Districts:	All
Reference No.:	2012-009

This is a cooperative service and unit price type contract.
 [Information Technology, Miguel Gamino, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]
POSTPONED FROM 9-13-2011

- 7B. Request that the City Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas and El Paso Independent School District (EPISD), whereby both entities agree to combine their efforts, from time to time, for the purchase of goods and services.

Department:	Financial Services
Districts:	All
[Financial Services, Bruce D. Collins, (915) 541-4313]	

- 7C. Request rejection of sole bid received for Solicitation No. 2011-229R, (Establish and Operate EB-5 Regional Center) as recommended by Financial Services –

Purchasing Division and Planning & Economic Development to revise the specifications and scope of services and rebid the solicitation.

Department: Planning and Economic Development

Districts: All

[Planning and Economic Development, Ernesto Gamboa, (915) 541-4811]

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

- 7D.** Request rejection of the sole bid received for Solicitation No. 2011-274, (York HVAC-Proprietary Parts and Service) as recommended by Financial Services – Purchasing Division and General Services because the sample pricing could not be verified against the price list submitted by the bidder; therefore the bid was non-responsive.

Department: General Services

Districts: All

[General Services, Stuart Ed, (915) 621-6822]

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

- 7E.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2009-023 (Zoo Animal Food – Produce) with Superior Fruit & Vegetable, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on October 28, 2008. The extended contract period will be from November 16, 2011 to November 15, 2013.

Department: Zoo

Award to: Superior Fruit & Vegetable, Inc.
El Paso, TX

Option: One [of One]

Annual Estimated Amount: \$50,000

Total Estimated Amount: \$100,000 (2 years)

Account No.: 52152005 – 503110 – 15445

Funding Source: Zoo Gate Revenue – Animal Food & Supplies

Districts: All

[Zoo, Steve Marshall, (915) 521-1850]

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

- 7F.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Oracle America, Inc., a contractor under Department of Information Resources (DIR) Contract No. DIR-VPC-03-018, for the renewal of annual contract for software license updates and support for various components. 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: Information Technology

Award to: Oracle America, Inc.
Redwood Shores, CA

Total Estimated Award: \$432,684.47

Account No.: 39010351 – 502202 – 01101
 Funding Source: General Fund – Information Technology Department
 Reference No.: 2012-011
Districts: All

This is a cooperative, service and unit price contract.
 [Information Technology, Miguel Gamino, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 7G.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to EC America Inc., a contractor under the U.S. General Services Administration (GSA.) Contract No. GS-35F-0511T respectively, for a Riverbed Cascade Appliance. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department: Information Technology
 Award to: EC America, Inc.
 McLean, VA
 Total Estimated Award: \$74,261.18
 Funding Source: CIP Plan
 Accounting No.: 14400500 – 508010 – 27051 – PCP12IT01
 Reference No.: 2012-027
Districts: All

These are cooperative, unit price and service contracts.
 [Information Technology, Miguel Gamino, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

8. BIDS:

- 8A.** The award of Solicitation No. 2011-304R (Asbestos Abatement Services) to Robles & Sons, Inc. dba Robles Service Group & Southwest Abatement, Inc. dba Environmental Reconditioning, Inc.

Department: Engineering and Construction Management
 Award to: Robles & Sons, Inc. dba Robles Service Group
 Southwest Abatement, Inc. dba
 Environmental Reconditioning, Inc.
 Item: All
 Total Estimated Amount: \$400,000 (200,000 per year for two years)
 Per asbestos abatement contractor
 Funding Source: Various
Districts: All

The Engineering and Construction Management and Environmental Services Departments, based on evaluation factors established for this procurement, recommend award to the two proposers. Approval of this award includes giving the

City the option to extend the term of the contract at the same fees for an additional one year term.

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
 [Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 8B.** The award of Solicitation No. 2011-159 (Vehicle Batteries) to Continental Battery Company for an initial term estimated award of \$285,000.

Department: General Services
 Award to: Continental Battery Company
 El Paso, TX
 Items: All
 Initial Term: Three Years
 Option: Two Years
 Annual Estimated Award: \$95,000
 Initial Term Estimated Award: \$285,000 (3 year Total)
 Total Estimated Award: \$475,000 (5 Year Total)
 Account: 37370510 – 503121 – 45202
 Funding Source: General Services Internal Service Fund
Districts: All

This is a low bid, unit price contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated.

[General Services, Stuart Ed, (915) 621-6822]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 8C.** The award of Solicitation No. 2011-305 (Supplemental Foliar Nutrients for Sports Turf) to Turfcare of Texas, LLC for an initial term estimated award of \$300,000.

Department: General Services
 Award to: Turfcare of Texas, LLC
 McKinney, TX
 Items: All
 Initial Term: Three Years
 Option: Two Years
 Annual Estimated Award: \$100,000
 Initial Term Estimated Award: \$300,000 (3 year Total)
 Total Estimated Award: \$500,000 (5 Year Total)
 Account No.: 31010359 – 503113 – 01101
 31010359 – 503126 – 01101
 Funding Source: Land Maintenance Supplies or Chemicals –
 Land Management
Districts: All

This is a low bid, unit price contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated.

[General Services, Stuart Ed, (915) 621-6822]
 [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 changing the zoning of the following real property known as: Parcel 1: Lot 25 and a portion of Lot 24, Block 1, Colonia Verde, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-2 (Commercial) and imposing a condition. Parcel 2: Lot 1, Block 35, Colonia Verde Unit Six, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) and imposing a condition. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: 5720 and 5728 Fairbanks Drive and 10005 Dyer Street. Applicant: Heller Associates Properties VLT. PZRZ11-00033 **(District 4)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 9B.** An Ordinance releasing all conditions placed on property by Ordinance No. 5941 which changed the zoning of a portion of Lots 1 and 2, Block 10, Pecan Grove Subdivision Unit-2, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9002 Betel Drive. Applicant: La Jolla Place, LLC. PZCR11-00001 **(District 6)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2011, FOR ITEMS 9A – 9B

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

10. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 10A.** Discussion and action on a request that the Engineering and Construction Management Department be authorized to issue purchase orders to ExerPlay, Inc., PlayWell, and PlayPower Lt Farmington, Inc./All Play, Inc., contractors under the Texas Association of School Boards Purchasing Cooperative, Contract #346-10, for playground equipment. Participation by the City of El Paso in the Texas Association of School Boards Purchasing Cooperative was approved by City Council September 19, 2006. Total recommended estimated award: \$644,000. Parkland Dedication Funds, Reprogrammed 2006 Certificates of Obligation, Neighborhood Improvement Program, 2004 General Obligation Bonds (Portland Open Space) and Texas Parks and Wildlife Department Grant (Three Hills Park Trail). **(Districts 1, 2, 4, 5, 6 and 8)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 10B.** Discussion and action on the award of Solicitation No. 2011-334 for the H.M.A.C. Course 2012-2013 to Asphalt Pavers, Inc. for a total estimated amount of \$1,542,750.

Department: Engineering and Construction Management
 Award to: Asphalt Pavers, Inc.
 Base Bid: \$1,542,750
 Total Estimated Completion: \$1,542,750
 Funding Source: El Paso Department of Transportation General Funds
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-price contract. The Engineering and Construction Management Department and El Paso Department of Transportation recommend award as indicated to the lowest responsible bidder.

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

11. FINANCIAL SERVICES:

- 11A.** Discussion and action on the award of Solicitation No. 2011-321 (Traffic Signal Cables) to TW Cable LLC for an initial term estimated award of \$505,182.46.

Department: Department of Transportation
 Award to: TW Cable LLC
 Farmingdale, NY
 Items: All
 Initial Term: 2 Years
 Option: None
 Annual Estimated Award: \$252,591.23
 Initial Term Estimated Award: \$505,182.46 (2 years)
 Total Estimated Award: \$505,182.46 (2 years)
 Account No.: 32010288 – 503203 – 01101
 Funding Source: Government Operations – Public Accesses -
 Maintenance & Repair
Districts: All

This is a Low Bid, unit price contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated

minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Financial Services - Purchasing Division and Department of Transportation recommend award as indicated to TW Cable LLC, the lowest responsive, responsible bidder.

[Department of Transportation, Daryl Cole, (915) 621-6750]

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

- 11B.** Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Motorola Solutions, Inc. a contractor under a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1304, for Trunked Simulcast Radio System/800Mhz Conventional System Fixed Equipment Maintenance and Support. 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.

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

Department:	Information Technology
Award to:	Motorola Solutions, Inc. Schaumburg, IL
Initial Term:	3 Years
Option:	2 Years
Annual Estimated Amount:	\$795,393.89
Initial Term Estimated Award:	\$2,386,181.67 (3 Years)
Year 1 Option Award:	\$795,393.89
Year 2 Option Award:	\$795,393.89
Total Estimated Award:	\$3,976,969.45 (5 Years)
Account No.:	39010352 – 502229 – 01101
Funding Source:	General Fund – Information Technology Department
Reference No.:	2012-025
Districts:	All

This is a cooperative, service contract.

[Information Technology, Miguel Gamino, (915) 541-4288]

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

REGULAR AGENDA – PUBLIC HEARING

12. PLANNING AND ECONOMIC DEVELOPMENT:

An Ordinance changing the effective date of Ordinance No. 017575 which revised Title 18 (Building and Construction), Chapter 18.46 (Landscape), of the El Paso City Code,

from October 3, 2011 to November 7, 2011. The penalty is as provided for in Section 18.46.180 of the El Paso City Code. **(All Districts)**
 [Planning and Economic Development, Mathew McElroy, (915) 541-4193]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

13A. Legislative Review Committee Report:

1. For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on August 25, 2011, as submitted by Representative Susie Byrd, Chair, and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a) Discussion and action regarding proposed revisions to Chapter 9.04 for storage of tires. [Environmental Services, Karl Rimkus, (915) 621-6700]
 - b) Discussion and action regarding proposed revisions to Chapter 9.04 for requirements for solid waste disposal carts/containers at food establishments. [Environmental Services, Karl Rimkus, (915) 621-6700]
 - c) Discussion and action regarding proposed revisions to Chapter 13.20 for obstruction of sidewalks.
 [Environmental Services, Karl Rimkus, (915) 621-6700]
 - d) Discussion and action regarding green product stewardship policy for bids and list of potential purchasing products.
 [Environmental Services, Marty Howell, (915) 541-4925]
 - e) Discussion and action on the privatization of the landfill.
 [Representative Courtney Carlisle Niland, (915) 541-4268]
 - f) Discussion and update regarding a staff report on Recycle Right Campaign.
 [Environmental Services, Eloisa Portillo-Morales & Tammy Fonce, (915) 621-6700]
 - g) Discussion and update regarding a staff report on the City of El Paso Sustainability Plan. [Environmental Services, Marty Howell, (915) 541-4925]

13B. Discussion and action on a Resolution that the City Manager be authorized to send notice to Focused Advocacy of the City’s intent to exercise its option to extend the Professional Services Agreement dated October 12, 2010 for one additional year commencing October 15, 2011 and terminating on October 14, 2012. **(All Districts)** [Mayor’s Office, Sylvia Borunda Firth, (915) 541-4656]

13C. Legislative Review Committee Report:

1. For notation only: Formal report of the Transportation Legislative Review Committee meeting held on August 25, 2011, as submitted by Emma Acosta, Chair; and,
2. Discussion pertaining specifically to any of the agenda items posted on the agenda of said Legislative Review Committee meeting, as follows:

- a) Presentation, discussion and action regarding the inventory of unpaved streets by district, a process for prioritization and a timetable for paving these streets.

(All Districts) [Department of Transportation, Daryl Cole, (915) 621-6757]

13D. Legislative Review Committee Report:

- 1. For notation: Formal report of the Finance, Internal Audit, Engineering/CIP and Management Services Legislative Review Committee meeting held on September 1, 2011, as submitted by Representative Carl Robinson, Chair, and:
- 2. Discussion pertaining to the agenda item, as posted on the agenda of said Legislative Committee meeting, as follows:
 - a) Presentation, discussion and action on implementing House Bill 1869, Section 271.905(a) and 271.9051 (local bidding preference).
 - b) Discussion and action on the City's Investment Policy for the fiscal year 2012.
 - c) Discussion and action on the proposed Title 5 (Business Taxes, Licenses and Regulations) amendments revising existing provisions throughout the entire title to reflect current processes and procedures; and deleting sections 5.04 (Occupation Tax and License Fees), 5.12 (Amusement Devises), 5.16 (Appliance Dealers and Installers), 5.40 (Junk Dealers), 5.44 (Kindergartens), 5.56 (Messenger Services), 5.68 (Motor Carrier Transportation Agents), 5.76 (Nurseries and other Businesses Selling Plants or Fertilizer), 5.88 (Private Detectives), 5.92 (Shoe Shining), 5.104 (Watchmen), 5.108 (Servicing Cesspools, Grease Traps and Septic Tanks) and 5.112 (Bingo Regulations).

(All Districts) [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4011]

13E. Legislative Review Committee Report:

- 1. For notation only: Formal report of the Economic Development, Planning and Tourism Legislative Review Committee meeting held on September 8, 2011, as submitted by Steve Ortega, Chair; and,
- 2. Discussion pertaining specifically to any of the agenda items posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a) Presentation, discussion and action on San Jacinto Plaza Park concept plan, SWA Landscape Architects.
[Deputy City Manager-Community Services, Deborah Hamlyn, (915) 541-4686]
 - b) Discussion and action to amend Title 18 landscape standards to reduce the total landscape area by allowing credit for landscape buffer areas.
[Planning & Economic Development, Mathew McElroy, (915) 541-4056].
 - c) Discussion and action on Special Privilege licenses and permits including amending Title 15.
[Department of Transportation, Mirian Spencer, (915) 541-4482]

14. PARKS AND RECREATION:

Discussion and action on a Resolution to name the gymnasium located within Pat O'Rourke Recreation Center at 901 N. Virginia Street, El Paso, Texas as the Willie Cager Gymnasium. **(District 8)**

[Parks and Recreation, Nanette Smejkal, (915) 541-4331]

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.** Clear Channel Outdoor, Inc. vs. City of El Paso, Cause No. 2009-3939 (551.071)
[City Attorney's Office, Kenneth A. Krohn (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.

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<http://www.elpasotexas.gov/>