

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
MAY 19, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:41 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. HISPANOS TOMANDO EL PASO HACIA EL CAMBIO/HISPANICS:
STRIDING TOWARD CHANGE - 16TH ANNUAL NATIONAL EDUCATION
ASSOCIATION HISPANIC CAUCUS**
- 2. PUBLIC WORKS' WEEK**

RECOGNITIONS

- 1. JOSE G. SANTOS - CONQUISTADOR AWARD**
- 2. FRED MICHAEL MORALES - CONQUISTADOR AWARD**
- 3. LEON C. METZ - STAR ON THE MOUNTAIN AWARD**

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. Ms. Lisa Turner**
- 2. Mr. Richard Schecter**
- 3. Mr. Mark Benitez**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **RECESS** the City Council Meeting at 10:27 a.m. in order to convene the Special City Council Meeting.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **RECONVENE** the City Council Meeting at 10:29 a.m.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:41 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:26 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

EX1. Elizabeth Hernandez and Lucia Hernandez vs. Bertha Alicia Carreon, et al.; Cause No. 2008-3886. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **TAKE ANY AND ALL ACTION** to protect the City's interest and position, both affirmative and defensive in the lawsuit styled Elizabeth Hernandez and Lucia Hernandez vs. The City of El Paso Cause No. 2008-3886. This Motion is intended to grant broad authority to the Office of the City Attorney to take any action necessary to address these matters, including but not limited to defend the lawsuit and initiate appeals.

EX2. Carlos Montes vs. City of El Paso, Cause No. 2007-3027. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Carlos Montes vs. City of El Paso; Cause No. 2007-3027.

EX3. Carlos Samper vs. City of El Paso, Cause No. 2008-379. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Carlos Samper vs. City of El Paso; Cause No. 2008-379.

EX4. Discussion and action on City legal matters related to the El Paso Empowerment Zone. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried that the City Manager, in consultation with the City Attorney, be authorized to **SUBMIT A SETTLEMENT PROPOSAL** to the U.S. Department of Housing and Urban Development to resolve certain issues related to the El Paso Empowerment Zone.

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EX5. Alan G. Parsons vs. City of El Paso, Cause No.: 2007-4718. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff’s settlement demand in the lawsuit styled Alan Parsons vs. City of El Paso; Cause No. 2007-4718.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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 May 12, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, the Plaza Classic Film Festival, a community event that will be held from August 6 through August 16, 2009, will allow the citizens in El Paso the opportunity for recreational entertainment and the enjoyment of a community activity in the historic Plaza Theater;

WHEREAS, this event will serve functions and purposes similar to activities promoted and presented by several City departments, to include art education and movie entertainment, and will promote the City’s tourism efforts and enable the public to utilize the historic Plaza Theater for events with an affordable admission fee;

WHEREAS, as the City Council has found that the presentation of the Plaza Classic Film Festival in the City is of the same type of activity generally presented or promoted by the City within its established programs, the Council finds that the provision of funding towards the presentation of this Event, constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend discretionary funds from Districts 1, 2, 7 and 8 in the total amount of \$3,500; and

WHEREAS, Ordinance No. 16015 authorizes the City Manager to enter into all necessary agreements relating to the expenditure of discretionary funds.

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

That the City Council declares that the expenditure of discretionary funds from Districts 1, 2, 7 and 8 in the total amount of \$3,500 to support the Plaza Classic Film Festival to be held from August 6, through 16, 2009 serves a municipal purpose and is authorized.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

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3B.

1ST MOTION

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

R E S O L U T I O N

WHEREAS, on May 12, 2007 a General Election and City Charter Amendment Election was held;

WHEREAS, all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for June 30, 2009, is hereby canceled.

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

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Quintana, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the Resolution.

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3C.

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Sites Southwest, LLC for a project known as "EPIA Landscape Architectural Services at Global Reach & Cottonwoods" for an amount not to exceed \$170,746 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$220,746. The City Manager is also authorized to make all necessary budget transfers in connection with the award of this contract.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Conde, a Texas Corporation, for a project known as "Schwabe and Cooley Street and Drainage" for an amount not to exceed \$115,345 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$165,345.

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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 CSA Design Group, Inc. for a project known as "Pasodale Subdivision Phase IV" for an amount not to exceed \$211,911 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$261,911.

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3F.

***RESOLUTION**

That the City approves the expenditure of additional available funding in the amount of \$24,463.75 to the El Paso County Community College for construction of the parking lot at the Northwest Campus as provided in the Interlocal Agreement between the City of El Paso and the El Paso County Community College District approved May 22, 2007, and as amended on July 15, 2008. The additional amount of \$24,463.75 increases the amount to be paid pursuant to the Interlocal Agreement to the one million dollars previously approved by the City to a new total of \$1,024,463.75.

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3G.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and SLI Engineering, Inc., for a project known as "Pasodale Subdivision Phase III" for an amount not to exceed \$200,447 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,447.

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3H.

***RESOLUTION**

That the City Council approves the expenditure of additional available funding in the amount of \$276,738.30 to Dantex Construction, Inc. for additional construction costs of the El Paso Zoo Western Expansion, Contract Number 2006-145. This approval is for change orders 40 and 41. Change order 40 is for additional equipment to maintain the wetland water hole features and pools, and is in the amount of \$170,480.60 and provides for 84 additional contract days. Change order 41 is for the construction of the life support system building, and is in the amount of \$106,257.70 and provides for 85 additional contract days. The new contract sum, including change orders 40 and 41, is \$18,780,144.71.

Mayor Cook and Representatives Acosta and Holguin commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Javier Reyes, Engineering Division Manager
- 3. Mr. Scott Gilliland, Zoo Department Architect

Mr. Richard Schecter, citizen, commented.

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3I.

***RESOLUTION**

That the City Manager be authorized to exercise the first of the four (4) one-year options for audit services of BKD, LLP, as approved by City Council on July 1, 2008, in conjunction with the City’s audit for the fiscal year ended August 31, 2009, and sign an Agreement for Professional Auditing Services for FY 2009 (“Agreement”) between the City of El Paso and BKD, LLP.

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3J.

***RESOLUTION**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Certified Fire-Paramedic Trainee is hereby created as specified in the duties and responsibilities attached hereto. The Code is 19070. The Grade is GS 52.

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3K.

***RESOLUTION**

That the City Manager be authorized to sign on behalf of the City of El Paso consent to the Third Amendment of the Peter and Margaret B. de Wetter Charitable Remainder Unitrust.

Representative Quintana commented.

Mr. Gene Wolf, representing the de Wetter family, commented.

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3L.

***RESOLUTION**

WHEREAS, the City of El Paso (“Applicant”) is fully eligible to receive assistance under the Local Park Grant Program (“Program”); and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Texas Parks and Wildlife Department (“Department”) concerning the Program;

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

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that the notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its Department of Parks and Recreation to act for the Applicant in dealing with the Department for the purposes of the Program, and that the Director, Nanette Smejkal, is hereby officially designated as the Applicant's representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the City Manager and the Applicant's representative to make application to the Department for an Urban Outdoor Recreation Grant concerning the site known as Sandstone Ranch in the City of El Paso for a park site and this site has been dedicated for public park and recreation purposes in perpetuity.

SECTION 5: That the Applicant hereby certifies that a copy of the application will be submitted to the appropriate regional council of governments for Texas Review and Comments System consideration.

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3M.

***RESOLUTION**

WHEREAS, the El Paso Water Utilities Public Service Board, Trustees (PSB) is carrying in its real property inventory a certain Parcel of land adjacent to Brown Street and Schuster Avenue consisting of North 24 feet of Lot 7, all of Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, of Block 137, all of Blocks 138, 142 and a Portion of Blocks 139, 143, 174 and 39F, all vacated streets and alleys pursuant to Ordinance No. 4444, Alexander Addition, and Tract 35 (also known as Parcel 1) and a portion of Tract 16 of H.F. Fisher Survey No. 293, subject to the Permanent Easement signed by the City on September 30, 1971, El Paso, El Paso County, Texas totaling approximately 6.538 acres, more or less, which is located adjacent to the Art Woods Reservoir Site as illustrated on Exhibit "A"; and

WHEREAS, the City of El Paso ("City") desires to use portions of the above described property in conjunction with use of the City's adjoining property to allow for the construction, use and maintenance of baseball and softball sports fields on the portion of the City property described by metes and bounds on Exhibit "B" (Project Property); and

WHEREAS, the construction of baseball and softball fields ("Facilities") on the adjoining property owned by the City, part of which is currently set aside for park use, and the PSB Property is a positive, public use of the Property; and

WHEREAS, the PSB desires to enter into this Joint Use Resolution with the City providing for use of the PSB Property, compatible with the use of the City's adjoining property to allow for the construction and operation of the Facilities; and

WHEREAS, the PSB finds that the use of the PSB Property described above is acceptable to the PSB and will not impair the assets of the El Paso Water Utilities or adversely affect the operation thereof; and

WHEREAS, the PSB previously adopted a Joint Use Resolution/Agreement on September 24, 2003 approving a similar recreational use of the PSB Property, subject to certain terms and conditions of a lease agreement between the City and the El Paso Border Youth Athletic Association, and that lease was terminated on September 30, 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TEXAS AND THE CITY OF EL PASO, TEXAS THAT:

1. The following property will be subject to the use of the City of El Paso, compatible with the use of the adjoining City property under the terms of this Joint Use Resolution, in conjunction with the use of certain City parkland, for the construction and operation of baseball and softball fields:

An approximately 6.538-acre parcel of land, more or less consisting of the North 24 feet of Lot 7, all of Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, of Block 137, all of Blocks 138, 142 and a Portion of Blocks 139, 143, 174 and 39F and all vacated streets and alleys pursuant to Ordinance No. 4444, Alexander Subdivision, and Tract 35 (also known as Parcel 1) and a portion of Tract 16, H.F. Fisher Survey No. 293, subject to the Permanent Easement signed by the City on September 30, 1971, El Paso, El Paso County, Texas, which are within the Project Property described in Exhibit "B" and the portion of the H.F. Fisher Survey No. 293 that would be required for access to the Project Property and being more particularly illustrated on Exhibit "A," which is attached hereto and made a part hereof for all purposes (hereinafter "Property")

2. The PSB agrees that the Property may be used by the City in a way that is compatible with the use of the City's adjoining property, to include the construction, use and maintenance of the Facilities, and for no other purpose. The PSB agrees that the City may enter into one or more lease agreements at its discretion with a third party to achieve the development of the Facilities. The City is authorized to enter into a lease for a period of 30 years with an option to extend for two additional 10 year terms.
3. The City shall pay, or shall cause to be paid under the terms of a lease agreement, all expenses of developing, maintaining, and operating any use of the Property compatible with the City's adjoining property, to include the Facilities. If the City enters into a lease for the development, maintenance and operation of the Property, to include the Facilities, to the extent allowed by law, said lease must require that the lessee indemnify the City and the PSB for harm resulting from any activity on the PSB Property.
4. Except as otherwise provided herein, the PSB retains all rights to surface and underground waters, with the right of access to enter upon the Property for exploration, construction, operation and maintenance of water supply facilities to perform operations necessary to the maintenance of the PSB's water supply system, but consistent with allowing the maximum benefit and use of the Property, compatible with the use of the City's adjoining property.
5. This Joint Use Resolution may not be unilaterally terminated by either party during the term of any lease entered into by the City as authorized in Paragraph 2 herein. After the termination or expiration of any lease entered into by the City, this Joint Resolution will remain in full force until such time as one party notifies the other of its intent to terminate. It is understood and agreed that upon the termination of this Joint Use Resolution, for any reason, any improvements that have been placed upon the land by the City, remain on the land, and have not been removed within 120 days of termination of this Joint Use Resolution, will be listed in the PSB inventory unless released by the PSB, if the Property is still listed as part of the PSB capital asset inventory. The PSB will not be obligated to compensate or reimburse the City for the cost or value thereof.
6. The parties agree that the use or designation of the Property compatible with the adjoining City property is not a dedication of the land to the public as a park or recreation area or for any other purpose, either expressly or by implication, and the Property is not subject to the provisions of Title

3, Chapter 26 of the Texas Parks and Wildlife Code.

- 7. It is expressly understood and agreed by and between the parties hereto that the Property that is the subject of this Joint Use Resolution remains an asset of the PSB, and that at some time in the future, said asset may be determined to be inexpedient to the needs of the PSB and that the PSB may deem it advisable and appropriate to sell or otherwise dispose of the same or to put the land to some other use. If the PSB determines that the PSB Property is inexpedient and that it wishes to sell or otherwise dispose of the same, the PSB shall follow the 1965 Joint Resolution between the parties or more current agreement in dealing with capital asset disposition between the parties, and shall transfer the PSB Property to the City's capital asset inventory.
- 8. This Joint Use Resolution is subject to all rights-of-way, easements, dedications, restrictions, reservations, and other encumbrances of record and running with the land.

Representative Quintana commented.

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

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3N.

***RESOLUTION**

WHEREAS, on April 24, 2001, the City Council of the City of El Paso resolved to establish certain procedures for the resale of property that has been struck off to the City at a tax sale; and

WHEREAS, the City Council has now determined that it desires to rescind such resolution.

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

That the City Council hereby rescinds its action of April 24, 2001 to establish certain procedures for the resale of property that has been struck off to the City at a tax sale.

Representative Acosta commented.

Mr. Juan Sandoval, Tax Assessor/Collector, commented.

Mr. Richard Schecter, citizen, commented.
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4. NOTIFICATION 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 Steve Ortega on May 7, 2009, in the amount of \$500 from Maria Teran.
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5. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**:

- A. The Children's Place in the amount of \$4,483.60 overpayment of 2007 taxes. (PID #2001-999-0379-0034).

- B. HSBC Mortgage in the amount of \$26,761.47 overpayment of 2007 taxes.
(PID #R460-999-0420-5800).
- C. Alicia Williams in the amount of \$3,267.60 overpayment of 2008 taxes.
(PID #S912-999-001M-3600).
- D. First American R/E Tax Service in the amount of \$2,853.59 overpayment of 2007 taxes.
(PID #W145-999-0110-0300).
- E. Flagstar Bank in the amount of \$2,953.58 overpayment of 2008 taxes.
(PID #Z021-999-0040-3700).

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6. BEST VALUE PROCUREMENT

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Acosta, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2009-093 (Drug Testing and Alcohol Screening) to Kroll Laboratory Specialists, Inc., for a total estimated award of \$159,900.

Department:	Human Resources
Award to:	Kroll Laboratory Specialists, Inc. Gretna, LA
Items:	All
Option:	Two years
Annual Estimated Amount:	\$53,300
Account No.:	Various
Funding Source:	Various
Total Estimated Award:	\$159,900 (3-year total)

This is a three year contract.

The Departments of Financial Services, Purchasing Division, and Human Resources recommend award to Kroll Laboratory Specialists, Inc., the vendor offering the best value bid.

Representatives Ortega, Holguin, Byrd, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Linda Thomas, Director of Human Resources
- 3. Assistant Police Chief Eric Shelton
- 4. Mr. Terrence Freiburg, Purchasing Manager
- 5. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services

Mr. Richard Dominguez, representing Ri-Tech Drug Testing, commented.

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7A. – 7C. INTRODUCTIONS

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

7A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing – Tow–Away Zone), of the El Paso City Code by suspending the no stopping or standing - tow-away zone for that portion of 111 Oregon Street between Kerbey Avenue and Robinson Avenue, both sides, until October 31, 2010. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

7B. An Ordinance defining specifications for the yearly city audit as prescribed by Article VII, "Public Finance", Section 7.21, "Independent Audit", of the City Charter and repealing Ordinance No. 014486.

PUBLIC HEARING WILL BE HELD ON MAY 26, 2009, FOR ITEMS 7A – 7B

7C. An Ordinance changing the zoning of Lots 25 through 28, Block 22, Second Addition to Womble Addition, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 9, 2009, FOR ITEM 7C

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8A. ENGINEERING

1ST MOTION

Motion made by Representative Lilly, seconded by Representative Quintana, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 11:04 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 Representative Lilly, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 11:11 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

3RD AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Acosta, and carried to **AWARD** Solicitation No. 2009-206 for the Upper Valley Drainage Improvements Phase IB (Re-Bid), to Saab Site Contractors L.P. for a total estimated amount of \$1,304,460.

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

NAYS: Representative Holguin

Department: Engineering Department
Award to: Saab Site Contractors L.P.
Base Bid: \$1,304,460
Account No.: 14200500 –508027– 27264 – PSTM06 PW26-0B
Funding Source: Storm 2006

Total Estimated Award: \$1,304,460

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 Department recommends award as indicated to the lowest responsible bidder.

Mayor Cook and Representatives Ortega and Holguin commented.

Mr. Alan Shubert, City Engineer, commented.

Mr. Frank Ainsa, representing Banes Construction, and Mr. Michael Ginnings, representing Saab Site Contractors, commented.

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8B. ENGINEERING

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **APPROVE** a Resolution authorizing the City Manager to sign the Agreement for Engineering Services by and between the City of El Paso and Kimley-Horn and Associates, Inc. for a project known as "Runway 8R-26L Extension" for an amount not to exceed \$844,006.64 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$894,006.64. The City Manager is also authorized to make all necessary budget transfers in connection with the award of this contract. (62620031/508016/ 11516/G620AIP0026)

Mr. Sam Rodriguez, Engineering Division Manager, commented.

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8C.

RESOLUTION

WHEREAS, the Mass Transit Department Board of the City of El Paso is interested in constructing and operating a Northeast Transit Terminal for the use and benefit of Sun Metro passengers and customers as a multi-purpose transit terminal; and

WHEREAS, on March 11, 2008, the Mass Transit Department Board of the City of El Paso authorized the City Manager to evaluate and analyze alternatives available for the location of a proposed transit terminal in Northeast El Paso; and,

WHEREAS, the owner of the following described parcel of land, is willing to sell its property and such property is needed for the purpose of a Northeast Transit Terminal,

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

THAT the City Manager be authorized to execute a Contract of Sale by and between the City of El Paso and Northgate Plaza, LLC, a California Limited Company; Elias Donay, Daryoush Khani and Jaklin Meshkanian, to purchase property for the Northeast Transit Terminal, which property is described as follows:

Lot 7, Block 6, Northgate Replat "C," an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 62, Page 45, Real Property Records, El Paso County, Texas,

THAT the Contract of Sale shall offer just compensation for the value of the land in the amount of \$2,700,000; and

THAT the City Manager of the City of El Paso or her designee is hereby authorized to execute any related documents necessary to accomplish the purchase of the property identified within this Resolution.

Mr. Robert Ramirez, Engineering Consumer Affairs Administrator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, City Engineer
- 3. Mr. Theresa Cullen, Deputy City Attorney, gave legal advice.

Mr. Tony Cataldi, current Lessee of property, and Mr. Christian Tinoco, citizen, commented.

1ST MOTION

Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 11:36 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 Representative Acosta, seconded by Representative Castro, and unanimously carried to **ADJOURN** the Executive Session at 11:42 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

3RD AND FINAL MOTION

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

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8D. ENGINEERING

Motion made by Representative Lilly, seconded by Representative Ortega, and carried to **AUTHORIZE** the City to enter into negotiations with Arrow Building Corporation, who submitted the highest ranked proposal for the Glory Road Transit Terminal project, as per recommendations from the Engineering Department

and Sun Metro. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

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

NAYS: None

ABSTAIN: Representative Castro

Department: Sun Metro
Account No.: 60600011/508027/11711/PCP09MT003 & 14400100/508027/27265/PCP09MT003
Funding Source: American Recovery and Reinvestment Act & 2009 Certificates of Obligation
Proposal No.: 2009-145

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Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council Meeting at 12:03 p.m. in order to convene the Special Mass Transit Department Board Meeting.

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Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 12:05 p.m.

NOT PRESENT FOR THE VOTE: Representative Castro

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9A. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to **AWARD** Solicitation No. 2009-155 (Traffic Signal Heads) to Republic Intelligent Transportation Services, Inc. d/b/a Republic ITS for a total estimated amount of \$521,034.

NOT PRESENT FOR THE VOTE: Representative Castro

Department: Street
Award to: Republic Intelligent Transportation Services, Inc.
d/b/a Republic ITS
Grand Prairie, TX
Items: All
Option: One year
Annual Estimated Amount: \$173,678
Account No.: 32010288-503203-01101
99331117-508027-27263
Funding Source: General Fund and 2006 Certificates of Obligations
Total Estimated Award: \$521,034

This is a thirty-six month requirements type contract for Traffic Signal Heads.

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 Street recommend award as indicated to the lowest responsive, responsible bidder.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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9B. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Oracle Corporation, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-VPC-03-018), in the amount of \$202,443.16 for the remainder of fiscal year 2009, and an amount of \$673,142.17 for fiscal year 2010 for a total award of \$875,585.33 for various software components including PeopleSoft ERP services and support. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on March 6, 2007.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Department: Information Technology
Award Amount: \$202,443.16 – FY2009
\$673,142.17 – FY 2010
Account No.: 39010351-502202-01101
Funding Source: Information Services, Data Processing Contracts, Operating Account
Total Estimated Award: \$875,585.33
Reference No.: 2009-219

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10.

ORDINANCE 17114

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 15 THROUGH 26 AND EAST 15.48 FEET OF LOT 14, BLOCK 4, HUGHES SUBDIVISION OF BLOCK 2 OF ALAMEDA ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Acosta commented.

Mr. Fred Borrego, citizen, commented.

Motion duly made by Representative Acosta, seconded by Representative Ortega, that the Ordinance be **DENIED**. Whereupon the Mayor ordered that a vote be taken on denial of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

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

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11. ENGINEERING

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, 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 Byrd

2ND AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **ACCEPT** the "Upper Valley Traffic Study" report findings and recommendations in its entirety and to **DIRECT** staff to advance all eligible projects in the study through the Metropolitan Planning Organization (MPO) process to insure submission for federal funding.

NOT PRESENT FOR THE VOTE: Representative Holguin

Mr. Ted Marquez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives O'Rourke, Quintana, Byrd, and Lilly commented.

Mr. Alan Shubert, City Engineer, commented.

The following members of the public commented:

1. Mr. Larry Nance
2. Ms. Mary Haynes
3. Mr. Lamar Skarda
4. Ms. Mary Lou Witholder submitted a petition
5. Ms. Helen Knopp
6. Mr. Michael Beard
7. Mr. Tom Wilson
8. Mr. Clarence Sperbeck
9. Ms. Martha Gomez
10. Ms. Margie Warren
11. Ms. Mary Eichelman
12. Ms. Iris Courtney

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 The City Council Meeting **RECESSED** at 1:44 p.m. and **RECONVENED** at 2:19 p.m.

12.

ORDINANCE 17115

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL A PORTION OF LOT 21 AND A PORTION OF LOT 22, BLOCK 13, SAHARA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS, TO MOUNTAIN VISTA BUILDERS, INC.**

Representative Ortega commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, commented.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Acosta, Castro, 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.

RESOLUTION

WHEREAS, in 2006 the City Council approved the Capital Budget, which included funding for the Neighborhood Improvement Program;

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

WHEREAS, the Program's initial budget was \$1,000,000.00; however, these funds were to be apportioned equally among El Paso's eight Representative Districts, with each District being allocated \$125,000.00 of available Neighborhood Improvement Program funds; and

WHEREAS, in 2007 and 2008, City Council approved the Neighborhood Improvement Projects for the first round and second round of Neighborhood Improvement Program funding and directed the City Manager or designee to proceed with allocation of the funds from the Capital Budget for the approved Neighborhood Improvement Projects; and

WHEREAS, approximately \$450,000.00 of the funds in the Capital Budget have been reprogrammed and re-designated for the Neighborhood Improvement Program and are available for a third round of Neighborhood Improvement Program funding for eligible public improvement projects and program administration costs; and

WHEREAS, the Community and Human Development Director and Neighborhood Services Division staff recommend adoption of Neighborhood Improvement Program Guidelines for the Round III funding cycle with project funding to be apportioned equally among the Representative Districts.

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

That City Council hereby adopts the Neighborhood Improvement Program Guide Round III, attached hereto as Exhibit "A" and incorporated herein, as amended by Council to add as eligible projects traffic calming devices, sidewalks, and lighting when underground conduit is available.

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

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

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution, **AS AMENDED** by adding traffic calming devices, sidewalks, and lighting when underground conduit is available.

NOT PRESENT FOR THE VOTE: Representative Holguin

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14.

RESOLUTION

WHEREAS, on November 12, 2008 every taxing entity within the County of El Paso, Texas met at the first annual Shared Services Summit to discuss areas of existing partnership and to identify new opportunities for future collaboration; and,

WHEREAS, the representatives at the Shared Services Summit pledged their commitment to develop new partnerships with a focus to shared resources and responsibilities, for the short and long term, to:

- build and expand community services in the region;
- take advantage of cost savings in the operation of a consolidated system of services;
- review best practices and models to provide the best services possible;
- develop educational programs in all areas of service delivery; and
-

WHEREAS, the immediate areas of shared service participation include purchasing, information technology, and facilities planning and management; and,

WHEREAS, annual meetings will be held to report progress on activities related to consolidation and shared services, with particular emphasis to areas of challenge and mitigation among the regional partners; and

WHEREAS, the collective goals and areas of interest identified for Fiscal Year 2009 at the Shared Services Summit are as follows:

1. Purchasing

Short-term goals

- Identify and move on creating purchasing agreements among entities around necessary items that can easily be bought in bulk

Long-term goals

- Develop an El Paso Purchasing Alliance with delegates being those who have attended short term meetings
- Explore insurance pooling with delegates being chosen by the El Paso Purchasing Alliance at a later date
- Develop supplier evaluation system to share supplier information with others
- Shared printing services
- Procurement automation system

2. Information Technology

Short-term goals

- Shared Video Conferencing System
- Shared Video Surveillance

Long-term goals

- GIS Clearinghouse web application
- Create online K- 12 professional development training
- 311 System Data Center for documenting local non-emergency requests

3. Facilities Planning & Management

Short-term goals

- Fleet Maintenance – formulate a committee of regional partners to look at the needs of municipalities and the City’s capacity to provide fueling and preventative maintenance functions
- Identify a feasible location for a consolidated data center
- Build “green” facility/energy efficient structures and facilities
- Economic Development – expand City of El Paso partnership with the County and other interested communities; develop, implement and monitor a Regional Economic Development Strategy
- Code Enforcement – among select cities of interest, the City of El Paso to evaluate and assist with creation of regulations with enforcement managed by respective entities
- Committee to discuss and develop region-wide process for soliciting/approving professional services
- Determine revenues and costs associated with shifting County parks to the City of El Paso
- Establish a regional focus to the Safe Routes to School Program; grant preparation, implementation and monitoring

Long-term goals

- Fleet – Conduct feasibility analysis of providing full fleet maintenance and operations activities
- Planning and Zoning Ordinances/Land Needs/Ponding – Creation of a Regional Master Plan and a standard set of land regulations
- Seek funding to keep libraries open after hours, need assessment, restricting access to school from libraries,

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

1. **THAT** the El Paso City Council hereby supports the goals and areas of interest identified at the Shared Services Summit that will help the region create added efficiencies and savings;
2. **THAT** the El Paso City Council authorizes the City Manager to work with regional stakeholders to identify issues, make recommendations, and implement new consolidated activities relative to these goals;

3. **THAT** the El Paso City Council requests that a process for acquisition and disposition of public lands between entities be identified as a goal under Facilities Planning & Management;
4. **THAT** the El Paso City Council requests that the consolidation of law enforcement and public safety be explored and identified as an area of interest to be evaluated, with the following goals for discussion:
 - Short-term goals*
 - 911 Communication System
 - Records Management
 - Training Academies
 - Intermediate goals*
 - SWAT Emergency Command
 - Jurisdictional Authority Outside City Limits
 - Discipline Management
 - Hiring & Recruitment
 - Crime Scene/Crime Lab;
5. **THAT** the Police and Fire Associations be invited to sit as members of any City of El Paso Team that considers issues related to law enforcement and public safety; and
6. **THAT** quarterly updates, at a minimum, on staff progress related to these goals and interaction at future Shared Services Summits shall be provided by the City Manager to the El Paso City Council.

Ms. Pat Aauto, Deputy Director of Development and Infrastructure, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Mr. Ruben Vogt, El Paso County, commented.

Mr. Robert Holguin, President of the El Paso Municipal Police Officers Association, and Mr. Robert Gomez, Vice-President of the El Paso Municipal Police Officers Association, commented.

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **APPROVE** the Resolution, **AS REVISED**, removing the creation of a metropolitan police force as the long term goal and instructing staff to invite the El Paso Police Officers Association and the Fire Association to participate in discussions and to add to the facilities and planning management process for acquisitions and dispositions of public lands.

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

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15. DEVELOPMENT SERVICES

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, 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: Representatives Lilly, Holguin, and O'Rourke

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Castro, and unanimously carried to **AUTHORIZE** a request by the Historic Landmark Commission, submitted pursuant to City Code Section 20.20.040 B, that the City Council authorize a City-initiated rezoning application and allocation of City funds for the preparation of related documents to place a Historic Overlay designation on the property located at 2630 Richmond Avenue.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Holguin and O'Rourke

Mr. Troy Ainsworth, Historic Preservation Officer, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative Byrd commented.

Ms. Cindy Millozzo and Ms. Mandy Chew, citizens, commented.

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16A. MOBILITY SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **FORWARD** to the Metropolitan Planning Organization (MPO) the recommendations of the Transportation Legislative Review Committee (LRC) that (1) the City's transportation vision include rail, but that immediate efforts be concentrated on improving the bus system (construction of five transfer terminals, bus stop and bus shelter improvements, express service, service efficiency and service expansion) and developing four Bus Rapid Transit Corridors (Mesa, Alameda, Montana and Dyer); and (2) that a request be made to the Metropolitan Planning Organization (MPO) that it conduct air quality modeling of rail traffic in El Paso.

NOT PRESENT FOR THE VOTE: Representative Holguin

Ms. Jane Shang, Deputy City Manager of Mobility Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

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16B. MOBILITY SERVICES

Discussion and action to determine whether to direct staff to develop pedestrian safety initiatives, to develop a policy to prioritize the installation of traffic signals, to amend the memorial marker ordinance to allow all markers unless a safety issue exists, and to revise performance measures for Sun Metro. Staff is

seeking City Council policy direction and approval to expend staff hours to address these issues. Staff estimates approximately seven weeks of dedicated staff time will be required to address issue #1 and #2.

Mayor Cook and Representatives O'Rourke, Byrd, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Jane Shang, Deputy City Manager of Mobility Services
3. Mr. Ted Marquez, Engineering Division Manager
4. Mr. Alan Shubert, City Engineer

NO ACTION was taken on the item.

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17. CITY MANAGER

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **APPROVE** a Four Day Work Week – Summer Pilot Program.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Mr. Victor Torres, Director of Development Services, commented.

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Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:55 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk