

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
AUGUST 23, 2011
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, and Carl Robinson at 8:36 a.m. during Executive Session deliberations. The invocation was given by Chaplain Charlie Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. LA FERIA DE LA FAMILIA DAY
2. PAYROLL WEEK IN EL PASO

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. John Conwell
2. Mr. James Perry
3. Ms. Jimena Cortez of Mexican Consulate
4. Mr. Adrian Sota of Mexican Consulate
5. Mr. Salvador Gomez
6. Mr. Manny Hinojosa
7. Ms. Lisa Turner

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Motion made by Representative Ortega, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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
Section 551.072

CONSULTATION WITH ATTORNEY
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 Lilly, Byrd, Acosta, and Robinson

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 9:42 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd and Noe

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EX1. Empowerment Zone Loan RLF-71 to AKOR LLC (Quizno's Franchise), loan guarantors being Jacobo Akle and Cynthia Akle (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, and unanimously carried that the City Attorney be authorized, in consultation with the City Manager, to take any and all action to protect the City's interest and position both affirmative and defensive, as necessary, related to collection efforts and debt recovery of Empowerment Zone loan No. RLF-71 against AKOR, LLC and loan guarantors Jacobo Akle and Cynthia Akle. The motion includes authority to take any action including initiating or responding to litigation, proof of claims, complaints and any other administrative, judicial or non-judicial proceeding or process and retention of outside counsel as may be necessary.

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EX2. Cause No. 2011-1886, City of El Paso, Texas v. Currey Adkins Cook, in the 210th Judicial District Court, El Paso County, Texas. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, and unanimously carried that the CITY OF EL PASO retains the law firm of Ray Valdez McChristian & Jeans, PC as outside counsel in Cause No. 2011-1886, *City of El Paso, Texas v. Currey Adkins Cook*. The City Attorney is authorized to take any and all action necessary, both affirmative and defensive, as necessary, in connection with this lawsuit through outside counsel. This Motion is intended to grant broad authority to City Attorney to take action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager through outside counsel.

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EX3. Claim of Hernan Rivera, Our File No. 11-C-049 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, and unanimously carried that the City Attorney be authorized to reject claimant's demand in the claim of Hernan Rivera, Our File No. 11-C-049.

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EX4. Diane E. Hernandez v The City of El Paso, Cause No 2009-032 (551.071)

NO ACTION was taken on this item.

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CONSENT AGENDA

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

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 16, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign an Industrial Site Lease by and between the **CITY OF EL PASO** and **GOOD TIME STORES, INC.** for the property described as:

The east 52.03 feet of Lot 14 and all of Lot 15, Block 5, El Paso International Airport Tracts, Replat of Unit 3, El Paso, El Paso County, Texas, consisting of 30,443.16 square feet of land, and municipally known and numbered as 6631 Montana Avenue.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign an Executive Management Shared Services Interlocal Agreement between the City of El Paso and The County of El Paso regarding the loan of services of City managerial employees to the County.

Representative Acosta commented.

Ms. Joyce Wilson, City Manager, commented and Mr. John Batoon, Assistant City Attorney, gave legal advice.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for the purpose of relocating the transmission line that provides service to a new fire station at 122 Mesa Park Drive, said easement being more particularly described as a portion of Tract 2-G-9, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Professional Services by and between the CITY OF EL PASO and MIJARES MORA ARCHITECTS INC., a Texas Corporation, for a project known as "FIRE STATION #513" for an amount not to exceed THREE HUNDRED FIFTY TWO THOUSAND SIX HUNDRED TWENTY FIVE and 00/100 Dollars (\$352,625.00) 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 FOUR HUNDRED TWO THOUSAND SIX HUNDRED TWENTY FIVE 00/100 Dollars (\$402,625.00).

Representative Niland commented.

Mr. Alan Shubert, City Engineer, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

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3E.

***RESOLUTION**

That the City Council approves the expenditure of additional available funding in the amount of Four Hundred Fifty Seven Thousand One Hundred Ninety Three and 00/100 dollars (\$457,193.00) to Urban Associates, Inc. for additional construction costs for International Bridges Stanton Toll Facility and Paso Del Norte Facility Improvements. The change order is to upgrade the proposed ticket vending machines at the pedestrian toll system, to add infrastructure for additional security cameras for the canopies and plaza areas, to add services to accommodate public art, and to upgrade the mesh to the canopy at Stanton International Bridge, adding no days of contract time to Contract Number 2010-170. The new contract sum, including this change order, is Twelve Million Six Hundred Ninety Seven Thousand Two Hundred Seventy Five and 95/100 dollars (\$12,697,275.95).

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

Mayor Cook and Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Said Larbi-Cherif, Director of International Bridges, commented.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Robert D. Tollen to the Fire and Police Pension Fund Board of Trustees by Mayor John F. Cook.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Presi Ortega, Jr. to the Fire and Police Pension Fund Board of Trustees by Mayor John F. Cook.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Getsemani Yanez to serve on the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Susie Byrd, District 2.

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4D. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3.

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4E. BOARD RE-APPOINTMENT

Motion made, seconded, and unanimously carried to **RE-APPOINT** Bill Guerra Addington to the Open Space Advisory Board by Representative Eddie Holguin, District 6.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard Anthony Cordova as an alternate to the Zoning Board of Adjustment by Mayor John F. Cook.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Kenneth J. "Ken" Gezelius to the Zoning Board of Adjustment by Mayor John F. Cook.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Theresa Ware-Asbury to the City Accessibility Advisory Committee by Representative Ann Morgan Lilly, District 1.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** J. Albert Alvarado to the Construction Board of Appeals by Representative Susie Byrd, District 2.

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5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Celia M. Berton to the Foster Grandparent Program Advisory Council, by Representative Emma Acosta, District 3.

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5F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Lucia Hernandez to the Retired and Senior Volunteer Program Advisory Council by Representative Emma Acosta, District 3.

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5G. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Andres Quintana to the Open Space Advisory Board by Representative Michiel Noe, District 5.

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6. APPLICATIONS FOR TAX REFUNDS

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

- A. Carrington Mortgage Services LLC in the amount of \$5,310.30 overpayment of 2010 taxes. (PID #M765-999-0010-2100).
- B. Wells Fargo Home Mortgage in the amount of \$3,500.08 overpayment of 2009 taxes. (PID #T287-999-1120-3300).
- C. Carrington Mortgage Services LLC in the amount of \$4,875.59 overpayment of 2010 taxes. (PID #V897-999-0660-3400).
- D. Rio Grande ROB LTD in the amount of \$10,737.15 overpayment of 2010 taxes. (PID #W138-999-0030-4950).

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7A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Hagemeyer North America Inc., a contractor under the U.S. Communities Cooperative Purchasing Alliance Contract No. RQ-06-814063-10A, for the purchase of 114 twin size mattresses. 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 U.S. Communities Cooperative Purchasing Alliance was approved by Mayor and City Council on February 27, 2007.

Department: Fire Department
Award to: Hagemeyer North America Inc.
Charleston, SC
Local Distributor: Popular Mattress
Total Estimated Award: \$33,465
Account No.: 22010320 – 503303 – 01101
Funding Source: Government Operations – Other Equipment
Reference No.: 2011-343

This is a Cooperative, unit price contract.

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7B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

Motion made, seconded, and unanimously carried to **AUTHORIZE AS REVISED** that the City Manager be authorized to execute a contract with PC Automated Controls, Inc., a contractor under Region 19 Contract 10-6546 (Skilled Labor Services), for Fire Station AC Retrofit Projects. 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 Region 19, Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department: General Services
Award to: PC Automated Controls, Inc.
El Paso, TX
Annual Estimated Amount: \$72,146
Total Estimated Award: \$72,146 (one time purchase)
Account No.: 14400500 – 508027 – 27051 – PCP012MF01
Funding Source: Fiscal Year 2012 – 2013 Certificates of Obligation
CIP PLAN – CONSTRUCTION (CWIP)
Reference No.: 2011-345

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

This is a Cooperative, service contract.

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7C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to ESI Companies, Inc., a contractor under the U.S. General Services Administration’s (GSA) Contract No. GS-07F-0185U for the installation of the COEP Bridgelink Project Phase II Implementation Technical Requirements of the Point-to-Multipoint Microwave System. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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.

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

NAYS: Representative Ortega

Department:	Information Technology
Award to:	ESI Companies, Inc. Memphis, TN
Total Estimated Award:	\$159,074
Account No.:	14400500 – 508010 – 27051 – PCP12IT04
Funding Source:	Data Processing Equipment - Fiber/Connectivity 2012 – 2013
Reference No.:	2011-342

This is a Cooperative, service and unit price contract.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Miguel Gamino, Director of Information Technology
3. Mr. Bruce Collins, Purchasing Manager

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7D. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Brazos Technology Corporation, a contractor under Cooperative Purchasing Program, General Services Administration (GSA) Contract, Schedule 70, GS-35F-0096X, for the purchase of 100 Motorola electronic ticketing handheld devices, five Motorola Magstripe Readers and Training Project Management. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department:	Police Department
Award to:	Brazos Technology Corporation College Station, TX
Total Estimated Amount:	\$108,570
Account No.:	21150010 – 508010 – 05443 – G210915

Funding Source: COPS Technology FY09
Reference No.: 2011-346

This is a Cooperative, unit price contract.

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8A. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-294 (Miscellaneous Vehicle Accessories & Installation) to Alamo Industries, Inc. dba Alamo Auto Supply of El Paso, Inc. for an initial term estimated award of \$300,000.

Department: General Services
Award to: Alamo Industries, Inc. dba Alamo Auto Supply of El Paso, Inc.
El Paso, TX
Items: All
Initial Term: Three Years
Option: Two Years
Annual Estimated Amount: \$100,000
Initial Term Estimated Award: \$300,000 (3 Year Total)
Total Estimated Award: \$500,000 (5 Year Total)
Account No.: 37370510 – 503121 – 45202 (Parts)
37370510 – 503125 – 45202 (Service)
Funding Source: General Services Internal Service Fund

This is a Best Value contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Alamo Industries, Inc. dba Alamo Auto Supply of El Paso, Inc., the sole bidder.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. Stuart Ed, Director of General Services, commented.

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8B. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2008-210 (Environmental Laboratory Services for Municipal Solid Waste Facilities) with TestAmerica Laboratories, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on August 12, 2008. The extended contract period will be from August 13, 2011 to August 12, 2013.

Department: Environmental Services and Code Enforcement
Award to: TestAmerica Laboratories, Inc.
North Canton, OH
Option: One [of One]
Annual Estimated Amount: \$40,000
Total Estimated Amount: \$80,000 (2 years)
Account No.: 34010280 – 502204 – 40403
Funding Source: Environmental Services – Environmental Contracts

This is a Best Value, service contract.

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9. REQUEST FOR PROPOSAL

*Motion made by, seconded by, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2005-193R (Building Space Rental Eastside Health Clinic Resolicited) with River Oaks Properties, LTD for three additional years pursuant to the provisions of an award approved by the City Council on May 18, 2005. The extended contract period will be from September 1, 2011 to August 31, 2014.

Department: Public Health
Award to: River Oaks Properties, LTD
El Paso, TX
Option: Two [of Two]
Annual Estimated Amount: \$59,400
Total Estimated Amount: \$178,200 (3 years)
Account: 41150011 – 502400 – 06341 – G4111AD
41150011 – 502400 – 06343 – G4111NE
Funding Source: WIC Administration & WIC Nutrition-Building Leases

This is an RFP, services contract

Representative Robinson commented.

Ms. Joyce Wilson, City Manager, and Mr. Bruce Collins, Purchasing Manager, commented.

Ms. Lisa Turner, citizen, commented.

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10. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-182 (Dental Supplies) to Henry Schein, Inc. for an initial term estimated award of \$150,000.

Department: Public Health
Award to: Henry Schein, Inc.
Melville, NY
Items: All
Initial Term: 3 years
Option: None
Annual Estimated Award: \$50,000
Initial Term Estimated Award: \$150,000 (3 years)
Total Estimated Award: \$150,000 (3 years)
Account No.: 4101040 – 503112 – 01101 – G411013
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 Henry Schein, Inc., the lowest responsive, responsible bidder.

Representative Robinson commented.

Ms. Joyce Wilson, City Manager, and Mr. Bruce Collins, Purchasing Manager, commented.

Ms. Lisa Turner, citizen, commented.

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11A. – 11G. INTRODUCTIONS

Motion made by Representative Robinson, seconded by Representative Acosta, 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:

- 11A.** An Ordinance granting a Special Privilege License to Walter and Eva Parker permitting the encroachment of a 44.0 square foot portion of an existing staircase within portions of City right-of-way on Frutas Avenue adjacent to the property located at 3801 Frutas Avenue. NESV11-00029
- 11B.** An Ordinance to move the Animal Services function from the Department of Public Health to the Environmental Services Department by Amending Title 9 (Health and Safety), Chapter 9.02 (Department of Public Health), Section 9.02.010 (Creation and Purpose of the Department of Public Health); and Chapter 9.04 (Solid Waste Management), Section 9.04.010 (Creation and Purpose of the Department).
- 11C.** An Ordinance amending Title 7 (Animals), Chapter 7.04 (Definitions and Administration), Section 7.04.040 (Definitions) to change all references from Director of the Department of Public Health to Director of the Department of Environmental Services and to delete all references to Deputy Director throughout Title 7 (Animals).
- 11D.** An Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso City Code, by amending various sections of the Chapter to create a second tier in the pension fund that will provide different benefits for persons who become fund participants on and after September 1, 2011; to clarify provisions concerning participation in the system and the payment of benefits; to revise the provisions relating to investments to conform with state law; to change the vesting periods for retirement, disability and death benefits; and to increase the rate of participant and employer contributions to the fund.

PUBLIC HEARING WILL BE HELD ON AUGUST 30, 2011, FOR ITEM 11A – 11D

- 11E.** An Ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 14200 Block of Edgemere Boulevard at Tim Foster Street. Property Owner: Camino Real Properties I, LTD. PZRZ11-00027
- 11F.** An Ordinance changing the zoning of Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas from P-l/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4501 Osborne Drive. Property Owner: EP Dirtmen, LLC & CIC Limited, Inc. PZRZ11-00026

11G. An Ordinance changing the zoning of a 1.174 acre (51,124 square feet) tract of land being all of Lots 1 thru 9, all of Lots 48 thru 52, all of Lot 14, a portion of Lots 10, 11, 12, 13 and 47, and a portion of a vacated alley all within Block I, Alamo Heights Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-4/H (Residential/Historic Overlay). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. PZRZ11000028

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2011, FOR ITEMS 11E – 11G

12. MUNICIPAL CLERK

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2011-292 (Mailing Services) to Go-Direct Mailing Services, Inc. for an initial term estimated award of \$690,000.

Department:	Municipal Clerk
Award to:	Go-Direct Mailing Services, Inc. El Paso, TX
Items:	All
Initial Term:	3 years
Option:	2 years
Annual Estimated Award:	\$230,000
Initial Term Estimated Award:	\$690,000 (3 years)
Total Estimated Award:	\$1,150,000 (5 years)
Account No.:	11010011 – 504003 – 01101
Funding Source:	Municipal Clerk – Administration – Postage Account

This is a Best Value, service contract.

The cost under this 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 Municipal Clerk recommends award as indicated to Go-Direct Mailing Services, Inc., the sole responsive, responsible bidder.

Representative Ortega commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Ms. Richarda Momsen, Municipal Clerk

Ms. Lisa Turner, citizen, commented.

13.

RESOLUTION

That the City Manager be authorized to sign the Agreement for Professional Services by and between the CITY OF EL PASO and CAMP DRESSER & MCKEE INC. for a project known as "EPIA ELECTRONIC AIRPORT LAYOUT PLAN" for an amount not to exceed SIX HUNDRED FIFTY THOUSAND and 00/100 Dollars

(\$650,000.00) 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 SEVEN HUNDRED THOUSAND 00/100 Dollars (\$700,000.00). 95% FAA grants and 5% local contribution through the Airport Enterprise Fund.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

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14A.

R E S O L U T I O N

That the Mayor be authorized to enroll the City of El Paso in First Lady Michelle Obama’s “Let’s Move” Campaign and that the Mayor be designated as the Elected Official Point of Contact.

Mayor Cook and Representative Holguin commented.

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

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14B.

R E S O L U T I O N

That the Mayor be authorized to submit a proposed resolution for the consideration of the Texas Municipal League (“TML”) Board of Directors urging the State Legislature to consider a state-wide program for local option transportation funding.

Mayor Cook commented.

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

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14C.

R E S O L U T I O N

WHEREAS, a community event is planned for the showing of the film, “8 Murders a Day” for September 17, 2011, that will allow the citizens in El Paso the opportunity for recreational entertainment and the enjoyment of a community activity at the Plaza Philanthropy Theater;

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

WHEREAS, as the City Council has found that the presentation of a film and film festivals in the City are of the same type of activity generally presented or promoted by the City within its established programs, and the Council finds that the provision of funding towards the presentation of this event constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend discretionary funds in an amount not to exceed \$650.00; and

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

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

That the City Council declares that the expenditure of District 2 discretionary funds in the amount of \$650.00 to support the film presentation by film maker Charlie Minn of *"8 Murders a Day"* and serves a municipal purpose and is authorized.

Mayor Cook and Representatives Byrd and Acosta commented.

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

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14D. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item regarding a Presentation and discussion on Community Scholars' findings and recommendations: "Government Contract Competition: Can El Paso Afford to Go Local?"

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14E. MAYOR AND COUNCIL

Presentation and discussion on Community Scholars' findings and recommendations: "El Paso Children's Museum: Feasibility & Sustainability Study"

Ms. Iman Ortiz, 1st year Scholar at New York University, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Rebecca Duran, Student Supervisor at New York University, commented.

NO ACTION was taken on this item.

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Item 15 was taken with 16, but voted on separately.

15.

ORDINANCE 17631

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011" AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

Motion duly made by Representative Byrd, 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, Acosta, Robinson, Ortega and Niland
NAYS: Representatives Noe and Holguin

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

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

Representatives Byrd and Niland commented.

Ms. Lisa Turner, citizen, commented.

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Item 16 was taken with 15, but voted on separately.

16.

ORDINANCE 17632

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011;” AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY..**

Motion duly made by Representative Niland, 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, Acosta, Robinson, Ortega and Niland
NAYS: Representatives Noe and Holguin

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

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

Representatives Byrd and Niland commented.

Ms. Lisa Turner, citizen, commented.

.....
The City Council Meeting was **RECESSED** at 11:21 p.m. in order to convene the Mass Transit Department Board Meeting.

.....
The City Council Meeting was **RECONVENED** at 11:27 a.m.

.....
Items 17A, 17B, and 18 were taken together, but voted on separately.

17A.

RESOLUTION

WHEREAS, on June 29, 2011, the City Manager of the City of El Paso filed the Fiscal Year 2012 Proposed Budget of the City of El Paso with the City Clerk; and

WHEREAS, the Proposed Budget was made available for the inspection by any person and was posted on the City’s website in accordance with Section 102.005 of the Texas Local Government Code; and

WHEREAS, on August 2, 2011, the City Clerk published notice in the El Paso Times, a newspaper of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the City of El Paso Fiscal Year 2012 Budget Resolution, in accordance with the Charter of the City of El Paso and Section 102.0065(a) of the Texas Local Government Code; and

WHEREAS, said public hearing was held on August 23, 2011, by the City Council regarding the City of El Paso's Proposed Budget at which all interested persons were given the right to be present and participate.

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

1. That the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on June 29, 2011, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2012, which begins on September 1, 2011 and ends on August 31, 2012.
2. That any balance in the General Fund on August 31, 2011 shall first be allocated to restore the reserve for claims in an amount equal to One Million Dollars (\$1,000,000.00). The City Manager is hereby authorized to appropriate the reserve amount as part of City Attorney's appropriation for external legal counsel and claims.
3. That the budget for confiscated funds shall be provided by the Chief of Police and submitted to the City Manager or his/her designee by November 15, 2011, with a financial report showing all appropriations for Fiscal Year 2012 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
4. That the City shall not enter into any agreement requiring the expenditure of monies if such agreement shall extend beyond the current Fiscal Year without the approval of the City Council or the City Manager. In such cases where the City Manager approves the expenditure, he/she is hereby authorized to obligate and/or encumber City funding to pay the City's expenses, which shall also constitute the approval of City Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law.
5. That Department Heads are hereby authorized to request budget transfers through OMB not to exceed Twenty-Five Thousand Dollars (\$25,000.00); provided that each transfer is within the same department. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) that are within the same department may be approved by the City Manager or his/her designee. A budget transfer for personal services appropriations, capital acquisition appropriations or impacting revenue accounts requires the approval of the City Manager or his/her designee.
6. That the City Manager or his/her designee is hereby authorized to make budget transfers not exceeding Twenty-Five Thousand Dollars (\$25,000.00) between departments. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) between departments shall require City Council approval.
7. That a budget transfer must be approved prior to the occurrence of the expenditure, except for emergency expenditures when approved by the City Manager or his/her designee and ratified by the City Council.
8. That the City Manager or his/her designee is hereby authorized to establish the budget for any capital projects within a Capital Improvement Plan (CIP) approved by the City Council and make all necessary amendments, provided that the deletion of a project or a change greater than 25% in an individual project with an approved budget of more than One Million Dollars (\$1,000,000.00) requires additional Council approval.
9. That any budget transfer submitted to City Council shall be accompanied by an explanation

from the department and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide adequate detail for the members of City Council to determine the need for the transfer.

10. That the City Manager or his/her designee is hereby authorized to establish budgets and staffing table changes for grants and similar awards when the applications for such grants and awards have been previously approved by the City Council or the City Manager. All grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state the type and amount of the required City match and the funding source of the grant match. The City Manager or his/her designee is hereby authorized to make such budget transfers and staffing table changes as are needed to close completed grants and capital projects.
11. That the City Manager or his/her designee is hereby authorized to appropriate funds associated with donations made to the City under the amount of Twenty-five Thousand Dollars (\$25,000.00).
12. That a claims committee shall be created consisting of the City Attorney or his/her designee, a Deputy City Manager and the employee who is designated by the City Manager or Human Resources Director to perform the risk management functions, who shall have the authority to authorize the settlement of claims in accordance with the authority separately granted by the City Council. The settlement of all other claims shall require City Council approval.
13. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.
14. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer before the closing of the Fiscal Year, and in accordance with procedures established by the City Manager or his/her designee.
15. That the City Manager shall add appropriate amendments to the City's health plan documents for non-uniform employees and those covered under that plan to add the following additional provisions which shall be in effect until such time as the Council should further amend, revise or change these provisions in the health plan:
 - a. To make changes to the smoking cessation treatments under the pharmacy benefit coverage to increase treatments up to six treatments/lifetime with no more than two treatments per year;
 - b. To clarify the date of coverage for new employees, elected officials and employees of affiliated service contractors to provide that such provisions state "the first day of the month following the date you complete 30 consecutive calendar days of employment with the City of El Paso," "the first day of the month following the date you complete 30 consecutive calendar days of service as an elected official of the City of El Paso," or "the first day of the month following the date you complete 30 consecutive calendar days of employment with the affiliated service contractor," as appropriate; and
 - c. To change the provision regarding an eligible class of a non-uniformed employee from "you are a regular full-time non-uniform employee, as defined by your employer" to "you are a regular non-uniform employee whose regular work schedule is for a minimum of 30 hours of work per week."
16. That the City Manager shall amend the City's health plan documents to add a consumer driven health plan, as outlined in **Schedule E**, which may be selected as an option for health

benefit coverage by uniformed employees as may be agreed through collective bargaining and by all non-uniformed employees, elected officials, employees of affiliated service contractors and retirees under 65 years of age, until such time as the Council should take action further amending, revising or changing the health plan. All such persons enrolling in the consumer driven health plan shall pay the employee or retiree contribution amounts established in the budget for such plan, or through the collective bargaining process. The City Manager is authorized to create a program effective January 1, 2012 that may provide minimum coverage under the consumer driven health plan for non-uniformed employees who do not participate in the basic or buy-up options under the City's health plan or have coverage through another health plan, and to make all necessary budget transfers and take all necessary actions that may be required under the Charter, applicable laws and health plan documents to effectuate such coverage.—

17. That the City Manager is authorized to establish a wellness program as he/she or a designee designs to be included in the health benefit plan for all non-uniformed employees, elected officials and employees of affiliated service contractors participating in a City health plan in accordance with the amount of funding established for such a program in order to engage these persons to lead healthier lifestyles by providing and promoting a culture of health and wellness which leads to lifelong habits and more productive lives. Such program may be amended as deemed necessary by the City Manager.
18. The amounts of the annual competency increases for non-uniformed employees for Fiscal Year 2012 are set as follows: Employee's annual competency increase shall be in that amount that will place the employee in the rate within their pay grade that most closely approximates a two percent (2%) increase, provided however, that the City Manager may increase this amount by an amount not to exceed an additional one percent (1%) for any or all of the City's three major service classifications and the unclassified services based on the availability of funds and other management factors as determined by the City Manager.
19. That any competency increases for non-uniformed employees shall not be given until the fourth quarter of Fiscal Year 2012, and the City Manager shall establish the exact date or dates for giving any such increases based on the availability of funding for such purposes as of the start of the fourth quarter of Fiscal Year 2012. No competency increase shall be paid retroactively to an anniversary date or date of a performance evaluation. Any increases for certification pay established in Ordinance 8064, as amended, or by resolution pursuant to the Ordinance as may be appropriate, may be given by the City Manager in the manner provided for in or by the Ordinance.
20. That the City Manager shall take appropriate action to implement a \$0.25 per hour pay increase for temporary or seasonal employees who report to the Parks and Recreation Department, effective with the first pay period starting on or after May 1, 2012.
21. That for purposes of recognizing the longevity of an employee's service other than uniformed employees covered under collective bargaining agreements, an amount that most closely approximates a one and one half percent (1.5%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two percent (2%) on the anniversary date of ten (10) years of service, two percent (2%) on the anniversary date of fifteen (15) years of service, and two and one half percent (2.5%) on the anniversary date of twenty (20) years of service and for any other five year incremental period on or beyond twenty-five (25) years of service accrued by an employee. Provided however, nothing in this section authorizes the payment of a base salary that exceeds the maximum of an employee's salary range, and in no event shall the longevity increase under this section, when paid in whole or in part if payment in whole would exceed the maximum, result in the payment of a base pay that exceeds the maximum of an employee's salary range.

22. That all competency increases, and increases based on five (5) year increments of service, are subject to the availability of funds, and shall be expended as determined or authorized by the City Manager or his/her designee, except for such increases that are otherwise determined and provided for in an employment contract.
23. That Attachment A, as required to be maintained by the Human Resources Director and approved by the Council by the Classification and Compensation Plan, Ordinance 8064, as amended, shall be as established as set forth in Schedule D, for such time until the Council, by resolution and as provided in Ordinance 8064, should amend or further revise.
24. That the City Manager is hereby authorized to annually adopt a Tuition Assistance Policy, which provides for tuition assistance to qualified employees in accordance with the amount of funding established for such a program. Such Policy may be amended as deemed necessary by the City Manager.
25. That the business days of the City shall be Monday through Friday, excluding city observed holidays, except during such time periods in which the City Council has established a 4-10 work week for more than 50% of the employees assigned to work at City Hall, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.
26. That the 4-10 work week schedule shall continue for the employees assigned to work at City Hall and at such other facilities in the City with administrative functions that are appropriate for a 4-10 work schedule, as designated by the City Manager. The City Manager is authorized to make temporary adjustments to the schedule to serve the operational needs of the City. Any action by the Council to change or revise the application of the 4-10 work week schedule during the fiscal year shall be made by simple resolution of the City Council.
27. That the services paid from the postage/copy center and fleet services sub funds shall be financed and accounted for utilizing an internal service fund basis with sufficient charges from departments to cover all appropriate costs.
28. That the hotel occupancy taxes collected by the City shall be used by the Greater El Paso Convention & Performing Arts Center and the Department of Museums and Cultural Affairs to fund their respective operations in accordance with El Paso City Code and State law. The functions of the Plaza Theater and McKelligon Canyon shall be included with the functions of the Greater El Paso Convention and Performing Arts Center. Expenditures from said fund shall be made in accordance with their respective adopted budgets.
29. That any travel expenditure for a City Council member that exceeds the FY 2012 City Council member's budget, including discretionary funds for the City Council Member's district, must be approved by the City Council and a funding source shall be identified by the City Council.
30. That City Council members must notify the City Manager or his/her designee of any expenditure from budgeted City Council Special Projects or Discretionary Accounts, so that City staff can maintain a current balance of the individual City Council Member's year-to-date expenditure for said accounts. Prior to the use of a P-Card for a proposed expenditure, City Council members should identify the municipal purpose of the expenditure and the proposed expenditure should be reviewed and authorized by the City Manager or his/her designee in writing, or authorized by the City council when required, prior to the expenditure. The City Manager or his/her designee shall implement similar appropriate processes when utilizing discretionary funds through any other procurement or a reimbursement process.
31. That the City Manager or his/her designee is hereby authorized to approve the installation of residential street lights and the expenditures for the power and maintenance related thereto, including street lights paid by the people requesting the installation or which are paid for by using district discretionary funds, pursuant to the resolution of the City Council dated

September 20, 1994 or other resolution as may be adopted by the Council.

32. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.
33. That no employee or elected official shall incur an obligation for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and said obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and Human Resources policies and procedures of the City.
34. That the Full-Time Equivalent (FTE) positions funded by the FY 2012 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized FTE positions for each department. Requests for changes and additions shall be approved by the City Manager and his/her designee and shall show the impact on the FY 2012 Budget and the estimated impact on expenditures for Fiscal Year 2013.
35. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2012 Budget, shall be funded until the earlier of October 14, 2011 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.
36. That the compensation of Municipal Judges and substitute Associate Municipal Judges shall continue at the current level.
37. That the City Manager is hereby authorized to transfer any amount in the Salary Reserve appropriation, personal services appropriations, contingency appropriations, or capital acquisition appropriations between departments within the General Fund, whether it is non-uniformed or uniformed salary expense, or capital expense, as necessary prior to closing the Fiscal Year 2012.
38. That based on the availability of funds the City Manager or his/her designee shall transfer on a monthly basis \$12,500 from the cash balance of the Bridge Operations Fund to the Bridge Maintenance Fund; and transfer on an annual basis revenues derived from ground lease franchises, not to exceed Sixty Eight Thousand Four Hundred Eighty Nine (\$68,489.00) from the Bridge Operations Fund to the Bridge Maintenance Fund. Any remaining balance shall be transferred to the General Fund, except for the Twenty Five Thousand Dollars (\$25,000.00) Unreserved Balance and any required cash which must be maintained pursuant to any bridge revenue bond covenants.
39. That all non-expended appropriations in the General Fund and Enterprise Funds shall lapse at the end of Fiscal Year 2012, unless reviewed and approved not to lapse by the City Manager or his/her designee.
40. That within forty-five (45) days after the end of each fiscal quarter, the City Manager or his/her designee shall provide a quarterly report to City Council regarding the status and year-end projection of the budget.
41. That the City shall charge the maximum allowable interest rate and impose the maximum allowable penalty pursuant to State or Federal laws, on any amounts past due to the City. Any amounts that are one hundred twenty (120) days past due will be reported to the Credit Bureau, in accordance with State and Federal law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.
42. That the annual parking meter revenue in account number 404020 (Parking Meter Revenue) shall be allocated on a monthly basis to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund to satisfy debt requirements for the fiscal year, that the City

Manager or his/her designee be authorized to appropriate additional funding from this account for the replacement of parking meters upon approval of the City Manager of a meter replacement program based on availability of funds in this account, and that all funds exceeding the debt service requirement and meter replacement capital requirements for the fiscal year be deposited to the General Fund.

43. That monies that the City receives from licenses, fees, fines, and other charges for services shall be analyzed to determine if the City is recovering the cost of providing such services. Recommendations shall be made to the City Manager or his/her designee for any revisions to licenses, fees, fines, and other charges.
44. That any balance in the General Fund as of August 31, 2011 may be allocated to a reserve for lane markings in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00). The City Manager is hereby authorized to appropriate the reserve amount as part of the Department of Transportation appropriation for lane markings.
45. That any balance in the General Fund as of August 31, 2011 may be allocated to a reserve for capital purchases, including vehicles, in an amount not to exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000.00). The City Manager is hereby authorized subject to Council approval to appropriate the reserve amount as part of the City Manager's budget or transfer some or all of these funds to another department.
46. That appropriation control for expenditures shall be at the Object Level.
47. That Schedule A amends revenues and appropriations to the City Manager's filed budget; Schedule B amends staffing tables to the City Manager's filed budget; Schedule C sets forth fees and formulas for calculating certain fees that are to be charged by the City for the goods and services it provides; and Schedule D contains Attachment A, as referenced by the Classification and Compensation Plan, Ordinance 8064, as amended. For any programs, activities, presentations, classes or services that have a fee range listed within Schedule C, the department head shall determine and charge a fee within the stated range for each particular activity, presentation, class or service in the amount that will recover the City's costs, as reviewed and approved by the City Manager or his/her designee. Any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council.
48. That the City Manager and his/her designee is authorized to determine when it is practicable for the City to accept payments by credit card of a fee, fine, court cost, or other charge in accordance with City Ordinance no. 15051. Service charges added to the payment shall be in conformity with state statutory requirements and will be in such amount(s) as listed in Schedule C, provided that in the event that bank charges imposed on the City relating to credit card acceptance increase during the fiscal year, the City Manager is authorized to increase the service charge amount(s), so as to cover the City's increased costs.
49. That the Department of Aviation shall be authorized to collect fees to recover costs, as set forth in Schedule C, relating to its duties in connection with the conduct of criminal history background checks and the issuance of identification badges and replacement badges, and the Department shall collect the fees authorized in prior resolutions of the City Council for hangars, tie-downs, storage, and heavy aircraft parking, and for public parking at the Airport in the amounts as set forth in Schedule C attached hereto and that Schedule C shall be the controlling resolution for the establishment of the specific amounts of these fees.
50. That in addition to City created programs, activities, presentations, classes ("City programs") and City produced or supported publications that are offered to the public in conjunction with the missions of the various departments for which the fees are separately established in

Schedule C, the Council authorizes City department directors to create and offer new City programs and publications, on a trial or temporary basis, as may be of benefit to the public and as the directors may deem appropriate and within his/her department's capacity for providing new City programs or publications. The fee for participation in each such new City program or the cost to obtain such a publication shall be established in an amount that will recover the City's costs to present each such City Program or provide the publication, as reviewed and approved by the City Manager or his/her designee. The City Manager or his/her designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.

51. That the Council sets the level of City funding support to persons and organizations seeking such support for parades in accordance with Section 13.36.050 E of the City Code, in an amount not to exceed \$217,654.00, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.
52. That the Council sets the maximum level of funding for the Parks and Recreation Department's needs assessment scholarship program, as may be established by ordinance, in the amount of \$100,000.00, with a maximum benefit per child of \$150.00, for Fiscal Year 2012.
53. That the Council authorizes the conduct of the Holiday Parade and Tree Lighting as a program event within the Parks and Recreation Department; authorizes funding for the event as established within the City's adopted budget; authorizes the City Manager to determine and approve participation in the event by other City departments and personnel; and authorizes the Parks and Recreation Department to charge the entry fee as set forth in Schedule C to non-City persons and organizations who submit entries in the parade.
54. That the City Manager or his/her designee be authorized to appropriate funds not to exceed \$854,096.00 from the restricted account called Red Light Camera Fund for the purpose of Public/Traffic Safety programming as permitted by state law, as deemed necessary by the City Manager and upon the availability of funds.
55. That the City Council will allow the Public Service Board and the El Paso Water Utilities to use the fire hydrants in conjunction with requiring developer dedications or payments for the costs of the fire hydrants and together with the value of the use of City right-of-way in conjunction with system operation and functions by the Public Service Board and the El Paso Water Utilities, they are in exchange for all charges and costs owed by the City for water used by the City for firefighting purposes, and this provision supersedes all prior resolutions of the City Council regarding this matter.
56. That by 2014, the City Attorney shall implement a system of salary and benefits for assistant city attorneys which shall follow as closely as possible the system of salary and benefits used by the Department of Justice for its attorneys.
57. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2012 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso, and post the same on the City's website.

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

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

Ms. Joyce Wilson, City Manager, commented.

1ST MOTION

Motion made by Representative Acosta, seconded by Representative Niland, and carried to **AMEND** item 45 of the budget resolution, to add the words, "Subject to the approval of City Council".

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

NAYS: Representative Lilly

2ND MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** a Resolution that the Proposed Budget, **AS AMENDED**, for the City of El Paso, filed by the City Manager with the City Clerk on June 29, 2011, is hereby approved and adopted by the City Council as the Annual Budget for Fiscal Year 2012 for the City of El Paso, Texas, with the 1.7 million additional funding included. **THE MOTION PASSED.**

AYES: Mayor Cook and Representatives Lilly, Byrd, Robinson, and Ortega

NAYS: Representatives Acosta, Noe, Holguin, and Niland

Mayor Cook broke the tie, voting Aye.

3RD AND FINAL MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **CLOSE** the Public Hearing on a Resolution that the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on June 29, 2011, is hereby approved and adopted by the City Council as the Annual Budget for Fiscal Year 2012 for the City of El Paso, Texas.

.....
Items 17A, 17B, and 18 were taken together, but voted on separately.

17B. CITY MANAGER’S OFFICE

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** to Ratify the Property Tax Increase reflected in the Annual Budget for Fiscal Year 2012 for the City of El Paso, Texas. **THE MOTION PASSED.**

AYES: Mayor Cook and Representatives Lilly, Byrd, Robinson, and Ortega

NAYS: Representatives Acosta, Noe, Holguin, and Niland

Mayor Cook broke the tie, voting Aye.

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

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

Ms. Joyce Wilson, City Manager, commented.

.....
Items 17A, 17B, and 18 were taken together, but voted on separately.

18.

ORDINANCE 17633

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY 2012 TAXES.**

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, that the Ordinance be **ADOPTED AS REVISED**, that property taxes be increased by the adoption of a tax rate \$0.658404 of one percent of the assessed property value, which is effectively a 0.34% increase in the tax rate. This tax rate consists of \$0.429236 of one percent for the General Fund for the purpose of defraying current municipal expenses and \$0.229168 of one percent to pay interest on and providing a sinking fund to redeem bonds for a total Property Tax of \$0.658404.

This Tax Rate will raise more taxes for Maintenance and Operations than last year's Tax Rate.

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

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

Ms. Joyce Wilson, City Manager, commented.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

THE MOTION PASSED.

AYES: Mayor Cook and Representatives Lilly, Byrd, Robinson, and Ortega

NAYS: Representatives Acosta, Noe, Holguin, and Niland

Mayor Cook broke the tie, voting Aye.

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

.....
ADDITION TO THE AGENDA

EX1. Cause No. 2006-3154, Lorenzo Marquez v. City of El Paso, Texas, In the 205th Judicial District Court, El Paso County, Texas. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to authorize the City Attorney's Office to reject the settlement offer in the lawsuit styled *Lorenzo Marquez v. City of El Paso*; Cause No. 2006-3154 and to file an interlocutory appeal.

.....
Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 12:07 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk