

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 16, 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 – Chaplain Jesse Alvarez, Border Patrol
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. Papeleros With A Purpose Day
2. Sun Metro Customer Appreciation Day
3. Raul Chavez Day

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 November 9, 2010.
[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 sign a Temporary Right of Entry for Pipeline Recoating and Cathodic Protection Construction by and between the City of El Paso and Plains Pipeline, L.P. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4793]
- 3B.** That the City Manager be authorized to sign an Agreement among the City of El Paso, the County of El Paso, the University of Texas at El Paso ("UTEP") and the El Paso Sports Commission in support of the 2011 Conference USA's Men's and Women's Postseason Basketball Tournaments at the Don Haskins Center and Memorial Gymnasium at UTEP and for payment of specified portions of any revenue shortfall that will be owed to Conference USA, Inc. **(All Districts)**
[Convention and Visitors Bureau, William Blaziek, (915) 534-0600]
- 3C.** A Resolution that the City Manager be authorized to sign an agreement by and between the City of El Paso (the "City") and the El Paso Archaeological Society, Inc. ("EPAS"), in exchange for EPAS' financial support and assistance to the Museum and to assist the Museum Director in achieving the aims and purposes of the Museum for a period of one year, and authorize the City Manager to exercise a one year extension on behalf of the City. **(District 4)**
[Financial Services, Liza Ramirez-Tobias, (915) 541-4074]
- 3D.** That the City Manager or her designee be authorized to enter into negotiations with the Housing Authority of El Paso to purchase the property municipally known and numbered as 440 S. Yarbrough, El Paso, Texas and upon successful completion of negotiations to present a contract for consideration by the City Council. **(District 7)** [Financial Services, Liza Ramirez-Tobias, (915) 541-4074]
- 3E.** Approve a Resolution dedicating as parkland approximately 1.72 acres of City property to be incorporated into Yucca Park. **(District 7)**
[Parks and Recreation, Nanette Smejkal, (915) 541-4331]

4. BOARD RE-APPOINTMENT:

Kristi K. Borden to the City Plan Commission by Representative Susie Byrd, District 2.
[Representative Susie Byrd, (915) 541-4416]

5. BOARD APPOINTMENTS:

5A. Moises Rodriguez, Jr. to the Community Development Steering Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, (915) 541-4572]

5B. Abel Saucedo to the Museums and Cultural Affairs Advisory Board by Representative Rachel Quintana, District 5.
[Representative Rachel Quintana, (915) 541-4701]

6. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

6A. Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Intergraph Corporation, the sole source provider for maintenance services of the City's ILEADS software, a Police Records Management System jointly operated with the County of El Paso. The City's total estimated annual amount is \$101,176.90.

Department: Information Technology
 Funding Source: Information Technology General Fund
 Total Estimated Amount: \$101,176.90
 Reference No.: 2011-081
Districts: All

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.

[Information Technology, Art Armas, (915) 541-4288]
 [Financial Services, Bruce Collins, (915) 541-4313]

6B. Request that the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and Mission-Centered Solutions, Inc., for Leadership Training Services for a temporary interim period not to exceed seven months, commencing August 16, 2010. The total contract amount is not to exceed \$120,000. The City Manager will have the option to extend the contract term for up to an additional two months without further approval from City Council.

Department: Fire
 Vendor: Mission-Centered Solutions, Inc.
 Franktown, CO
 Total Estimated Award: \$120,000
 Funding Source: General Fund-Temporary Service Contracts
 Reference No.: 2011-089
Districts: All

[Fire Department, Carlos Carmona, (915) 771-1000]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

- 6C. Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas and the City of Socorro, Texas, whereby both entities agree to combine their efforts, from time to time, for the purchase of goods and services.
(All Districts) [Financial Services, Bruce D. Collins, (915) 541-4313]

7. **BIDS:**

- 7A. The award of Solicitation No. 2010-269, for the Clardy Fox Library Addition/Expansion to Blair-Hall Company, Inc. for a total estimated amount of \$107,200.

Department: Engineering and Construction Management
 Award to: Blair-Hall Company, Inc.
 Base Bid: \$107,200
 Total Estimated Completion: \$107,200
 Funding Source: Community Development Block Grant (CDBG) 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.

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 lump-sum contract. The Engineering and Construction Management and Environmental Services Department recommend award to the offeror who submitted the highest ranked proposal.
 [Engineering and Construction Management, R. Alan Shubert, (915)541-4423]

- 7B. The award of Solicitation No. 2011-029 for the De Vargas Park Improvements, to Accent Landscape Contractors, Inc. for a total estimated amount of \$173,968.

Department: Engineering and Construction Management
 Award to: Accent Landscape Contractors, Inc.
 Base Bid: \$173,968
 Total Estimated Completion: \$173,968
 Funding Source: Community Development Block Grant
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.

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 Department recommends award as indicated to the lowest responsible bidder.

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

- 7C. The award of Solicitation No. 2010-218 for the Parks Upgrade 2009 Phase 2 to H-Squared Industries, Inc. for a total amount of \$119,480.62.

Department:	Engineering and Construction Management
Award to:	H-Squared Industries, Inc.
Base Bid:	\$119,480.62
Total Estimated Completion:	\$119,480.62
Funding Source:	Parkland Dedication Funds
Districts:	1 & 5

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 Parks Department recommend award as indicated to the lowest responsible bidder.

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

REGULAR AGENDA - INTRODUCTIONS

8. 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.

- 8A. An Ordinance to repeal Ordinance No. 017456, relating to the endorsement of traditional family values by making Health Benefits available only to City Employees and their legal spouse and dependent children. **(All Districts)**

[City Attorney's Office, Elaine S. Hengen, (915) 541-4550]

- 8B. An Ordinance calling a Special Election in the City of El Paso for a Charter Election for the submission of a Charter Amendment to be held within the City on May 14, 2011; and making provisions for the conduct of the Election.

(All Districts) [City Attorney's Office, Elaine S. Hengen, (915) 541-4550]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 30, 2010, FOR ITEMS 8A – 8B

- 8C. An Ordinance changing the zoning of Lots 11 to 20, Block 59, Magoffin Addition, City of El Paso, El Paso County, Texas, be changed from A-3 (Apartment) to A-3/H (Apartment/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(District 8)**

[Planning and Economic Development, Tony De La Cruz, (915) 541-4329]

PUBLIC HEARING WILL BE HELD ON DECEMBER 7, 2010, FOR ITEM 8C

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#

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2010-271, for the Clint Landfill Gas Recovery System, Phase I to Stearns, Conrad and Schmidt, Consulting Engineers, Inc. for a total estimated amount of \$745,756.25.

Department:	Engineering and Construction Management
Award to:	Stearns, Conrad and Schmidt, Consulting Engineers, Inc.
Base Bid:	\$679,756.25
Total Estimated Completion:	\$745,756.25
Funding Source:	American Recovery & Reinvestment Act (ARRA) & Garbage Collection Billings
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 and Environmental Services Department recommend award as indicated to the lowest responsible bidder.

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

REGULAR AGENDA – PUBLIC HEARINGS

10. PLANNING AND ECONOMIC DEVELOPMENT:

- 10A.** 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]
- 10B.** 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]
- 10C.** 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]

11. CITY MANAGER:

- 11A.** An Ordinance granting to ONEOK WesTex Transmission, L.L.C., the right, privilege and franchise to construct, acquire, operate and maintain in certain portions of the City of El Paso, Texas, mains, systems and facilities for the purpose of transporting, delivering and selling natural gas within and through said municipality to customers inside, beyond and outside the limits of said municipality, and for such purposes to use the highways, streets, avenues, alleys, easements, bridges, parks and drainage facilities of said municipality for a period of 20 years. **(All Districts)**
[City Manager's Office, William F. Studer, Jr. (915) 541-4252]
- 11B.** An Ordinance amending Ordinance No. 16090, which granted a franchise to El Paso Electric Company, to increase street rental charge. **(All Districts)**
[City Manager's Office, William F. Studer, Jr. (915) 541-4252]

REGULAR AGENDA – OTHER BUSINESS**12. MAYOR AND COUNCIL:**

12A. Presentation from the Housing Authority of the City of El Paso regarding the status of the Paisano Green Community project. [Mayor John F. Cook, (915) 541-4145]

12B. Legislative Review Committee Report:

1. For notation only: Formal report of the Finance, Internal Audit, Engineering/CIP and Management Services Legislative Review Committee meeting held on October 14, 2010, at 10:00 a.m. as submitted by Representative Rachel Quintana, 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) 2010 – 2011 Audit Plan
 - B) City’s Investment Policy for 2011.
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

12C. Legislative Review Committee Report:

1. For notation only: Formal report of the Transportation Legislative Review Committee meeting held on October 14, 2010, as submitted by Representative Ann Lilly; and
2. Discussion pertaining specifically to the agenda item posted by the Transportation Legislative Review Committee meeting, as follows: Discussion and action on 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. [Mobility Services, Jane Shang, (915) 541-4686]

13. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action that the City Manager be authorized to sign the Agreement for Professional Engineering Services by and between the City of El Paso and Moreno Cardenas Inc., a Texas Corporation, for a project known as “Country Club Road Expansion Improvements” in the amount of \$900,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$950,000. **(Districts 1 & 8)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

14. FIRE DEPARTMENT:

Discussion and action to authorize the Mayor to sign an Interlocal Agreement between the City of El Paso (“City”) and El Paso County Community College District (“EPCC”), whereby EPCC agrees to provide medical training to the City’s Emergency Medical System (EMS) System at a cost to the City in FY 2011 not to exceed \$278,941, in FY 2012 not to exceed \$407,788, and in FY 2013 not to exceed \$334,037. Said contract to have an effective date of November 1, 2010 and a termination date of August 31, 2013, with the City’s option to extend the contract for an additional one-year period at the FY 2013 rates. **(All Districts)**
[Fire Department, Carlos Carmona, (915) 771-1000]

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

15. PLANNING AND ECONOMIC DEVELOPMENT:

- 15A.** Discussion and action on a Resolution that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and River Oaks Properties, Ltd, a Texas limited liability company ("Applicant"), to provide for a grant from the City to the Applicant in an amount not to exceed \$216,500 in connection with the Applicant's removal of the blighted conditions and the redevelopment of the approximately 15.3-acre property located at 5631 and 5719 Dyer Street in El Paso, Texas, subject to the terms and conditions provided in the Agreement. **(District 2)**
[Planning and Economic Development, Kathryn Dodson (915) 541-4670]
- 15B.** Discussion and action on a Resolution that the City Manager be authorized to sign a Contract of Sale between the City of El Paso and River Oaks Properties, Ltd and to sign all other documents approved by the City Attorney, or his designee, necessary and proper to consummate the purchase of the following described property: Lots 1 through 10, both inclusive, Block 1, Satterthwaite Addition, an addition to the City of El Paso, El Paso County, Texas; also known as 601 N. Oregon Street, El Paso, El Paso County, Texas. **(District 8)**
[Planning and Economic Development, Kathryn Dodson (915) 541-4670]
- 15C.** Discussion and action on the proposed amendments to the City of El Paso Infill Development Incentive Policy. **(All Districts)**
[Planning and Economic Development, Kathryn Dodson (915) 541-4670]
- 15D.** Discussion and action to authorize the City Manager to sign a Services Agreement with El Paso Electric to authorize the Company to administer an incentive program for solar programs for residential and commercial properties in El Paso using funding from additional City franchise fees and Palo Verde Performance Reward Funds. **(All Districts)**
[Planning and Economic Development, Kathryn Dodson (915) 541-4670]

16. CITY MANAGER:

City Manager's report of current events and issues:

- 1A.** Discussion and action directing the City Manager to identify areas and corridors where the Institute of Transportation Engineers (ITE) roadway design standards for walkable urban thoroughfares are applicable and present to City Council for designation of these areas and corridors as locations where the standards are mandatory for both private and public infrastructure development.
- 1B.** Discussion and action on City of El Paso Transportation Improvement Program (TIP) projects and potential reprogramming of these projects to implement street improvement projects that may arise from designation of areas and corridors where ITE standards are mandated.
- 1C.** Staff Overview on implementing Sustainable Development in El Paso and the Extraterritorial Jurisdiction (ETJ) through Smart Growth principles, design standards, and Title 21 SmartCode zoning.

- 1D. Discussion and action that the City Manager direct staff to develop and propose recommended changes to the city code and/or city policies and practices for the implementation of Sustainable Development through the following measures:
- a. Development of zoning overlays for scenic corridors and Bus Rapid Transit (BRT) corridors;
 - b. Adoption of special area plans for ASARCO, Transit Oriented Developments (TOD's), Airports and Medical Center of the Americas (MCA)
 - c. Mandatory Use of Title 21 SmartCode or Smart Growth principles and design standards in city incentive and grant programs, city policies, and/or city-owned properties (to include properties held by the Public Service Board (PSB));
 - d. Administrative costs for new development to match actual cost;
 - e. Mandatory Use of Title 21 SmartCode for all or in portion(s) of the City and ETJ;
 - f. Amendment of Transfer of Development Rights (TDR) code provisions;
 - g. Urban Growth Boundary;
 - h. Adoption or incorporation of some or all of the Smart Growth principles and design standards, discussed in the presentation to Council, into city codes; and
 - i. Public Education and outreach program on Title 21 SmartCode and/or Smart Growth principles and design standards.

(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.** City of El Paso vs. El Paso Entertainment, Inc., et. al.; Cause No. EP-07-CA-0380 (551.071) [City Attorney's Office, Kenneth A. Krohn (915) 541-4550]
- EX2.** Claim of Renee LaDouceur, Our File No. 10-C-013 (551.071) [City Attorney's Office, Audrey N. Hare (915) 541-4550]

- EX3.** Empowerment Zone Loan RLF-84 to Osteo Imaging, Inc. d/b/a Imaging El Paso and its loan guarantors Martha Oaxaca Cooper, Robert W. Vera, M.D., and Christopher J. Powers, M.D. (551.071)
[City Attorney's Office, Marie Taylor, (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/>