

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

**December 14, 2010
Council Chambers, City Hall
9:00 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, & CIMA Chaplain Sam Faraone
Pledge of Allegiance**

MAYOR'S PROCLAMATIONS

- 1. SENIOR ALL-STAR FOOTBALL CLASSIC WEEK**
- 2. LIZ MORAYMA GONZALEZ DAY**
- 3. BE A SANTA TO A SENIOR DAY**
- 4. NAVIDAD DE LA FE LUMINARIAS 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 December 7, 2010.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Lessor’s Approval of Assignment by and among the City of El Paso (“Lessor”), Haysland, Inc., d/b/a GoldCross Properties (“Assignor”), Calcaterra Properties, L.P. (“Assignee”) and Joseph Calcaterra III (“Guarantor”) for the following described property: A portion of Lot 7 and 8, Block 5, El Paso International Airport Tracts, Replat “A”, City of El Paso, El Paso County, Texas, municipally known and numbered as 6500 Boeing Dr., El Paso, Texas (“Premises”). **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a Ground Lease Estoppel Certificate and Agreement by and between the City of El Paso ("Landlord"); Host Hotels & Resorts, L.P., f/k/a Host Marriott, L.P. ("Tenant"); and CP El Paso LTD. ("Subtenant") for the property described as a portion of Tract 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, which is also municipally known and numbered as 1600 Airway Blvd., El Paso, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

3C. That the Mayor be authorized to sign a Memorandum of Agreement by and between the New Mexico Department of Transportation and the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO") wherein the MPO will develop and implement an annual Unified Planning Work Program ("UPWP") that will serve as the frame work for development of transportation plans and programs.
(All Districts) [El Paso MPO, Roy Gilyard, (915) 591-9735]

3D. That the City Manager is authorized to sign a Wireline Crossing Agreement with Union Pacific Railroad Company allowing the City to install fiber optic lines across railroad company right-of-way at N. Boone St. between Rosa Ave. and Alameda Ave., El Paso, Texas. The one time license fee cost to the city is \$9,900. **(District 3)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3E. That the City Engineer is authorized to enter into a mutual termination agreement with the Contractor, Caspian Construction Company, for Facility Rehabilitation-Roofs Solicitation No. 2010-128 in the amount of \$96,890.40 terminating the Contract at no

cost to the City and releasing the performance and payment bonds provided by the Contractor under the requirements of the Contract, subject to the approval of the City Attorney's Office. **(Districts 2, 3, 6, 7, and 8)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3F. That the City Council approves the expenditure of additional available funding in the amount of \$38,990.12 to Arrow Building Corporation for additional construction costs of the Glory Road Transit Terminal. This change order provides for labor, materials and equipment to install an automatic pay station at the vehicle exit of the Glory Road parking garage, adding no days of contract time for Contract Number 2009-145. The new contract sum, including this change order is \$9,941,222.32. **(District 1)**
 [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

3G. Placing a condemnation lien on the following properties (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:

1024 East River Avenue (District 1)	\$7,590.34	Carlos A. and Maria G. Reyes
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4936 Sierra Madre (District 2)	\$3,993.31	Francisco G. Arteche
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[Environmental Services, William V. Stern, (915)599-3742]

3H. That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A) **(Districts 2, 3, 4, 5, 6, 7 and 8)**
 [Environmental Services, Ellen A. Smyth, (915) 621-6719]

3I. That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso, for the provision of public health services by the City of El Paso for the County of El Paso, and related matters, for the period of September 1, 2010, through August 31, 2011 **(All Districts)**
 [Health, Michael Hill, (915) 771-5702]

3J. That the City Manager be authorized to sign an Exhibition Agreement between the City of El Paso and The Dixon Gallery and Gardens, for an exhibition known as "Monet to Matisse: French Masterworks from the Dixon Gallery and Gardens" to be displayed at the El Paso Museum of Art from March 6, 2011 through May 29, 2011 in the amount of \$100,000 for the participation fee. **(All Districts)**
 [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

4. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

That the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2009-053 Environmental Laboratory Services for Air Quality with SCI Tech Holdings, Inc. d/b/a CFR Environmental Services and Armstrong Forensic Laboratory, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on January 27, 2009. The extended contract period will be from January 28, 2011 to January 27, 2013.

Department:	Environmental Services
Award to:	Vendor 1 SCI Tech Holdings, Inc. d/b/a CFR Environmental Services

Items: El Paso, TX
 1 and 2 – Gasoline Analysis
 Option: One [of One]
 Annual Estimated Amount: \$95,000

Award to: Vendor 2 Armstrong Forensic Laboratory, Inc.
 Arlington, TX
 Items: 3, 4, and 5 – Filter Media Lead/Weight Analysis
 Option: One [of One]
 Annual Estimated Amount: \$25,000

Total Estimated Award: \$240,000 (2 years)
 Funding Source: Federal/State Grants – Environmental Services
Districts: All
 [Environmental Services, Ellen Smyth, (915) 621-6719]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

5. BIDS:

5A. That the Purchasing Manager is authorized to notify 3M Company, of St. Paul, MN, that the City is terminating Contract No. 2008-233 pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses due to convenience and that the termination shall be effective as of December 14, 2010. Vendor will be notified. **(All Districts)**
 [Department of Transportation, Daryl W. Cole, (915) 621-6750]
 [Financial Services, Bruce D. Collins, (915) 541-4313]

5B. The award of Solicitation No. 2010-270 (Reflective Sheeting) to 3M Company for an initial term estimated award of \$450,000.

Department: Department of Transportation
 Award to: 3M Company
 St. Paul, MN
 Items: All
 Initial Term: 3 years
 Option to Extend: None
 Annual Estimated Award: \$150,000
 Initial Term Estimated Award: \$450,000 (3 years)
 Total Estimated Award: \$450,000 (3 years)
 Funding Source: Signs & Markings – Maintenance Supplies/Parts
Districts: All

This is a low bid requirements 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 and Department of Transportation recommend award as indicated to 3M Company, the lowest responsive, responsible bidder.

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

REGULAR AGENDA - INTRODUCTIONS

6. 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.**

- 6A.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), to clarify terms and definitions; to clarify overflowing carts in Section 9.04.100 (Location for Collection); to provide an exemption for commercial collection of compacted solid waste in Section 9.04.190 (Schedule for Collection); to clarify construction or demolition material placement in Section 9.04.260 (Accumulation and Storage); to clarify the manifest process in Section 9.04.280 (Manifest Requirement); to clarify roll-off collection in Section 9.04.300 (Schedule for Collection); to clarify hauler permit revocation in Section 9.04.480 (Suspension, Revocation of Hauler Permit; Appeals); to cap the sign and litter receptacle requirement in Section 9.04.910 (Litter Control); and to amend the effective date of the Franchise Agreement requirements; the penalty being as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
- 6B.** An Ordinance vacating a portion of a 35 feet wide service road, located adjacent to the west boundary line of Lot 16, Block 74, Sun Valley Addition Unit Seven, City of El Paso, El Paso County, Texas. SUB10-00246 **(District 4)**
[Planning and Economic Development, Justin Bass, (915) 541-4930]
- 6C.** An Ordinance amending Ordinance No.017456, to provide for the application of the Ordinance to persons seeking to obtain health benefits coverage from the City after November 10, 2010, and to provide that all persons who had health benefits coverage from the City on November 10, 2010 shall not lose it as a result of Ordinance No. 017456. **(All Districts)** [Representative Rachel Quintana, (915) 541-4701]

PUBLIC HEARING WILL BE HELD ON DECEMBER 21, 2010, FOR ITEMS 6A – 6C

- 6D.** An Ordinance changing the zoning of Lot 48, Block B, Bassett Addition, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2125 Central Avenue. Property Owner: Martin Beltran. ZON10-00077 **(District 8)** [Planning and Economic Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2011, FOR ITEM 6D

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

7. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2011-076 for the Hawkins Blvd. Street & Drainage Improvements, to C.F. Jordan Construction, LLC for a total estimated amount of \$542,911.

Department:	Engineering and Construction Management
Award to:	C.F. Jordan Construction, LLC
Base Bid I:	\$375,411
Base Bid II:	\$83,180
Base Bid III:	\$84,320
Total Estimated Completion:	\$542,911
Funding Source:	2009 Certificates of Obligation, El Paso Water Utilities And El Paso Storm Water utilities
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 Department recommends award as indicated to the lowest responsible bidder.
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

8. FIRE DEPARTMENT

8A. Discussion and action on a Resolution that the Purchasing Manager is authorized to notify Currey Adkins, LP, of El Paso, Texas, that the City is terminating Contract No. 2003-208R pursuant to the provisions and requirements of Article 2.2 of the Contract without cause and that the termination shall be effective as of January 15, 2011. Vendor will be notified. **(All Districts)**
[Fire, Otto Drozd, (915) 771-1000]
[Financial Services, Bruce D. Collins, (915) 541-4313]

8B. Discussion and action on the award of Solicitation No. 2010-181R (Transport Medical Billing, Collections & ePCR Services) to Advanced Data Processing Inc. for an initial estimated award of \$3,929,603.28.

Department:	Fire
Award to:	Advanced Data Processing Inc.

Fort Lauderdale, FL (Corporate Office)
 Items: All
 Option: Two Options of One-Year each
 Annual Estimated Amount: \$1,309,867.76
 Initial Estimated Award: \$3,929,603.28 (3 years)
 1st One-Year Option: Estimated Minimum Amount: \$1,309,867.76 (1 year)
 2nd One-Year Option: Estimated Minimum Amount: \$1,309,867.76 (1 year)
 Total Estimated Award: \$6,549,338.80 (5 years)
 Funding Source: General Fund – Billing/Collection Agencies Contracts
Districts: All

This is a Request for Proposals Services 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.

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 Fire Department recommend award as indicated to Advanced Data Processing Inc. the highest ranked proposer based on evaluation factors established for this procurement.

[Fire, Otto Drozd, (915) 771-1000]

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

9. HUMAN RESOURCES:

9A. Discussion and action on a Resolution that the Purchasing Manager is authorized to notify El Paso Med Partners PA (formerly Physicians Healthcare Associates PA) of El Paso, Texas, that the City is terminating the License Agreement pursuant to the provisions and requirements of Article 3 of the Contract and that the termination shall be effective as of January 15, 2011. Vendor will be notified.

(All Districts)

[Human Resources, Linda Ball Thomas, (915) 541-4102]

[Human Resources, Irene Y. Morales, (915) 541-4448]

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

9B. Discussion and action on the award of Solicitation No. 2010-100R (On-Site Wellness Clinics) to H2U Wellness Centers, LLC d/b/a/ First Onsite for an initial term estimated award of \$1,537,185.94.

Department: Human Resources
 Award to: H2U Wellness Centers, LLC d/b/a First Onsite
 Nashville, TN

Items: All
 Option: Two Options of two years each
 Year One Amount: Estimated Amount: \$289,536
 Year Two Amount: Estimated Amount: \$298,222.08
 Year Three Amount: Estimated Amount: \$307,168.74

Year Four Amount:	Estimated Amount: \$316,383.80
Year Five Amount:	Estimated Amount: \$325,875.32
Total Initial Term Award:	Estimated Amount: \$1,537,185.94 (5 years)
1 st Two-Year Option:	Estimated Minimum Amount: \$651,750.64 (2 years)
2 nd Two-Year Option:	Estimated Minimum Amount: \$651,750.64 (2 years)
Total Estimated Award:	Estimated Minimum Amount: \$2,840,687.22 (9 years)
Funding Source:	Health Benefit Fund– Health Care Providers Account
Districts:	All

This is a Request for Qualifications, Professional Services Agreement.

The cost under this Professional Services Agreement 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.

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 Human Resource Department-Risk Management Division recommend award as indicated to H2U Wellness Centers, LLC d/b/a/ First Onsite, the highest ranked qualifier.

[Human Resources, Linda Ball Thomas, (915) 541-4102]

[Human Resources, Irene Y. Morales, (915) 541-4448]

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

10. POLICE:

Discussion and action that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to i2 Merger Sub Two, Inc. dba Knowledge Computing Corp. the sole source provider of "COPLINK" software and configuration services including maintenance, and support, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

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:	Police
Award To:	Knowledge Computing Corp. Mclean, VA
Total Estimated Award:	\$972,658
Funding Source:	FY08 and FY09 Urban Area Security Initiative Grant Fund - Data Processing Equipment
Sole Source No.:	2011-110
Districts:	All

This is a Sole Source, services type contract.

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

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

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

Discussion and action regarding a Resolution approving the City of El Paso's Legislative Agenda for the 82nd Texas Legislative Session and adopting a Statement of Policy for the City of El Paso regarding legislation in the 82nd Texas Legislature and actions before State Administrative Agencies. **(All Districts)**

[Mayor and Council, Sylvia Borunda Firth, (915) 541-4656]

12. MUSEUMS AND CULTURAL AFFAIRS:

1. Discussion and action that the 2011 Public Art Plan for the City of El Paso, Texas ("the Plan"), Exhibit A, be and is hereby officially adopted.

2. That the Plan includes update of projects in progress and new projects to be initiated in fiscal year 2011, and describes the planned location, proposed budget, timetable and artist selection process and artists selected for each project.

3. That adoption of the Plan is fully funded through 2006, 2009 and 2010 Certificates of Obligation. **(All Districts)**

[Museums and Cultural Affairs, Sean McGlynn, (915) 541-4896]

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

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/>