

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

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

MAYOR'S PROCLAMATIONS

- 1. DIABETES MONTH**
- 2. EL PASO LAWYERS FOR PATRIOTS WEEK**
- 3. BOWIE HIGH SCHOOL ACADEMIC EXCELLENCE**

RECOGNITIONS

- 1. THE MAYOR'S TOP 100 TEENS**

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 26, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. That the Solid Waste liens on the attachment posted with this agenda be approved. **(Districts 1, 4, 6 & 7)** (See attachment A)
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

3B. A Resolution authorizing City participation in the "Orange Out" event in the City, and the expenditure of funds in conjunction with the City's participation in this City wide event that benefits the community and serves a municipal purpose within the City. **(District 1, 2, 3, 5, 6, and 7)**
[Representative Steve Ortega, (915) 541-4108]

3C. That the City Manager be authorized to sign a Memorandum of Understanding among the City of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), the Lower Valley Rio Grande Valley Development Council ("LRGVDC") and the Hidalgo County Metropolitan Planning Organization ("HCMPO"), concerning the 2010 Border To Border Transportation Conference to be held in El Paso, Texas, November 16-18, 2010, as therein described. **(All Districts)**
[El Paso Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735]

3D. A Resolution delegating to the City Plan Commission the responsibility of establishing a subcommittee for the purposes of assisting in the revisions to the City of El Paso's Comprehensive Plan. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]

3E. To approve a resolution authorizing the City Manager to submit a grant proposal to the Criminal Justice Division (Office of the Governor of the State of Texas) for the Gang Initiative Grant Program in the amount of \$200,000.00 with no cash or in-kind match required. In accordance with Ordinance 16016 Section 1, which

states "that unless a granting agency requires that the City's top elected official be listed as the grant official in a grant document, the City Council hereby designates the City Manager or his or her designee to be listed as the authorized official and as the official with financial authority or similar designations on all grant applications, acceptances, and other documents and to sign all grant applications, acceptances, and other grant documents on behalf of the City of El Paso." The signature of the "Highest Elected Official" is not required for electronic submittal; Resolution of Mayor and City Council is required. The funding agency requires a resolution be submitted with grant application.

(All Districts) [Police, Eric Shelton, (915) 564-7309]

4. BOARD RE-APPOINTMENT:

Joseph S. Daubach to the Greater El Paso Civic, Convention, and Tourism Advisory Board as requested by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

5. BOARD APPOINTMENTS:

5A. Belinda Mendez-Acosta to the Civil Service Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5B. Paula Villalobos-Jimenez to the Ethics Review Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5C. Ruben Ponce to the Construction Board of Appeals by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5D. Gerardo A. Licon to the Building and Standards Commission by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

6. 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]

7. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

7A. Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Environmental Systems Research Institute, Inc. (ESRI), a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-492, for annual license and software maintenance support in the estimated annual amount of \$100,827.39. The City has made the determination that the cost is fair and reasonable.

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 Fund
Total Estimated Amount:	\$100,827.39

Reference No.; 2011-059
Districts: All
 [Information Technology, Art Armas, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541- 4313]

- 7B.** Request that the Purchasing Manager, Financial Services, Purchasing Division be authorized to issue a Purchase Order to Sigma Solutions Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-1385 to upgrade the City's current firewall capabilities to increase security and deployment flexibility and various performance features in the total amount of \$115,528.12. The City has made the determination that the cost is fair and reasonable.

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 IT Capital Acquisitions
 Total Estimated Amount: \$115,528.12
 Reference No.; 2011-071
Districts: All
 [Information Technology, Art Armas, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541- 4313]

- 7C.** Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to INX, Inc. a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-677 to upgrade the structured cabling system at City Hall (basement through 9th floor) to the newest standards for data communications that will support a multi-product environment in the estimated amount of \$189,794. The City has made a determination that the cost is fair and reasonable.

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 General Fund
 Total Estimated Amount: \$189,794
 Reference No.; 2011-074
Districts: All
 [Information Technology, Art Armas, (915) 541-4288]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

8. BIDS:

- 8A.** The award of Solicitation No. 2010-278 for the Police Department Explosive Magazine Storage Facility Re-Bid to Smart Construction Managers, LLC for a total amount of \$195,000.

Department: Engineering and Construction Management
 Award to: Smart Construction Managers, LLC

Base Bid: \$195,000
 Total Estimated Completion: \$195,000
 Funding Source: Police restricted confiscated funds
Districts: 2

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 design, 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 and Police Department recommend award as indicated to the lowest responsible bidder.

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

- 8B.** The award of Solicitation No. 2010-235 for the Colonia Verde Park Improvements, to Karlsruher, Inc. dba CSA Engineers & Constructors for a total estimated amount of \$116,700.

Department: Engineering and Construction Management
 Award to: Karlsruher, 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 AND OCTOBER 26, 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 vacating the alley between Lots 22 and 23, Block 5, Map of Orchard Addition, City of El Paso, El Paso County, Texas. **(District 3)**
[Planning & Economic Development, Frank Delgado, (915) 541-4238]

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

- 9B.** An Ordinance amending Title 21 (SmartCode), Chapter 21.10 (General to All Plans), Section 21.10.040 (Process), of the El Paso City Code to clarify the application submittals. The penalty is as provided for in 21.60 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, David A. Coronado, (915) 541-4632]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 30, 2010, FOR ITEMS 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 – PUBLIC HEARINGS

10. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES:

- 10A.** An Ordinance authorizing the issuance of “City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2010” and resolving matters which are necessary to effectuate said issuance, including a delegation of authority. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]
- 10B.** An Ordinance authorizing the issuance of “City of El Paso, Texas, General Obligation Refunding Bonds, Series 2010” and resolving matters which are necessary to effectuate said issuance, including a delegation of authority. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

11. PLANNING AND ECONOMIC DEVELOPMENT:

- 11A.** An Ordinance approving a detailed site development plan for all of Lot 1, Block 1, Sierra Crest, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1 Silent Crest Drive. Applicant: Frederick & Ginger Francis. ZON10-00079 **(District 1)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 11B.** An Ordinance granting Special Permit No. ZON10-00051, to allow for infill development on the property described as a portion of Lot 3, Block 8, Lafayette Place, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8014 Floyd Way. Property Owner: Thomas Ayala. ZON10-00051 **(District 7)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]

12. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 12A.** 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]
- 12B.** 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]
- 12C.** 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]

13. HUMAN RESOURCES:

- 13A.** 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]
- 13B.** 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]

REGULAR AGENDA – OTHER BUSINESS**14. MAYOR AND COUNCIL:**

Discussion and action on a resolution appointing one member to the Transportation Policy Board from the following nominees: Joyce Wilson, Ted Marquez, and Matt McElroy. [Mayor John F. Cook, (915) 541-4145]

15. ENGINEERING & CONSTRUCTION MANAGEMENT:

15A. Discussion and action on a Resolution authorizing the Mayor of the City of El Paso to sign a Multiple Use Agreement with the State of Texas Department of Transportation (TXDOT) for construction of and use by the City of a parking lot on approximately 0.614 acre of land at the Animal Shelter facility in conjunction with the construction of Spur 601 by TXDOT. **(District 2)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

15B. Discussion and action on a Resolution authorizing the Mayor of the City of El Paso to sign a Multiple Use Agreement with the State of Texas Department of Transportation (TXDOT) for construction of and use by the City of a parking lot on approximately 0.487 acre of land at the Sun Metro lift station facility in conjunction with the construction of Spur 601 by TXDOT. **(District 2)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

16. PLANNING AND ECONOMIC DEVELOPMENT:

16A. Discussion and action on a Resolution removing a condition placed on property by a contract dated February 10, 1972 and amended on January 12, 1979, which imposed conditions on a portion of Lot 2, Block 2, Rancho Alegre Subdivision, City of El Paso, El Paso County, Texas. Subject property: 7740 Lilac Drive. Property Owner: The Evangelical Lutheran Good Samaritan Society. ZON10-00082 **(District 7)**
[Planning and Economic Development, Linda Castle, (915) 541-4029]

16B. 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]
POSTPONED FROM OCTOBER 26, 2010

17. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on the City's Capital Improvement Program as follows:

Resolution establishing the list of capital projects totaling approximately \$256,310,020 as listed in the Capital Improvement Plan for Fiscal Years 2011 through 2017 utilizing Certificates of Obligation pursuant to the City's Debt Management Policy, and subject to annual budgeting requirements; authorizing the City Manager to establish the funding sources for the capital plan and make all necessary budget transfers at the appropriate

times for execution of the capital projects; and directing that the City Manager pursue any state and federal funding that will reduce the City's share of its participation costs to these capital projects.

Concerning City's debt obligation and schedule of debt issuances and related tax support based on the above-reference Capital Improvement Plan.

Determination of when to hold a Quality of Life Bond Initiative based on the health, safety and transportation priorities as outlined in the above-referenced Capital Improvement Plan, and impact on overall debt service and debt tax rate as a result of Council's direction.

(All Districts)

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

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

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.** Application of El Paso Electric Company to Implement Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 38802. (551.071)
[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX2.** Application of El Paso Electric Company for an Amendment to its Certificate of Convenience and Necessity for a Peaking Generation Unit at the Rio Grande Site in New Mexico before the Public Utility Commission of Texas, Docket No. 38717. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]
- EX3.** Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

ATTACHMENT A
SOLID WASTE LIENS

NOVEMBER 2, 2010

1612 Rim Road (District 1)	\$332.11	Los Ninos Children's Trust
5316 Dearborne Drive (District 4)	\$290.41	Olga Mendoza
N 60.15 Ft of E 140.00 Ft of S 170.15 Ft of Lot 218 (8421.00 Sq Ft), South Parkland Subdivision (District 4)	\$292.06	Pedro Rosales
10752 Pleasant Hill Drive (District 4)	\$122.67	U S Bank NA
10312 Wilshire Street (District 4)	\$183.17	Ygnacia Ramirez
Lot(s) 42, Singh Subdivision (District 6)	\$188.26	Confidential
Tract 10-C (1.8739 AC), Block 6, Ysleta Subdivision (District 7)	\$1,346.99	Enrique Mata Jr.
1029 Ranger Trail (District 7)	\$174.64	Alfredo Rodarte
Lot(s) 1 & 2 & 11 TO 13 EXC 0.461 ACRE, Block 5, Mesa Vista Subdivision (District 7)	\$279.47	Confidential

ATTACHMENT B
TAX REFUNDS
NOVEMBER 2, 2010

- A. Chase Home Finance in the amount of \$4,666.08 overpayment of 2009 taxes. (PID #E222-999-1430-0500).
- B. Ocwen Loan Servicing in the amount of \$5,382.57 overpayment of 2009 taxes. (PID #K216-999-0500-3100).
- C. Fidelity National Title in the amount of \$5,123.05 overpayment of 2009 taxes. (PID #N490-999-0060-2800).
- D. Citimortgage in the amount of \$3,794.81 overpayment of 2009 taxes. (PID #V893-999-4530-1500).
- E. Corelogic in the amount of \$2,742.56 overpayment of 2009 taxes. (PID #V897-999-0870-2300).
- F. Chase Home Finance c/o Corelogic in the amount of \$3,071.58 overpayment of 2009 taxes. (PID #V897-999-0760-1200).

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/>