

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
APRIL 28, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:11 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, and Steve Ortega. Late arrivals: Emma Acosta, Melina Castro, and Eddie Holguin, Jr. at 9:12 a.m. and Beto O'Rourke at 9:13 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

**GENERAL SERVICES ADMINISTRATION AND
CUSTOMS AND BORDER PROTECTION WEEK**

RECOGNITIONS

CITY EMPLOYEE RECOGNITIONS

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. **Mr. Alberto Rodriguez – 25 years**
2. **Mr. Frank Tellez – 25 years**
3. **Ms. Veronica Garcia – 30 years**
4. **Ms. Catherine Yanez – 30 years**
5. **Fire Lieutenant Tito Carrillo – 30 years**
6. **Fire Lieutenant Rogelio Razo – 30 years**
7. **Mr. Daniel Fuentes – 35 years**

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 member of the public commented:

1. **Mr. Arthur Ward**

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EX1. *Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action on a Resolution authorizing the City Manager to sign an amendment to the contract between the City of El Paso and Paul G. Gosselink, to amend the Scope of Services to increase the compensation amount. (551.071)
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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 21, 2009, and the Special City Council Meetings of April 15, 2009, (Joint City Council Meeting with Las Cruces) and April 20, 2009, (Ethics Review Commission Ordinance).
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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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3A.

***RESOLUTION**

THAT the City Manager be authorized to sign a Second Amendment to Concession Agreement by and between the City of El Paso and Interspace Airport Advertising to exercise the City's second option to extend the Concession Agreement for an additional term of five years commencing July 15, 2009, and ending July 14, 2014.
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3B.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 28th day of May 2008, after due notice and hearing, issued an order to Lauriano and Maria de Jesus Rodriguez, record Owners of the hereinafter described property that the structure (Garage) be demolished and within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development 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. That the City Council determines the actual cost of the demolishing of the structure (Garage) and within 30 days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 17 and the south 96 feet of the west 13 feet of Lot 18 and the north 24 feet of the west 17 feet of Lot 18, Block 276, Campbell Addition a/k/a Lot 17 and the west 13 feet of Lot 18 and the east 4 feet of the west 17 feet of the north 24 feet of Lot 18, Block 6, Alexander Addition and addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 615 Arizona Avenue, El Paso, Texas,

to be \$7,095.54, performed by the Street Department of the City of El Paso, and \$1,297.62, performed by the City Clerk's Office and Development Services Department, making a total of \$8,393.16. The City Council finds that the work was completed on the 31st day of January 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$8,393.16 to be a lien on the above-described property.

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

4. That 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.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gillig-Stacey Investments, LLC for the purchase of the following property for \$23,000.00:

Lots 7 and 8, Block 24, Lincoln Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 63, Plat Records of El Paso County, Texas, commonly known as 410 Radford Street, El Paso, El Paso County, Texas.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign and accept from Joe L. Guzman and Manuela Guzman the following easements for a total amount of \$9,046.00, which easements are needed for the Bowen Drive Subsurface Storm Drainage System and Retention Pond Project:

- a) a Drainage Easement for a 0.0310 acre parcel of land, more or less out of a portion of Tract 18-E, Block 29, Ysleta Grant, City of El Paso, El Paso County Texas; and
- b) a Temporary Construction Easement within a portion of Tract 18-E, Block 29, Ysleta Grant, El Paso, El Paso County, Texas.

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3E.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Cantera Homes, 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:

5972 Cartagena, more particularly described as Lot(s) 1 (11237.00 SQ FT),
Block 4, Spanish Pines #2 Amending Subdivision, El Paso, El Paso County,
Texas, Parcel #S559-999-0040-0100

to be \$356.14, 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, total to wit, making a total of \$380.14. The City Council finds that the work was completed on the 14th day of November 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 \$380.14 to be a lien on the above-described property, said amount being due and payable within 10 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, Carlos Rojas, 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:

215 Coronado, more particularly described as Lot(s) 22, Block 35, Cedar
Grove Park Subdivision, El Paso, El Paso County, Texas, Parcel #C301-999-
0350-6300

to be \$315.69, 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, total to wit, making a total of \$339.69. The City Council finds that the work was completed on the 20th day of November 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 \$339.69 to be a lien on the above-described property, said amount being

due and payable within 10 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, Andy Chan, 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:

10044 Keystone, more particularly described as Lot(s) 9 (6281 SQ FT), Block 1, Terrace Hills Subdivision, El Paso, El Paso County, Texas, Parcel #T172-999-0010-3300

to be \$129.25, 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, total to wit, making a total of \$153.25. The City Council finds that the work was completed on the 6th day of November 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 \$153.25 to be a lien on the above-described property, said amount being due and payable within 10 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, Larry E. Barragan, 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:

11359 Lake Ontario Drive, more particularly described as Lot(s) 26 (5650.00 SQ FT), Block 497, Vista Del Sol #108 Subdivision, El Paso, El Paso County, Texas, Parcel # V893-999-4970-2600

to be \$181.32, 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, total to wit, making a total of \$205.32. The City Council finds that the work was completed on the 20th day of November 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 \$205.32 to be a lien on the above-described property, said amount being due and payable within 10 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, Carla Morales, 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:

9349 Carnes, more particularly described as Lot(s) SWLY PT OF Lot(s) 18 (165.18 FT ON WLY-157.75 FT ON ELY-120.62 FT ON SLY) (9979.89 SQ FT) , Block 1, Villa Nueva #2 Subdivision, El Paso, El Paso County, Texas, Parcel #V836-999-0010-1800

to be \$328.54, 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, total to wit, making a total of \$352.54. The City Council finds that the work was completed on the 25th day of November 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 \$352.54 to be a lien on the above-described property, said amount being

due and payable within 10 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, Gonzalez Revocable Trust es, 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:

424 Joseph Street, more particularly described as Lot(s) 22 (4500 SQ FT), Block 3, Lower Valley Mobile Home Add Subdivision, El Paso, El Paso County, Texas, Parcel #L920-999-0030-2200

to be \$226.51, 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, total to wit, making a total of \$250.51. The City Council finds that the work was completed on the 14th day of November 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 \$250.51 to be a lien on the above-described property, said amount being due and payable within 10 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, Jaime S. & Otilia B. Quintana, 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:

319 Milton, more particularly described as Lot(s) 29 (0.468 ACRE), Block 1,
North Loop Gardens #2 Subdivision, El Paso, El Paso County, Texas,
Parcel #N446-999-0010-7900

to be \$1,005.91, 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, total to wit, making a total of \$1,029.91. The City Council finds that the work was completed on the 18th & 19th days of November 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 \$1,029.91 to be a lien on the above-described property, said amount being due and payable within 10 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, Beatriz A. Dearo, 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:

8161 Valley View Drive, more particularly described as Lot(s) 17 (8330 SQ FT),
Block 1, La Paloma Park Subdivision, El Paso, El Paso County, Texas, Parcel
#L064-999-0010-4900

to be \$562.90, 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, total to wit, making a total of \$586.90. The City Council finds that the work was completed on the 14th day of November 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 \$586.90 to be a lien on the above-described property, said amount being

due and payable within 10 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.

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3F.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2004-237 to G.O.T. Supply, Inc. of El Paso, Texas, on September 14, 2004, for Perkins Proprietary Parts & Service for General Services Department, Fleet Division; and

WHEREAS, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminate said Contract for convenience pursuant to the provisions of the Contract. The services have been rebid and the City Manager has authorized a contract under \$50,000 to the lowest responsible bidder; and

WHEREAS, pursuant to Section C 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience.

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

That the Director of Purchasing is authorized to notify G.O.T. Supply, Inc. of El Paso, Texas, that the City is terminating Contract No. 2004-237 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of April 28, 2009.

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3G.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2008-157 to Barnett Harley-Davidson of El Paso, Texas, on September 16, 2008, for Police Motorcycles for General Services Department, Fleet Division; and

WHEREAS, the City Council finds that the Company is in default of the provisions of the Contract because they failed to deliver the police motorcycles, including all of the accessories listed in the bid, at the bid price offered that was awarded by City Council; and

WHEREAS, pursuant to Section C 18B of the Contract (Termination for Default), the City is authorized to terminate the Contract in the event of default; and

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

That the Purchasing Manager is authorized to notify Barnett Harley-Davidson of El Paso, Texas, that the City is terminating Contract No. 2008-157 for default pursuant to the provisions and requirements of Section C 18B of the Contract Clauses due to contractor's default and that the termination shall be effective as of April 28, 2009.

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3H.

***RESOLUTION**

That the City Manager be authorized to sign and submit a grant application form and other related documents for the Texas Department of State Health Services' Interlocal Immunization Program, in the amount of \$787,791.79 for the period of September 1, 2009 through August 31, 2010, to conduct activities through the City of El Paso Department of Public Health to raise vaccine coverage in El Paso. Matching funds are required in the amount of \$268,899.61. The City Manager is authorized to approve necessary budget transfers to designate the required matching funds.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Estrella Escobar to the Cultural Affairs Advisory Board by Mayor John F. Cook.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** John Rayborn to the City Plan Commission by Mayor John F. Cook.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Vallarie Enriquez to the Art Museum Advisory Board by Mayor John F. Cook.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jaime Abeytia to the Complete Count Committee by Representative Rachel Quintana, District 5.

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6A. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Melina Castro, on April 2009 in the amount of \$500 from Ju-Hsien; on April 2009 in the amount of \$500 from Hsin Shen Hsu; on April 2009 in the amount of \$500 from El Paso Sheriffs Association; on April 2009 in the amount of \$750 from The El Paso Association of Firefighters; on April 2009 in the amount of \$500 from Stanley P. Jobe; and on April 2009 in the amount of \$500 from David Fuller.

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6B. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Susie Byrd on April 17, 2009 in the amount of \$500 from Michael Gibson and \$500 from Pauline Dow; and on April 19, 2009 in the amount of \$500 from L. Frederick Francis.

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7A. 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 INX, Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-239, in the amount of \$88,166.67 for SMARTnet supports with upgrades. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010351 – 502229 – 01101
Funding Source: Information Services, Office Equipment Maintenance,
Government Operations
Total Estimated Award: \$88,166.67
Reference No.: 2009-196

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7B. 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 Motorola, Inc., the H-GAC contractor under Contract No. RA01-08 for Motorola Radio Repair Bank for maintenance of all Public Safety and Transit voice and data radio subscriber units. Total estimated amount not to exceed \$120,000.

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

Department: Communications
Account No.: 39010352-01101-502229
Funding Source: Telecommunications- Operating Account
Total Estimated Award: \$120,000
Reference No.: 2009-207

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8. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **AWARD** Solicitation No. 2009-188 (Bowen Drive Subsurface Storm Drainage System and Retention Pond) to SAAB Site Contractors, L.P., for a total estimated amount of \$253,916.

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Ortega, and O'Rourke
NAYS: Representative Holguin
NOT PRESENT FOR THE VOTE: Representative Castro

Department: Engineering
Award to: SAAB Site Contractors, L.P.
El Paso, TX
Base Bid: \$188,021
Option No. 1: \$65,895
Account No.: 99331117 – 508027 – 27263 – PCP06FC002D
Funding Source: 2006 Certificates of Obligation
Total Estimated Award: \$253,916

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 Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsible bidder.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Sam Rodriguez, Engineering Division Manager
- 3. Mr. Alan Shubert, City Engineer

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9. OTHER BIDS, CONTRACTS, AND AMENDMENTS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City Manager to sign Amendment No. 1 to Task Order No. 004 between the City of El Paso and Environmental Systems Research Institute, Inc. to extend the period of performance to October 31, 2009, for pavement condition survey, pavement image processing, and pavement distress recording per Master Agreement No. 2006MPA316.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, commented.
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10. INTRODUCTION

1ST MOTION

Motion made by Representative Castro, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:01 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 10:15 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

3RD MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, to **POSTPONE** the item for three weeks and send to a Legislative Review Committee. **THE MOTION FAILED.**

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

Mayor Cook broke the tie, voting nay.

4TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **DELETE** the Ordinance amending Title 3 (Revenue and Finance) by adding Chapter 3.48 (City Contracting Requirements); and sections thereunder; to establish a process by which potential city contractors must disclose familial relationships with members of the news media.

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

Representatives Quintana, Holguin, Byrd, O'Rourke, Ortega, and Castro commented.

Mr. Eduardo Rodriguez, attorney for David Karlsruher, commented.

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11A. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2009-079 for the Westside Transit Terminal to Venegas Engineering Management and Construction, Inc. for a total amount of \$1,591,964.

Department: Mass Transit/Sun Metro
Award to: Venegas Engineering Management and Construction, Inc.
El Paso, TX
Base Bid \$1,591,964
Total Estimated Award: \$1,591,964
Account No.: 60600011 – 508027 – 11654 – G600354 [TX 90-X-573]
Funding Source: Federal Transit Administration Grant and American Recovery & Reinvestment Act (ARRA)

Venegas Engineering Management and Construction, Inc. was selected by the Mass Transit Department Board as the highest ranked Proposal and City staff has negotiated a contract that provides the best value to the Mass Transit Department of the City of El Paso.

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by The Mass Transit Board.

This is a lump-sum contract.

The Departments of Financial Services - Purchasing Division, Engineering, and Mass Transit/Sun Metro recommend award to the offerer who submitted the highest ranked proposal.

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

Mr. Johanes Makahaube, Engineering Division Manager, and Mr. Alan Shubert, City Engineer, commented.

Mr. Arthur Ward, citizen, commented.

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TAKEN WITH ITEM 11C

11B. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **REJECT** all bids for Parks Upgrade 2008; Solicitation No. 2009-158 Pebble Hills Park; 2009-160 Central Parks Phase I; 2009-164 Lower Valley Parks; and 2009-165 Northwest Parks; and 2009-166 Northwest and Lower Valley Parks, as recommended by Financial Services-Purchasing Division, Engineering and the Parks and Recreation Departments, because the pricing for the playground equipment and swings portion of the solicitations were significantly higher than the City could purchase through various cooperative purchasing programs.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd, Holguin, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Javier Reyes, Engineering Division Manager, commented.

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TAKEN WITH ITEM 11B

11C. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AUTHORIZE** the request to purchase equipment and swings from the following cooperative purchasing networks, U.S. Communities Contract Nos. 040377 and 04378 and the Texas Association of School Boards, Inc. (TASB) Buy Board Contract No. 269-07, for bids for Parks Upgrade 2008 Solicitation No. 2009-158 Pebble Hills Park, 2009-160 Central Parks Phase I, 2009-164 Lower Valley Parks, and 2009-165 Northwest Parks, 2009-166 Northwest and Lower Valley Parks, 2009-174 Northeast Parks, and 2009-175 East Parks as recommended by Financial Services-Purchasing Division, Engineering and the Parks and Recreation Departments at the cost-savings amounts listed in attached RCA.

Department:	Engineering
Award to:	U.S. Communities Contract No. 040377 – Landscape Structures U.S. Communities Contract No. 04378 – Little Tikes TASB Contract No. 269-07 – The Playwell Group, Inc.
Account No.:	PCP08PA04-27263-99331117-508027 PCP08PA05-27263-99331117-508027
Funding Source:	2006 Certificates of Obligation
Total Estimated Award:	\$1,005,633.62
Reference No.:	2009-210

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd, Holguin, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Javier Reyes, Engineering Division Manager, commented.

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12A. MAYOR AND COUNCIL

Discussion and action to allow Council and City staff to answer questions that may arise during call to the public during City Council meetings.

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

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

Motion made by Representative Holguin, seconded by Representative Quintana, to instruct the City Attorney to **CHANGE THE RULES OF CITY COUNCIL** to allow members of the public to place items on the City Council Agenda and bring it back to Council. **THE MOTION FAILED.**

AYES: Representatives Acosta, Castro, Quintana, and Holguin

NAYES: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

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12B. MAYOR AND COUNCIL

Discussion and action to accept the "Housing and Transportation Affordability in El Paso" report. This report was commissioned by the City of El Paso, the El Paso Housing Finance Corporation and District 2, and it was prepared by the Center for Neighborhood Technology.

Representative Byrd presented a PowerPoint presentation (on file in the City Clerk's office).

NO ACTION was taken on the item.

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13A. DEVELOPMENT SERVICES

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SEEK COUNTY COMMISSIONERS COURT POTENTIAL PARTICIPATION** in the dedication, acceptance, and maintenance of parkland within the City of El Paso Extra Territorial Jurisdiction as discussed by the Planning and Development Legislative Review Committee.

Mr. Eddie Garcia, Development Services Lead Planner, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
3. Mr. Richard Garcia, Parks Project Superintendent
4. Ms. Pat Aauto, Deputy City Manager of Development and Infrastructure Services
5. Ms. Nanette Smejkal, Director of Parks and Recreation
6. Mr. Charlie McNabb, City Attorney, gave legal advice.

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13B. DEVELOPMENT SERVICES

Discussion and action on whether to delay pending annexation applications until a new annexation policy is adopted or proceed with processing applications under current policies, such direction being sought by the Planning and Development Legislative Review Committee.

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and carried to **APPROVE** use of the City's existing policies for processing pending annexation applications.

AYES: Representatives Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representatives Lilly and Byrd

Mr. Eddie Garcia, Development Services Lead Planner, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. John Neal, City Manager's Office
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Pat Aauto, Deputy City Manager of Development and Infrastructure Services
5. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
6. Ms. Kimberly Forsyth, Engineering Lead Planner
7. Mr. Mathew McElroy, Deputy Director of Planning
8. Mr. Felipe Lopez, El Paso Water Utilities

The following members of the public commented:

1. Ms. Yolanda Giner, attorney representing applicants
2. Mr. Adam Frank, River Oaks Properties
3. Mr. Richard Dayoub, President and Chief Executive Officer of The Greater El Paso Chamber of Commerce Foundation

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13C. DEVELOPMENT SERVICES

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** an appeal by Centro Cultural Mexicano Paso del Norte regarding the denial of a Special Privilege License application for a temporary closure of public right-of-way at Virginia Street between Overland Avenue and San Antonio Avenue; and San Antonio Avenue between St. Vrain Street and Virginia Street for less than 24 hours from 3:00 p.m. to 9:00 p.m., Tuesday, May 5, 2009.

Mayor Cook and Representatives O'Rourke and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Sandra Barranco and Mr. Roberto Rodriguez, Mexican Consulate, commented.

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **ADJOURN** this meeting at 1:04 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk