

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, 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
MARCH 3, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Melina Castro, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd at 8:36 a.m. during Executive Session deliberations, Ann Morgan Lilly and Rachel Quintana at 8:37 a.m. during Executive Session deliberations, and Emma Acosta at 8:57 a.m. during Executive Session deliberations,. The invocation was given by Police Chaplain Dan Young, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **DAVID "NINO" RODRIGUEZ DAY**
2. **CESAR E. CHAVEZ AND SOCIAL-JUSTICE MONTH**
3. **PROFESSIONAL SOCIAL WORK MONTH**

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. Brenda Munoz, Mexican Consulate
3. Ambassador Roberto Rodriguez, Mexican Consulate
4. Judge Bill Moody, History Museum Advisory Committee
5. Mr. Jorge Artalejo
6. Ms. Lisa Turner

Representative Holguin commented.

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3A.

***RESOLUTION**

THAT the City Manager be authorized to sign a U.S. Government Lease for Real Property, Lease No. HSBP-1108-L-DA00121, by and between the City of El Paso, on behalf of the El Paso International Airport, and the United States of America, on behalf of the Department of Homeland Security/Customs and Border Protection, for office space located in the Airport Terminal.

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3B.

***RESOLUTION**

WHEREAS, the City and John William Eschenbrenner entered into a Golf Course Operation and Concession Agreement with an effective date of April 1, 1985 (the "Original Concession Agreement") concerning the improved real property known as the Lone Star Golf Club (f/k/a Cielo Vista Golf Course) located at 1510 Hawkins Boulevard, El Paso, Texas; and

WHEREAS, John William Eschenbrenner assigned his rights and obligations under the Original Concession Agreement to Golf Management, Inc. ("Concessionaire"), pursuant to Section 11 of the Original Concession Agreement and such Original Concession Agreement has subsequently been amended by the parties five (5) times; and

WHEREAS, Section 11 of the Original Concession Agreement allowed John William Eschenbrenner to assign the Concession Agreement to Golf management, Inc. provided he remain liable to the City of El Paso under the Concession Agreement; and

WHEREAS, Golf Management, Inc. assigned its rights and obligations under the Original Concession Agreement to Bueno Investments, Inc. with an effective date of January 1, 2009; and

WHEREAS, Golf Management, Inc. was released and discharged from all rights, privileges and obligations under the Original Concession Agreement arising from and after the effective date of its assignment to Bueno Investments, Inc.; and

WHEREAS, the parties now desire to amend Lessor's Approval of Assignment from Golf Management, Inc. to Bueno Investments, Inc. by adding the release and discharge of John William Eschenbrenner, individually, from all rights, privileges and obligations under the Original Concession Agreement arising from and after the effective date of its assignment to Bueno Investments, Inc.

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

That the City Manager be authorized to sign a First Amendment to Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Golf Management, Inc. ("Assignor"), and Bueno Investments, Inc. ("Assignee") for the real property known as Lone Star Golf Course located at 1510 Hawkins Boulevard, El Paso, Texas.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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3C.

***RESOLUTION**

WHEREAS, the City of El Paso supports one hundred percent participation in the Year 2010 Decennial Census of the United States made by the U. S. Census Bureau; and

WHEREAS, the City and County of El Paso will jointly sponsor a Complete Count Committee to improve response rates and include all municipal governments within the County; and

WHEREAS, a complete and accurate count of the residents within El Paso will benefit the City and County of El Paso economically; and

WHEREAS, the Mayor and each of the eight elected City Representatives believe that everyone should be educated about the value and importance of participation in the Year 2010 Decennial Census; and

WHEREAS, on September 9, 2008, the City Council of El Paso passed a Resolution to create a joint "Complete Count Committee" in partnership with the County of El Paso, to encourage participation in the U.S. Census through outreach programs and events that bring positive awareness of the 2010 Census to all the people of El Paso; and

WHEREAS, on August 18, 2008, the El Paso County Commissioners Court passed a resolution to create a Joint Complete Count Committee with the City of El Paso;

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

THAT the Mayor and City Council, in conjunction with the County of El Paso, hereby create a joint Complete Count Committee to travel through the City and County of El Paso providing education and encouraging participation in the Year 2010 Decennial Census.

THAT the Complete Count Committee shall consist of fourteen members. The City of El Paso shall appoint nine members to serve on the Committee. Each City Representative shall have one nomination and the Mayor shall have one nomination. Nominations to the Committee shall be approved and appointed by the City Council.

THAT the membership of the Committee appointed by the City of El Paso shall include individuals representing a broad cross-section of racial, ethnic, economic, and cultural backgrounds.

THAT the members of the Committee shall have the following duties:

- Visit organizations to which the members of the Committee belong, and participate in disseminating information about the Census through the media;
- Make statements to the press and the audio-visual media, encouraging participation in the data-gathering process;
- Keep the Mayor and members of City Council apprised of the Committee's progress; and

THAT the establishment of the Committee will become effective upon passage of this Resolution. The Complete Count Committee will cease its function and activities and shall automatically terminate on December 31, 2010.

Representatives Acosta and Byrd commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

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3D.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Luis & Yolanda Casillas, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9440 Pavo Lane, more particularly described as Tract 81, Pavo Real
Subdivision, El Paso, El Paso County, Texas, Parcel #P643-999-0010-
6200

to be \$272.25, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$296.25. The City Council finds that the work was completed on the 16th day of September 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$296.25 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Maria E. Esparza, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

130 Cinecue Way, more particularly described as Tract 9-B, Block 33,
Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-
0330-0910

to be \$320.53, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$344.53. The City Council finds that the work was completed on the 26th day of September 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$344.53 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Lilia Delgado, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

7909 Lirio Road, more particularly described as Lot 14 Tract 4, Block 3, Linda
Vista Gardens Subdivision, El Paso, El Paso County, Texas, Parcel #L362-
999-0030-5500

to be \$232.31, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$256.31. The City Council finds that the work was completed on the 11th day of September, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$256.31 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Shelba J. Matteson, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3615 Hueco, more particularly described as Lots 7 & 8 (7000 sq. ft), Block 117,
East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-
1170-1600

to be \$174.01, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$198.01). The City Council finds that the work was completed on the 30th day of September 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$198.01 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

Representative Byrd commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

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3E.

RESOLUTION

THAT the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and AIA Engineers, LTD. for a project known as “Bicycle Paths on Various City Streets for an amount not to exceed \$179,168.55 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$229,168.55.

Mayor Cook and Representatives Acosta, O’Rourke, Quintana, Castro, Holguin, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Johanes Makahaube, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).
3. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator
4. Mr. Alan Shubert, City Engineer
5. Mr. Ted Marquez, Engineering Division Manager
6. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Quintana

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3F. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the item on an amendment to the Resolution providing for the 2009 General Election in the City of El Paso calling for an election of the Mayor, four District Representatives, five Municipal Court Judges, and the Judge of the Municipal Court of Appeals to be held within the City on May 9, 2009, by amending Exhibit A (List of Polling Places).

Representative Quintana commented.

Ms. Richarda Momsen, Municipal Clerk, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

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3G. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the item on an amendment to the Resolution providing for the 2009 Special Election in the City of El Paso for the submission of a measure to be held within the City on May 9, 2009, by amending Exhibit A (List of Polling Places).

Representative Quintana commented.

Ms. Richarda Momsen, Municipal Clerk, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Randy Brock to the Historic Landmark Commission by Representative Emma Acosta, District 3.

4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Rebecca A Rojas to the Animal Welfare Advisory Committee by Representative Eddie Holguin, Jr.

5. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **DELETE** the item on the allocation of the use of District 4 discretionary funds in the amount of \$1775.52 to purchase four trash receptacles and have them secured at Todd Ware Park.

Representative Castro commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, commented.

6. PURCHASING 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 Toter Inc. under Texas Procurement and Support Services (TPASS) Contract No. 450-A2 (Trash Receptacles and Two Wheeled Refuse Containers) in the amount of \$238,869.12 for Garbage/Refuse Carts.

The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Environmental Services
Account No.: 34010289 – 508009 – 40403
Funding Source: Environmental Services
Total Estimated Award: \$238,869.12
Reference No.: 2009-150

7. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2009-006 (Janitorial Services – South El Paso, Grandview, Eastside, and Polly Harris Senior Citizen Centers) to Lucy's Cleaning Services for a total estimated award of \$143,879.16.

Department: Parks and Recreation
Award to: Lucy's Cleaning Services
El Paso, TX
Items: All
Option: One year
Account No.: 51010363 – 502206 – 01101
Funding Source: Parks–Operating Account–Janitorial Maintenance Contracts
Total Est. Award: \$143,879.16

This is a thirty-six month contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award to Lucy's Cleaning Services, the vendor offering the best value bid.

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8. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-091 (Baseball Turf Infield Conditioner) to Jobe Materials, L.P., for a total estimated award of \$112,500.

Department: Parks and Recreation
Award to: Jobe Materials, L.P.
El Paso, TX
Items: All
Option: Two years
Annual Estimated Amount: \$37,500
Account No.: 51010367 – 503113 – 01101
Funding Source: Parks–Operating Account – Land Maintenance Supplies
Total Estimated Award: \$112,500

This is a thirty-six month contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated to Jobe Materials, L.P., the sole bidder.

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**9A., 9C., AND
9D – 9I. INTRODUCTIONS**

Motion made by Mayor Pro Tempore 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** for public hearing:

- 9A.** An Ordinance amending Title 2, (Administration and Personnel) Chapter 2.80 requiring that meetings of the Capital Improvements Advisory Committee be video streamed or cablecast and that certain disclosures be made concerning financial interests.
- 9C.** An Ordinance amending Title 12, (Vehicles and Traffic) to amend Chapter 12.08 (Administration and Enforcement), Section 12.08.220 (Impounding Vehicles), of the El Paso Municipal Code by adding subsection 12.08.220 A.21, authorizing a police officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility.

PUBLIC HEARING WILL BE HELD ON MARCH 10, 2009, FOR ITEMS 9A AND 9C

- 9D.** An Ordinance granting special permit No. ZON08-00103 to allow for infill development on Lots 24 and 25, Block 41, amended map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9E.** An Ordinance granting special permit No. ZON08-00104 to allow for infill development on Lots 30 and 31, Block 115, amended map of Morningside Heights Addition, City of El Paso, El Paso County,

Texas, pursuant to sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

- 9F. An Ordinance granting special permit No. ZON08-00105 to allow for infill development on Lots 9 and 10, Block 69, amended map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9G. An Ordinance granting special permit NO. ZON08-00114 to allow for infill development on Lots 22 and the east 1/2 of Lot 23, Block 69, amended map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 4010 Pierce Avenue.
- 9H. An Ordinance granting special permit No. ZON08-00115 to allow for infill development on Lots 11, 12, and 13, Block 69, amended map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to sections 20.04.260 and 20.10.280 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9I. An Ordinance changing the zoning of Tracts 4, 4A, 5A, and 5A1, S.A. & M.G.R.R. Survey No. 265, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-2 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 24, 2009, FOR ITEMS 9D – 9I

9B. INTRODUCTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

- 9B. An Ordinance approving the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas.

PUBLIC HEARING WILL BE HELD ON MARCH 10, 2009, FOR ITEM 9B

10A. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2009-083 (Copier Services - Citywide) to Spectrum Imaging Technologies, Inc. for a total estimated amount of \$1,775,000.

Department:	Financial Services - Purchasing
Award to:	Spectrum Imaging Technologies, Inc. El Paso, TX
Items: Base Bid I:	Alternative A (black & white copiers); All Optional Accessories
Base Bid II:	Alternative A (coin-operated copiers); All Optional Accessories
Base Bid III:	Alternative A (color copiers); all optional Accessories

Option: One year
Est. Annual Amount: \$355,000
Account No.: Various department accounts
Funding Source: General Fund
Total Estimated Award: \$1,775,000 (5-year total)

This is a requirements type contract with an initial term of sixty months.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Department of Financial Services, Purchasing Division, recommends award as indicated to the lowest responsive, responsible bidder.

Mr. Terrence Freiburg, Purchasing Manager, commented.

NOT PRESENT FOR THE VOTE: Representatives Acosta and O'Rourke

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10B. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2009-064 (McNeilus Proprietary Parts and Service - Re-bid) to McNeilus Truck and Manufacturing for a total amount of \$3,000,000.

Department: General Services
Award to: McNeilus Truck and Manufacturing
Hutchins, TX
Items: Part I (Parts)
Option: Two years
Annual Estimated Amount: \$1,000,000
Account No.: 37370510 – 503121 – 45202
Funding Source: Fleet Services Internal Service Fund
Total Award: \$3,000,000 (3-year total)

This is a low bid, price-list contract.

This is a thirty-six month requirements type contract for McNeilus Proprietary Parts and Service (re-bid).

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award to McNeilus Truck and Manufacturing, the lowest responsive, responsible bidder. General Services and Financial Services Departments recommend that G.O.T. Supply, Inc. be deemed a non-responsive and non-responsible bidder.

Representatives Quintana, Ortega, Byrd, and Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
3. Mr. Stuart Ed, General Services Director
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

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11.

ORDINANCE 17077

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A TWENTY-FOOT WIDE ALLEY LOCATED BETWEEN ZARAGOZA ROAD AND DEPOT STREET WITHIN BLOCK 45 OF YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: NORTH OF ALAMEDA AVENUE AND EAST OF HARRIS STREET.**

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

Mayor Cook and Representatives Holguin, Ortega, and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aduino, Deputy City Manager of Development and Infrastructure Services
3. Mr. Alan Shubert, City Engineer

Mr. Jerry Olivas and Ms. Sylvia Barragon, citizens, commented.

Motion duly made by Representative Ortega, seconded by Representative Holguin, 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, Holguin, Ortega, and O’Rourke
 NAYS: Representative Quintana
 NOT PRESENT FOR THE VOTE: Representative Castro

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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12A. PUBLIC HEARING - ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance amending Ordinance No. 8961, an Ordinance creating a City Accessibility Advisory Committee, to revise the criteria for membership and the definition of a quorum; and repealing Ordinance Nos. 11194 and 11525, relating to the name and number of members of the committee.

Representative Quintana commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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12B.

ORDINANCE 17078

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (VEHICLES AND TRAFFIC), SECTION 12.44.160 A. (PARKING IN ALLEYS), OF THE EL PASO CITY CODE BY APPLYING THE REGULATIONS OF SECTION 12.44.160 A. TO ALL ALLEYS; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Acosta, Byrd, Quintana, and Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Mario Martinez, representative of US Parking Systems, commented.

Motion duly made by Representative O'Rourke, seconded by Mayor Pro Tempore 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, Castro, Ortega, and O'Rourke

NAYS: Representatives Quintana and Holguin

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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13. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and carried to **APPOINT** Maria F. Teran to the Public Service Board:

AYES: Representatives Lilly, Byrd, Castro, Quintana, Ortega, and O'Rourke

NAYS: Representatives Acosta and Holguin

Mayor Cook and Representatives Ortega, Acosta, O'Rourke, Quintana, and Holguin commented.

Mr. Charlie McNabb, City Attorney, gave legal advice, and Ms. Richarda Momsen, Municipal Clerk, commented.

Ms. Lisa Turner, citizen, commented.

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14. DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item for discussion and action on a Resolution that the City Manager be authorized to sign an amendment to the May 6, 2008, Development Agreement by and between the City of El Paso, the El Paso Water Utilities - Public Service Board, and Haciendas Del Rio Partners, LP to amend Exhibit B, Development Plan, to increase the residential lots from 118 to 188 and to modify the cross section to delete the sidewalks. The density will not exceed 2.5 dwelling units per acre as required by the development agreement.

Mayor Cook and Representatives Lilly, Byrd, and Ortega commented.

Ms. Lupe Cuellar, Assistant City Attorney, and Mr. Charlie McNabb, City Attorney, gave legal advice.

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ITEMS TAKEN TOGETHER:

15A. ECONOMIC DEVELOPMENT

Presentation regarding Performance Metrics 2008 per the economic development services contract by Bob Cook, President and Chief Executive Officer of the El Paso Regional Economic Development Corporation.

15B.

R E S O L U T I O N

THAT the City Manager be authorized to sign an Amendment to the Agreement (“Agreement”) by and between the City of El Paso (“City”) and the El Paso Regional Economic Development Corporation (“REDCo”) to accept and approve a new Exhibit A, 2009 Scope of Services, and new Exhibit B, 2009 Performance Metrics and to have REDCo continue to provide specific, measurable economic development services to the City. The original term of the Agreement expired on December 31, 2007 and automatically renews for three successive one-year terms, subject to REDCo’s satisfaction of the Performance metrics and subject to the City’s appropriation of funds for payment. For this second successive one-year term, the City shall pay to REDCo an amount not to exceed \$200,000.00 during 2009 in exchange for the specific, measurable economic development services identified in the new Exhibits A and B.

Mayor Cook and Representatives Byrd, O’Rourke, Ortega, and Castro commented.

Ms. Kathryn Dodson, Director of Economic Development, commented.

Mr. Bob Cook, President and Chief Executive Officer of the El Paso Regional Economic Development Corporation, commented.

NO ACTION was taken on item 15A.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Ortega, and O’Rourke
NAYS; Representative Holguin

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Motion made by Representative O’Rourke, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:33 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk