

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
July 12, 2011
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrival: Emma Acosta at 8:38 a.m. during Executive Session deliberations and Carl Robinson, at 8:38 a.m. during Executive Session deliberations. Absent: Representative Eddie Holguin, Jr. The invocation was given by Border Patrol Chaplain Jesse Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **LOWER DYER NEIGHBORHOOD REVITALIZATION STRATEGY AREA YOUTH DAY**
2. **EL PASO YOUTH SYMPHONY ORCHESTRA MONTH**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. James Perry
2. Ms. Teresa Jones
3. Mr. Timothy West
4. Ms. Lisa Turner
5. Ms. Theresa Caballero
6. Mr. Salvador Gomez

Mayor Cook and Representative Robinson commented.

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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 8:36 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 Acosta, and Robinson
ABSENT: Representative Holguin

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:45 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Noe and Niland
ABSENT: Representative Holguin

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EX1. Ellsworth, et al. v. Villa, et al., Cause No. 2010-3381, In the 34th Judicial District Court, El Paso County, Texas, our file No. 10-S-39. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd and carried to **DELETE** the item pertaining to Ellsworth, et al. v. Villa, et al., Cause No. 2010-3381, In the 34th Judicial District Court, El Paso County, Texas, our file No. 10-S-39. (551.071)

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

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EX2. Property adjacent to Sun Metro Transfer Centers. (551.072)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that the City Manager, or her designee, be authorized to negotiate for the purchase of the Properties adjacent to Sun Metro Transfer Centers, El Paso, El Paso County, Texas, in accordance with the recommendations by staff; and that upon the successful completion of negotiations, a contract for the purchase of the properties be presented to City Council for consideration.

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

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EX3. Legal matters relating to the franchise agreement with ONEOK Westex Transmission, LLC. (551.071)

NO ACTION was taken on this item.
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EX4. City of El Paso, Texas v. Magnolia 2720 LLC, Cause No. 2011-490, County Court No. 3, El Paso County, Texas. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that outside counsel for the City of El Paso be authorized settlement authority to negotiate settlement in relation to City of El Paso, Texas v. Magnolia 2720 LLC, Cause Number 2011-490, County Court No. 3, El Paso County, Texas; and that the City Manager and outside counsel be authorized to execute and file any and all documents related to such proposed settlement.

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

Mayor Cook and Representative Ortega commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

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EX5. Default and possible termination proceedings of the ground leases for the following properties:

- a. A portion of Lots 4 and 5, Block 1, Butterfield Trail Industrial Park Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 5 Zane Grey Blvd., El Paso, Texas;
- b. A portion of Lot 2, Block 2, Butterfield Trail Industrial Park Unit One, now replatted as a portion of Lots 5 and 6, Block 2 Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 9 Butterfield Trail Blvd., El Paso, Texas;
- c. Lots 12, 13 and 14, Block 8, Butterfield Trail Industrial Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 19 Leigh Fisher Blvd., El Paso, Texas;
- d. All of Lot 3 and a portion of Lot 2C and 4, Block 1, Butterfield Trail Industrial Park Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 7 Zane Grey Blvd., El Paso, Texas;
- e. A portion of Lots 2 and 3, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A" (Parcel 1) and all of Lot 1 and a portion of Lot 2, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A" (Parcel 2), both of which are located in an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 12 Zane Grey Blvd. and 14 Butterfield Trail Blvd., El Paso, Texas; and
- f. Lots 1 and 2, Block 7, Butterfield Trail Industrial Park Unit 1, City of El Paso, El Paso County, Texas, municipally known and numbered as 24 Zane Grey Blvd., El Paso, Texas. (551.071)

1ST MOTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

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

NAYS: None
ABSENT: Representative Holguin

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried that the City Manager and the City Attorney be directed, in the event that the court extends the restraining order, to negotiate a potential lease amendment with the Tenant to include a payout plan, tax payout plan, and default period extension for the ground leases for the following properties:

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

Mr. Mike Hutson, representing the owner, 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, Acosta, Robinson, Noe, Ortega, and Niland
NAYS: None
ABSENT: Representative Holguin

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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 July 5, 2011 and the Special City Council Meeting of July 5, 2011 (Strategic Goals and Accomplishments).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Eddie Holguin, Jr. from the Regular City Council meeting of July 12, 2011.

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3A.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2010-158 to Ennis Paint, Inc. of Ennis, Texas on March 30, 2010, for Paint, Traffic and Airfield Marking, Type II Waterborne for the Department of Aviation; and

WHEREAS, Ennis Paint, Inc. is unable to perform within the contracted expenditures due to unforeseen increased costs of raw materials, continued industry shortages and volatility in the point market, all beyond its control; and

WHEREAS, pursuant to Section C 8A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Ennis Paint, Inc. of Ennis, Texas that the City is terminating Contract No. 2010-158 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of July 12, 2011.

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3B.

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

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

That the City Manager be authorized to sign a City Pride Sign Agreement between the City of El Paso ("City") and the State of Texas, Texas Department of Transportation ("TxDOT"), allowing the City to place City Pride ("All-America City") signs within TxDOT right-of-ways for the purpose of informing motorists entering the City of the recognition of the City being awarded and recognized as an All-America City.

Mayor Cook and Representative Robinson commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Daryl Cole, Director of Department of Transportation

Mr. Salvador Gomez, citizen, commented.

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3C.

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

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

That the City Manager be authorized to sign a Wireline Crossing Agreement with Union Pacific Railroad Company allowing the City to install fiber optic lines across railroad company right-of-way at Dyer Street between Memphis Avenue and Mobile Avenue, El Paso, Texas. The one time license fee cost to the city is five thousand three hundred thirty dollars and no/100 dollars (\$5,330.00).

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3D.

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

WHEREAS, the City of El Paso ("City") awarded Contract No. 2010-276 to Rudolph Chevrolet LLC ("Rudolph") on November 9, 2010, for Vehicles – City Fleet; and

WHEREAS, Rudolph is unable to supply the vehicles remaining due under the contract due to the unforeseen natural disaster that recently occurred in Japan; and

WHEREAS, pursuant to Section C, Paragraph 8A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Rudolph Chevrolet LLC that the City of El Paso is terminating Contract No. 2010-276 for convenience pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract and that the termination shall be effective as of July 12, 2011.

Mayor Cook commented.

Ms. Lisa Turner, citizen, commented.

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3E.

***RESOLUTION**

WHEREAS, the City of El Paso awarded Contract No. 2007-010 to First In Inc. on October 24, 2006 for Pierce Proprietary Parts for the E Paso Fire Department; and

WHEREAS, the vendor can no longer provide the parts to the City because, on or about May 9, 2011, Pierce Manufacturing Inc. rescinded the exclusive sales and service distributorship for Pierce Proprietary Parts for the State of Texas and granted them to another entity; and

WHEREAS, pursuant to Section C, Paragraph 18A of the Contract (Termination for Convenience), the City of El Paso is authorized to terminate the Contract for convenience; and

WHEREAS, the City of El Paso desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify First In Inc. that the City of El Paso is terminating Contract No. 2007-010 for convenience pursuant to the provisions and requirements of Section C, Paragraph 18A of the Contract and that the termination shall be effective as of July 12, 2011.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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3F.

***RESOLUTION**

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

THAT the City Manager be authorized to sign an Artist Service Agreement by and between the City of El Paso and Widgery Works, Inc., a Massachusetts corporation ("Artist"), to design, fabricate, transport and install public art to be known as the Mesa Corridor Rapid Transit System Public Art Project in the amount of two hundred forty thousand and no/100 dollars (\$240,000.00).

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

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

The following members of the public commented.

1. Mr. Ray Parish, Professor at UTEP
2. Ms. Lisa Turner

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3G.

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

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

THAT the City Manager be authorized to sign an Artist Service Agreement by and between the City of El Paso and Haddad/Drugan, LLC., a Washington Limited Liability Company (“Artist”), to design, fabricate, transport and install public art to be known as the Alameda Corridor Rapid Transit System Public Art Project in the amount of three hundred forty thousand and no/100 dollars (\$340,000.00).

Mayor Cook and Representative Ortega, Acosta, and Byrd, commented

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

The following members of the public commented.

1. Mr. Ray Parish, Professor at UTEP
2. Ms. Lisa Turner

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3H.

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

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 – 2011 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$272,871.00. 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 a E-ticketing equipment, and fund the information interface customization of Tiburon/RMS records to I-leads records management system. 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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3I.

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

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

That as provided in Section 3.6 of the City Charter, the Representatives resolve themselves into the Legislative Review Committees as submitted by the Mayor Pro Tempore.

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4. REQUEST TO ISSUE PURCHASE ORDER

*Motion made by, seconded by, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Innovative PBX Services, Inc. a contractor under the Department of Information Resource (DIR) Contract No. DIR-SDD-667, for the purchase of

cabling for 24 Parks & Recreation Sites and additional Partner Sites. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Libraries
Award to: Innovative PBX Services, Inc
El Paso, TX
Total Estimated Award: \$91,743.05
Funding Source: ARRA BTOP Virtual Village
Reference No.: 2011-295

This is a Cooperative, unit price contract.

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5A. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2011-203R (Foreclosure Management and Consulting Services) to Firth Johnston Martinez for an initial term estimated award of \$70,000.

Department: Community and Human Development
Award to: Firth Johnston Martinez
El Paso, TX
Item(s): All
Initial Term: 2 years
Option: 2 – 2 year Options
Annual Estimated Amount: \$70,000
Initial Term Estimated Award: \$140,000
Total Estimated Award: \$420,000 (6 years)
Funding Source: CDBG Revolving Loan Fund/Home Entitlement Grant – External Legal Counsel

This is a Request for Qualifications service contract.

The cost under this service 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 Community and Human Development recommend award as indicated to Firth Johnson Martinez, the highest ranked qualifier.

Representative Ortega commented.

The following City Staff members commented:

1. Mr. Bruce Collins, Purchasing Manager, Financial Services
2. Mr. William Lilly, Director, Community and Human Development

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5B. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-279R (Internal PeopleSoft Implementation Manager) to Lurie Besikof Lapidus & Company, LLP for a total estimated award of \$318,600.

Department: Information Technology
Award to: Lurie Besikof Lapidus & Company, LLP
Minneapolis, MN
Items: All
Option: One year
Annual Estimated Amount: \$159,300
Total Estimated Award: \$318,600 (2 years)
Funding Source: 012-2013 Certificates of Obligation CIP Plan

This is an RFP services contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

The Financial Services - Purchasing Division and Information Technology recommend award as indicated to Lurie Besikof Lapidus, LLP, the highest ranked proposer, based on evaluation factors established for this procurement.

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6A. BIDS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-164 for the Clint Landfill New Scale to Rusty's Weigh Scales & Service, Inc., for a total estimated amount of \$184,676.68.

Department: Engineering and Construction Management
Award to: Rusty's Weigh Scales & Service, Inc.
Base Bid: \$184,676.68
Total Estimated Completion: \$184,676.68
Funding Source: Environmental Services Fund

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-priced contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

Representative Ortega commented.

Mr. R. Alan Shubert, City Engineer, commented.

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6B. BIDS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-101 (Veterinary Medical Supplies) to Butler Animal Health Supply, LLC dba Butler Schein Animal Health Supply for an initial term estimated award of \$300,000.

Department: Public Health
Award to: Butler Animal Health Supply, LLC dba
Butler Schein Animal Health Supply
Dublin, OH
Items: All
Initial Term: 3 years
Option: None
Annual Estimated Award: \$100,000
Initial Term Estimated Award: \$300,000 (3 years)
Total Estimated Award: \$300,000 (3 years)
Funding Source: General Fund – Clinical Medical Supplies

This is a low bid, supplies 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 Financial Services - Purchasing Division and Public Health recommend award as indicated to Butler Schein Animal Health Supply, the lowest responsive, responsible bidder.

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7. INTRODUCTIONS

Motion made by Representative Ortega, 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, Acosta, Robinson, Noe, Ortega, and Niland
NAYS: None
ABSENT: Representative Holguin

- 7A.** An Ordinance amending Ordinance No. 017519, Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to amend the effective date of the Flow Control requirements; the penalty being as provided in Section 9.04.630 of the El Paso City Code.
- 7B.** An Ordinance amendment related to Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) amending 9.04.020 (Definitions); amending 9.04.070 (Collection Provider) to include triplex and quadriplex; and to clarify that Article VIII only references Designated Municipal Solid Waste Facility; the penalty being as provided in Section 9.04.630 of the El Paso City Code.
- 7C.** An Ordinance granting a Special Privilege License to Management and Engineering Technologies International, Inc. for the construction, installation, maintenance and repair of 70 linear feet of subsurface fiber optic conduit and cables within portions of City right-of-way beneath Maca Street

between Boeing Drive and Lockheed Street for a term of five years with two renewable five year terms.

PUBLIC HEARING WILL BE HELD ON JULY 19, 2011, FOR ITEMS 7A – 7C

- 7E.** An Ordinance changing the zoning of all of Tract 1A4, Section 45, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7F.** An Ordinance to correct a clerical error in Ordinance No. 017303 approved on March 30, 2010, which rezoned several parcels of property.
- 7G.** An Ordinance granting Special Permit No. PZST11-00004, to allow for a convenience store with gas pumps and approving a detailed site development plan on the property described as Lot M, Block 45, Mills Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 2, 2011, FOR ITEMS 7E – 7G

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7D. INTRODUCTIONS

*Motion made, seconded, and unanimously carried to **DELETE** an Ordinance amending Title 13 (Streets Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas) Section 13.24.050 (Use of Baseball Fields) to broaden the scope to include other types of athletic fields and to allow for designation by City Council of applicable athletic fields; punishment as provided in city code section 13.24.050(c).

ABSENT: Representative Holguin
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8. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Mayor to draft a letter to Texas Secretary of State Andrade to remove 5 words to include the word "taxes" from the Constitutional amendment regarding the creation of Regional Parks Districts, and to prepare an anonymous survey on the effectiveness of an lobbyists and intergovernmental relations staff to the State delegation and key committee chairs in the State legislature, to be completed in 30 days.

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

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, presented a PowerPoint presentation, (copy on file in City Clerk's office).

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

The following City Staff members commented:

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

The following members of the public commented:

1. Mr. Jose Rodriguez, State Senator
2. Mr. Dee Margo, State Representative
3. Mr. Snapper Carr, Focus Advocacy,
4. Mr. Brandon Aghamalian, Focus Advocacy
5. Ms. Mary Beth Stevens, Intergovernmental Affairs, El Paso Electric Company
6. Mr. Dan Haggerty, City State Lobbyist



MARISA MARQUEZ
STATE REPRESENTATIVE • DISTRICT 77

July 7, 2011

Mayor John Cook
City of El Paso
2 Civic Center Plaza
El Paso, TX 79901

Dear Mayor Cook,

The 82nd Legislative Session was rough and trying for the entire delegation. The super majority we were faced with made it difficult to argue against the "cut's only" mentality many of my colleagues advocated for. However, through the work and dedication of many individuals, the City of El Paso was able to push through many of their priorities.

The City, as always, through the Mayor and Council was accessible to my office and voiced their support or opposition to many bills. We were able to make great strides in many of the items the City requested be enacted. Among those accomplishments I voted for and urged my colleagues to support were:

- H.B. 205** *Ft. Bliss sales tax (Pickett/Rodríguez)*
- H.B. 630** *Increased flexibility for TRZ's (Pickett/Nichols)*
- H.B. 1090** *Interest rates for tax refunds (Gonzalez/Seliger)*
- H.B. 1112** *Greater flexibility for RMA's (Phillips/Nichols)*
- H.B. 1866** *Highway 20 state historic highway designation (Gonzalez/Rodríguez)*
- H.B. 1899** *Cell phone ban signs in school zones (Pickett/Rodríguez)*
- S.B. 173** *Receiverships for substandard buildings (West/Dutton)*
- S.B. 1910** *Net metering for the El Paso Electric Company service are in Texas (Rodríguez/Margo)*

Furthermore, I am proud to have authored/co-authored and passed the following legislation for the City:

- H.R. 306** *Expressing support for the preservation of the pristine land known as Castner Range (Márquez/Rodríguez)*
- H.B. 1451** *Licensing and Regulation of dog and cat breeders; providing penalties (Thompson, Márquez, et al./Whitmire)*

CAPITOL OFFICE: P.O. Box 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-0638 • FAX (512) 463-8908

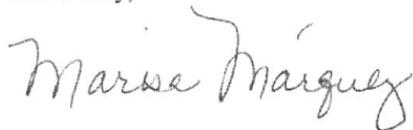
- H.B. 2090** *Feasibility study establishing dental school at Texas Tech University Health Sciences Center at El Paso (Márquez/Rodríguez)*
- H.B. 2592** *Regulation of credit services organizations (Truitt, Márquez, et al./Carona)*
- H.B. 2594** *Regulation of credit services organizations (Truitt, Márquez, et al./Carona)*
- H.B. 3831** *Creation of the Montecillo Municipal Management District No. 1 (Marquez/Rodríguez)*
- S.J.R 28** *Proposed constitutional amendment for Regional Park District (Marquez/Rodríguez)*

This Session also brought forth many bills that would have had a negative impact on our community. I voted against enacting the following legislation:

- H.B. 15** *Sonogram bill (Miller/Patrick)*
- S.B. 9** *Sanctuary cities (Williams/Miller)*
- S.B. 14** *Voter ID bill (Fraser/Harless)*

I look forward to our continued relationship in making El Paso a premier city. Should you ever have a future need, please do not hesitate to call on me. Once again, I thank you for your dedication to our community.

Yours truly,



Marisa Márquez
State Representative, District 77
Texas House of Representatives

cc: Members of Council

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9. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2011-263 for the Stiles Drive Street and Drainage Improvements Phase 1, to JAR Concrete, Inc. dba JAR Construction, Inc. for a total estimated amount of \$847,838.30.

AYES: Representatives Byrd, Acosta, Noe, Ortega, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Lilly and Robinson
ABSENT: Representative Holguin

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|-----------------------------|---|
| Department: | Engineering and Construction Management |
| Award to: | JAR Concrete Inc. dba JAR Construction, Inc. |
| Base Bid I: | \$686,821.40 |
| Base Bid II: | \$112,716. |
| Base Bid III: | \$ 48,300.90 |
| Total Estimated Completion: | \$847,838.30 |
| Funding Source: | American Recovery and Reinvestment Act (ARRA), Community Development Block Grant 36 th year (CDBG), and El Paso Water Utilities (PSB). |

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 and Construction Management and Community Development Department recommend award as indicated to the lowest responsible bidder.

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

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10. HUMAN RESOURCES

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2008-092R Workers' Compensation 3rd Party Administrator with Claims Administrative Services, Inc. (CAS) for two additional years pursuant to the provisions of an award approved by the City Council on May 6, 2008. The extended contract period will be from August 1, 2011 to July 31, 2013.

AYES: Representatives Byrd, Acosta, Noe, Ortega, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Lilly and Robinson

ABSENT: Representative Holguin

Department: Human Resources
Award to: Claims Administrative Services, Inc. (CAS)
Tyler, TX
Option: One
Total Estimated Amount: \$2,000,000 (2 years)
Funding Source: Worker's Compensation Fund

This is a RFP, service type contract.

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11. INTERNATIONAL BRIDGES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to The Revenue Markets, Inc., the sole developer, manufacturer and provider of application software and related equipment for the toll collection systems at the International Bridges.

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

Department: International Bridges
Award to: The Revenue Markets, Inc.
Accord, NY
One Time Amount: \$1,772,698.27
Funding Source: SIB Loan – Data Processing Equipment
Sole Source No.: 2011-303

This is a Sole Source Unit-Price contract.

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

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Said Larbi-Cherif, Director of International Bridges
3. Mr. Bruce Collins, Purchasing Manager, Financial Services

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12A. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of all of Lots 16, 17, 18 And 19, Block 2, Hughes Subdivision, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

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

Representative Acosta commented.

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12B. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance zoning Parcel 1: a portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas, to C-2 (Commercial), Parcel 2: a portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to R-5 (Residential) and Parcel 3: a portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

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

Representative Byrd commented.

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12C. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance annexing the following real property described as a portion of Sections 37 and 48, Block 79, Sections 7 and 18, Block 78, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Property Owner: Ranchos Real IV, LTD.

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

Representative Byrd commented.

The following City Staff Members commented:

1. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice..
2. Mr. Mathew McElroy, Deputy Director of Planning and Economic Development

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12D. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance Granting Special Permit No. PZST11-00005, to allow for infill development for lot width and lot size reduction on the property described as Lot 39, Block 1, Alexander Addition to Ysleta, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

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

NAYS: None
ABSENT: Representative Holguin

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented

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12E.

ORDINANCE 17599

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO DELETE A PORTION OF A PROPOSED EAST-WEST MINOR ARTERIAL FROM REMCON CIRCLE TO THE PROPOSED EXTENSION OF BELVIDERE STREET, AND TO REALIGN THE EAST-WEST MINOR ARTERIAL AND THE PROPOSED EXTENSION OF BELVIDERE STREET TO CONNECT FROM MESA STREET TO RESLER DRIVE.**

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

Representatives Byrd, Robinson Ortega, and Niland commented.

The following members of the public commented:

1. Mr. Charlie Wakeem, Open Space Advisory Board member
2. Mr. Conrad Condé, representing the applicant
3. Ms. Lisa Turner

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

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

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

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13. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE AS REVISED** a Resolution creating an Ad Hoc City Charter Advisory Committee, to include input on a bond election, to conduct both bond election and charter election in November 2012, and to include funding for those elections in the FY2013 City budget.

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

Mayor Cook and Representatives Acosta, Ortega, Lilly, Byrd, Noe, Niland, and Robinson, commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Elaine Hengen, Senior City Attorney, gave legal advice
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice
- 4. Ms. Deborah Hamlyn, Deputy City Manager

Mr. Richard Dayoub, Greater El Paso Chamber of Commerce, commented.

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14. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to **DIRECT** staff to begin the process, with internal and external stakeholders, of rezoning of Keystone and Rio Bosque to a Natural Open Space (NOS) District, that both Keystone and Rio Bosque be designated as a Wildlife Sanctuary under the Natural Open Space (NOS) District, and to **DIRECT** staff to bring back an amendment to the Open Space Advisory Board (OSAB) enabling Ordinance to allow for staff input prior to OSAB recommendations to Council.

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

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation, (copy on file in City Clerk’s office).

Representatives Niland and Ortega commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mathew McElroy, Deputy Director, Planning and Economic Development.

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The City Council Meeting was **RECESSED** at 1:27 p.m.

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The City Council Meeting was **RECONVENED** at 2:08 p.m.

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15A. CITY MANAGER

Presentation and discussion of the FY2012 Proposed Budget.

Ms. Joyce Wilson, City Manager, and Ms. Lynly Leeper, Office of Management and Budget Director, presented a PowerPoint presentation, (copy on file in City Clerk’s office).

Representatives Robinson and Acosta commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item

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15B. CITY MANAGER

Presentation and discussion on the 2011 City-wide survey of department functions conducted by the Institute of Policy and Economic Development at UTEP.

Representatives Acosta, Byrd, Niland, Noe, and Ortega, commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Lynly Leeper, Office of Management and Budget Director

Dr. David Schauer, and Ms. Elizabeth Gibson, Institute of Policy and Economic Development, UTEP, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item

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 Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 3:34 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk