

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
February 28, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrival: Ann Morgan Lilly, at 8:36 a.m. and Steve Ortega at 8:34 a.m. Absent: Michiel Noe. The invocation was given by Border Patrol Chaplain Jesse Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. National Brain Injury Awareness Month**
- 2. Women in Construction Week**

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 8:30 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. Vernon Friday
2. Mr. Jerry Thiedt
3. Ms. Lisa Turner
4. Mr. Lynn Fitzgerald
5. Mr. J. L. Bradford

Representatives Byrd and Niland commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, 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, Holguin, Ortega and Niland
NAYS: None
ABSENT: Representative Noe

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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 February 21, 2012.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Michiel R. Noe from the Regular Council Meeting of February 28, 2012.

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3A.

***RESOLUTION**

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

That the City Manager be authorized to sign a Mutual Lease Termination covering the Airport Industrial Site Lease by and between the City of El Paso ("Lessor") and LFCW, LLC ("Lessee") for the property described as Lots 2, 3 and 4, Block 1A, El Paso International Airport Tracts, Unit 4, municipally known and numbered as 6440 Airport Road, City of El Paso, El Paso County, Texas.

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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 Industrial Site Lease by and between the City of El Paso ("Lessor") and Airport Park-A-Lot El Paso LLC ("Lessee") for the following real property:

All of Lots 2, 3 and 4, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, containing 186,100 square feet of land, more or less, and municipally known and numbered as 6440 Airport Road.

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3C.

***RESOLUTION**

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

That the City Manager be authorized to sign the Second Amendment to Lease and Concession Agreement for the Development and Operation of Food & Beverage Concessions at El Paso International Airport ("Concession Agreement") by and between the City of El Paso ("Lessor") and Host International, Inc.

("Concessionaire") to delegate authority to the Director of Aviation to fulfill the Lessor's obligations required and allowed by the Concession Agreement.

Representatives Byrd and Ortega commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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3D.

***RESOLUTION**

WHEREAS, on February 20, 2012, the City Clerk decertified the recall petitions calling for the recall of Mayor John Cook, District #2 Representative Susie Byrd and District #7 Representative Steve Ortega, in compliance with the order of the Court of Appeals, Eighth District of Texas, El Paso, Texas, issued on February 17, 2012 in the case of John F. Cook v. Tom Brown Ministries, et al., no. 08-11-00367-CV; and

WHEREAS, this resolution is brought forward in compliance with the order of the Court of Appeals, which stated that no recall election may be called or held, and to authorize payment of the costs that had been incurred in preparation for the conduct of a special election.

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

That the Resolution of the City Council dated January 31, 2012 calling a special election in the City of El Paso for the recall of three members of the City Council is rescinded, and the City Manager is authorized to approve payment of the expenses incurred in preparation for the special election.

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3E.

***RESOLUTION**

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

WHEREAS, Kelly Boren (hereinafter referred to as "Grantee") is sponsoring the Rockin'Rolla Downtown Sports and Music Fest (hereinafter referred to as "Event"), from Saturday, March 17, 2012 to Sunday, March 18, 2012; and

WHEREAS, Coconuts (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 Grantee has 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 E. Franklin Avenue between N. Santa Fe Street and N. Oregon Street from 1:00 a.m. Saturday, March, 17, 2012 to 5:00 a.m. Sunday, March 18, 2012, in conjunction with the Event; and

WHEREAS, the Grantee has received administrative approval for a Parks and Recreation Department use permit for the use of Cleveland Square Park in conjunction with the 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, the Grantee desires to utilize Cleveland Square Park between the hours of 1:00 a.m. and 5:00 a.m. Saturday, March 17, 2012 and 1:00 a.m. and 5:00 a.m. Sunday, March 18, 2012 in conjunction with the Event; and

WHEREAS, the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way and within Cleveland Square Park during the Event;

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

That Coconuts and Kelly Boren be authorized utilize Cleveland Square Park from 1:00 a.m. to 5:00 a.m. Saturday, March 17, 2012 and from 1:00 a.m. to 5:00 a.m. Sunday, March 18, 2012 and to provide for the sale and service of alcoholic beverages at The Rockin'Rolla Sports and Music Fest in Cleveland Square Park and the closed portion of E. Franklin Avenue between N. Santa Fe Street and N. Oregon Street from 12:00 p.m. Saturday, March 17, 2012 to 12:00 a.m. Sunday, March 18, 2012.

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3F.

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

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

WHEREAS, Townsquare Live Events, LLC (hereinafter referred to as "Grantee") is sponsoring a Party on the Green St. Patrick's Celebration (hereinafter referred to as "Event"), on Friday, March 16, 2012; and

WHEREAS, Bel Air Optimist Club (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 Grantee has 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 E. Franklin Avenue between N. Santa Fe Street and N. Oregon Street from 6:00 p.m. on Thursday, March, 15, 2012, to 12:00 a.m. on Saturday, March 17, 2012, in conjunction with the Event; and

WHEREAS, the Grantee has received administrative approval for a Parks and Recreation Department use permit for the use of Cleveland Square Park in conjunction with the Event; and

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

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way and within Cleveland Square during the Event.

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

That Townsquare Live Events, LLC and Bel Air Optimist Club be authorized to provide for the sale and service of alcoholic beverages at the Party on the Green St. Patrick's Celebration in Cleveland Square Park and the closed portion of E. Franklin Avenue between N. Santa Fe Street and N. Oregon Street from 11:00 a.m. to 11:00 p.m. on Friday, March 16, 2012.

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3G.

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

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

THAT the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and RAUL C. LUCERO AND LIDIA R. LUCERO, husband and wife, for the purchase of the property commonly known as 333 and 337 Euclid Street, El Paso, Texas more particularly described as:

A portion of Lots 1 and 2 and a portion of unnumbered lot, Block 20, BRENTWOOD HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof, recorded in Volume 5, Page 56 of the Plat Records of El Paso County, Texas.

And that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

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3H.

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

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 Three Hundred Sixty Three Thousand Four Hundred Forty Six and 45/100 Dollars (\$363,446.45) to CF Jordan Construction, LLC for additional construction costs for the Oregon Street Rehabilitation project. The change order provides for the removal of unforeseen thickness of concrete and the resulting additional backfill required and the existence in other locations of bed rock at very high elevations requiring the development of a revised cross section, adding forty six (46) days of contract time to contract Number 2010-117. The new contract sum, including this change order is Six Million Three Hundred Twenty Seven Thousand Sixty Six and 12/100 (\$6,327,066.12).

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3I.

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

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

That the Purchasing Manager is authorized to notify Texas Industries for the Blind and Handicapped, Inc. ("TIBH"), and Border TM Industries, Inc. d/b/a Xceed Resources ("Border TM Industries"), that the City is exercising the option to extend the City Parks Litter Control Contract entered into by and between the City of El Paso and TIBH and Border TM Industries for an additional three (3) months (February 1, 2012 through April 30, 2012), for the amount of \$137,400.00 (\$45,800 per month), for the continuation of providing litter control services for the City's General Services Department; and to authorize the City Manager to exercise future options to extend, as needed.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.
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3J.

***RESOLUTION**

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

THAT the City Manager be authorized to sign and submit the amended contract number 2012-039990-001 and other related documents for the Texas Department of State Health Services' Special Supplemental Nutrition Program for Women, Infants, and Children, to increase the amount to not exceed \$7,011,466 and to extend the contract period for six months so that it is now from October 1, 2011 through September 30, 2012, to provide supplemental food instruments, nutrition education, and counseling to enhance good health care at no cost to low-income pregnant and postpartum women, infants and children identified to be at nutritional risk in El Paso.

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3K.

***RESOLUTION**

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

That the Classification and Compensation Plan shall be amended, as set forth on the attachment posted with this agenda, as recommended by the Civil Service Commission. (See Attachment "A")

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3L.

***RESOLUTION**

WHEREAS, the El Paso Parks and Recreation Foundation owns certain unimproved real property in the City of El Paso located adjacent to Billy Rogers Arroyo Park being more particularly described as:

Lots 7-10 (12,688.0 SQ FT), Lot 11 and the North ½ of Lot 12 (4,758.0 SQ FT), Block 195, ALEXANDER ADDITION, an addition to the City of El Paso, El Paso County, Texas and

Lots 1-4 (12,688.0 SQ FT), Lots 5 & 6 (6,344.0 SQ FT), Lots 7-10 (12,688.0 SQ FT) and Lots 16-20 and the South 10 feet of Lot 15 (16,408.0 SQ FT), Block 204, ALEXANDER ADDITION, an addition to the City of El Paso, El Paso County, Texas

hereinafter referred to as "Property." and

WHEREAS, there are no known restrictive covenants, liens, environmental conditions or other encumbrances on the Property; and

WHEREAS, the El Paso Parks and Recreation Foundation desires to donate its full interest in the Property to the City of El Paso to be used as City Parkland or Open Space; and

WHEREAS, in accepting this donation of Property the City fulfills goals to increase available public park acreage and determines that the entire Property be dedicated as Parkland, to be included in Billy Rogers Arroyo Park.

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

1. **THAT** the City of El Paso accepts the donation of the Property from the El Paso Parks and Recreation Foundation; and

2. **THAT** the City of El Paso dedicates the approximately 1.51 acres of Property as parkland, to be included in Billy Rogers Arroyo Park.

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3M.

***RESOLUTION**

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

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2011 through December 31, 2011.

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3N 1.

***RESOLUTION**

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

That the City Council authorizes the City Manager to accept the donation of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) from the El Paso Zoological Society, for the purpose and support of the consultant fees and costs related to development of a new Zoo Master Plan. City Council also authorizes the City Manager to sign any necessary documentation required for this donation.

Representative Acosta commented.

Mr. Steve Marshall, Zoo Director, commented.

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3N 2.

***RESOLUTION**

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

That the City Manager be authorized to sign the Agreement for Professional Services by and between the CITY OF EL PASO and WDM ARCHITECTS P.A., a Kansas Professional Association, for a project known as "ZOO MASTER PLAN" for an amount not to exceed ONE HUNDRED NINETY SEVEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$197,750.00) and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed TWO HUNDRED FORTY SEVEN THOUSAND SEVEN HUNDRED FIFTY 00/100 Dollars (\$247,750.00).

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Stephanie Caviness to the Committee on Border Relations by Representative Ann Morgan Lilly, District 1.

4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Francisco Ortega to the Ethics Review Commission by Representative Ann Morgan Lilly, District 1.

4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Sergio Vasquez to the Fair Housing Task Force as requested by Representative Ann Morgan Lilly, District 1.

5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Lidia Flynn to the Foster Grandparent Program Advisory Council by Representative Cortney Carlisle Niland, District 8.

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Eileen Karlsruher to the Ad Hoc Charter Advisory Committee by Representative Cortney Carlisle Niland, District

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jerry Romero to the Fair Housing Task Force by Representative Cortney Carlisle Niland, District 8.

6. APPLICATION FOR TAX REFUNDS

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Gateway Mortgage Group in the amount of \$3,104.66 overpayment of 2011 taxes. (PID #A670-999-0050-2100).
- B. El Paso Kidney Specialists in the amount of \$24,927.74 overpayment of 2011 taxes. (PID #A518-999-0010-0200).
- C. El Paso Phoenix Pumps, Inc., in the amount of \$14,116.19 overpayment of 2011 taxes. (PID #B853-999-0100-0110).
- D. Gateway Mortgage Group in the amount of \$6,378.32 overpayment of 2011 taxes. (PID #C102-000-0020-3000).
- E. First American Title in the amount of \$9,702.01 overpayment of 2011 taxes. (PID #C340-999-0740-0300).
- F. Animal Rescue League of El Paso in the amount of \$6,363.96 overpayment of 2011 taxes. (PID #C340-999-014A-1100).
- G. Maria P. Anchondo in the amount of \$3,584.34 overpayment of 2011 taxes. (PID #C518-999-0560-3400).

- H. Jose R. Lechuga, Jr., in the amount of \$3,366.29 overpayment of 2011 taxes. (PID #C742-999-0010-0400).
- I. Farris Mundheim, PLLC in the amount of \$5,522.27 overpayment of 2011 taxes. (PID #C801-999-0080-8960).
- J. Gateway Mortgage Group in the amount of \$4,671.46 overpayment of 2011 taxes. (PID #C815-999-0040-1400).
- K. Alfredo Valles in the amount of \$2,638.46 overpayment of 2011 taxes. (PID #E049-999-0080-0400).
- L. Lamina Investments in the amount of \$4,259.46 overpayment of 2011 taxes. (PID #E014-999-0460-4100).
- M. Ernesto & Rafaela Z. Valverde in the amount of \$2,741.30 overpayment of 2011 taxes. (PID #E076-000-0020-1400).
- N. John Hmielewski in the amount of \$3,587.56 overpayment of 2011 taxes. (PID #E076-000-0030-2100).
- O. Lone Star Title Company in the amount of \$7,055.21 overpayment of 2011 taxes. (PID #E748-000-0030-1100).
- P. Hector Uribarri, Jr., & Norma Uribarri in the amount of \$4,019.43 overpayment of 2011 taxes. (PID #E207-999-0100-2500).
- Q. Maria R. Hernandez in the amount of \$2,735.70 overpayment of 2011 taxes. (PID #E933-999-0040-0300).
- R. Mortgage Service Center in the amount of \$2,964.20 overpayment of 2011 taxes. (PID #H770-000-0020-2300).
- S. J. Allen Family Partners, LTD in the amount of \$6,884.01 overpayment of 2011 Taxes. (PID #H779-030-2310-0210).
- T. Wells Fargo Home Mortgage in the amount of \$3,018.10 overpayment of 2011 taxes. (PID #K216-999-0630-6700).
- U. Rasette Capital, LLC in the amount of \$3,415.76 overpayment of 2011 taxes. (PID #L197-000-0020-0400).
- V. Rasette Capital, LLC in the amount of \$3,305.46 overpayment of 2011 taxes. (PID #L197-000-0030-0500).
- W. Rasette Capital, LLC in the amount of \$3,165.24 overpayment of 2011 taxes. (PID #L197-000-0010-7000).
- X. Mills Escrow Co., in the amount of \$2,563.50 overpayment of 2011 taxes. (PID #M296-999-0010-0100).

- Y. Jeffrey J. Hernandez in the amount of \$3,144.64 overpayment of 2011 taxes. (PID #M403-999-0020-0700).
- Z. Excel Title Group in the amount of \$3,202.67 overpayment of 2011 taxes. (PID #N425-999-0050-2900).
- AA. Gateway Mortgage Group in the amount of \$3,546.42 overpayment of 2011 taxes. (PID #P081-999-0030-0200).
- BB. Vantage Point Title Inc., in the amount of \$2,825.59 overpayment of 2011 taxes. (PID #R576-999-0090-0300).
- CC. Chicago Title Insurance Company in the amount of \$3,735.03 overpayment of 2011 taxes. (PID #S380-999-0110-1100).
- DD. Linear Title & Closing in the amount of \$6,598.27 overpayment of 2011 taxes. (PID #S812-999-0270-1600).
- EE. Farris Hundheim, PLLC in the amount of \$5,902.27 overpayment 2011 taxes. (PID #S812-999-0010-2000).
- FF. QSR Burger, LLC in the amount of \$11,385.12 overpayment of 2011 taxes. (PID #S829-999-0000-0100).
- GG. CoreLogic in the amount of \$4,478.70 overpayment of 2010 taxes. (PID #T201-000-0080-0800).
- HH. Lone Star Title in the amount of \$3,487.27 overpayment of 2011 taxes. (PID #T201-000-0180-0900).
- II. Sergio L. Cuartas in the amount of \$11,868.04 overpayment of 2011 taxes. (PID #T287-999-1510-2100).
- JJ. Chase Home Finance in the amount of \$3,120.92 overpayment of 2011 taxes. (PID #T287-999-1120-1100).
- KK. Wells Fargo Real Estate Tax Service, LLC in the amount of \$3,038.10 overpayment of 2011 taxes. (PID #T287-999-1780-3300).
- LL. Lilia Vazquez in the amount of \$3,936.40 overpayment of 2011 taxes. (PID #T957-999-0410-1300).
- MM. Gateway Mortgage Group in the amount of \$6,190.87 overpayment of 2011 taxes. (PID #V893-999-2590-1300).
- NN. Francisco J. Guerra in the amount of \$7,393.38 overpayment of 2011 taxes. (PID #V893-999-0800-5350).
- OO. Gateway Mortgage Group in the amount of \$5,580.55 overpayment of 2011 taxes. (PID #V893-999-2590-1600).

- PP. Nationstar Mortgage LLC in the amount of \$3,194.58 overpayment of 2011 taxes. (PID #V893-999-1800-1500).
- QQ. Jose L. Calderon in the amount of \$4,693.92 overpayment of 2011 taxes. (PID #V893-999-2730-0300).
- RR. Texas Title Company in the amount of \$2,540.56 overpayment of 2011 taxes. (PID #V893-999-5290-3200).
- SS. Lone Star Title Company in the amount of \$4,066.78 overpayment of 2011 taxes. (PID #V893-999-5630-2200).
- TT. S. J. General Contractors in the amount of \$3,452.84 overpayment of 2011 taxes. (PID #W145-999-0450-0900).
- UU. Rosaura Salas in the amount of \$10,110.39 overpayment of 2011 taxes. (PID #Y855-999-0020-0500).
- VV. Saxon Mortgage in the amount of \$4,777.86 overpayment of 2011 taxes. (PID #P358-999-0040-1700).
- WW. David J. Ellis Attorney at Law in the amount of \$11,778.12 overpayment of 2011 taxes. (PID #T340-999-0010-0100).

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7A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City’s option to extend current Contract 2009-087 (Allison Proprietary Parts & Service) with Stewart and Stevenson, LLC for one (1) additional year pursuant to the provisions of an award approved by the City Council on March 17, 2009. The extended contract period will be from March 17, 2012 to March 16, 2013.

Department:	Fire
Award to:	Stewart and Stevenson, LLC El Paso, TX
Option:	One [of One]
Annual Estimated Amount:	\$120,000 (\$100,000 - Parts and \$20,000 - Service)
Total Estimated Amount:	\$120,000 (1 year)
Account Nos.:	22010320 – 503118 – 01101 and 22010320 – 502228 – 01101
Funding Source:	General Fund – Vehicle Maintenance Supplies and Vehicle Maintenance Contracts

This is a low bid, requirements contract.

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7B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Kinloch Equipment and Supply, Inc., a contractor under the TASB Buyboard Cooperative Purchasing Program Contract No. 348-10 for Street Sweeper-Elgin

Crosswind Regenerative Air Sweeper. 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 TASB Buyboard Cooperative Purchasing Program was approved by Mayor and City Council on August 21, 2007.

Department: Aviation (El Paso International Airport)
Award to: Kinloch Equipment and Supply, Inc.
El Paso, TX
Estimated Award: \$174,621
Total Estimated Award: \$174,621
Account No.: 62620020 – 508005 – 40122 – P500004
Funding Source: Traffic Control Equipment – Airport Capital Outlay
Reference No.: 2012-165

This is a Cooperative, unit price contract.

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7C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Tiburon, Inc., the sole provider of Fire Records Software and related components to renew on-going maintenance and support, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: Information Technology
Award to: Tiburon, Inc.
Pleasanton, CA
Total Estimated Award: \$60,453 (1 year)
Account No.: 39010351 - 502202 – 01101
Funding Source: General Fund – Data Processing Services Contracts
Sole Source No.: 2012-173

This is a Sole Source, unit price contract.

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7D. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Dell Computer Corp d/b/a Dell Marketing LP, a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1014 for purchase of additional SQL Server Processor Software Licenses. 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: Information Technology
Award to: Dell Computer Corp d/b/a Dell Marketing LP
Round Rock, TX

Total Estimated Award: \$230,059.20
Account No.: 14400500 – 508010 – 27051 – PCP12IT06
Funding Source: 2012-2013 Certificates of Obligation (CIP Plan) –
Data Processing Equipment
Reference No.: 2012-129

Representatives Acosta, Robinson, and Ortega commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce D. Collins, Financial Services
3. Mr. Miguel Gamino, Director, Information Technology

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7E. REQUEST TO ISSUE PURCHASE ORDER

*Motion made Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **POSTPONE** two weeks to allow the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order(s) to Sigma Solutions, Inc., a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1385 for Cisco VoIP and Network equipment and licenses. 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: Sigma Solutions, Inc.
San Antonio, TX
Total Estimated Award: \$137,779.18
Account No.: 14400500 – 27051 – 508010 – PCP12IT03
Funding Source: 2012-2013 Certificates of Obligation Bond-Capital Funds
Reference No.: 2012-174

This is a Cooperative, unit price contract.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and Niland
NAYS: None
ABSENT: Representative Noe

Representatives Acosta and Ortega commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager.
2. Ms. Carmen Arrieta-Candelaria, Director, Financial Services
3. Mr. Bruce D. Collins, Financial Services
4. Mr. Miguel Gamino, Director, Information Technology

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7F. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order for additional expenditures under Contract No. 2009-290 (Cummins Proprietary Parts) to Border International Trucks in the amount of \$89,900. Additional expenditures are in excess of the initial term until a new bid is in place. All options have been exercised.

Department: General Services
Award to: Border International Trucks
El Paso, TX
Items: Items 1 and 2
Total Estimated Award: \$360,000 (4 years)
Additional Expenditures: \$ 89,900
Revised Total: \$449,900
Account No.: 37370510 – 503121 – 45202
Funding Source: Inventory Purchase Material & Supplies –
Internal Service Fund

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8. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-143R (Air Service Development Consulting Services) to InterVISTAS Consulting LLC for an initial term estimated award of \$300,000.

Department: Aviation (El Paso International Airport)
Award to: InterVISTAS Consulting LLC
Bethesda, MD
Items: All
Initial Term: 3 Years
Option: 2 Years
Annual Estimated Award: \$100,000
Initial Term Estimated Award: \$300,000 (3 Years)
Total Estimated Award: \$500,000 (5 Years)
Account No.: 62620001 – 502115 – 40101
Funding Source: Airport Enterprise Funds –
Management Consulting Services

This is a Request For Proposal, service contract.

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 Aviation (El Paso International Airport) recommend award as indicated to InterVISTAS Consulting LLC, the highest ranked proposer based on evaluation factors established for this procurement.

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9. BID

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Byrd and unanimously carried to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

2nd AND FINAL MOTION

*Motion made, seconded, and unanimously carried to **DELETE** Solicitation No. 2012-095 (Heavy Duty Vehicle Body Repair and Painting) to Lewis Body Shop, Inc. for an initial term estimated award of \$150,000.

Department: General Services
Award to: Lewis Body Shop, Inc.
El Paso, TX
Items: All
Initial Term: 3 Years
Option: 2 Years
Annual Estimated Award: \$ 50,000
Initial Term Estimated Award \$150,000 (3 Year Total)
Total Estimated Award: \$250,000 (5 Year Total)
Account: 37370510 – 45202 – 503125
Funding Source: General Services Department, Internal Service Fund

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Lewis Body Shop, Inc., the vendor offering the best value bid.

Mayor Cook and Representatives Byrd, Acosta and Ortega commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Stuart Ed, Director, General Services
3. Mr. Bruce D. Collins, Financial Services

The following members of the public commented:

1. Mr. Sergio Lewis, Owner, Lewis Body Shop
 2. Ms. Norma Jean Magana, Lewis Body Shop
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10. INTRODUCTIONS

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and Niland
NAYS: None
ABSENT: Representative Noe

- 10A. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.102 (Neighborhood Association Recognition) of the El Paso City Code in its entirety. To provide a standardized recognition policy; to define terms; to provide criteria for recognition and registration of a neighborhood association or civic association as a recognized neighborhood association; to establish the responsibilities of a recognized neighborhood association; to clarify the process for suspension or revocation of recognition status; to clarify the services available to recognized neighborhood associations.
- 10B. An Ordinance authorizing the City Manager to sign a Contract of Sale with Oxford Funding & Investment Group, LLC for the sale of the property at 6212 Fiesta Drive, El Paso, Texas.
- 10C. An Ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), and Chapter 19.15 (Roadways) of the El Paso City Code to remove references to the Development Coordinating Committee. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
- 10D. An Ordinance amending Title 19 (Subdivisions), Chapter 19.18 (Traffic Impact Analysis), of the El Paso City Code to amend the Traffic Impact Analysis standards and requirements. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
- 10E. An Ordinance vacating a utility easement described as a portion of Lots 16 & 17, Block 1, Shadow Mountain Heights "Replat A", City of El Paso, El Paso County, Texas. Applicant: Stuart P. Shiloff and Nancy Shiloff. SUET12-00001
- 10F. An Ordinance amending Title 7 (Animals), by amending Chapter 7.28 (Animal Shelter Advisory Committee) in its entirety; to combine the Animal Shelter Advisory Committee with the Animal Welfare Advisory Committee and to establish term limits; and to delete Chapter 7.30 of the City Code.
- 10G. An Ordinance terminating the special privilege license granted by Ordinance No. 017322 to Kelbor Enterprises, Inc. doing business as Coconuts, permitting the encroachment of an outdoor patio café onto a portion of City right-of-way located at 816 Piedras Street and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio café area (SPL09-00035)
- 10H. An Ordinance amending Ordinance 8065 (Civil Service Rules), to amend the entirety of or various sections of Rules Nos. 1, 2, 5, 6, 11, 13, 14, 15, 19, 20, 23, 24 and 29; to delete rules Nos. 3, 4, 7, 8, 9, 10, 12, 18, 21, 22, 25, 26, 27, 28 and 30; and to renumber all remaining and revised Rules consecutively, including those Rules not otherwise amended (Rules 16 and 17).

- 10I. An Ordinance amending Ordinance 8064 (Classification and Compensation Plan), to amend the Ordinance in its entirety.
- 10J. An Ordinance amending Title 9 (Health and Safety), Chapter 9.11 (Tree Care), Section 9.11.010 (General Provisions) of the El Paso City Code to amend the definition of Arboricultural Specifications Manual. The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code.
- 10K. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.045 (Sidewalks in New Development) of the El Paso City Code to remove reference to the Development Coordinating Committee. The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code.
- 10L. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code to amend the staff designated to accept, review, process and approve applications. The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code.
- 10M. An Ordinance amending Title 15 (Public Services), Chapter 15.20 (Stormwater Management), Section 15.20.110 (Stormwater Discharge from Construction Activities) of the El Paso City Code to provide for appeals to be sent to the Construction Board of Appeals. The penalty being as provided in Section 15.20.150 of the El Paso City Code.
- 10N. An Ordinance amending the City of El Paso's Comprehensive Plan, "The Plan for El Paso," and the Year 2025 General Land Use Map.
- 10O. An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and La Frontera Conservation Fund which will allow the City to convey Lots 1 through 10, both inclusive, Block 1, Satterthwaite Addition, City of El Paso, El Paso county, Texas; also known and numbered as 601 N. Oregon, El Paso, Texas.

PUBLIC HEARING WILL BE HELD ON MARCH 6, 2012, FOR ITEMS 10A – 10O

- 10P. An Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.060 (Exclusions from Dedication Requirement), of the El Paso City Code to add an exclusion for properties covered under an Adaptive Reuse Overlay. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
- 10Q. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code, to add a definition for adaptive reuse and to establish standards for an Adaptive Reuse Overlay. The penalty is as provided for in Chapter 20.24 of the City of El Paso City Code.
- 10R. An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III (Detailed Site Development Plan Approval Process), Section 20.04.150 (Procedure) of the El Paso City Code to amend the administrative approval process for detailed site development plans. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10S. An Ordinance amending Title 20 (Zoning), Appendix B (Table of Density and Dimensional Standards), Subpart C (Building Setbacks) in the A (Apartment) and C (Commercial) Zoning Districts, to amend the setback requirements. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

10T. An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.680 (Temporary Uses), of the El Paso City Code in its entirety to amend the application process and standards for temporary uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 20, 2012, FOR ITEMS 10P – 10T

11A. – 11C TAKEN TOGETHER

11A. INFORMATION TECHNOLOGY

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the issuance of a change order to a Purchase Order for Contract No. 2011-149R (PeopleSoft Re-Implementation Project) to CherryRoad Technologies Inc.

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

Department: Information Technology
Award to: CherryRoad Technologies Inc.
Morris Plains, NJ
Total Estimated Award: \$956,816.
Account No.: \$696,724.46 – 14400500-508010-27051-PCP12IT06
\$260,091.54-14400500-508010-27051-PCP12IT08
Funding Source: 2012-2013 Certificates of Obligation

11B. INFORMATION TECHNOLOGY

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to M&S Technologies, Inc. a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1531, for installation and maintenance of data load balancing devices. 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: M&S Technologies, Inc.
Dallas, TX
Total Estimated Award: \$124,151.40
Account No.: 14400500 – 508010 – 27051 – PCP12IT06
Funding Source: 2012-2013 Certificates of Obligation CIP Plan
Reference No.: 2012-175

This is a Cooperative, unit price contract.

11C. INFORMATION TECHNOLOGY

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to KRONOS, Inc., the sole source provider for the purchase of InTouch Clocks, Workforce for Managers, and Educational Training Points, Products, and Consulting, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

ABSENT: Representative Noe

Department: Information Technology
Award to: KRONOS, Inc.
Irving, TX
Total Estimated Award: \$305,800
Account No.: 14400500 – 508010 – 27051 – PCP12IT06
Funding Source: 2012-2013 Certificates of Obligation CIP Plan
Sole Source No. 2012-181

Mr. Jeff Locketts, Outside Consultant, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representatives Byrd and Acosta commented.

The following City Staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Mr. Miguel Gamino, Director, Information Technology

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12. FIRE

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Frazer Ltd. a contractor under Houston Galveston Area Council Cooperative (HGAC) Contract No. AM04-10 for six emergency ambulance vehicles. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and Niland
NAYS: None
ABSENT: Representative Noe

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

Department: Fire
Award to: Frazer, Ltd.
Houston, TX
Total Estimated Award: \$1,114,250 (6 Units)
Account No.: 22010320 – 508007 – 27717
Funding Source: General Fund
Reference No.: 2012-076

This is a Cooperative, unit price contract.

Representative Byrd commented.

Mr. Bruce D. Collins, Financial Services, commented.

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13A. GENERAL SERVICES

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City’s option to extend current Contract No. 2009-064 (McNeilus Proprietary Parts and Service) to McNeilus Truck and Manufacturing for two additional years pursuant to the provisions of an award approved by the City Council on March 3, 2009. The extended contract period will be from March 3, 2012 to March 2, 2014.

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Noe

Department:	General Services
Award to:	McNeilus Truck and Manufacturing Hutchins, TX
Option to Extend:	One [of One]
Annual Estimated Award:	\$ 600,000
Total Estimated Award:	\$1,200,000 (2 years)
Account No.:	37370510 – 503121 – 45202
Funding Source:	Inventory Purchasing Material & Supplies- Internal Service Fund

This is a Low Bid, price-list contract.

Representatives Acosta, and Ortega commented.

The following City Staff members commented:

1. Mr. Bruce D. Collins, Financial Services
2. Mr. Stuart Ed, Director, General Services

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13B. GENERAL SERVICES

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2012 -133 for the Schwabe Street and Cooley Avenue Street and Drainage Improvements to JAR Concrete, Inc. for a total estimated amount of \$1,634,006.20

ABSENT: Representative Noe

Department:	Engineering and Construction Management
Award to:	JAR Concrete, Inc.
Base Bid I:	\$1,071,765.00
Base Bid II:	\$ 242,560.30
Base Bid III:	\$ 171,592.90
Option I:	\$ 148,088.00
Total Estimated Completion:	\$1,634,006.20
Funding Source:	Certificates of Obligation 2012-13, Community Development 37 th Year and PSB Capital Projects

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 Holguin and Ortega commented.

The following City Staff members commented:

1. Mr. Sam Rodriguez, Engineering Division Manager
2. Mr. William Lilly, Director, Community and Human Development

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14A. MAYOR AND COUNCIL

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 January 26, 2012, at 1:00 p.m. in Council chambers. The report is being submitted by LRC Chair, Representative Carl Robinson; and,
2. Discussion pertaining specifically to any of the agenda items posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a) Approval of Minutes for the Finance, Internal Audit, Engineering/CIP & Management Services meeting of September 29, 2011.
 - b) Discussion and action regarding amending Section 2.92.070 of the Ethics Ordinance regarding the requirements relating to board and commission member financial disclosure filings, to include revising the provision that members of the boards and commissions that only have advisory duties file only upon appointment or reappointment or when required to report a significant change as provided in Section 2.92.070 A 5.
[City Manager's Office, Joyce A. Wilson, (915) 541-4844]
 - c) Discussion and action on the City's Debt Management Policy. [Comptroller, Dr. Mark Sutter, (915) 541-4014]
 - d) Discussion and action concerning a presentation by Mr. Frederick Dalbin regarding City sanction of alternatives to LEED certification to include Green Globes.
[Representative Steve Ortega, (915) 541-4108]

NO ACTION was taken on this item

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14B. MAYOR AND COUNCIL

LEGISLATIVE REVIEW COMMITTEE REPORT

1. For Notation: Formal Report of the Health, Safety and Community Services Legislative Review Committee meeting held on January 26, 2012, as submitted by Eddie Holguin, Chair; 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. Discussion and action to increase the number of meetings required for the Neighborhood Associations to be recognized. Currently required only once a year; requesting an increase of 3 times a year.
[Community and Human Development, William Lilly (915) 541-4241]
 - b. Discussion and action on an Ordinance amending Title 2 (Administration and Personnel), Chapter 2.102 (Neighborhood Association Recognition) of the El Paso City Code in its entirety. To provide a standardized recognition policy; to define terms; to provide criteria for recognition and registration of a neighborhood association or civic association as a recognized neighborhood association; to establish the responsibilities of a recognized neighborhood association; to clarify the process for suspension or revocation of recognition status; to clarify the services available to recognized neighborhood associations.
[Community and Human Development, Mark Weber, (915) 541-4918]

NO ACTION was taken on this item.

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14C. MAYOR AND COUNCIL

LEGISLATIVE REVIEW COMMITTEE REPORT:

For notation only: Formal report of the Council Rules and Intergovernmental Relations Legislative Review Committee meeting held on January 19, 2012, at 9:00 a.m. in the Mayor’s Board Room. The item on the agenda was discussion and action regarding Wage Theft. The report is being submitted by Chairman John F. Cook. [Mayor John F. Cook, (915) 541-4145]

NO ACTION was taken on this item.

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14D. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **APPOINT** the following individuals to the advisory Downtown Revitalization Committee:

1. Dr. Robert Alexander González, Director & Associate Professor of the College of Architecture, TexasTech University at El Paso
2. Michael Pride, Associate Dean of the School of Architecture & Planning (SAAP) Architectural Program, University of New Mexico
3. Robert Parker, Assistant Director of Planning and Construction, University of Texas at El Paso

ABSENT: Representative Noe

Representatives Acosta and Ortega commented.

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15.

RESOLUTION

WHEREAS, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on the east and west side of Luna Street between Montana Avenue and the alley to the north of the property located at 3329 Montana Avenue; and

WHEREAS, the City Council of the City of El Paso further finds, in accordance with Chapter 12.44 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof.

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

THAT the City Engineer is hereby authorized and directed to designate seven (7) offset angle parking spaces on the west side and six (6) offset angle parking spaces on the east side of Luna Street, between Montana Avenue and the alley to the north of the property located at 3329 Montana Avenue. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

Representatives Ortega and Niland commented.

Ms. Marian Spencer, Department of Transportation, commented.

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution.

ABSENT: Representative Noe

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16.

RESOLUTION

WHEREAS, El Paso Electric Company, distributes electric power within the City Limits of the City of El Paso pursuant to a 25-year franchise granted to El Paso Electric Company dated as of July 15, 2005, and is an electric utility;

WHEREAS, on February 1, 2012, El Paso Electric Company (“EPE” or the “Company”), filed with the City of El Paso its Application of El Paso Electric Company to Change Rates and to Reconcile Fuel Costs;

WHEREAS, pursuant to applicable law, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso and the Application specifies that the rate change within the City’s jurisdiction should be effective on March 7, 2012; and

WHEREAS, the City Council has determined that additional time and information is needed for it to study the proposed rate changes and tariffs and the reasons therefore;

WHEREAS, pursuant to the Public Utility Regulatory Act, Texas Utilities Code Section 36.108, the City of El Paso, as regulatory Authority, has the right to suspend the proposed rate change subject to the City’s jurisdiction for a period of 90 days after the proposed date the change would otherwise be effective; and

WHEREAS, the City Council has determined that it is in the best interest of its citizens and ratepayers to suspend the proposed rate change.

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

1. That the rate increase identified in the Application of El Paso Electric Company to Change Rates and to Reconcile Fuel Costs be and is hereby suspended for 90 days after the effective date for the rate increase subject to the City’s jurisdiction as specified in the filing.
2. That the City Manager shall so notify El Paso Electric Company of the suspension and the order to submit working papers by having a copy of this Resolution delivered or mailed to the Acting Chief Executive Officer and Senior Vice President, Chief Financial Officer of the Company.

Representatives Byrd, Ortega, and Niland commented.

Motion made by Representative Robinson, seconded by Representative Byrd, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and Niland
 NAYS: None
 ABSENT: Representative Noe

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17.

RESOLUTION

WHEREAS, the U.S. Army at Fort Bliss and the City of El Paso (collectively, the Parties) have aligning interests in the generation of secure energy from waste-to-energy (WTE) technologies and/or other renewable energy technologies in order to develop a more reliable and environmentally sound solution for the disposal of municipal solid waste (MSW); and,

WHEREAS, the Parties would like to explore the potential to collaborate through a Cooperative Agreement approach (through which Army is authorized pursuant to 31 U.S.C. 6305, the *Federal Grant and Cooperative Agreement Act*), whereby both Parties will leverage the other’s resources and services with the common goal of (1) obtaining a mutually-beneficial and environmentally sound disposal option for MSW in concert with a new, city-owned landfill located on federal land, and (2) the generation of renewable energy from WTE technologies and/or other renewable energy technologies.

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

That the City Manager is hereby authorized to negotiate with the U.S. Army to develop a Cooperative Agreement for the development of a collaborative system for the disposal and resource recovery of MSW, and the generation of renewable energy from WTE technologies and/or other renewable and alternative energy

technologies; and to present said Agreement to City Council for approval upon the conclusion of the negotiations.

Mr. Normal Gordon, Outside Utility Counsel, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, and Niland commented.

The following City Staff members commented.

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Ellen Smyth, Director, Environmental Services
- 3. Mr. Marty Howell, Sustainability Coordinator

The following members of the public commented.

- 1. Col Joseph Simonell, Ft. Bliss
- 2. Mr. B. J. Tomlison, Ft. Bliss
- 3. Ms. Lisa Turner, citizen

Motion made by Representative Robinson, seconded by Representative Byrd, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, and Ortega
 NAYS: Representative Niland
 ABSENT: Representative Noe

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18. CITY MANAGER

Presentation of City Ethics Training for Elected Officials and update of training for department heads and employees. **(All Districts)**

Ms. Leila Menendez, City Manager's Office presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms Elaine Hengen, Senior City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office) and gave legal advice.

Representative Acosta commented.

Ms. Richarda Duffy Momsen, Municipal Clerk, commented.

NO ACTION was taken on this item

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Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:25 p.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.

ABSENT: Representative Noe

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 1:47 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Noe

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EX1. Patriot Place, Ltd., Bankruptcy Case No. 11-31024-hcm. (551.071)

NO ACTION was taken on this item.

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EX2. Application of El Paso Electric Company to Change Rates and Reconcile Fuel Costs, Public Utility Commission of Texas Docket 40094, SOAH Docket 473-12-4275 (551.071)

NO ACTION was taken on this item.

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EX3. Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket No. 39973. (551.071)

NO ACTION was taken on this item.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 2:53 p. m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk