

OSCAR LEESER  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
LARRY ROMERO, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHIEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
LILY LIMÓN, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
SEPTEMBER 10, 2013  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Michiel R. Noe, Lilia Limón, and Cortney Carlisle Niland. Late arrivals: Carl Robinson at 8:34 a.m., and Eddie Holguin, Jr. at 8:36 a.m. Absent: Ann Morgan Lilly and Emma Acosta requested to be excused. The invocation was given by CIMA Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**PLEDGE OF ALLEGIANCE**

**NATHAN RYAN PEREZ**

**MAYOR'S PROCLAMATIONS**

1. **NATIONAL BALLROOM DANCE WEEK**
2. **EPCC HISPANIC HERITAGE CELEBRATION MONTH**
3. **NATIONAL DAY OF SERVICE AND REMEMBRANCE**

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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 Romero, Robinson, Noe, Holguin, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

ABSENT: Representative Acosta

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 27, 2013.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Emma Acosta from the Regular Council Meeting of September 10, 2013.

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to the Industrial Site Lease between the City of El Paso and Budget Rent A Car of El Paso, Inc., to allow for an option to extend the lease through December 31, 2015, and to allow additional options to extend the lease term for the following described property:

Lot 2, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known as 6510 DeHavilland Dr., El Paso, Texas.

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**3B.**

**\*RESOLUTION**

**WHEREAS**, USO El Paso desires to host The Oryx Challenge from 7am to 2pm on Sunday, September 15, 2013, (hereinafter referred to as the "Event"); and

**WHEREAS**, The Event will utilize both City and State rights-of-way; and

**WHEREAS**, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

**WHEREAS**, The City has granted USO El Paso permission to utilize portions of City rights-of-way for the Event; and

**WHEREAS**, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit within El Paso, Texas; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

**WHEREAS**, The State in recognition of the public purpose for the Event wishes to cooperate with the City, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A);

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

That the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas for the temporary closure and use of State owned Montana Avenue (US62/180) and Steve Petro Drive (US 180) during The Oryx Challenge from 7am to 2pm on Sunday, September 15, 2013, an event scheduled to exceed four hours in length and found by the City to serve a public purpose.

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**3C.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso, the County of El Paso, and Ranchos Real Land Holding, LLC wish to annex approximately 1.5941 acres of real property described in Exhibit "A" and Exhibit "B," which is attached and incorporated for all purposes. Ranchos Real Land Holding, LLC is the owner-of-record of 1.1553 acres of real property described as Parcel "1" in Exhibit "A". The County of El Paso is the owner-of-record of 0.2400 acres of real property, described as Parcel "2" in Exhibit "A." Ranchos Real Land Holding, LLC is the owner-of-record of 0.0507 acres of real property described as Parcel "3" in Exhibit "A." Ranchos Real Land Holding, LLC is the owner-of-record of .14181 acres of real property described as Parcel "4" in Exhibit "A."; and,

**WHEREAS**, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owners desire that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

**WHEREAS**, the City has determined that if the Property is annexed, such annexation should be subject to certain terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure costs and costs for providing municipal services to the annexed area; and,

**WHEREAS**, Property Owner, after full consideration, accepts the terms and conditions cited in this Agreement due to the advantages and benefits resulting from the annexation of the Property; and,

**WHEREAS**, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between Ranchos Real Land Holdings, LLC, the City and County of El Paso, for 1.5941 acres of real property located South of the future extension of Pebble Hills Boulevard (between John Hayes Street and the future Tim Floyd Street) and at the intersection of the future extensions of Ralph Seitsinger Drive and Tim Floyd Street, which will specify the terms and conditions in which the property will be annexed should the City annex the property.

That the Director of City Development prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code.

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**3D.**

**\*RESOLUTION**

That the City Manager, or her designee, be authorized to sign any necessary documents for the purchase of a portion of the real property commonly known as 3535 N. Mesa Street, El Paso, El Paso County, Texas more particularly described as approximately 254 square feet of Lot 4, University Center, El Paso, Texas, including documents between the CITY OF EL PASO and SKINNY PROPERTIES, LLC, a Texas limited liability company.

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**3E. ENVIRONMENTAL SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** a Resolution that the Solid Waste lien posted below be approved.

198 N Old Pueblo Drive      \$275.68                      Estala, Juan  
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**3F.**

**\*RESOLUTION**

That the Mayor be authorized to sign a the Interlocal Agreement for City/County Project for Enhanced Law Enforcement Communication Interconnectivity regarding the joint use of the P25 public safety radio equipment and allocation of costs between the City of El Paso and the County of El Paso, Texas for the initial software and equipment and future maintenance costs as well as each party's payment for additional equipment. The County will pay \$1,259,297.00 to the City as its share of the initial software and equipment and will pay 6.2% of future maintenance costs.

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**3G1.**

**\*RESOLUTION**

**WHEREAS**, by Resolution dated August 21, 2012, the City Council of the City of El Paso created the Financial and Audit Oversight Committee ("FAOC");

**WHEREAS**, the FAOC shall be comprised of four (4) members of City Council; the Internal Auditor; and the City Manager or her designee;

**WHEREAS**, the appointment of the four (4) City Council members shall be made by a majority vote of the entire City Council (including the Mayor) and shall be appointed for a one (1) year term; and

**WHEREAS**, two (2) of the original appointees are eligible for reappointment.

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

That the City of El Paso hereby reappoints the following City Council members to the Financial and Audit Oversight Committee, each of which shall take effect on September 11, 2013 and will expire September 10, 2014:

- 1. Emma Acosta, Representative District 3; and
- 2. Eddie Holguin, Jr., Representative District 6

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**3G2.**

**\*RESOLUTION**

**WHEREAS**, by Resolution dated August 21, 2012, the City Council of the City of El Paso created the Financial and Audit Oversight Committee ("FAOC");

**WHEREAS**, the FAOC shall be comprised of four (4) members of City Council; the Internal Auditor; and the City Manager or her designee; and

**WHEREAS**, the appointment of the four (4) City Council members shall be made by a majority vote of the entire City Council (including the Mayor) and shall be appointed for a one (1) year term; and

**WHEREAS**, two (2) of the original appointees are no longer members of the City Council.

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

That the City of El Paso hereby appoints the following City Council members to the Financial and Audit Oversight Committee, each of which shall take effect on September 11, 2013 and will expire September 10, 2014:

- 1. Cortney Niland, Representative District 8; and
- 2. Larry Romero, Representative District 2

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**4. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michiel R. Noe to the City Employees' Pension Fund Board of Trustees by Mayor Oscar Leeser.

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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Soledad Basoco to the City Accessibility Advisory Committee by Representative Larry Romero, District 2.

**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Larry Romero to the City Employees' Pension Fund Board of Trustees by Mayor Oscar Leaser.

**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Chad North to the Tax Increment Reinvestment Zone #5 by Mayor Oscar Leaser.

**5D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Lane Gaddy to the Tax Increment Reinvestment Zone #5 by Mayor Oscar Leaser.

**5E. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Noemi Tovar to the Tax Increment Reinvestment Zone #5 by Mayor Oscar Leaser.

**5F. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Katherine Updike to the Tax Increment Reinvestment Zone #5 by Mayor Oscar Leaser.

**5G. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Rodrigo Fernandez to the Tax Increment Reinvestment Zone #5 by Mayor Oscar Leaser.

**5H. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT, AS REVISED** Audrey Ann Marrufo to the Ethics Review Commission by Representative Larry Romero, District 2.

**5I. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Esequiel Monteros to the Construction Board of Appeals by Representative Larry Romero, District 2.

**5J. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Teresa H. Munoz to the Building and Standards Committee by City Representative Larry Romero, District 2.

**6. FOR NOTATION**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation: Mayoral appointments to City of El Paso Employees' Pension Fund Board of Trustees for 2 year terms per El Paso City Code Section 2.64.030:

Citizen member	Rene Peña	Term Expires 4/30/2015
Citizen member	Presi Ortega	Term Expires 4/30/2015
Retiree member	Cecilia Rios	Term Expires 4/30/2014

Mayor Leeser commented.

Ms. Lisa Turner, citizen, commented.

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**7. FOR NOTATION ONLY**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation to accept the donation of \$500 from El Paso Association of Fire Fighters Local 51, \$100 from ESEI Engineering, and \$500 from CEMEX Materials LLC for Movies at the Park in District 3.

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**8. NOTICE OF CAMPAIGN CONTRIBUTIONS**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: Receipt of campaign contribution by Mayor Oscar Leeser in the amount of \$5,000 from Realtors (PAC).

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**9. APPLICATIONS FOR TAX REFUNDS**

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

1. TSAHC Rainbow El Nido in the amount of \$2,721.63 for double payment of 2012 taxes.  
(Geo. # C622-999-0130-0100)
2. CoreLogic Inc. in the amount of \$5,709.43 for double payment of 2012 taxes.  
(Geo. # R325-999-0020-1400)
3. CoreLogic Inc. in the amount of \$3,640.95 for double payment of 2012 taxes.  
(Geo. # S137-999-0040-2000)
4. J.P. Morgan Chase Bank NA in the amount of \$2,915.95 for double payment of 2012 taxes.  
(Geo. # T287-999-1750-3300)
5. Ocwen Financial Corp. in the amount of \$2,540.36 overpayment of 2012 taxes.  
(Geo. # V130-000-0050-0030)
6. LoanCare in the amount of \$4,337.35 for double payment of 2012 taxes.  
(Geo. # V655-999-0210-2400)
7. CoreLogic c/o Midland Mortgage in the amount of \$4,646.02 for double payment of 2012 taxes.  
(Geo. # V893-999-5700-4500)
8. CoreLogic c/o Midland Mortgage in the amount of \$3,728.63 for double payment of 2012 taxes.

(Geo. # V893-999-5430-6100)

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**10A. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Director for the Purchasing and Strategic Sourcing Department to issue a Purchase Order to Moore Medical, LLC. a contractor under Buy Board Contract # 374-11 (First Aid Supplies & Equipment), for Medical Supplies. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

The participation by the City of El Paso in the Buy Board was approved by Mayor and City Council on August 21, 2007.

Department: Fire  
Award to: Moore Medical, LLC.  
Farmington, CT 6032  
Annual Estimated Amount: \$250,000.00  
Total Estimated Award: \$250,000.00 (one year)  
Account No.: 322 – 22090 – 1000 – 531120  
Funding Source: General Fund – Clinical Medical Supplies  
Reference No.: 2014-020

This is a Cooperative, (unit price) contract.

Mayor Leeser commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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**10B. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Director for the Purchasing and Strategic Sourcing Department to issue a Purchase Order to Bazaar Uniforms and Men’s Store, a contractor under Region 19 contract # 10-6562 for (EPFD Work Uniforms) 2014-019. 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 purchasing cooperative was approved by Mayor and City Council on March 4, 2008.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department: Fire  
Award to: Bazaar Uniforms and Men’s Store  
El Paso, TX

Annual Estimated Amount: \$150,000  
Total Estimated Award: \$150,000 (1 year)  
Account No.: 322 – 531200 – 1000 – 22090 – P2217  
Funding Source: General Fund - Uniforms  
Reference No.: 2014-019

This is a Cooperative, (unit price) contract.

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**11. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-257 (Trane HVAC System Units Proprietary Parts and Service) to Trane U.S. Inc. for an initial term estimated award of \$495,000.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department: General Services – Facilities Maintenance  
Division  
Award to: Trane U.S. Inc.  
El Paso, TX  
Item(s): All  
Initial Term: 3 years  
Option to Extend: 2 years  
Annual Estimated Award: \$165,000  
Initial Term Estimated Award: \$495,000 (3 years)  
Total Estimated Award: \$825,000 (5 years)  
Account No.: 231 – 31040 – 522260 – 1000 – P3120  
231 – 31040 – 532000 – 1000 – P3120  
Funding Source: General Services Dept - General Fund –  
Building Facilities Maintenance Contracts  
General Services Dept - General Fund –  
Building Facilities Maintenance Repairs

This is a Best Value, service contract.

The Purchasing and Strategic Sourcing Department and General Services – Facilities Maintenance Division recommend award as indicated to Trane U.S. Inc., the sole responsive, responsible bidder.

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**12. REQUEST FOR PROPOSAL**

\*Motion made, seconded, and unanimously carried to **AWARD, AS REVISED** Solicitation No. 2013-170R Ticketing Help Desk to Creative Enterprise Solutions, LLC dba Beyond 20 for a total estimated award of \$208,600.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department: Information Technology  
Award to: Creative Enterprise Solutions, LLC dba

Item(s):	Beyond 20
Initial Term:	Scottsdale, AZ
Option:	All
Annual Estimated Amount:	5 years
Estimated Award Year 2-5:	2 years
Total Estimated Award:	\$102,760
Account No.:	\$105,840 (years 2 through 5)
Funding Source:	\$208,600
	190-28310-5580100-4970
	IT Capital Funds

This is an RFP service 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 Purchasing and Strategic Sourcing Department and Information Technology Department recommend award as indicated to Creative Enterprise Solutions LLC, dba Beyond 20, the highest ranked responsible offeror.

Recommend Avante Solutions, Inc. be deemed as non-responsible due to failure to demonstrate financial capability as required under this RFP.

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**13A. - 13E. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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 Romero, Robinson, Noe, Holguin, Limón and Niland  
 NAYS: None  
 NOT PRESENT FOR THE VOTE: Representative Lilly  
 ABSENT: Representative Acosta

**13A.** An Ordinance vacating a 2.6478 acre portion of Edgar Road Right-of-Way between Ethel Road and Desert Boulevard South, more particularly described as a portion of Edgar Road out of S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas. Applicant Information: Prime Desert Properties, LLC SURW13-00012

**13B.** An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real properties described as part of Tract 2-A, Block 6, Ascarate Grant, and known as Tract 2-V-1-F, an addition to the City of El Paso, El Paso County, Texas, as further described in Volume 926, Page 1635, deed records, El Paso County, Texas to Marcelino Arriaga, in accordance with Section 34.05 (h) of the Tax Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 17, 2013, FOR ITEMS 13A – 13B**

**13C.** An Ordinance changing the zoning of a portion of south ½ of Block 61, Cotton Addition, 1519 Myrtle, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1519 Myrtle. Property Owner: Javier O. Ramos. PZRZ13-00020

**13D.** An Ordinance granting Special Permit No. PZST13-00012, to allow for Infill Development with a 100 percent parking reduction, as well as a special permit for a ballroom in the C-3 (Commercial) zoning district, on the property described as a portion of south ½ of Block 61, Cotton Addition, 1519 Myrtle, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development and 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. Subject Property: 1519 Myrtle. Property Owner: Javier O. Ramos. PZST13-00012

**13E.** An Ordinance granting Special Permit No. PZST13-00014, to allow for Infill Development with reduced side and cumulative setbacks and reduced lot area and depth and imposing a condition on the property described as Lots 1 & 2, Block 42, Morningside Heights, 4103 Lackland, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4103 Lackland. Property Owner: Elguea Properties, LLC. PZST13-00014

**PUBLIC HEARING WILL BE HELD ON OCTOBER 1, 2013, FOR ITEMS 13C – 13E**

**14A. ENGINEERING AND CONSTRUCTION MANAGEMENT**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **AWARD** Solicitation No. 2013-221 for Montana & Lorne Concrete Intersection Improvements, for an estimated total amount of \$1,432,912.72.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department:	Engineering and Construction Management
Award to:	Venegas Engineering Management and Construction, Inc. El Paso, TX
Base Bid:	\$1,432,912.72
Total Estimated Award:	\$1,432,912.72
Time for Completion:	110 Consecutive Calendar Days
Accounts:	190-28300-580270-PCP09MT0080
Funding Source:	2009 Certificates of Obligation

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measure 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

Ms. Margaret Schroeder, Traffic Engineer for Engineering Department, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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**14B. ENGINEERING AND CONSTRUCTION MANAGEMENT**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **AWARD** Solicitation No. 2013-245 for 5 Points Terminal Renovation & Improvements to Basic IDIQ, Inc., for an estimated total amount of \$849,888.88.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department:	Engineering and Construction Management
Award to:	Basic IDIQ, Inc. El Paso, TX
Base Bid:	\$849,888.88
Total Estimated Award:	\$849,888.88
Time for Completion:	270 Consecutive Calendar Days
Accounts:	560-60070-580270-3210-PCP09MT0140
Funding Source:	Sun Metro Grants – FTA

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

As 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 Competitive Sealed Proposal lump sum contract. The Engineering & Construction Management Department recommends award to the bidder offering the best value bid.

Ms. Margaret Schroeder, Traffic Engineer for Engineering Department, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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**15A. PURCHASING AND STRATEGIC SOURCING**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **AWARD, AS REVISED** Solicitation No. 2013-194 (Vehicle Body Repair, Painting and Detailing) to Advanced Auto Collision Repair Center, Inc. for an initial term estimated award of \$1,200,000.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department: General Services – Fleet Division  
 Award to: Advanced Auto Collision Repair Center, Inc.  
 El Paso, TX  
 Item(s): All  
 Initial Term: 3 years  
 Option to Extend: 2 years  
 Annual Estimated Award: \$ 400,000  
 Initial Term Estimated Award: \$1,200,000 (3 years)  
 Total Estimated Award: \$2,000,000 (5 years)  
 Account No.: 231 – 37020 – 531250 – 3600 – P3701  
 Funding Source: General Services Dept – Internal Service  
 Fund – Equipment Outside Repairs

This is a Best Value, service contract.

The Purchasing and Strategic Sourcing Department and General Services – Fleet Division recommend award as indicated to Advanced Auto Collision Repair Center, Inc., the bidder offering the best value bid.

Recommend that Art-Vic Inc. DBA Texas Custom Body & Paint; Crawford Buick GMC, LP; Pronto Paint & Body, and RJ Border International Trucks be deemed non-responsive due to failure to acknowledge Amendment #6.

Mr. Bruce Collins, Purchasing Director, commented.

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**15B. PURCHASING AND STRATEGIC SOURCING**

\*Motion made, seconded, and unanimously carried to **REVISE AND POSTPONED** two weeks Solicitation No. 2013-249 Mechanical Broom Sweepers (Re-bid) to Stewart & Stevenson Truck Holdings dba On the Border Freightliner of El Paso for a total estimated award of \$839,956.

NOT PRESENT FOR THE VOTE: Representative Lilly  
 ABSENT: Representative Acosta

Department: General Services – Fleet Division  
 Award to: Stewart & Stevenson Truck Holdings dba  
 On the Border Freightliner of El Paso  
 El Paso, TX  
 Item(s): All  
 Option to Extend: Option to Purchase Additional Quantity  
 within 60 days of Award  
 Total Estimated Award: \$839,956 (4 units)  
 Account No.: 190 – 28310 – 580040 – 4500 – PGSDVRP01  
 Funding Source: General Services Department – Capital All  
 Years

This is a low bid, fixed-price, single (one-time) purchase.

The Purchasing and Strategic Sourcing Department and General Services – Fleet Division recommend award as indicated to Stewart & Stevenson Truck Holdings dba On the Border Freightliner of El Paso, the lowest responsive, responsible bidder.

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ITEMS TAKEN TOGETHER

**15C1.**

**RESOLUTION**

**WHEREAS**, on May 22, 2012, the City of El Paso awarded Contract No. 2012-050 (Janitorial Services-) Group A, Items 10, 11, 12, 14, 15, 17 and Group C Item 49 to Federal Janitorial-STG, LTD, for the Parks and Recreation Department; and

**WHEREAS**, the City finds that the Company is in default of the provisions of the Contract because the vendor failed to cure the performance of the janitorial services; and

**WHEREAS**, pursuant to Section C, Paragraph 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract for default; and

**WHEREAS**, the City desires to terminate this Contract for Default.

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

That the Purchasing Manager is authorized to notify Federal Janitorial STG LTD, that the City is terminating Contract No. 2012-050 for default pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor’s failure to cure performance and that the termination shall be as of September 23, 2013.

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

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

**15C2. PURCHASING AND STRATEGIC SOURCING**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **AWARD** Solicitation No. 2013-204 (Janitorial Various Library Facilities) to Carefree Janitorial Services term estimated award of \$297,180.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department:	Libraries
Award to:	Care Free Janitorial Services El Paso, Texas
Item(s):	All Items
Initial Term:	3 Years
Option to Extend:	2 Years
Payment Terms:	2% - 10 days
Annual Estimated Award:	\$ 99,060
Initial Term Estimated Award:	\$297,180 (3 years)
Total Estimated Award:	\$495,300 (5 years)

Account No.: 453-522060-1000  
Funding Source: General Funds – Janitorial

This is a Best Value, service type contract.

The Purchasing and Strategic Sourcing Department and Library recommend award as indicated to Care Free Janitorial Services, the bidder offering the best value bid.

Mr. Bruce Collins, Purchasing Director, commented.

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**15D. PURCHASING AND STRATEGIC SOURCING**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **AUTHORIZE** that the Purchasing Director for the Purchasing and Strategic Sourcing Department to issue a Purchase Order to G4S Secure Solutions, (USA) Inc. A contractor listed under U.S. General Services Administration, (GSA) contract # GS-07F-0382K (G4S Secure Solutions, USA Inc.). The services provided are for prisoner transport and processing services. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

NOT PRESENT FOR THE VOTE: Representative Lilly

ABSENT: Representative Acosta

Department: Police  
Award to: G4S Secure Solutions, Inc.  
Albuquerque, New Mexico 87107  
Annual Estimated Amount: \$1,322,864.10  
Total Estimated Award: \$1,322,864.10 (one year)  
Account No.: 321 – 21100 – 522150 – 1000 - P210  
Funding Source: General Fund  
Reference No.: 2014-011

This is a Cooperative, (service) 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.

Mayor Leeser and Representative Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Director

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**ITEMS TAKEN TOGETHER**

**16A. HUMAN RESOURCES**

Motion made by Representative Limón, seconded by Representative Holguin, and carried to **POSTPONE** one week the public hearing on an Ordinance amending Ordinance 8064 (Classification and Compensation

Plan), to amend the Ordinance to comport with the recent amendments to the Charter of the City of El Paso, Texas, and to make other non-substantive revisions to various sections of the Ordinance.

AYES: Representatives Romero, Robinson, Noe, Holguin, and Limón  
NAYS: Representative Niland  
NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

**16B. HUMAN RESOURCES**

Motion made by Representative Limón, seconded by Representative Holguin, and carried to **POSTPONE** one week the public hearing on an Ordinance amending Ordinance 8065 (Civil Service Rules and Regulations), to amend various sections of Rule Nos. 2, 4, 5, 6, 8 and 10 to comport with the recent amendments to the Charter of the City of El Paso, Texas; to delete Rule No. 3 and mark as "RESERVED;" to amend Rule No. 6 to correspond with City personnel policies; and to correct a scrivener's error in Rule No.2.

AYES: Representatives Romero, Robinson, Noe, Holguin, and Limón  
NAYS: Representative Niland  
NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Mayor Leeser and Representative Limón commented.

Ms. Joyce Wilson, City Manager, commented.

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**17.**

**RESOLUTION**

**WHEREAS**, on September 11, 2012 the City Council authorized the Director of Aviation to sign and submit a grant application and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP) Project No. 3-48-0077-032-2012; and the City Manager was authorized to accept and sign the grant agreement;

**WHEREAS**, AIP Project No. 3-48-0077-032-2012, as accepted, did not include the scope of work as originally requested, and the Director of Aviation has submitted a request to the FAA that included an amended amount and projects allocation for AIP Project No. 3-48-0077-032-2012; and

**WHEREAS**, the FAA has agreed that AIP Project No. 3-48-0077-032-2012 should be amended to include the request as submitted by the Director of Aviation,

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

That the City Manager be authorized to sign Amendment No. 1 to AIP Project No. 3-48-0077-032-2012 to include a total amount of \$1,854,926 for the following project descriptions: Wildlife Hazard Assessment; Benefit Cost Analysis for the Reconstruction of Runway 4/22 (asphalt to concrete); Taxiway Utilization Study; Design-Only of the Rehabilitation of: Runway 8L/26R (realignment), Taxiway "U" and "V"; Design-Only of New Parallel Taxiway; Design-Only of Airfield Perimeter Roads; and Purchase of ARFF Equipment/Gear, and

That the City Manager be authorized to sign any additional related modifications, amendments and other necessary documents related to this grant, when the form and substance of those documents has been reviewed and approved by the City Attorney's Office.

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

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Ms. Monica Lombrana, Director of Aviation, commented.

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18.

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

**WHEREAS**, on April 9, 2013, the City of El Paso ("City") entered into a Memorandum of Agreement ("MOA") with Union Pacific Railroad Company ("Union Pacific") which allowed for the conveyance of identified parcels of real property between the parties;

**WHEREAS**, the MOA also included a post closing commitment in which Union Pacific agreed to give the City a three (3) year option to purchase property on Mills Street which is currently being leased by the City from Union Pacific for parking purposes, conditioned upon the closure of nine (9) railroad crossings to be selected from an identified list of railroad crossings attached to the MOA; and

**WHEREAS**, after a review of the railroad crossings identified on the list, City staff is recommending that the City not close nine (9) railroad crossings because the closings will impact vehicular and pedestrian traffic in the neighborhoods adjacent to the nine (9) railroad crossings, as well as, circulation patterns for the travelling public, school buses, emergency response vehicles, and public transportation,

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

THAT the City Manager be authorized to notify Union Pacific Railroad Company that the City of El Paso will not close nine (9) railroad crossings based upon staff's review of the list of railroad crossings identified in the April 9, 2013 Memorandum of Agreement between the City of El Paso and Union Pacific Railroad Company, and thus will not exercise an option to purchase the property on Mills Street, which the City is leasing from Union Pacific Railroad Company.

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

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Mayor Leeser and Representative Limón commented.

Mr. Ted Marquez, Director of Department of Transportation, commented.

Ms. Sandra Devereaux, citizen, commented.

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19.

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

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

**THAT** a five year contract and a one (1) year option to extend with BKD, LLP for auditing services in conjunction with the City’s annual audit for fiscal years 2013 through 2017, for an amount of \$340,000.00 for year one, \$349,000.00 for year two, \$359,000.00 for year three, \$369,000.00 for year four, \$379,000.00 for year five, \$390,000.00 for the option year and a total contract amount not to exceed \$2,186,000.00 is hereby approved; and

**THAT** the City Manager or designee be authorized to sign an Agreement/Letter of Engagement for Professional Auditing Services (“**Agreement**”) for the fiscal year ended August 31, 2013 and authorize the City Manager or designee to sign an Agreement for the subsequent four fiscal years subject to review by the City Attorney’s Office, provided that there is no default and there are no material changes to the scope of work and compensation.

Mr. Mark Sutter, Comptroller, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **APPROVE, AS REVISED** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Mr. Bruce Collins, Purchasing Director, commented.

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**ADDITION TO THE AGENDA**

**ADD01. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE, AS REVISED** the Purchasing Director for the Purchasing and Strategic Sourcing Department to amend the Purchase Order related with service agreement with TW Telecom of Texas LLC under the Department of Information Resources (DIR) 2012 contract DIR-TEX-AN-NG-CTSA-006 to expand IP Trunk services associated with porting City telephone numbers for an estimated amount of \$180,000 for the remainder of the three years term. The total revised amount of the service agreement will be \$341,663.

Department:	Department of Information Technology Services (DoITS)
Award to:	TW Telecom of Texas LLC Littleton, Colorado
Total Amendment:	\$198,890
Account No.:	1000 - General Fund 239 – Information Technology 15070 – Non-Departmental
Funding Source:	540000 – Phones
Reference No:	2014-022

This is a Cooperative Contract, Services Agreement.

Ms. Lisa Turner, citizen, commented.

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**ADD02. PURCHASING AND STRATEGIC SOURCING**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **AUTHORIZE, AS REVISED** the Purchasing Manager for Financial Services - Purchasing Division be

authorized to amend the Purchase Order related with the service agreement with TW Telecom of Texas LLC under the General Services Administration (GSA) 2011 contract GS-35F-0426R to expand the Internet Service Access for \$251,016 annually for a total amount of \$753,048 for the remainder of the three years term. The total revised amount of the service agreement will be \$1,021,751.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

Department: Department of Information Technology Services (DoITS)  
Award to: TW Telecom of Texas LLC  
Littleton, Colorado  
Total Amendment: \$753,048  
Account No.: 1000- General Fund  
239 – Information Technology  
15070 – Non-Departmental  
Funding Source: 540000 – Phones  
Reference No: 2014-023

This is a Cooperative Contract, Services Agreement

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:30 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: Representative Lilly  
ABSENT: Representative Acosta

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 10:19 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Lilly  
ABSENT: Representative Acosta

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**ADDEX1.** Claims related to San Antonio Avenue Street Improvement Project, No. 2012-168, Our Matter No. 13-1004-342 (551.071)

- A. Enrique Esteves claim against City of El Paso, Texas
- B. Hector Moctezuma claim against City of El Paso, Texas
- C. Andrea Benitez claim against City of El Paso, Texas
- D. Cruz and Aurora Leos claim against City of El Paso, Texas
- E. Sun Ok Yun claim against City of El Paso, Texas

- F. Sun Ok Yun claim against City of El Paso, Texas
- G. Chong and John Granberg claim against City of El Paso, Texas
- H. Julian Meraz claim against City of El Paso, Texas
- I. Yong Lewis claim against City of El Paso, Texas
- J. Sung Chen claim against City of El Paso, Texas

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

Motion made by Representative Holguin, seconded by Representative Limón and carried to **DENY** claims and continue settlement negotiations. **THE MOTION FAILED.**

AYES: Representatives Robinson, Holguin, and Limón  
 NAYS: Mayor Leeser and Representatives Romero, Noe, and Niland  
 ABSENT: Representative Acosta  
 Mayor Leeser broke the tie, voting Nay.

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried that the City Attorney’s Office be authorized to deny the lost profit claims of the following claimants and that the City Attorney’s Office be authorized to continue settlement negotiations, File No. 13-1004-342:  
**THE MOTION PASSED.**

AYES: Mayor Leeser and Representatives Romero, Noe, and Niland  
 NAYS: Representatives Robinson, Holguin, and Limón  
 ABSENT: Representative Acosta  
 Mayor Leeser broke the tie, voting Aye.

- A. Enrique Esteves claim against City of El Paso, Texas
- B. Hector Moctezuma claim against City of El Paso, Texas
- C. Andrea Benitez claim against City of El Paso, Texas
- D. Cruz and Aurora Leos claim against City of El Paso, Texas
- E. Sun Ok Yun claim against City of El Paso, Texas
- F. Sun Ok Yun claim against City of El Paso, Texas
- G. Chong and John Granberg claim against City of El Paso, Texas
- H. Julian Meraz claim against City of El Paso, Texas
- I. Yong Lewis claim against City of El Paso, Texas
- J. Sung Chen claim against City of El Paso, Texas

Representative Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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**ADDEX2.** Economic development project in Northwest El Paso. (551.071, 551.072, 551.087)

**NO ACTION taken on this item.**  
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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of September 10, 2013.

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The City Council Meeting was **RECESSED** at 10:28 a.m.

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The City Council Meeting was **RECONVENED** at 12:15 p.m.

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**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Enriqueta Natividad
2. Mr. Jose Lara
3. Mr. Frank Lozano
4. Ms. Wally Cech
5. Ms. Lisa Turner
6. Mr. Salvador Gomez
7. Mr. Pierre A. Euzarraga
8. Mr. Steven Strumer
9. Mr. Manny Hinojosa

Mayor Leeser and Representatives Noe and Holguin commented.

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice.
2. Mr. William Lilly, Director of Community and Human Development

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

**NO ACTION**, other than the above procedural Motion, was taken on the item.

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Motion made by Representative Robinson, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 12:58 p.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk