

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL ROBINSON, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JUNE 8, 2010  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, and Rachel Quintana. Late arrivals: Beto O'Rourke at 8:33 a.m. and Eddie Holguin, Jr. at 8:45 a.m. during Executive Session deliberations and Steve Ortega at 9:03 a.m. Absent: Emma Acosta requested to be excused. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATION**

1. **WEST POINT DAY**
2. **FLAG OBSERVANCE DAY**

**RECOGNITIONS**

1. **UTEP - ENGINEERING TRANSPORTATION LAB**
2. **ALL - AMERICA CITY DELEGATION**

**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](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Salvador Gomez
2. Ms. Lisa Turner
3. Mr. Raul Castaneda

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

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

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Ortega

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**EX1.** Discussion and action on the City lease of 10 Civic Center Plaza, El Paso, El Paso County, Texas. (551.071)

Mayor Cook commented.

**NO ACTION** was taken on the item.

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**EX2.** Application of El Paso Electric Company to implement an Interim Fuel Refund (filed May 12, 2010) before the Public Utility Commission of Texas, Docket No. 38253. (551.071)

Mr. Norman Gordon, outside utility counsel, commented.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to grant the authority to the City Attorney to settle, negotiate settlement agreement and sign all documents on behalf of the City of El Paso to resolve the Application of El Paso Electric Company to implement an Interim Fuel Refund (filed May 12, 2010) before the Public Utility Commission of Texas, Docket No. 38253.

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

NAYS: Representative Holguin

ABSENT: Representative Acosta

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**CONSENT AGENDA**

Motion made by Representative 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, Robinson, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Acosta

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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 June 1, 2010.

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**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

\*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Pro Tempore Acosta from the Regular City Council meeting of June 8, 2010.

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign the Third Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Delta Air Lines, Inc. for the purpose of extending the term to August 31, 2011 and replacing Exhibits "A", "B-1", and "B-2".

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**3B.**

**\*RESOLUTION**

That the City Manager is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso and EAN Holdings, LLC for the following described property:

A portion of Block 2, Tract 4A, Ascarate Grant, City of El Paso, El Paso County, Texas, containing approximately 100,000 square feet of land, and which is located behind Cargo Building 2, located at 6415 Convair Road, El Paso, El Paso County, Texas.

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**3C. AIRPORT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to sign an Approval of Assignment by and among the City of El Paso ("City"), Enterprise Leasing Company – West, LLC ("Assignor") and EAN Holdings, LLC ("Assignee") of the July 1, 2006 Vehicle Rental Concession Agreement.

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**3D. AIRPORT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Enterprise Holdings, Inc., formerly known as Enterprise Rent-A-Car Company, ("Assignor"), and EAN Holdings, LLC ("Assignee") for the following described property: Lot 3, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, containing 33,115 square feet of land, commonly known as 6400 Convair Road, El Paso, Texas.

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**3E.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso entered into a Temporary Land Use Lease with Enterprise Leasing Company – West to use approximately 33, 379 square feet of land,

**WHEREAS**, Lessee's successor EAN Holdings LLC has requested additional space for its use pursuant to the Agreement but there is no additional space for expansion at the present location;

**WHEREAS**, although the term of the Temporary Land Use Lease expires June 30, 2010, Lessor would like Lessee to relocate to another site at the El Paso International Airport in order to accommodate Lessee's request for additional space,

**WHEREAS**, a termination of the Temporary Land Use Lease is in the best interests of both parties;

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

That the City Manager be authorized to sign a Surrender of a Temporary Land Use Lease by and between the City of El Paso and Enterprise Leasing Company - West.

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**3F.**

**\*RESOLUTION**

That the City Council approves the expenditure of additional available funding in the amount of fifty nine thousand four hundred fifteen and 00/100 dollars (\$59,415.00) to Arrow Building Corporation for additional construction costs of the Glory Road Transit Terminal. Change Order 9 provides for labor, materials and equipment for removal and relocation of the existing driveway for the Shoppes at Glory Road, adding no days of contract time [change order number 9] for Contract Number 2009-145. The new contract sum, including change order 9, is nine million two hundred ninety two thousand nine hundred eighty two and 72/100 dollars (\$9,292,982.72).

Mayor Cook and Representatives Quintana and Holguin commented.

The following City staff members commented:

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

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**3G.**

**\*RESOLUTION**

That the City Manager be authorized to sign a License Agreement by and between the City of El Paso and C.F. Jordan Construction, LLC for the use of City-owned property municipally known and numbered as 4320 Delta, El Paso, Texas as a temporary construction yard to support the construction project at the University Medical Center and Children’s Hospital in El Paso, Texas.

Representative O’Rourke commented.

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

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**3H.**

**\*RESOLUTION**

**WHEREAS**, Mr. Nestor Valencia is a well known and highly respected individual that has served the El Paso community and border region well. He was instrumental in the planning, development, and implementation of many significant and noteworthy projects in El Paso and the region; these include the Chamizal National Treaty and subsequent Chamizal Nation Park, the Judson F. Williams Civic Center, Paseo de las Luces, Museum of Art, Wilderness Park Museum, El Paso Amphitheater (McKellington Canyon), the Zaragoza International Bridge, and the renovation of the Plaza Theater, to name a few;

**WHEREAS**, Mr. Nestor Valencia served as a city employee for over 30 years working in various capacities; most notable positions include Special Assistant to two mayors and as Director of Planning, Research, and Development; after retiring from the city, Mr. Valencia served an additional 17 years as Vice President of Planning with the El Paso Community Foundation;

**WHEREAS**, Mr. Nestor Valencia’s expertise, experience, knowledge as a professional planner earned him recognition and trust among city leaders and other government agencies, resulting in his

appointment to several bi-national committees tasked with assisting Juarez, Mexico to improve housing, air quality and emissions control, and the construction of two sewage plants, among other projects.

**WHEREAS**, Mr. Nestor Valencia is also an artist and arts advocate committed in promoting the arts and history of El Paso; whose portraits hang inside the Plaza Theater. His commitment and dedication towards improving and showcasing El Paso’s historical sites and other treasures is commendable.

**WHEREAS**, it is fitting for the Mission Valley Transfer Center to be named The Nestor A. Valencia Mission Valley Transfer Center in honor of Mr. Valencia, whose roots are traced to El Paso’s Mission Valley where he was born and raised but whose contributions resonate far beyond our border region.

**WHEREAS**, on April 20, 2010, the Citizen’s Advisory Committee for the Board of the Mass Transit Department (Citizen’s Advisory Committee) met and approved a recommendation to name the soon to be completed Mission Valley Transfer Center after Nestor A. Valencia.

**WHEREAS**, the Mayor and City Council accept the recommendation from the Citizen’s Advisory Committee, to name the new Mission Valley Transfer Center located at 9065 Alameda, the **NESTOR A. VALENCIA MISSION VALLEY TRANSFER CENTER**.

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

That the Mission Valley Transfer Center shall henceforth be named and known as the **NESTOR A. VALENCIA MISSION VALLEY TRANSFER CENTER**.

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**4. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Margaret Peg Booker to the Community Development Steering Committee by Representative Rachel Quintana, District 5.

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**5. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Trinidad Acevedo to the Community Development Steering Committee by Representative Beto O’Rourke, District 8.

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**6A. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to exercise the City’s option to extend current Contract 2007-171 (Proprietary Parts and Service - Dodge/Chrysler Motor Company) with Driveway Dodge, Chrysler, Jeep for two additional years pursuant to the provisions of an award approved by the City Council on July 10, 2007. Extended contract period will be from July 10, 2010 to July 9, 2012.

Department: General Services - Fleet Division  
Option: One [of One]  
Funding Source: Fleet Services Internal Service Fund  
Total Estimated Amount: \$34,000 (Total for 2 year extension)

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**6B. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue a Purchase Order to OTTO Environmental Systems, the Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC) contractor under Contract No. GC01-09 (Refuse Containers & Lifters) for refuse containers and lifters. Total estimated expenditures are \$215,000.

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

Department: Environmental Services  
Funding Source: Furniture and Fixtures  
Total Estimated Amount: \$215,000  
Reference No.: 2010-229

Representatives Ortega and Robinson commented.

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

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**6C. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to exercise the City’s option to extend current Contract 2008-084 (Administration of City of El Paso Housing Program for Community and Human Development) with AmeriNational Community Services, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on June 17, 2008. Extended contract period will be from September 1, 2011 to August 31, 2013.

Department: Community and Human Development  
Funding Source: HOME Program Income & CDBG Revolving Loan Funds  
Total Estimated Amount: \$260,000 (Total for two year extension)  
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**7A. BID**

\*Motion made, seconded, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-195 for the Montoya Heights Subdivision Street & Drainage Improvements Phase I; Mike Ln., Liana Ct., Conifero Ct., & Batiste Ln. to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. for a total estimated amount of \$371,126.75.

Department: Engineering  
Award to: J.A.R. Concrete  
Base Bid I: \$304,909.35  
Base Bid II: \$ 66,217.40  
Total Estimated Award: \$371,126.75  
Funding Source: Community Development Block Grant 35th Year  
El Paso Water Utilities

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.

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**7B. BID**

\*Motion made, seconded, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-168 for the 2010 Sidewalk Gap Program, to Lomeli & Sons Landscaping Co., Inc. for a total estimated amount of \$176,542.

Department: Engineering  
Award to: Lomeli & Sons Landscaping Co., Inc.  
Base Bid: \$176,542  
Total Estimated Award: \$176,542  
Funding Source: 2006 Certificates of Obligation

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 Representative Quintana commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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**7C. BID**

\*Motion made, seconded, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-156 (Police Uniform Accessories) to Uniforms of Texas, On Time Embroidery, MTM Recognition, and Rocks-AKA-School Wear for a total estimated award of \$62,831.73.

Department: Police Department  
Award to: Vendor 1: Uniforms of Texas  
El Paso, TX  
Item(s): Group I – 1-6, 15-17, 20-21  
Group II – 1, 6  
Option: 2 Years  
Annual Estimated Amount: \$8,655.91  
  
Award to: Vendor 2: On Time Embroidery  
Elk Grove Village, IL  
Item(s): Group I – 7-11

Option: 2 Years  
 Annual Estimated Amount: \$3,085

Award to: Vendor 3: MTM Recognition  
 Del City, OK

Item(s): Group I – 14, 18-19, 22-23  
 Option: 2 Years  
 Annual Estimated Amount: \$4,280

Award to: Vendor 4: Rocks-AKA-School Wear  
 El Paso, TX

Item(s): Group II – 2-5  
 Option: 1 Year  
 Annual Estimated Amount: \$4,923

Funding Source: General Fund – Uniforms and Apparel  
 Total Estimated Award: \$62,831.73 (3 Years)

This is a thirty-six month requirements type contract.

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 Police recommend award to the lowest responsive, responsible bidders.

Representative Quintana commented.

Assistant Police Chief Eric Shelton commented.

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**8A. – 8C. INTRODUCTIONS**

Motion made by Representative Byrd, seconded by Representative Lilly, 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:

- 8A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso City Code by amending Subsection G, forty miles per hour, Number 12: Socorro Road from 400 feet southeast of Southside Road and 450 feet southeast of Avenue of the Americas to 400 feet southeast of Southside Road and the southeast city limits; and to delete Number 2 in Subsection H, forty-five miles per hour, Socorro Drive between a point 450 feet southeast of Avenue of the Americas and the southeast city limits; the penalty being as provided in Section 12.84.010 (Violation--Penalty) of the El Paso City Code.
- 8B.** An Ordinance authorizing the City Manager of the City of El Paso to sign a quit claim deed to convey to the state of Texas, approximately 31.118 acres of land known as a portion of Fred Wilson Avenue, Marshall Road and Airport Road in the City of El Paso, located in Sections 19 and 30, Block 80, Township 2 and Sections 17, 18, 19 and 20, Block 81, Township 2, Texas and Pacific Railway Company surveys, El Paso County, Texas, said parcel to be included in the state of Texas Spur 601

controlled access highway project; and authorizing the City Manager to sign any and all documents necessary to complete the transfer of the land.

**8C.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.08 (Junked Vehicles), Section 9.08.020 (Definitions) to amend the definition of junked vehicle; to clarify which entity cancels certificates of Title in 9.08.030 (Abatement); and to clarify appropriate cover of antique and special interest vehicles stored outdoors in 9.08.040C (Exceptions); the penalty as provided in Section 9.08.070 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JUNE 15, 2010, FOR ITEMS 8A –8C**

**8D. INTRODUCTION**

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **DELETE** the Introduction of an Ordinance authorizing the City of El Paso to sell the property municipally known and numbered as 800 S. Piedras aka 2914 E. Paisano to International Communications of El Paso, Inc.

Mayor Cook and Representatives O'Rourke and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.

**9A. FINANCIAL SERVICES**

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to exercise the City's option to extend current Contract No. 2008-108R (Airport Financial and Planning Services) with Ricondo & Associates, Inc. for twenty-four additional months, pursuant to the provisions to the award approved by City Council on July 22, 2008. Contract period is July 22, 2010 to July 22, 2012.

In addition, the City Manager or designee be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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|------------------------|-------------------------------|
| Department:            | Aviation                      |
| Funding Source:        | Airport Operating Funds       |
| Total Estimated Award: | \$750,000 (total for 2 years) |

**9B. FINANCIAL SERVICES**

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-006 (Police Uniforms) to Uniforms of Texas for a total estimated amount of \$571,949.40.

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|---------------------|---|
| Department:         | Police Department   |
| Award to: Vendor 1: | Uniforms of Texas<br>El Paso, TX                                  |
| Item(s):            | Group I – 2, 3, 4, 6, 8, 9, 10, 11<br>Group II – 1, 2, 3, 4, 5, 6 |

|                          |                                     |
|--------------------------|-------------------------------------|
|                          | Group III – 1, 2, 3, 5, 6, 7, 8, 9  |
|                          | Group IV – 1, 2, 3, 4, 5, 6         |
|                          | Group V - 1                         |
| Option:                  | 2 Years                             |
| Annual Estimated Amount: | \$156,439.80                        |
| Award to: Vendor 2:      | Uniforms of Texas (Alternate #1)    |
|                          | El Paso, TX                         |
| Item(s):                 | Group I – 1, 5, 7, 12               |
|                          | Group III – 4                       |
| Option:                  | 2 Years                             |
| Annual Estimated Amount: | \$34,210.00                         |
| Funding Source:          | General Fund – Uniforms and Apparel |
| Total Estimated Award:   | \$571,949.40 (3 Years)              |

This is a thirty-six (36) month requirements type contract.

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 Police recommend ServiceWear Apparel be considered non-responsive to the bid and recommend award to Uniforms of Texas, the vendor offering the best value bid.

Representative Quintana commented.

Assistant Police Chief Eric Shelton commented.

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**9C. FINANCIAL SERVICES**

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-094 (Fleet Vehicles) to Casa Ford, Inc. for a total estimated award of \$570,838.40.

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|--------------------------|--|
| Department:              | General Services                                   |
| Award to:                | Casa Ford, Inc.                                    |
|                          | El Paso, TX  |
| Items:                   | Group III, Item 1 and                              |
|                          | Optional Item Four Wheel Drive                     |
| Option:                  | Extending the term of the contract through the     |
|                          | manufacturer's build-out date for model year 2012, |
|                          | 2013 and 2014 vehicles.                            |
| Annual Estimated Amount: | \$285,419.20                                       |
| Funding Source:          | Vehicular Equipment; Green Fleet Vehicles          |
| Total Estimated Award:   | \$570,838.40 (2 years)                             |

This is a twenty four month requirements type contract.

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

The Departments of Financial Services, Purchasing Division, and General Services recommend award to Casa Ford, Inc., the sole responsive, responsible bidder for the item as indicated.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Mayor Cook and Representatives Quintana and Ortega commented.

The following City staff members commented:

1. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services
2. Mr. Stuart Ed, Director of General Services, commented.

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**9D. FINANCIAL SERVICES**

**1<sup>ST</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Leffman an additional three minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representative Robinson

**2<sup>ND</sup> MOTION**

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

**3<sup>RD</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:40 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

**4<sup>TH</sup> MOTION**

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 10:52 a.m. and **RECONVENE** the meeting of the City Council.

**5<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Robinson, seconded by Representative Ortega, and carried to **APPROVE** the award of Solicitation No. 2010-187 (Towing, Storage and Sale of Motor Vehicles) to Sun City Towing and Recovery for a total estimated amount of \$1,500,000.

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

NAYS: Representative Quintana

ABSTAIN: Representative Holguin

ABSENT: Representative Acosta

Department:

Police

Award to:

Sun City Towing and Recovery

El Paso, TX

Items: All  
Options: (1) Extend 6 month period if the option is exercised prior to the expiration of the original contract term.  
(2) Extend 6 month or 1 year period if option is exercised prior to the expiration of the first 6 month option.  
Funding Source: Abandoned Auto – Restricted Fund  
Total Estimated Award: \$1,500,000

This is a twelve month requirements type contract for Towing, Storage and Sale of Motor Vehicles.

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

Mr. David Leffman, attorney at law, representing AD Wrecker Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Robinson, Ortega and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services
3. Police Lieutenant Mark Medina, Auto Theft Task Force
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Stuart R. Schwartz, legal counsel for Sun City Towing and Recovery.
2. Ms. Lisa Turner, citizen, commented.

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**10A. ENGINEERING**

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-196 for the Montoya Heights Subdivision Street & Drainage Improvements Phase II; Ethel Rd. (Edgar Rd. to Coates Rd.) and Edgar Rd. (Ethel Rd. to Dead End) to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc., for a total estimated amount of \$634,517.94.

Department: Engineering  
Award to: J.A.R. Concrete  
Base Bid I \$540,831.56  
Base Bid II \$ 93,686.38  
Total Estimated Award: \$634,517.94  
Funding Source: 2004 General Obligation Bonds  
El Paso Water Utilities

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.

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

Mr. Ray Gilbert, citizen, commented.

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**10B. ENGINEERING**

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-170 for the International Bridges – Stanton Toll Facility and Paso Del Norte Facility Improvements to Urban Associates, Inc. for a total estimated amount of \$12,125,093.44.

Award to: Urban Associates, Inc.

|   |                     |
|---|---------------------|
| Base Bid 1: Stanton Toll Facility Improvements                                  | \$4,699,538.00      |
| Base Bid 2: Paso Del Norte Facility Improvements                                | \$4,966,078.00      |
| Base Bid 3: Rehabilitation and Construction of Lions Placita                    | \$524,711.00        |
| Base Bid 4: Pedestrian Bridge Canopies at Stanton<br>Toll Facility Improvements | \$1,830,367.00      |
| Base Bid 5: Paso Del Norte Public Art Foundation                                | <u>\$104,399.44</u> |
| Sum Total Base Bid 1, 2, 3, 4 & 5   | \$12,125,093.44     |

Funding Source: State Infrastructure Banks (SIB) Loan, The American Recovery and Reinvestment Act (ARRA) and 2006 Certificate of Obligation

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 City Council.

This is a lump-sum contract. The International Bridges and Engineering Departments recommend award to the offeror who submitted the highest ranked proposal.

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

Mayor Cook and Representatives Lilly and Robinson commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

Ms. Lisa Turner, citizen, commented.

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**11A.**

**ORDINANCE 17341**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 42, RIDGE VIEW ESTATES UNIT SIXTEEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A/SC (RESIDENTIAL/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative Lilly commented.

Mr. Gerardo Martinez, citizen, commented.

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

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

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

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**11B. DEVELOPMENT SERVICES**

Motion made by Representative Lilly, seconded by Representative Ortega, and carried to **APPROVE** a request from Chris Malooly, on behalf of Mesa Mountain, LLC, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for the property located at 5668 N. Mesa, with a finding of undue hardship.

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

Representatives Lilly and Robinson commented.

Mr. Philip Etiwe, Development Review Manager, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Bill Addington
3. Mr. Randy Island, representing applicant, Mesa Mountain LLC

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**12. ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** a Resolution to approve the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to Perspectiva Group, Inc. in the amount of \$350,000 for working capital, acquisition of machinery and equipment, and property rehabilitation, as recommended by the Director of Economic Development and in accordance with the adopted loan program lending guidelines; and that the City Manager be authorized to execute any and all loan related documents between the City of El Paso and Perspectiva Group, Inc. and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

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**13.**

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

**WHEREAS**, Section 271.114 (a) of the Texas Local Government Code requires that the governing body of a governmental entity that is considering a construction contract for a facility using an selection method specified in Section 271.113(a) of the Local Government Code other than competitive bidding, before advertising proposals for constructions services, determine which method provides the best value to the governmental entity; and

**WHEREAS**, The City Council, by resolutions dated March 12, 2002 and July 20, 2004, determined that the competitive sealed proposal method as well as the design build and job order contracts for minor construction methods are the selection methods that provide the best value to the city; and

**WHEREAS**, Section 271.114(b) of the Texas Local Government Code requires that a governmental entity that is using the competitive sealed proposal method to procure contracts for the construction of facilities publish in the request for proposals all the criteria that will be used to evaluate the offerors and the relative weight to be given to the criteria.

**WHEREAS**, the City Council determined the criteria and the relative weight to be given to the criteria for the competitive sealed proposal process by resolution dated April 23, 2002; and

**WHEREAS**, the City has recently held numerous public meetings with the construction community concerning the method of selection as well as the criteria to be used to evaluate offerors and the relative weights to be given to the criteria; and

**WHEREAS**, the city staff has developed a selection process using the competitive sealed proposal method, the criteria to be used to evaluate the offerors and the relative weights to be given to the criteria and that the criteria and the relative weights that provide the best value to the City when entering into a contract for the construction of a facility as follows:

Purchase price: a maximum of 75 points

Offeror's past relationship with the City: a maximum of 20 points

The health benefits the offeror provides to its employees: a maximum of 5 points, all as explained in detail in Exhibit "A" attached to this Resolution.

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

The City Council hereby approves and adopts the competitive sealed proposal method for the selection of contractors for the construction of facilities as well as design-build and job order contracts for minor construction methods as the selection methods that provide the best value to the City.

The City Council hereby approves and adopts the procedures, selection criteria and weight to be given the selection criteria for the competitive sealed proposal method for the selection of contractors for the construction of facilities as set forth in detail in Exhibit "A" attached hereto. Exhibit "A" hereby replaces the criteria and relative weights of the criteria for the competitive sealed proposal selection method adopted in the April 23, 2002 City Council Resolution.

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

Mayor Cook and Representatives Robinson and Ortega commented.

Mr. Richard Schechter, citizen, commented.

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

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ITEMS TAKEN TOGETHER

**14A.**

**RESOLUTION**

**WHEREAS**, El Paso Electric Company ("Company" or "EPE"), is a regulated utility subject to the exclusive original jurisdiction of the City of El Paso ("City") for rates, services and operations within the City; and

**WHEREAS**, on December 9, 2009, the Company filed a Statement of Intent to increase rates within the City of El Paso based upon an increase of \$51,577,065 for Texas Jurisdictional Customers, said rate increase specified to be effective March 2, 2010; and

**WHEREAS**, on December 9, 2010, El Paso Electric Company filed the same request with the Public Utility Commission of Texas for a change in rates in the areas outside the boundaries of the City of El Paso, over which the Public Utility Commission of Texas ("PUC") exercises original jurisdiction; and

**WHEREAS**, the EPE application at the PUC included a Reconciliation of Fuel Costs, Establish Formula-Based Fuel Factor, and Establish an Energy Efficiency Cost Recovery Factor and the City has intervened in the PUC case; and

**WHEREAS**, on December 22, 2009, the City Council suspended the operation of the filings for 90 days from the effective date or the maximum allowed by law; and

**WHEREAS**, at the direction of the City Council, the Public Utility Regulation Board held a public hearing on May 10, 2010 at which time the Public Utility Regulation Board heard a presentation from the City's counsel, the City's staff and from witnesses for El Paso Electric Company concerning a proposed settlement which would resolve the issues in the case pending at the City as well as the pending docket at the Public Utility Commission of Texas; and

**WHEREAS**, the proposed settlement calls for an increase in base rates of \$17.15 million for Texas Jurisdictional customers with rates effective for electric usage on and after July 1, 2010. The settlement is

considered a "black box", and that is there will be no specific findings on issues except for the following provisions:

1. The fresh start values for Palo Verde proposed by EPE, with retirements adjusted to the fresh start basis, will be used in this docket and in future dockets.
2. All additions to electric plant in service since June 30, 1993 through June 30, 2009 are deemed to be reasonable and necessary except that EPE agrees to exclude its 2003 acquisition costs for the investment in the Copper gas turbine from rate base and depreciation expense in future rate cases
3. EPE will be allowed to include the Customer Information System (CIS) in rate base effective April 1, 2010.
4. The proposed balance of accumulated depreciation reflecting the 2004 depreciation study is approved.
5. EPE's proposed depreciation rates are approved, but shall be subject to review and adjustment on a going-forward basis in future proceedings.
6. EPE shall accrue and deposit \$7 million per year on a Texas jurisdictional basis for Palo Verde Decommissioning Expense, which amounts shall be subject to review and adjustment on a going forward basis in future rate proceedings.
7. EPE will reimburse the City for the approved amounts within 20 days of the City's invoice to EPE. EPE will amortize the rate case expenses over a period of two (2) years.
8. EPE's AFUDC rates will reflect a 10.125% return on equity effective with new rates.
9. EPE shall be allowed to include its loss on reacquired debt associated with the refinancing of the first mortgage bonds in 2005 in its calculation of the weighted cost of debt in future rate proceedings as proposed by EPE in this case; and

**WHEREAS**, the City Council finds that the apportionment of the increase among the various Texas Customer Classes as identified in attachment "A" to this resolution is reasonable; and

**WHEREAS**, the proposed settlement addresses the Fuel Reconciliation issues by agreeing to a separate stipulation concerning the Fuel Reconciliation which severs for a hearing at the PUC the sole issue of how much of EPE's claimed reclamation costs for the coal mine which provides fuel for the Four Corners Coal Plant will be recovered from Texas Ratepayers; and

**WHEREAS**, the Proposed Settlement addresses EPE's proposed treatment of recovery of its Energy Efficiency Costs amortizing EPE's deferred costs over a three year period and allowing approval of the proposed Energy Efficiency rider; and

**WHEREAS**, EPE has indicated that it will be able to transfer \$100,000 of its 2010 Energy Efficiency program to solar incentives and will propose \$500,000 for solar incentives for its 2011 Energy Efficiency Program; and

**WHEREAS**, the Company has provided evidence that it has complied with the notice requirements of Texas Utilities Code §36.103 by publication in the *El Paso Times* on December 18 and 25, 2009 and January 8, 2010; and

**WHEREAS**, the City Council finds that the tariffs attached to this resolution as "Attachment B" implement the settlement and the approved rate increase; and

**WHEREAS**, the City Council having considered the PURB recommendation finds that the base rate change proposed by El Paso Electric Company as proposed on December 9, 2009 should be denied, and that an increase as identified herein, is reasonable and will produce revenues which allow El Paso Electric Company a reasonable opportunity to earn a reasonable return on its invested capital used and useful to the public in providing electric service.

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

**SEC. 1.** The Rate Increase Request of El Paso Electric Company as requested by El Paso Electric Company on December 9, 2009 is denied, and an increase of \$17.15 million in base (non-fuel) rates effective for electricity consumed on or after July 1, 2010 is approved, with the increase apportioned among

the customer classes as provided in Attachment "A" to this Resolution which is incorporated for all purposes.

**SEC. 2.** The tariffs attached as Attachment "B" to this resolution are approved for energy used on and after July 1, 2010 for service within the City of El Paso.

**SEC. 3.** Authorize the City Attorney to sign the Stipulation and all documents on behalf of the City of El Paso to resolve the case before the City and the Public Utility Commission of Texas pursuant to the terms and conditions of the proposed settlement, including the energy efficiency costs and rider.

**SEC. 4.** The Company is ordered to reimburse the City for its expenses as invoiced by the City, 20 days after invoice from the City.

**SEC. 5.** All relief requested by The Company within the original jurisdiction of the City of El Paso not granted herein is denied.

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

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

NAYS: Representative Holguin

ABSENT: Representative Acosta

**14B.**

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

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

That the City Council hereby directs the City Manager to include Palo Verde Rewards funds in the amount of \$500,000 and General Fund revenues (from franchise fees) in the amount of \$500,000 in the proposed City budgets for FY11 and in FY12 for solar energy programs for commercial and residential properties.

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

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

NAYS: Representatives Robinson and Holguin

ABSENT: Representative Acosta

Mr. Marty Howell, Sustainability Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services
3. Mr. Norman Gordon, outside utility counsel

The following members of the public commented:

1. Mr. David Stevens, Chief Executive Officer, El Paso Electric Company
2. Mr. Richard Schechter
3. Mr. Bill Addington, Sierra Club and El Paso Solar Energy Association
4. Ms. Heather McMurray, El Paso Solar Energy Association
5. Mr. Dan Olivas, El Paso Association of Realtors
6. Ms. Lisa Turner
7. Mr. Ray Gilbert
8. Mr. Harry Schulte, El Paso Solar Energy Association, President
9. Ms. Louie Gilot, Solar City Task Force
10. State Representative Joe Moody

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**ADDITION TO THE AGENDA**

**EX1.** Stacy Chenoweth v. City of El Paso; Cause No. 2009-1112. (551.071)  
 [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

\*Motion made, seconded, and unanimously carried to **DELETE** the item on Stacy Chenoweth v. City of El Paso; Cause No. 2009-1112. (551.071)

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

NAYS: None

ABSENT: Representative Acosta

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:06 p.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk