

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

AGENDA FOR REGULAR CITY COUNCIL MEETING

**October 26, 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 Clift Barnes
Pledge of Allegiance**

MAYOR'S PROCLAMATION

PRO BONO WEEK

RECOGNITIONS

CITY EMPLOYEES

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 October 19, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook and Representatives Ann Morgan Lilly, Emma Acosta and Carl Robinson.

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Second Amendment to the Air Cargo Center Agreement by and between the City of El Paso and United Parcel Service, Inc. to allow an option to extend the lease at 301 George Perry Blvd, Suite D, El Paso, Texas, for one additional year. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]

3B. That Leo's Mexican Food Restaurant be authorized to provide for the sale and service of alcoholic beverages at an outdoor mixed martial arts match in the closed portion of Mills Avenue between Stanton Street and Kansas Street from 6:00 p.m. Saturday, October 30, 2010, to 2:00 a.m. Sunday, October 31, 2010. **SPL10-00032 (District 8)** [Department of Transportation, Mirian Spencer, (915) 541-4482]

3C. A Resolution that Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010 shall be amended to modify the annual fees listed therein that shall be charged by the City for special privilege licenses for surface, subsurface, and aerial cables. **(All Districts)**
[Department of Transportation, Mirian Spencer, (915) 541-4482]

3D. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

133 Elvira Way	\$4,450.29	Juan Huerta and Baltazar Huerta
(District 8) [Environmental Services, William V. Stern, (915) 599-3742]		

3E. That the Solid Waste liens on the attachment posted with this agenda be approved. **(Districts 2, 3, 4, 5, 6, & 7)** (See attachment A)
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 3F. That the Solid Waste liens on the attachment posted with this agenda be approved. **(Districts 1, 2, 3, 4, 5, 7, & 8)** (See attachment B)
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 3G. A Resolution to approve the City's Investment Policy for Fiscal Year 2011.
(All Districts) [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
- 3H. That the City Manager, or her designee, is authorized to sign a Contract of Sale attached to this resolution and all other documents approved by the City Attorney, or his designee, necessary and proper to consummate the purchase of the following described property and the improvements located thereon by the City of El Paso: Lots 46 and 47, Block 2, Hadlock's Suburban Gardens, an Addition to the City of El Paso, El Paso County, Texas and municipally known and numbered as 234 Colfax. **(District 3)**
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]

4. BOARD RE-APPOINTMENT:

Bobby Bowling IV to the Capital Improvements Advisory Committee by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5. BOARD APPOINTMENT:

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]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

6A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to OTTO Environmental Systems, a contractor under Houston – Galveston Area Council (HGAC) GC01-09 (Public Works Equipment - Refuse Containers & Lifters), for Ten Thousand Refuse and Recycling Containers.

The participation by the City of El Paso in the Houston – Galveston Area Council (HGAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Environmental Services
Total Estimated Award: \$430,000 (for 10,000 units)
Funding Source: Environmental Services – Furniture and Fixtures
Reference No.: 2011-064

Districts: All
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
[Financial Services/Purchasing, Bruce D. Collins, (915) 541-4313]

6B. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Carpet Pile, a contractor under TX-MAS 9-721A010-20 (Floor Covering), for various carpet and tile installation projects throughout the City.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services – Facilities Division
 Total Estimated Award: \$208,409.93
 Funding Source: General Services, Facilities Maintenance –
 Citywide Rehab
 Reference No.: 2011-057
Districts: All
 [General Services, Stuart Ed, (915) 621-6822]
 [Financial Services/Purchasing, Bruce D. Collins, (915) 541-4313]

7. BIDS:

7A. The award of Solicitation No. 2010-273 (Rolloff Trucks) to RJ Border Management, LLC d/b/a Border International Trucks for a total award of \$238,774.

Department: General Services – Fleet Division
 Award to: RJ Border Management, LLC d/b/a
 Border International Trucks
 El Paso, TX
 Items: All
 Option: None
 Unit Amount: \$119,387 (per unit, with options)
 Total Award: \$238,774 (for 2 units)
 Funding Source: Environmental Services – Heavy Off Road Equipment
Districts: All

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

The Financial Services - Purchasing Division and General Services – Fleet Division recommend award as indicated to RJ Border Management, LLC d/b/a Border International Trucks, the lowest responsive, responsible bidder.

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

7B. The award of Solicitation No. 2010-277 for the Hidden Valley Park Improvements Phase 2 to Triple J Excavation, Inc. for a total estimated amount of \$146,063.55.

Department: Engineering and Construction Management
 Award to: Triple J Excavation, Inc.
 Base Bid: \$146,063.55
 Total Estimated Completion: \$146,063.55
 Funding Source: Community Development Block Grant 35th year
District: 3

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 and Parks Departments recommend award as indicated to the lowest responsible bidder.

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

- 7C. The award of Solicitation No. 2010-235 for the Colonia Verde Park Improvements, to Karlsruhe, Inc. dba CSA Engineers & Constructors for a total estimated amount of \$116,700.

Department: Engineering and Construction Management
Award to: Karlsruhe, Inc. dba CSA Engineers & Constructors
Base Bid: \$116,700
Total Estimated Completion: \$116,700
Funding Source: Community Development Block Grant
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, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, without further authorization by City Council.

This is a low bid, lump sum contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder. Engineering and Construction Management Department recommends the low bidder, American Contractors, be deemed non-responsible because the company did not have the financial capacity or the experience required in the bid documents.

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

POSTPONED FROM OCTOBER 19, 2010

8. BUDGET TRANSFER:

Approval of a budget transfer, as per City Council direction on October 5, 2010, to transfer \$250,000 from the City reserves to the Department of Public Health for enhanced animal services program.

Decrease \$250,000 from: Unreserved Fund Balance
Increase \$187,085 to: Non-uniform salaries and wages
Increase \$ 62,915 to: Operating

(All Districts)

[Office of Management and Budget, John Neal, (915) 541-4777]

[Public Health, Michael Hill, (915) 771-5705]

POSTPONED FROM OCTOBER 19, 2010

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 authorizing the City Manager of the City of El Paso to sign a Transportation Easement to convey to the State of Texas approximately 102.167 acres of land in the City of El Paso located in Sections 14, 15, 21, 22, 23, 28 and 29, Block 80, Township 2, Texas and Pacific Railway Company Surveys for use as part of the State of Texas Spur 601 controlled access highway construction project. **(District 2)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 9B.** An Ordinance authorizing the City Manager of the City of El Paso to sign a Transportation Easement to convey to the State of Texas approximately 0.487 acre of land in the City of El Paso located in Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys for use as part of the State of Texas Spur 601 controlled access highway construction project. **(District 2)**
[Engineering & Construction Management, R. Alan Shubert, (915) 541-4423]
- 9C.** An Ordinance authorizing the City Manager of the City of El Paso to sign a Special Warranty Deed and any other documents necessary to convey to the State of Texas approximately 0.614 acre located in Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, adjacent to Fred Wilson Road, for the State of Texas Spur 601 controlled access highway construction project. **(District 2)**
[Engineering & Construction Management, R. Alan Shubert, (915) 541-4423]
- 9D.** An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, amending Rule 2 providing for the extension of employees probationary period; Rule 5 relating to starting salaries; Rule 8 relating to the removal of an applicant from an eligible list for certain convictions; Rule 13, to allow vacation to be taken in one hour increments, and relating to reinstatement of former employees; Rule 15, relating to the removal of formal counseling documents from personnel file; and Rule 29 relating to the outside employment of part-time employees. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]
- 9E.** An Ordinance amending Ordinance 8064 (Classification and Compensation Plan) to amend Section 3.4D regarding the determination of the rate of pay for reclassified employees. **(All Districts)**
[Human Resources, Linda Ball Thomas, (915) 541-4509]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 2, 2010, FOR ITEMS 9A – 9E

- 9F.** An Ordinance providing for the reduction of planning and building construction permit fees for the construction or renovation of properties meeting the requirements of the City's Infill Development Incentive Policy, through August 31, 2015. **(All Districts)**
[Planning and Economic Development, Kathryn Dodson (915) 541-4670]

9G. An Ordinance releasing conditions placed by Ordinance No. 15672, which rezoned and imposed conditions, on the following real property described as: Parcel A: a 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas Zoned C-3/c, (Commercial/Condition) identified as parcel 6 in Ordinance 15672 and rezoned to A-O/c (Apartment Office/Condition) by Ordinance 017409; and Parcel B: a 11.283 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas Zoned R-3A/c, (Residential/Condition) identified as Parcel 7 in Ordinance 15672 and rezoned to A-O/c (Apartment Office/Condition) by Ordinance 017409. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Northern Pass Drive and north of Paseo Del Norte Drive. Property Owner: Hunt Communities Holdings, LLC. ZON10-00066
(District 1) [Planning and Economic Development, Arturo Rubio, (915) 541-4633]

9H. An Ordinance Granting Special Permit No. ZON10-00084, to allow for Infill Development on the property described as Lots 13-20, and the west 75.75 feet of the south 2 feet of Lot 11 and the west 75.75 feet of Lot 12, Block 135 Campbell Addition, 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. Property Owner: El Paso-Los Angeles Limousine Express, Inc. Location: 400, 404, 410, and 412 S. Oregon. ZON10-00084
(District 8) [Planning and Economic Development, Arturo Rubio, (915) 541-4633]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 16, 2010, FOR ITEMS 9F –9H

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. FINANCIAL SERVICES:

Discussion and action on the award of Solicitation No. 2010-258 (Newspaper Legal Notices) to Texas New Mexico Newspaper Partnership dba El Paso Times and Investor Publications, Inc. dba El Paso Inc. for an initial term estimated award of \$675,000.

Department:	Financial Services
Award to: Vendor 1	Texas New Mexico Newspaper Partnership dba El Paso Times El Paso, TX
Items:	All
Initial Term:	3 years
Option to Extend:	2 years
 Award to: Vendor2	 Investor Publications, Inc. dba El Paso Inc. El Paso, TX
Items:	All
Initial Term:	3 years

Option to Extend: 2 years
 Annual Estimated Award: \$225,000
 Initial Term Estimated Award: \$675,000 (3 years)
 Total Estimated Award: \$1,125,000 (5 years)
 Funding Source: Various
Districts: All

This is an indefinite quantity type 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 recommends that Paso Del Norte Publishing, Inc. dba El Diario de El Paso, El Paso, TX be disqualified as non-responsive because they are not entered as second-class postal matter (Texas Government Code, Chapter 2051, Section 2051.044) in El Paso County, Texas and award as indicated to Texas New Mexico Newspaper Partnership dba El Paso Times and Investor Publications, Inc. dba El Paso Inc.

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4011]
 [Financial Services/Purchasing, Bruce D. Collins, (915) 541-4313]

11. DEPARTMENT OF TRANSPORTATION:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Western Fleet Services, Inc., the sole source provider for maintenance and repairs for Elgin Sweeper Company in El Paso, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: Department of Transportation
 Annual Estimated Amount: \$330,000
 Total Estimated Award: \$990,000 (3 years)
 Funding Source: Street Sweeping Operations – Equipment Maintenance
 Sole Source No.: 2011-063
Districts: All

[Department of Transportation, Daryl W. Cole, (915) 621-6750]
 [Financial Services/Purchasing, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA – PUBLIC HEARINGS

12. PLANNING AND ECONOMIC DEVELOPMENT:

12A. An Ordinance granting Special Permit No. ZON10-00060, to allow for infill development and a 100% parking reduction on the property described as a portion of Block 38, Clardy-Fox Subdivision Unit 5, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 Parking Reduction and 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 200 Lisbon Street. Property Owners: Centro de Salud Familiar La Fe, Inc. ZON10-00060
(District 3) [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 12B. An Ordinance granting Special Permit No. ZON10-00047, to allow for infill development on the property described as Lots 9-12, Block 17, Franklin Heights Addition, 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 in Chapter 20.24 of the El Paso City Code. Subject Property: 1208 Myrtle Avenue. Property Owners: Opportunity Center for the Homeless. ZON10-00047 **(District 8)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 12C. An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 21 (Smart Code), to amend various sections thereunder pertaining to the duties that had been assigned to the Development Services Department and the staff; the penalty being as provided in Sections 21.60.010 – 21.60.030 of the El Paso City Code.**(All Districts)**
[Planning and Economic Development, David A. Coronado, (915) 541-4632]
- 12D. An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 20 (Zoning) to amend various sections thereunder pertaining to the duties that had been assigned to the Development Services Department and to staff; the penalty being as provided in Section 20.24.020 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

Discussion and action to direct City Manager to ensure for the safe crossing of pedestrians from El Paso street across Missouri to Cleveland Square Park.
[Representative Beto O'Rourke, (915) 541-4268]

14. PLANNING AND ECONOMIC DEVELOPMENT:

Discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and The Boeing Company, a Delaware Corporation ("Applicant"), in relation to the Applicant's expansion of its manufacturing facility in El Paso, Texas. **(All Districts)**
[Planning and Economic Development, Kathryn Dodson, (915) 541-4670]

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.** Stacy Chenoweth vs. City of El Paso; Cause No. 2009-1112 (551.071)
[City Attorney's Office, Kenneth 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.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

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