

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
December 21, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly at 8:39 a.m., Eddie Holguin, Jr. at 8:40 a.m., and Carl Robinson at 8:43 a.m., during Executive Session deliberations and Rachel Quintana at 9:24 a.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. HYUNDAI SUN BOWL WEEK**
- 2. IMMANUEL CHRISTIAN SCHOOL FOOTBALL STATE CHAMPIONS WEEK**

RECOGNITIONS

COACH LEON L. WADE - STAR ON THE MOUNTAIN AWARD
EL PASO POLICE DEPARTMENT - #1 SAFEST CITY

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.

The following members of the public commented:

1. Mr. James Perry
2. Ms. Lisa Turner
3. Mr. Jorge Artalejo
4. Ms. Kirstin Perez
5. Mr. Danny Steele
6. Ms. Sonia Brown

- 7. Mr. Ignacio Padilla
- 8. Ms. Mary Valles
- 9. Mr. Tom Brown
- 10. Mrs. Carol Cassady
- 11. Mrs. Elizabeth Branham
- 12. Mr. Salvador Gomez
- 13. Mr. Raul Castaneda

Mayor Cook and Representative Byrd commented.

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 Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- 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 Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Robinson, Quintana, and Holguin

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:06 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

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 ITEMS EX1 AND 14 TAKEN TOGETHER

EX1. Ronald G. Martin, Jr., et. al. vs. The City of El Paso, Texas; Cause No. 2010-4936. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to enter into a temporary injunction until January 31, 2011 in the lawsuit styled Ronald G. Martin, Jr., et. al. vs. the City of El Paso, Texas; Cause No. 2010-4936.

- AYES: Representatives Lilly, Byrd, Acosta, Robinson, Ortega, and O'Rourke
- NAYS: Representative Holguin
- ABSTAIN: Representative Quintana

Mayor Cook commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Karla Nieman, Assistant City Attorney, gave legal advice
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice

CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 14, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

RESOLUTION AMENDING SCHEDULE C OF THE CITY OF EL PASO FY 2011 BUDGET RESOLUTION

WHEREAS, Paragraph 44 of the Budget Resolution for FY2011, adopted on August 24, 2010, provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the Council desires to establish the amounts of the fees related to newly-established Animal Services related permits and charges as established in Ordinance No. 017428.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

That Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010, shall be amended as set forth in Attachment A, to establish the amounts of the fees listed therein for newly-established Animal Services related permits and charges established in Ordinance No. 017428, and to amend the listing for the Animal Establishment fee, to read, "Animal Establishment—all types not specifically listed".

Representative Acosta commented.

Mr. Michael Hill, Director of Public Health commented.

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3B.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service for the El Paso International Airport (runway extension

project), El Paso, Texas. Said property being more particularly described as a portion of Lot 11, Block 13, El Paso Intl. Airport Tract 8, Replat A, El Paso County, Texas.

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3C.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the City Council approves the expenditure of additional available funding in the amount of \$28,738.57 to Demcon Demolition, LLC for additional construction costs of the Demolition of North Wind Slope. The Change Order provides for labor, materials and equipment for cost of demolishing latent conditions, adding no days of contract time for Contract Number 2010-034. The new contract sum, including, the change order approved by this Resolution, \$65,191.57.

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3D.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract among the City of El Paso and TIBH Industries, Inc. and Border TM Industries, Inc. d/b/a Xceed Resources, to provide litter control services for the City's Department of Environmental Services.

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3E.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the FY 2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency to account for the seizure, forfeiture, receipt and specific expenditure of forfeited proceeds and property, as required by Attorney General's Office of the State of Texas.

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4.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That Mr. Xavier Bañales be reappointed to the Board of Trustees of the El Paso MHMR Center to a full term expiring December 31, 2012 for the position designated to be held by a professional.

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5A. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **DELETE** the item authorizing the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Innovative PBX Services, Inc. a contractor under Department of Information Resource (DIR) Contract# DIR-SDD-667, to upgrade the structured cabling system at Mission Valley Regional Command Center to the newest standards for data communications. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology
Award to: Innovative PBX Services, Inc.
El Paso, TX
Total Estimated Award: \$59,710.17
Funding Source: IT Capitol Acquisitions
Reference No.: 2011-117

This is a Cooperative, services and materials contract.

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5B. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue Purchase Orders to Bailey's House of Guns, Inc. and Precision Delta Corp., contractors under Texas Procurement and Support Services (TPASS) Contract # 680-A1 (State of Texas CPA Term Contract), for ammunition to be used by the Police Department. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department: Police
Award to: Vendor 1 Bailey's House of Guns, Inc.
Houston, TX
Amount: \$72,870

Award to: Vendor 2 Precision Delta Corp.
Ruleville, MS
Amount: \$220,962.50

Total Estimated Award: \$293,832.50
Funding Source: General Fund – Ammunition Supplies
Reference No.: 2011-080

This is a cooperative, requirements type contract.

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5C. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Hagemeyer North America, a contractor under U.S. Communities Cooperative Purchasing Alliance, Contract #RQ-06-814063-10A for 75 Multi-Threat Suits, 75 Training Suits and 75 Kit Bags. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the U.S. Communities Cooperative Purchasing Alliance was approved by Mayor and City Council on February 27, 2007.

Department: Police
Award to: Hagemeyer North America
Charleston, SC
Total Estimated Award: \$147,225

Funding Source: FY 2008 Urban Areas Security Initiative (UASI)-Improvised Explosive Device (IED) Response Grant
Reference No.: 2011-091

This is a cooperative, unit price type contract.

Representative O'Rourke commented.

Assistant Police Chief Eric Shelton, commented.

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6. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-209R (Electric Vehicle Charging Stations) to ECOtality, North America for a total estimated award of \$113,385.

Department: General Services
Award to: ECOtality, North America
Phoenix, AZ
Items: All
Option: To purchase 100% at the same unit price if exercised within 180 days from date of award
Total Award: \$113,385 (for 32 units)
Funding Source: Fleet Services Grants - Transportation Energy Efficiency Alternative Fuels

This is an RFP, unit-price purchase.

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 General Services recommend award as indicated to ECOtality, North America, the highest ranked proposer based on evaluation factors established for this procurement

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7A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-056 for the Mary Jeanne Street & Drainage Improvements to Saab Site Contractors, L.P., for a total estimated amount of \$314,000.

Department: Engineering and Construction Management
Award to: Saab Site Contractors, L.P.
Base Bid I: \$262,355
Base Bid II: \$51,031
Base Bid III: \$614
Total Estimated Completion: \$314,000
Funding Source: Community Development Block Grant

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.

Representatives Acosta, Byrd and Ortega commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-050 for the Memorial Park Tennis Courts Improvements to Licon Engineering Co., Inc., for a total estimated amount of \$366,309.67.

Department: Engineering and Construction Management
Award to: Licon Engineering Co., Inc.
Base Bid: \$366,309.67
Total Estimated Completion: \$366,309.67
Funding Source: Community Development Block Grant

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.

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8. UTILITY REPORT

1ST MOTION

*Motion made, seconded and unanimously carried to **MOVE TO REGULAR.**

Report regarding the 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.

Mr. Norman Gordon, outside council, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta, Ortega, and Robinson commented.

Mr. Richard Schechter, and Ms. Lisa Turner, citizens, commented.

NO ACTION was taken on this item.

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9A. – 9E. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

9A. An Ordinance annexing the following real property described as a portion of Subsection 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas.

9B. An Ordinance amending Title 2 (Administration and Personnel) Chapter 2.22 (Open Space Advisory Board), of the El Paso City Code to delete the ex-officio member, to allow subcommittees, and to amend staff support for the Board.

9C. An Ordinance to amend Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.84, by adding Section 5.84.215 (Authority to Issue Citations); the penalty as being provided in Chapter 5.84.220 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2011, FOR ITEMS 9A – 9C

9D. An Ordinance changing the zoning of the following real property known as: Parcel 1: Portion of Nellie D. Mundy Survey 246; City of El Paso, El Paso County, Texas, from R-3 (Residential) and PMD (Planned Mountain Development) to NOS (Natural Open Space); Parcel 2: Portion of Tract 1, Abstract 10070, S. J. Larkin Survey 269; City of El Paso, El Paso County, Texas, from PMD (Planned Mountain Development) to NOS (Natural Open Space); and Parcel 3: Portion of Tract 1-A, Abstract 10070, S. J. Larkin Survey 269, City of El Paso, El Paso County, Texas, from PMD (Planned Mountain Development) to NOS (Natural Open Space). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

9E. An Ordinance changing the zoning of a portion of Lot B, Block 79, Eastwood Heights, City of El Paso, El Paso County, Texas from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 11, 2011, FOR ITEMS 9D – 9E

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ITEMS TAKEN TOGETHER

10A. HUMAN RESOURCES

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AWARD AS REVISED** Solicitation No. 2011-033R (Property, Casualty, Boiler and Machinery Insurance) to

Affiliated FM Insurance Company through Wells Fargo Insurance Services USA, Inc. for an initial term estimated award of \$1,042,560.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative O'Rourke

Department: Human Resources
Award to: Affiliated FM Insurance Company through
Wells Fargo Insurance Services USA, Inc.
El Paso, TX (Corporate Office)
Items: All
Option: 1 Year
Annual Estimated Amount: \$347,520
Initial Term Estimated Award: \$1,042,560 (3 years)
1-Year Option Estimated Amount: \$347,520
Total Estimated Award: \$1,390,080 (4 years)
Funding Source: General Fund – Property Insurance

This is an RFP, Professional Services Agreement.

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 Human Resources Department recommend award as indicated to Affiliated FM Insurance Company through Wells Fargo Insurance Services USA, Inc. the highest ranked proposer based on evaluation factors established for this procurement.

10B.

RESOLUTION

WHEREAS, the City awarded a License Agreement to El Paso Med Partners PA (formerly Physicians Healthcare Associates PA) to provide space for health clinics at several City facilities; and

WHEREAS, the City has notified vendor that the City would rebid the contract and may terminate said Contract without cause, pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Article 3 of the Contract (Term and Termination), the City is authorized to terminate the Contract by giving thirty (30) day notice; and

WHEREAS, the City desires to terminate the Contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Purchasing Manager is authorized to notify El Paso Med Partners PA (formerly Physicians Healthcare Associates PA) that the City is terminating the License Agreement pursuant to the provisions and requirements of Article 3 of the Contract by giving 30 day notice and that the termination shall be

effective as of January 21, 2011, unless the City Manager and an authorized representative of El Paso Med Partners PA mutually agree to an earlier termination date.

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **APPROVE AS REVISED** a Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

10C. HUMAN RESOURCES

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AWARD** 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.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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

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.

10D HUMAN RESOURCES

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AWARD** Solicitation No. 2011-034R (Specific and Aggregate Stop Loss Insurance) to Aetna Life Insurance Company for a total estimated award of \$9,009,136.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative O'Rourke

Department: Human Resources
Award to: Aetna Life Insurance Company
Hartford, CT
Items: All
Option: None
Annual Estimated Amount: \$2,252,284
Total Estimated Award: \$9,009,136 (4 years)
Funding Source: Health Benefits Fund – Health Care Providers

This is an RFP, Professional Service Agreement.

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 Human Resources Department recommend award as indicated to Aetna Life Insurance Company, the highest ranked proposer based on evaluation factors established for this procurement.

Ms. Irene Morales, Risk Manager, commented.

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ITEMS TAKEN TOGETHER

11A. LIBRARY

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE AS REVISED** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Decision Tree, Inc. a contractor under Department of Information Resource (DIR) Contract # DIR-SDD-1364, for Hardware, Software, and Supplies and Service. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

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

Department: Library
Award to: Decision Tree, Inc
El Paso, TX

Total Estimated Award: \$563,339.11
Funding Source: ARRA BTOP Virtual Village
Reference No.: 2011-124

This is a Cooperative, unit price type contract.

11B. LIBRARY

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order(s) to Checkpoint Services, Inc., a contractor under Department of Information Resources (DIR) Contract# DIR-SDD-890 for 261 Dell Personal Computers, 150 Dell Laptop Computers, and related equipment. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR) Program was approved by Mayor and City Council on February 27, 2007.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYES: None

Department: Library
Award to: Checkpoint Services, Inc.
El Paso, TX
Total Estimated Amount: \$569,792.04
Funding Source: ARRA BTOP Virtual Village – Data Processing
Equipment
Reference No.: 2011-122

This is a Cooperative, unit price type contract.

Mayor Cook and Representatives Acosta, Robinson and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Bruce Collins, Purchasing Manager, commented

12. ENVIRONMENTAL SERVICES

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign up period.

ORDINANCE # 17471

The City Clerk read an Ordinance entitled: **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.

Representatives Byrd, Robinson, Holguin and Acosta commented.

Ms. Josette Flores, Assistant City Attorney, gave legal advice.

Mr. Karl Rimkus, Senior Environmental Scientist, commented.

Ms. Bea Heist, Heist Disposal, commented.

2ND AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED AS REVISED**.

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ITEMS TAKEN TOGETHER

13A.

ORDINANCE # 17472

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTION OF BLOCK 302, PIERCE FINLEY ADDITION AND A PORTION OF PIERCE STREET AND AN ALLEY ADJACENT TO A PORTION OF BLOCK 302, PIERCE FINLEY ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

13B.

ORDINANCE # 17473

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 010993 WHICH CHANGED THE ZONING OF A PORTION OF BLOCKS 42 AND 43 OF ALEXANDER ADDITION; PORTION OF COLLINS SURVEY NO. 209; PORTIONS OF PIERCE STREET, ERIE STREET AND SCHUSTER STREET; AN ALLEY ADJOINING A PORTION OF BLOCKS 42 AND 43 OF ALEXANDER ADDITION AND COLLINS SURVEY NO. 209 AND A PORTION OF BLOCK 302, PIERCE FINLEY ADDITION; AND PORTIONS OF PIERCE STREET AND AN ALLEY ADJACENT TO PORTION OF BLOCK 302, PIERCE FINLEY ADDITION; AND PORTIONS OF PIERCE STREET AND AN ALLEY ADJACENT TO A PORTION OF BLOCK 302, PIERCE FINLEY**

ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

Mr. Mathew McElroy, Deputy Director of Planning presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinances be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinances, the same be and the same are hereby **ADOPTED**.

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13C.

ORDINANCE # 17474

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 67, BLOCK 214, TIERRA DEL ESTE UNIT 54, REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Motion duly made by Representative Quintana, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
13D.

ORDINANCE # 17475

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00068, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 14 AND 15, BLOCK 4, MAP OF HUGHES SUBDIVISION, BLOCK 1, OF ALAMEDA ACRES, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 SPECIAL PERMIT FOR INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta commented.

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lilly

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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13E.

ORDINANCE #17476

The City Clerk read an Ordinance entitled: **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**

Mayor Cook and Representative Robinson commented.

Motion duly made by Representative Robinson, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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ITEMS 14 AND EX1 TAKEN TOGETHER

14. MAYOR AND COUNCIL

1ST MOTION

Motion made by Representative O'Rourke , seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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 Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Robinson, Quintana, and Holguin

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:06 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

3RD AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Ortega, to **DELETE** the Public Hearing on 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.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Mayor Cook commented.

Ms. Karla Nieman, Assistant City Attorney, gave legal advice.

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15.

RESOLUTION

WHEREAS, the Neighborhood Improvement Program was categorized as a Priority Program, in which the requested projects from Recognized Neighborhood Associations must be for permanent public improvements that benefit all neighborhood residents and the general public at large; and

WHEREAS, approximately \$450,000.00 in 2008 Certificate of Obligation funding was made available for the Neighborhood Improvement Program (NIP) and are available for a third round of Neighborhood Improvement Program funding for eligible public improvement projects and program administration costs; and

WHEREAS, City Council directed the City Manager or her designee to conduct a limited mini-round of NIP projects in order to exhaust the remaining District fund balances; and

WHEREAS, the NIP Review Committee has completed its review of the applications and has provided recommendations for NIP projects for the limited mini-round of NIP funding; and

WHEREAS, the Director of Community and Human Development, Neighborhood Services Division staff, and the NIP Review Committee recommend a limited mini-round of NIP funding as provided in Exhibit "A" and that City Council approve a waiver of the per project funding cap.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That City Council hereby approves the Neighborhood Improvement Projects the NIP Review Committee has recommended for expenditure as designated mini-round NIP funding and approves waiver of program guidelines related to the identified project in District 6; and

That the City Manager or her designee is directed to proceed with allocation of the funds for the mini-round of NIP projects, as approved of herein, in order to begin implementation of the approved NIP projects in the mini-round of NIP funding.

Mr. Mark Alvarado, Neighborhood Services presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representatives Byrd and Acosta commented.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** a Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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ITEMS TAKEN TOGETHER

16A. POLICE

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** five weeks a budget transfer to increase Federal Confiscated Award to fund the FY2011 Confiscated Fund budget (\$531,500) and reallocate prior year appropriations and to refer to a joint meeting of the Health, Safety and Community Services LRC and the Finance, Internal Audit, Engineering / CIP & Management Services LRC.

Increase	\$ 30,000	to	Contractual Services
Increase	\$135,000	to	Materials and Supplies
Increase	\$ 25,000	to	Operating Expenditures
Increase	<u>\$341,500</u>	to	Capital Expenditures
	\$531,500		

16B. POLICE

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** five weeks a budget transfer to increase State Confiscated Award to fund the FY2011 Confiscated Fund budget (\$545,230) and reallocate prior year appropriations and to refer to a joint meeting of the Health, Safety and Community Services LRC and the Finance, Internal Audit, Engineering / CIP & Management Services LRC.

Increase	\$ 65,000	to	Contractual Services
Increase	\$186,230	to	Materials and Supplies
Increase	\$ 2,000	to	Operating Expenditures
Increase	<u>\$292,000</u>	to	Capital Expenditures
	\$545,230		

Representatives Byrd and Holguin commented.

The following City Staff commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Eric Shelton, Assistant Police Chief
- 3. Ms. Laura Garcia, Director of Administrative Services

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17. CITY MANAGER

Update on questions on Police Resources.

Ms. Joyce Wilson, City Manager, commented.

Mayor Cook and Representatives Holguin, Ortega, Acosta, Byrd and Robinson commented.

NO ACTION was taken on this item.

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ADD1A.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, The Robinson Entertainment District (hereinafter referred to as "Grantees") are sponsoring an outdoor tailgate party for the Notre Dame Tailgate Party (hereinafter referred to as "Event"), on Friday, December 31, 2010; and

WHEREAS, Black Market (hereinafter referred to as "Licensee") has been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Robinson Street and Boston Avenue between Mesa Street and Oregon Street and the alley between Cincinnati Street and Robinson, for more than 24 hours from 8:00 am Thursday, December 30, 2010 to 12:00 pm Saturday, January 1, 2011, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, both the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on a portion of the City right-of-way during the Event;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Grantee and Licensee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portions of City rights-of-way on Robinson Street and Boston Avenue between Mesa Street and Oregon Street and the alley between Cincinnati Street and Robinson, from 7:00 am Friday, December 31, 2010 to 2:00 am Saturday, January 1, 2011.

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ADD1B.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, The Union Plaza Business Association (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for the Notre Dame Block Party (hereinafter referred to as "Event"), on Thursday, December 30, 2010; and

WHEREAS, Union Club and Drinkery (hereinafter referred to as "Licensee") has been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way along Durango Street between San Antonio Street and San Francisco Street; portions of San Francisco Street; portions of the alley between Durango Street and Anthony Street; portions of Western Street between Durango Street and Anthony Street, a portion of Anthony Street between San Antonio Avenue and San Francisco Street and a portion of San Antonio Avenue between Durango Street and Anthony Street for less than 24 hours from 6:30 pm Thursday, December 30, 2010 to 3:00 am Friday, December 31, 2010, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, both the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on a portion of the City right-of-way during the Event;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Grantee and Licensee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portions of City rights-of-way along Durango Street between San Antonio Street and San Francisco Street; portions of San Francisco Street; portions of the alley between Durango Street and Anthony Street; portions of Western Street between Durango Street and Anthony Street, a portion of Anthony Street between San Antonio Avenue and San Francisco Street and a portion of San Antonio Avenue between Durango Street and Anthony Street from 9:00 pm Thursday, December 30, 2010 to 2:00 am Friday, December 31, 2010.

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ADD1C.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, The Robinson Entertainment District (hereinafter referred to as "Grantees") are sponsoring an outdoor tailgate party for the Notre Dame Tailgate Party (hereinafter referred to as "Event"), on Friday, December 31, 2010; and

WHEREAS, Black Market (hereinafter referred to as "Licensee") has been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Robinson Street and Boston Avenue between Mesa Street and Oregon Street and the alley between Cincinnati

Street and Robinson, for more than 24 hours from 8:00 am Thursday, December 30, 2010 to 12:00 pm Saturday, January 1, 2011, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, both the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on a portion of the City right-of-way during the Event;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Grantee and Licensee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portions of City rights-of-way on Robinson Street and Boston Avenue between Mesa Street and Oregon Street and the alley between Cincinnati Street and Robinson, from 7:00 am Friday, December 31, 2010 to 2:00 am Saturday, January 1, 2011.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:03 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk