

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
June 12, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 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, Michiel R. Noe, Eddie Holguin, Jr., and Steve Ortega, Excused: Emma Acosta and Cortney Carlisle Niland. The invocation was given by Border Patrol Chaplain Linda Camacho, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. JUNETEENTH FREEDON CELEBRATION DAY
2. ARMY BIRTHDAY
3. WEST POINT DAY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

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

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Roberto Castor
2. Ms. Lisa Turner
3. Ms. Esther Perez
4. Mr. Manny Hinojosa

Mayor Cook commented.

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CONSENT AGENDA

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

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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 5, 2012 and the Special City Council Meeting of May 24, 2012 and the Special City Council Meeting of May 29, 2012.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Cortney Niland and Representative Emma Acosta from the Regular Council Meeting of June 12, 2012.

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3A.

***RESOLUTION**

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

That the City Manager be authorized to sign Amendment/Modification P90003 between the City of El Paso and the Transportation Security Administration which will close Other Transaction Agreement HSTS04-08-H-CT7021 for CCTV installation at the El Paso International Airport. This Modification will de-obligate residual funds and certify that all actions required by the agreement have been fully accomplished.

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3B.

***RESOLUTION**

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

That the City Manager be authorized to sign a Memorandum of Understanding (“MOU”) between the Transportation Security Administration and the City of El Paso regarding the Airport Closed Circuit Television Cameras (“CCTV”) at the El Paso International Airport to identify the roles and responsibilities of the parties for the CCTV system.

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3C.

***RESOLUTION**

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

That the City Manager be authorized to sign a Fourth Amendment to Industrial Site Lease by and between the City of El Paso (“Lessor”) and 8201 Lockheed, L.P. (“Lessee”) to add two options to extend the term of the lease; to amend the permitted uses allowed under the lease; to revise the provisions to allow for a readjustment of ground rental if an option to extend the lease term is exercised, and to include updated indemnification language for the following described property:

All of Lots 7, 12, 13, 14, 15 and 16, Block 9, El Paso International Airport Tracts Unit 7, an addition to the City of El Paso, El Paso County, Texas, consisting of approximately 198,037 square feet of land and municipally known and numbered as 8201 Lockheed, El Paso, Texas.

3D.

***RESOLUTION**

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

That the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Lockwood, Andrews & Newnam, Inc., a Texas Corporation, for a project known as "Alameda Corridor Rapid Transit System (Alameda RTS)" to add the additional design services and surveys in the amount of Two Hundred Eighteen Thousand Nine Hundred Fifty and No/00 Dollars (\$218,950.00), thereby extending the contract amount from \$1,950,000.00 to \$2,168,950.00.

Ms. Lisa Turner, citizen, commented.

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3E.

***RESOLUTION**

Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Lockwood, Andrews & Newnam, Inc., a Texas Corporation, for a project known as "Mesa Corridor Rapid Transit System (Mesa Corridor RTS)" to add the additional design services, surveys and evaluations in the amount of \$228,524 thereby extending the contract amount from \$1,480,791 to \$1,709,315 and extending the contract time from 225 calendar days to 303 calendar days.

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3F.

***RESOLUTION**

WHEREAS, in March 2011, the City of El Paso formally bid Parks Upgrade 2010 – Phase 1, Solicitation No. 2011-185; and

WHEREAS, in June 2011, the project was awarded to the lowest responsive bidder, Smart Con, LLC for \$48,790.37 (the "Contract"); and

WHEREAS, since the Contract amount was under \$50,000, the contract was not formally awarded by City Council but instead was awarded by signature of the City Manager for the City of El Paso; and

WHEREAS, the parties now desire to execute a change order and a quantity notice for the project which will increase the total contract amount to over \$50,000; and

WHEREAS, State law requires that contracts over \$50,000 be competitively bid and awarded to the lowest bidder; and

WHEREAS, the contract was competitively bid and awarded to the lowest responsive bidder but the contract was not formally awarded by City Council; and

WHEREAS, the parties now desire that City Council ratify the award of the Contract to the lowest responsive bidder and authorize the change order and quantity notice.

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

That the City Council ratify the award of Parks Upgrade 2010 – Phase I, Solicitation No. 2011-185, to Smart Con, LLC, the lowest responsive bidder, and approve the expenditure of additional available funding in the amount of Six Thousand Forty Three and no/00 Dollars (\$6,043.00) to Smart Con, LLC for additional construction costs for the project. The change order and quantity notice provide for the removal of asphalt and the removal of additional grass and the installation of additional concrete sidewalk than that specified in the plans, which in turn necessitates modifications to the irrigation and storm water systems, adding ten (10) days of contract time to contract Number 2011-185. The new contract sum, including this change order and quantity notice is Fifty Four Thousand Eight Hundred Thirty Three and 37/00 Dollars (\$54,833.37).

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3G.

***RESOLUTION**

WHEREAS, on November 30, 2010, the City of El Paso (the “City”) awarded Solicitation No. 2011-027 to G. Contek, L.L.C. (the “Contractor”) for the construction of a project known as the Westside Community Dog Park; and

WHEREAS, on January 24, 2011, a Notice to Proceed was issued; and

WHEREAS, on May 12, 2011, a punch list of items to be completed or corrected was provided to the Contractor; and

WHEREAS, on June 22, 2011, a Certificate of Final Completion was issued for the project and provided to the Contractor stating that all the punch list items had been completed; and

WHEREAS, pursuant to the plans, specifications and contract documents, Contractor provided a one year warranty on material, equipment and workmanship, including a one year warranty for all plants; and

WHEREAS, between June 22, 2011 and August 3, 2011, there were oral and email communications back and forth between the Contractor and the City wherein the Contractor agreed to replace dead trees and repair four defective gates; and

WHEREAS, Contractor failed to replace the dead trees and failed to repair the four defective gates; and

WHEREAS, on October 18, 2011, a certified letter was sent to Contractor requesting that Contractor replace 11 dead trees and repair four defective gates, the certified letter was returned unclaimed; and

WHEREAS, on November 8, 2011, an attempt was made to hand deliver a notice to Contractor to replace the dead trees and repair the defective gates, the Contractor’s office was closed;

WHEREAS, since August 4, 2011, there has been no communication between the City and Contractor; Contractor has failed to respond to phone calls, email, or written communication; and

WHEREAS, Contractor has failed to comply with the one year warranty provisions; and

WHEREAS, on May 22, 2012, the City sent a certified letter to Contractor giving Contractor notice of the City’s intent to terminate the contract for default if, within 10 (ten) days from receipt of notice, Contractor did not make satisfactory arrangements to comply with the one year warranty provisions and replace the dead trees and repair the defective gates, the certified letter was returned unclaimed; and

WHEREAS, Contractor has failed to respond to the May 22, 2012 notice; and

WHEREAS, pursuant to the Contract between the City and Contractor, General Conditions 6.9, Right of Owner to Terminate the Contract, the City possesses the right to terminate the Contract in the event of default by the Contractor and a failure to cure such default after receiving notice thereof.

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

1. The City Engineer notify G. Contek, L.L.C. and Suretec Insurance Company that the City of El Paso is terminating Solicitation No. 2011-027 to G. Contek, L.L.C. for the construction of a project known as Westside Community Dog Park, pursuant to General Conditions 6.9, Right of Owner to Terminate the Contract, due to default by G. Contek, L.L.C. and that the termination shall become effective immediately upon delivery of notice.
2. The City Engineer shall file a claim with Suretec Insurance Company, as the surety for G. Contek, L.L.C., notifying Suretec Insurance Company of the City of El Paso’s intent to look to the surety for performance in accordance with the terms and conditions of Solicitation No. 2011-027 to G. Contek, L.L.C. for the construction of a project known as Westside Community Dog Park.
3. The City Manager is authorized to sign any take over agreements or related documents upon approval by the City Attorney’s Office and the City Engineer and to take any actions necessary to accomplish the intent of the Resolution.

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3H.

***RESOLUTION**

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

That the City Engineer for the City of El Paso is authorized to act as the representative for the City of El Paso in matters relating to the release of bonds when all work for which the bond was obtained has been satisfactorily completed, the warranty period for all the work has expired and the bond has expired, and that he or his designee is authorized to sign any and all documents necessary to complete the release of the bond, upon review by the City Attorney.

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3I.

***RESOLUTION**

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

That the City Manager be authorized to sign a First Amendment to the Lease Agreement by and between Ricardo Rios (“Lessor”) and the City of El Paso (“Lessee”) with regard to the property located at 1505 E. Missouri, El Paso, Texas, for the purpose of increasing the leased premises to the entire 1729 square feet and adjust the rental rate to \$950 per month.

Representative Byrd commented.

Mr. Michael Hill, Director, Health, commented.

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3J.

***RESOLUTION**

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

THAT the City Manager be authorized to sign and submit the amendment identified as DSHS Contract No. #2012-039543-001A for the RLSS - LPHS program, to increase the budget amount by \$30,563.86 (for a new total of \$190,777), and that the City Manager be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change the contract amount, and to sign all related certifications, upon review by the City Attorney's Office.

Mr. Michael Hill, Director, Health, commented.

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3K.

***RESOLUTION**

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

THAT the City Manager be authorized to sign and submit the amendment identified as DSHS Contract No. #2012-040379-001A for the HIV Surveillance – Federal Core program, to change the contract ending date to 8/31/12, change the reporting dates and reduce the total contract amount accordingly, and that the City Manager be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change the contract amount, and to sign all related certifications, upon review by the City Attorney's Office.

Mr. Michael Hill, Director, Health, commented.

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3L.

***RESOLUTION**

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

THAT the City Manager be authorized to sign an Interlocal Agreement between the County of El Paso (hereinafter referred to as "County"), on behalf of the El Paso Juvenile Probation Department (hereinafter referred to as "JPD"), and the City of El Paso (hereinafter "City") on behalf of the El Paso Municipal Courts (hereinafter referred to as "Municipal Courts"), under the authority and in accordance with the Interlocal Cooperation Act, as set out in Chapter 791, Texas Government Code. This Agreement is made under Amendment Number One to an award from the Texas Juvenile Justice Department, Grant S, for the 2012-2-13 biennium, date March 15, 2012 (hereinafter "Grant"). As a result of the funding received by the JPD under the Grant the Municipal Courts will strengthen its intervention and diversion program and hire a Juvenile Case Manager and retain jurisdiction over youth who have two or more prior Class C convictions. JPD will pay to the City funds awarded for the services described in Section C of the Agreement in an amount not to exceed \$23,608.00 for Fiscal Year 2012 (March 15, 2012 - August 31, 2012) and \$47,216.00 for Fiscal Year 2012 (September 1, 2012 – August 31, 2012).

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3M.

***RESOLUTION**

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

THAT the Mayor be authorized to sign the Interlocal Agreement between the County and City of El Paso to submit a joint application to the Department of Justice – 2012 Edward Byrne Memorial Justice Assistance

Grant (JAG), in the amount of \$237,364.00. The funds received under the JAG program will be allocated 50% to the COUNTY and 50% to the CITY. The City grant funds will be utilized to purchase 174 vertical gun mounts for M4 Rifles. That the City Manager or her designee be authorized to sign any grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match is required.

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3N.

***RESOLUTION**

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

THAT the City Manager be authorized to sign Consent to Assignment of Contract from Superior Fruit & Vegetables to Olus Distributing, Inc. with respect to the City of El Paso's Contract No. 2009-023 (Zoo Animal Food-Produce).

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4 SPECIAL APPOINTMENT

*Motion made, seconded and carried that **Matthew B. Cross** be appointed by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective June 12, 2012 at a salary of \$60,000.00 per annum, plus benefits.

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5. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Moises Rodriguez, Jr. to the Community Development Steering Committee by Representative Emma Acosta, District 3.

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6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ralph Adame to the Board of Directors for Tax Increment Reinvestment Zone Number Six by Mayor John F. Cook.

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6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Gustavo Reveles Acosta to the Ad Hoc Charter Advisory Committee by Representative Steve Ortega, District 7.

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7 APPLICATION FOR TAX REFUNDS

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

- A. River Oaks Properties, Ltd in the amount of \$20,850.68 overpayment of 2011 taxes. (PID #A765-999-002E-0562).
- B. Eric Sanchez in the amount of \$3,402.61 overpayment of 2011 taxes. (PID #2000-999-1563-0034).

- C. RHAC-JAE, LLC in the amount of \$3,795.14 overpayment of 2011 taxes.
(PID #C050-999-0840-0100).
- D. RHAC-JAE, LLC in the amount of \$4,181.29 overpayment of 2011 taxes.
(PID #C050-999-0840-5700).
- E. West Texas Development, LTD in the amount of \$8,311.99 overpayment of 2011 taxes.
(PID #C849-999-0150-7100).
- F. Citimortgage Inc., in the amount of \$2,980.32 overpayment of 2011 taxes.
(PID #E054-999-0350-1300).
- G. RHAC- Sierra, LLC in the amount of \$35,105.43 overpayment of 2009 taxes.
(PID #E222-999-1010-1200).
- H. RHAC-Sierra, LLC in the amount of \$34,371.95 overpayment of 2010 taxes.
(PID #E222-999-1010-1200).
- I. CoreLogic in the amount of \$4,252.52 overpayment of 2011 taxes.
(PID #H771-000-0010-0400).
- J. RHAC-JAE, LLC in the amount of \$4,013.26 overpayment of 2011 taxes.
(PID #M028-999-050A-4900).
- K. CoreLogic in the amount of \$2,658.35 overpayment of 2011 taxes.
(PID #P656-999-0270-2100).
- L. Nationstar for Mortgage/CoreLogic in the amount of \$3,549.24 overpayment of 2010 taxes.
(PID #S812-999-0330-2900).
- M. Bac Tax Services Corp. in the amount of \$8,778.91 overpayment of 2011 taxes.
(PID #U819-000-0150-0830).
- N. Citimortgage in the amount of \$3,061.55 overpayment of 2012 taxes.
(PID #V893-999-5610-0800).
- O. Caliber Collision Centers in the amount of \$10,179.80 overpayment of 2012 taxes.
(PID #1136-999-1163-3449).

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8A. REQUESTS TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to GFI Genfare, a Division of SPX Corporation, the sole provider of Sun Metro's Odyssey Fareboxes and Ticket Vending Machines for one-time purchase of revenue collection equipment necessary at New Operations facility.

Department:	Mass Transit Department (Sun Metro)
Award to:	GFI Genfare, a Division of SPX Corporation Elk Grove Village, IL
Annual Estimated Amount:	\$371,649
Total Estimated Award:	\$371,649 (1 time purchase)

Account No.: 14400100 – 508004 – 27265 – PCP09MT008
Funding Source: 2009 Certificates of Obligation
Sole Source No.: 2012-246

This is a sole source, supplies contract.

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8B. REQUESTS TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services Division to exercise the City’s option to extend current Contract 2008-188R (Professional Auditing Services) with BKD, LLP for one additional year pursuant to the provisions of an award approved by the City Council on July 1, 2008 in conjunction with the City’s audit for the fiscal year ended August 31, 2012, and sign an Agreement for Professional Auditing Services for fiscal year 2012.

Department: Financial Services
Award to: BKD, LLP
Dallas, TX
Option: Four [of Four]
Estimated Amount: \$335,420 (Total for 1 year extension)
Funding Source: Various

This is an RFQ, service contract.

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INTRODUCTIONS

9A AND 9B TAKEN TOGETHER

Motion made by Mayor Pro Tempore Lilly, seconded by Representative 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:

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

- 9A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.20 (Traffic-Control Devices), Section 12.20.190 (School Flasher Signal Installations), of the El Paso City Code, to amend the financial responsibility for the design and installation of a school flasher signal, the penalty being as provided in Section 12.84.010 of the El Paso City Code.
- 9B.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 0.971 acres of city land, an El Paso Water Utilities Public Service Board Water Well Site Number 25, and a Drainage Easement for highway purposes of 0.032 acres (1,394 square feet) on adjacent Parcel 49E, both under the jurisdiction of the El Paso Water Utilities Public Service Board, to the State of Texas, acting by and through its Texas Department of Transportation for the Loop 375 Transmountain Road Project, from U.S. 54 (Patriot Freeway) to BU 54 (Dyer Street), just east of Rushing Road, El Paso, El Paso County, Texas and authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date.

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PUBLIC HEARING WILL BE HELD ON JUNE 19, 2012, FOR ITEMS 9A – 9B

10. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **DELETE** Solicitation No. 2012-213R for Equipment for New Facility Mass Transit Department (Sun Metro) to and for estimated amounts of:

Department: Engineering and Construction Management

Award to: El Paso Automated Office & Industrial Systems

BASE BID 1: \$245,407.80

BASE BID 2: \$ 97,801.00

BASE BID 3: \$358,670.00

BASE BID 4: \$ 12,536.00

BASE BID 5: \$ 23,992.00

BASE BID 7: \$618,620.00

BASE BID 9: \$229,000.00

BASE BID 10:\$179,272.00

BASE BID 11:\$115,600.00

BASE BID 12:\$ 78,650.00

Ross & White Company

BASE BID 6: \$497,738.00

Mesa Equipment

BASE BID 13: \$ 82,950.00

Global Finishing Solutions, LLC

BASE BID 14: \$474,000.00

Award For: El Paso Automated Office & Industrial Systems

BASE BID 1, 2, 3, 4, 5, 7, 9, 10, 11 & 12: \$1,959,548.80

Option: To purchase 100% additional quantity at the same unit price if exercised 30 days from the date of award of the contract.

Award For: Ross & White Company

BASE BID 6: \$497,738

Option: To purchase 100% additional quantity at the same unit price if exercised 60 days from the date of award of the contract.

Award For: Mesa Equipment

BASE BID 13: \$82,950

Option: To purchase 100% additional quantity at the same unit price if exercised 60 days from the date of award of the contract.

Award For: Global Finishing Solutions, LLC

BASE BID 6: \$474,000

Option: To purchase 100% additional quantity at the same unit price if exercised 90 days from the date of award of the contract.

Total Estimated Completion: \$3,014,236.80

Funding Source: FY09 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.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representatives Acosta and Niland

Ms. Joyce Wilson, City Manager, commented.

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11. GENERAL SERVICES

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2009-131 (Ford Motor Company Proprietary Parts and Service) with Casa Ford, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on June 23, 2009. The extended contract period will be from June 12, 2012 to June 11, 2014.

Department:	General Services
Award to:	Casa Ford, Inc. El Paso, TX
Option:	One [of One]
Annual Estimated Amount:	\$410,000
Total Estimated Amount:	\$820,000 (2 Years)
Account No.:	37370510 – 503121 – 45202 and/or 37370510 – 503125 – 45202
Funding Source:	General Services Department – Internal Service Fund

This is a low bid, supplies contract.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representatives Acosta and Niland

Mr. Stuart Ed, Director, General Services, commented

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12.

RESOLUTION

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

THAT the City Manager be authorized to sign the Agreement for Professional Services by and between the City of El Paso and SWA Group, a California Corporation, for a project known as "San Jacinto Plaza Redesign" for an amount not to exceed Five Hundred Thousand and No/00 Dollars (\$500,000.00), and that the

City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed Five Hundred Fifty Thousand and No/00 Dollars (\$550,000.00).

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

Representatives Robinson and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representatives Acosta and Niland

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13.

RESOLUTION

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

THAT the City Manager be authorized to sign an amended Interlocal Agreement between the City of El Paso, County of El Paso, Socorro Police Department and Horizon Police Department to submit a joint application to the U.S. Department of Homeland Security – Operation Stonegarden 2010, in the amount of \$3,449,715.00. If the Operation Stonegarden 2010 Grant Award is less than the amount requested, and is not allocated specifically between the parties, the Operation Stonegarden Grant Award will be shared proportionally in the same proportion as the funds requested as described in Attachment A. The City grant funds will be utilized to enhance the capability of the El Paso Police Department to detect, prevent, and deter terrorists, weapons of mass destruction, transnational gangs, and smuggling of contraband. These efforts are expected to reduce crime in the border community to ultimately improve the quality of life for the residents in the City of El Paso. That the City Manager or her designee be authorized to sign and grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match is required.

Assistant Police Chief, Robert Feidner, commented.

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

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representatives Acosta and Niland

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14.

RESOLUTION

WHEREAS, the El Paso City Council made a commitment to evaluate the land management practices and policies of the Public Service Board (PSB), and

WHEREAS, on May 22, 2012 the City Council requested that the Mayor identify members for a Blue Ribbon Committee which will advise the City Council and provide recommendations on the land management practices and policies of the PSB,

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

1. That the City of El Paso Advisory Committee on Public Service Board (PSB) Land Management (the "Committee") is established, and the Committee will evaluate the land management practices and policies of the PSB.
2. The Mayor of the City of El Paso, John F. Cook, will be a non-voting member and serve as the Chair of the Committee.
3. The Committee will be comprised of the following diverse group of representatives:

Bill Studer	City of El Paso	non-voting member
Marcela Navarrete	El Paso Water Utilities	non-voting member
Gary Hedrick	Utility Consultant	voting member
Ray Palacios	Community Representative	voting member
Charlie Wakeem	Community Representative	voting member
Edward Escudero	Current PSB Chair	voting member
Ted Houghton	Former PSB Chair	voting member
Richard Castro	Former PSB Chair	voting member

The City Attorney's Office will provide legal support to the Committee, as necessary.

4. The Committee will review the following items, but not be limited to these items, in providing recommendations on the land management practices and policies of the PSB:

Land use,
 Revenue sharing practices and policies,
 Designation of real estate as inexpedient to the System,
 Processes for selling real estate,
 Open space,
 Zoning and master planning,
 Growth,
 Water resource management, and
 Asset management

5. The Committee shall prepare and submit a report with its recommendations on the land management practices and policies of the PSB and shall make a presentation on its report at a joint meeting of the City Council and the PSB, and the joint meeting shall be scheduled no later than October 1, 2012.
6. The Committee will be disbanded following its delivery of its report with its recommendations and its presentation at the joint meeting of the City Council and the PSB.

Mayor Cook and Representatives Byrd, Robinson, Noe and Ortega, commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Robinson, Noe, and Ortega

NAYS: Representative Holguin

ABSENT: Representatives Acosta and Niland

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Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:28 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.

ABSENT: Representatives Acosta and Niland

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 9:54 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representatives Acosta and Niland

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EX1.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Council consents to a settlement and that outside counsel for the City of El Paso in consultation with the City Attorney be authorized settlement authority to resolve the lawsuit styled *Teresa Rios vs. City of El Paso*; Cause No. 2009-2109, and to sign all settlement documents as recommended by the City Attorney's Office.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin and Ortega

NAYS: None

ABSENT: Representatives Acosta and Niland

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EX2.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized settlement authority and to sign all documents to resolve the claim of S & S Portable Services/Cain Rentals; Our File No. 12-1049-036.

AYES: Representatives Lilly, Byrd, Robinson, Noe, and Ortega

NAYS: Representative Holguin

ABSENT: Representatives Acosta and Niland

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EX3.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Council on behalf of the CITY OF EL PASO waive any conflict on interest in relation to representation of the City in the matter of the lawsuit styled *David Fabela and Edward Martinez vs. Kathy Ann Sarver-Navaro, et al*; Cause No. 2012-DCV03550, by H. Keith Myers and his law firm Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C., where Mr. Myers or his law firm is representing other defendants in this lawsuit; and that the City Attorney be authorized to execute a waiver of conflict of interest statement related thereto.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin and Ortega

NAYS: None

ABSENT: Representatives Acosta and Niland

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Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 9:58 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk