

**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  
SEPTEMBER 25, 2012  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor Pro Tempore Ann Morgan Lilly present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrivals: Michiel R. Noe at 8:35 a.m., Steve Ortega at 8:39 a.m., and Susannah M. Byrd at 8:42 a.m. Absent: Mayor John F. Cook requested to be excused. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. EL PASO MARATHON RUNNERS' DAY**
- 2. ABUNDANT LIVING FAITH CENTER DAY**
- 3. DR. MEHRNOOSH DARJ DAY**
- 4. LIFE INSURANCE AWARENESS DAY**
- 5. DOMESTIC VIOLENCE AWARENESS MONTH IN EL PASO**
- 6. B. TAYLOR DAY**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. John Conwell
2. Mr. John Vandeven
3. Mr. Jack Bradford
4. Mr. Salvador Gomez
5. Mr. Steven Strumer
6. Ms. Melanie Terrebonne
7. Ms. Yvette Yates
8. Ms. Cynthia Horton

Representative Noe commented.

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**CONSENT AGENDA**

Motion made by Representative Niland, 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 September 18, 2012 and the LRC of the Whole of September 10, 2012 and the Special City Council Meeting of September 17, 2012.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular Council Meeting of September 25, 2012.

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**3A.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor’s Acknowledgment of Assignment of the Butterfield Trail Industrial Park Lease by and between the City of El Paso and PWR12-MAC Industrial Portfolio Southwest LLC for the following described property:

Lot 1, Block 11, Butterfield Trail Industrial Park Unit Two, Foreign Trade Zone No. 68, City of El Paso, El Paso County, Texas, and municipally known and numbered as 25 Butterfield Trail Blvd., El Paso, Texas.

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**3B.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor’s Acknowledgment of Assignment of the Butterfield Trail Industrial Park Lease by and between the City of El Paso and PWR12-MAC Industrial Portfolio Southwest LLC for the following described property:

Portions of Lots 4, 5, 6 and 7, Block 2, Butterfield Trail Industrial Park Unit One, Replat “A”, City of El Paso, El Paso County, Texas, municipally known and numbered as 15 Zane Grey Blvd., El Paso, Texas.

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**3C.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor’s Acknowledgment of Assignment of the Butterfield Trail Industrial Park Lease by and between the City of El Paso and PWR12-MAC Industrial Portfolio Southwest LLC for the following described property:

A portion of Lot 5, Block 1, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 7 Leigh Fisher Blvd., El Paso, Texas.

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**3D.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign an Industrial Site Lease by and between the City of El Paso ("Lessor") and Larroc, Inc. ("Lessee") for the property described as:

Portions of Lot 4 and Lot 5, Block 5, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, and municipally known and numbered as 6440 Boeing Dr., El Paso, Texas.

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**3E.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Acknowledgment of Assignment of the Butterfield Trail Industrial Park Lease by and between the City of El Paso and PWR12-MAC Industrial Portfolio Southwest LLC for the following described property:

A portion of Lot 5, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A", and all of Lot 6, Block 8, Butterfield Trail Industrial Park, Unit One, Replat "B", City of El Paso, El Paso County, Texas, municipally known and numbered as 11 Leigh Fisher Blvd., El Paso, Texas.

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**3F.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee"), and IFL Group ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas.

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**3G.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign the Third Amendment to the Agreement for Professional Services by and between the CITY OF EL PASO and KIMLEY-HORN AND ASSOCIATES, INC., a North Carolina Corporation, for a project known as "Runway 8R-26L Extension" to add additional professional services to include coordination pertaining to the approach lighting system, its electrical components and electrical revisions requested by the FAA and additional documentation review regarding civil and electrical items, in the amount of Sixty Five Thousand Six Hundred Ninety and 64/100 dollars (\$65,690.64), thereby extending the contract amount from \$1,059,625.55 to \$1,125,316.19; and 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 agreement.

Representative Ortega commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Ms. Irene Ramirez, Assistant City Engineer
3. Ms. Sylvia Firth, City Attorney, gave legal advice.

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**3H.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and PARKHILL, SMITH & COOPER, INC., for a project known as "TAXIWAY A REALIGNMENT" for an amount not to exceed THREE HUNDRED SIXTY SIX THOUSAND FOUR HUNDRED NINETY TWO AND NO/00 DOLLARS (\$366,492.00); 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 SIXTEEN THOUSAND FOUR HUNDRED NINETY TWO AND NO/00 DOLLARS (\$416,492.00); and 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 agreement.

Representative Ortega commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Ms. Irene Ramirez, Assistant City Engineer
3. Ms. Sylvia Firth, City Attorney, gave legal advice.

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**3I.**

**\*RESOLUTION**

**WHEREAS**, on August 1, 2012, following scheduled preventative maintenance, General Services was informed that the "key switch" (the main start-up switch) to the Uninterrupted Power Supply (UPS) unit at the El Paso Police Department was/is not working and that the unit is an obsolete unit for which there are no replacement parts;

**WHEREAS**, it is not recommended that any type of maintenance other than replacement of the unit be done because the unit, in its current condition, may not be able to be brought back up if the UPS is shut down for any reason, in which case the emergency equipment will not have any back up in case of a power failure;

**WHEREAS**, immediate action was necessary to initiate the process of replacing the malfunctioning and obsolete UPS unit in question in order to ensure the continued operations, communications and uninterrupted services provided by and at the El Paso Police Department, and for the safety of the citizens of the City of El Paso;

**WHEREAS**, J&S Power Solutions has responded to the City's request for emergency repairs and replacement of the UPS unit and has billed the City for the services in the amount of \$55,210.00 for the replacement UPS unit and its associated installation costs; and

**WHEREAS**, the Texas Local Government Code exempts from the competitive bidding requirements a procurement necessary to preserve and protect the public health or safety of the municipality's inhabitants, and because of unforeseen damage to public machinery, equipment, or other property.

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

**THAT** the procurement of goods and services to repair and replace the malfunctioning and obsolete Uninterrupted Power Supply (UPS) unit at the El Paso Police Department is exempt under State law because

the expenditure preserves and protects the public safety of the citizens of the City of El Paso and resulted from unforeseen damage to public property and equipment; and that the Purchasing Manager, Financial Services Department, be authorized to issue a Purchase Order to J&S Power Solutions, Inc. in the amount of \$55,210.00 for such equipment and labor.

Ms. Irene Ramirez, Assistant City Engineer, commented.

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3J.

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

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

**THAT** the City Manager be authorized to sign an Agreement (the "Agreement") by and between the City of El Paso and the AARP Foundation ("AARP"), to provide an AARP Drivers Safety Program to people ages 16 and older at designated senior centers and recreational facilities of the City at no cost to the City, with no rental fee, which serves the public purpose of providing quality of life benefits to the residents of El Paso and provides opportunity for increased public safety.

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3K.

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

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

That the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso ("The City") and the Texas Department of Transportation ("TxDOT") for the El Paso Police Department to provide uniformed officers and equipment necessary for law enforcement, general surveillance, and traffic control at and around sites for which TxDOT is providing maintenance, repair, construction and other services to State maintained roads and highways. Such services are to promote safety of construction zone workers and the traveling public. In lieu, TxDOT will pay up to \$100,000 for this service on a reimbursement basis for actual salary and vehicle costs for a twenty-four month period September 25, 2012 - September 24, 2014.

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4. **APPLICATION FOR TAX REFUNDS**

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

- A. Trans-American Communications, Inc., in the amount of \$3,827.50 overpayment of 2011 taxes. (PID #0819-999-2274-0034).
- B. Alamo Home Finance, Inc., in the amount of \$3,317.13 *overpayment* of 2011 taxes. (PID #B300-999-0030-9100).
- C. Wells Fargo Financial in the amount of \$4,347.29 overpayment of 2011 taxes. (PID #E240-999-0010-1900).
- D. Nationstar Mtg. in the amount of \$4,434.61 overpayment of 2011 taxes. (PID #L704-999-0020-0500).
- E. Nicholas Licata in the amount of \$3,423.91 overpayment of 2011 taxes. (PID #M395-999-0080-0120).

- F. Gilbert & Maria Medrano in the amount of \$4,221.46 overpayment of 2009 taxes. (PID #R843-999-0040-6700).
- G. Jaime Rubinstein in the amount of \$3,151.00 overpayment of 2012 taxes. (PID #W145-999-0760-8100).
- H. Alexana K. Ramirez in the amount of \$3,366.01 overpayment of 2011 taxes. (PID #S231-999-0180-1300).

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**5. 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 Advanced Security Contractors, Inc. under Region 19 Cooperative Purchasing Program, Contract #09-6356 Electronic Surveillance & Locking Systems for the purchase of Hirsch Access Control System, Maintenance and Installation for El Paso Convention and Visitors Bureau, Fire and Information Technology Departments and purchase of nine Sentinel H.264 2.0 Cameras and one Axis 1 MP Dome Network Camera (HDTV) for Information Technology Department. 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.

Departments:	El Paso Convention and Visitors Bureau Information Technology
Award to:	Advance Security Contractors, Inc. El Paso, Texas
Total Estimated Award:	\$266,037.83
Account No.:	190-28340-4560-580100-PCP121T010
Funding Source:	IT Capital Funds
Account No:	322-22130-2720-2010SSST801
Funding Source:	UASI Grant Funding
Reference No.:	2013-030

This is a Cooperative, unit price contract.

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**6A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-297 for Parks Upgrade 2012 – Playground Equipment Citywide to Kaizen Construction Services, LLC for a total estimated amount of \$94,417.

Department:	Parks and Recreation
Award to:	Kaizen Construction Services, LLC
Base Bid I:	\$ 19,456.00
Base Bid II:	\$ 25,623.00
Base Bid III:	\$ 12,052.00
Base Bid IV:	\$ 8,758.00
Base Bid V:	\$ 9,317.25
Base Bid VI:	\$ 10,179.00
Base Bid VII:	\$ 9,031.75
Total Estimated Award:	\$ 94,417.00

Time for Completion: 180 Consecutive Calendar Days  
Account No.: 190 – 28340 – 580270- 4560  
Funding Source: 2012 - 2013 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 measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

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

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**6B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-237 (Fleet Vehicle Service Bodies) to Alamo Industries, Inc. dba Alamo Auto Supply for a total award of \$59,300.

Department: General Services  
Award to: Alamo Industries, Inc. dba Alamo Auto Supply  
El Paso, TX  
Items: All  
Option: To purchase 100% at the same unit price if exercised within 180 days from date of award  
Unit Amount: \$29,650 (per unit, base price plus communications package)  
Total Award: \$59,300 (for 2 units)  
Account No.: 231 – 37010 – 580550 – 4710 – PFLESVC01  
Funding Source: General Services – Buses, Large Trucks

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

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

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**6C. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-234 (Landfill Alternate Daily Cover Machine) to Beebe Environmental, LLC. for a total award of \$68,890.

Department: General Services  
Award to: Beebe Environmental, LLC.  
Beaumont, TX  
Items: All  
Option: To purchase 100% at the same unit price if exercised within 90 days from date of award

Unit Amount: \$68,890 (per unit)  
Total Award: \$68,890 (for 1 unit)  
Account No.: 334 –34060 – 580290 – 3150 – PSWM0170  
Funding Source: Environmental Services – Heavy Off Road Equipment

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

The Financial Services - Purchasing Division and General Services recommend award as indicated to Beebe Environmental, LLC., the lowest responsive, responsible bidder.

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**7A. – 7D. INTRODUCTIONS**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 7A.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 23 and 24, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00015 Applicant Information: Jaime Lopez, Jr., 204 Hardesty, El Paso, TX 79905
- 7B.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 19 and 20, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00012 Applicant Information: Jose D. Lucero, 210 Hardesty, El Paso, TX 79905
- 7C.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 10 and 11, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00002 Applicant Information: Eva R. Valles, 218 Hardesty, El Paso, TX 79905

**PUBLIC HEARING WILL BE HELD ON OCTOBER 2, 2012, FOR ITEMS 7A – 7C**

- 7D.** An Ordinance changing the zoning of Lots 9-14, Block 25, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2413 Tremont Avenue. Property Owner: Hector F. Barraza. PZRZ12-00022

**PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2012, FOR ITEMS 7D**

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**8A. FIRE**

Motion made by Representative Niland seconded by Representative Ortega, and unanimously carried to **AUTHORIZE AS REVISED**, the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Siddons-Martin Emergency Group under Texas Association of School Boards (TASB) BuyBoard, Contract No. 399-12 for the purchase of three Fire Apparatus. 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 Texas Association of School Boards (TASB) BuyBoard Cooperative Purchasing Program was approved by Mayor and City Council on August 21, 2007.

Department: Fire  
Award to: Siddons-Martin Emergency Group

Houston, TX  
 Total Estimated Award: \$2,452,667 (3 units)  
 Account No.: 190 – 28300 – 580060 – 4710 – PSTM06PW555  
 322 – 22090 – 580060 - 4960  
 190 – 28300 – 580060 – 4710 – PSTM06PW555  
 Funding Source: 2009 Certificates of Obligation  
 2009 Certificate of Obligation  
 Capital Equipment Lease Agreement: 2009 Certificate of Obligation  
 Reference No.: 2013-021

This is a Cooperative, unit price contract.

Representative Holguin commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Assistant Fire Chief Manuel Chavira

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**8B. FIRE**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Daco Fire Equipment, Inc. under Houston Galveston Area Council Cooperative (HGAC), Contract No. FS12-11 for the purchase of two emergency vehicles/apparatus. 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 Houston Galveston Area Council Cooperative (HGAC) was approved by Mayor and City Council on May 8, 2007.

Department: Fire  
 Award to: Daco Fire Equipment, Inc.  
 Lubbock, TX  
 Total Estimated Award: \$849,446 (2 units)  
 Account No.: 322 – 22090 – 580060 – 4960  
 Funding Source: Capital Equipment Lease Agreement  
 Reference No.: 2013-022

This is a Cooperative, unit price contract.

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**9. DEPARTMENT OF TRANSPORTATION**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2012-281 (Traffic Cabinets) to McCain Inc. and Paradigm Traffic Systems, Inc. for an initial term estimated award of \$918,600.

Department: Department of Transportation  
 Award to: Vendor 1: McCain Inc.  
 League City, TX  
 Items: 1 and 3

Initial Term: 3 Years  
 Option: 2 Years  
 Annual Estimated Award: \$ 279,000  
 Initial Term Estimated Award: \$ 837,000 (3 Years)  
 Total Estimated Award: \$1,395,000 (5 Years)

Award to: Vendor 2: Paradigm Traffic Systems, Inc.  
 Arlington, TX

Items: 2  
 Initial Term: 3 Years  
 Option: None  
 Annual Estimated Award: \$ 27,200  
 Total Estimated Award: \$ 81,600 (3 Years)

Annual Estimated Award: \$ 306,200  
 Initial Estimated Award: \$ 918,600 (3 Years)  
 Total Estimated Award: \$1,476,600 (5 years)  
 Account No.: 32010288-503203-01101  
 Funding Source: Public Access Maintenance & Repairs – General Fund FY 13

This is a low bid, unit price contract.

The Financial Services - Purchasing Division and Department of Transportation recommend award as indicated to McCain Inc. and Paradigm Traffic Systems, Inc. the lowest responsive, responsible bidders

Representative Holguin commented.

The following City Staff members commented.

1. Mr. Bruce Collins, Purchasing Manager
2. Mr. Ted Marquez, Interim Director of Department of Transportation

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**10. INTERNATIONAL BRIDGES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the award of Solicitation No. 2012-193 (Single Space Parking Meters) to Duncan Parking Technologies, Inc. for a total estimated award of \$1,660,150.

Department: International Bridges  
 Award to: Duncan Parking Technologies, Inc.  
 Carlsbad, CA  
 Items: All  
 Initial Term: 5 Years  
 Option: None  
 Year 1 (One-time fee for Parts 1 thru 3):  
 Grand Total Part 1: \$ 704,950 (Parts)  
 Grand Total Part 2: \$ 130,200 (Parts)  
 Grand Total Part 3: \$ 6,000 (Training)  
 Grand Total Part 4: \$ 163,800 (Annual Credit Card Fees)  
 Grand Total Year 1: \$1,004,950 (Parts 1 thru 4)  
 Year 2 Part 4 Annual Fee: \$ 163,800 (Annual Credit Card Fees)

Year 3 Part 4 Annual Fee:	\$ 163,800 (Annual Credit Card Fees)
Year 4 Part 4 Annual Fee:	\$ 163,800 (Annual Credit Card Fees)
Year 5 Part 4 Annual Fee:	\$ 163,800 (Annual Credit Card Fees)
Grand Total 5 Years:	\$1,660,150
Total Estimated Award:	\$1,660,150
Account No.:	Internal Financing through the Bridges Enterprise Fund
Funding Source:	Internal Financing through the Bridges Enterprise Fund

This is a low bid, service contract.

That the City Council authorizes the City Manager to execute any and all documents related to this transaction, and make any necessary budget transfers necessary to implement this project. The costs will be capitalized and payment budgeted annually from parking meter revenues over a period not to exceed the life of the assets.

The Financial Services - Purchasing Division and International Bridges recommends award as indicated to Duncan Parking Technologies. Inc., the lowest, responsive, responsible bidder.

Representative Byrd commented.

Sylvia Firth, City Attorney, gave legal advice.

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**RESOLUTION**

**WHEREAS**, on April 17, 2012 , the City Council of the City of El Paso approved Retail Rates to be charged in the City of El Paso resulting from El Paso Electric Company’s Statement of Intent to Increase Rates dated February 1, 2012, establishing the electric utility rates within the City of El Paso effective May 1, 2012;

**WHEREAS**, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso;

**WHEREAS**, on August 13, 2012, El Paso Electric Company filed with the City of El Paso an Application to implement Rate Schedule 25A-Large Power Service—Experimental Off-Peak Rate specifying an effective date of September 1, 2012;

**WHEREAS**, on August 10, 2012, EPE filed a case at the Public Utility Commission of Texas, Docket 40641, seeking the same rate in areas over which the Public Utility Commission has original jurisdiction;

**Whereas**, The City intervened in Docket No. 40641 at the Public Utility Commission of Texas;

**WHEREAS**, on August 28, 2012, the City Council of The City of El Paso suspended the implementation of the proposed rate for thirty days;

**WHEREAS**, Texas Utilities Code Section 36.103(b) provides that the Public Notice Provisions of Section 36.103(a) may be waived in instances in which only a rate reduction will occur for each affected customer so long as the utility gives notice of the proposed rate change to each affected customer by mail;

**WHEREAS**, although there are no customers currently on the rate, EPE has notified the four customers in its Texas service area by providing them with a copy of the filing at the Public Utility Commission of Texas;

**WHEREAS**, El Paso Electric Company has indicated in its filing that the proposed Rate Schedule 25A-Large Power Service—Experimental Off-Peak Rate would provide benefits to certain customers in the class which have capability of shifting their peak load to off peak hours, and;

**WHEREAS**, the Proposed Tariff Rider for Rate Schedule 25A provides no increases and only reductions to affected customers;

**WHEREAS**, El Paso Electric Company published notice of the Proposed Change in the El Paso Times on August 19, 2011 in Spanish and in English and has provided an affidavit which attests to the publication;

**WHEREAS**, The City Council finds that it has incurred rate case expenses for the consideration of this request in the approximate amount of \$3,300.00, and that such amount is reasonable;

**WHEREAS**, El Paso Electric Company has requested that the El Paso City Council approve the Rate; and

**WHEREAS**, the City Council finds the Rate to be just and reasonable and that approval of these rate changes will not adversely affect any other customer classes or rates at this time.

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

1. El Paso Electric is hereby authorized to implement Rate Schedule 25A-Large Power Service—Experimental Off-Peak Rate effective October 1, 2012.
2. Pursuant to Texas Utilities Code Sec. 39.103(b) the City of El Paso waives the requirement that the Notice of the Statement of Intent be published once each week for four successive weeks in a newspaper having general circulation in each county containing territory affected by the proposed change.
3. That El Paso Electric Company shall reimburse the City of El Paso its reasonable rate case expenses in an amount not to exceed \$3,300.00 within thirty days of being invoiced by the City.
4. That the City Attorney be authorized to sign documents settling the companion case, Docket 40641 at the Public Utility Commission of Texas.
5. Nothing in this Resolution or approval shall operate or be construed to be a precedent or approval of any of the concepts contained in the Rider including the implementation date, or effective date of the Rider in any other circumstance.

Representatives Niland, Byrd, and Acosta commented.

Mr. Norman Gordon, outside utility counsel, gave legal advice.

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

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**CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution authorizing the City Manager to execute, on behalf of the City of El Paso, a Contract of Sale with Harl E. Dixon for the purchase of 227 Campbell 1 to 5 and 227 Campbell 6 to 8, addition to the City of El Paso, El Paso County Texas, municipally known as 801 and 811 Texas respectively. This property is intended to house the City Development Department plus additional customer service operations.

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**13A. MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **DELETE** the item on the proposed locations of soccer/sports fields throughout the city that will be included in the Quality of Life Bond Election.

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**13B. MAYOR AND COUNCIL**

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

Motion made by Representative Noe, seconded by Alternate Mayor Pro Tempore Holguin, and carried to **REVERSE** council's previous decision and go back to traditional way of dispensing funds to the most needy and most worthy, regardless of district residence.

**THE MOTION FAILED.**

AYES: Representatives Noe, Holguin, and Ortega

NAYS: Representatives Lilly, Byrd, Acosta, Robinson, and Niland

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

Motion made by Representative Noe, seconded by Representative Ortega, and carried to try and **WORK** with District 2 and District 3 within six months, and then if there are not enough homes, the funds be added City wide. **THE MOTION FAILED.**

AYES: Representatives Noe, Ortega, and Niland

NAYS: Representatives Lilly, Byrd, Acosta, Robinson, and Holguin

Representatives Noe, Byrd, Acosta, Robinson, Niland, Ortega, Holguin, Lilly commented.

Mr. William Lilly, Director of Community and Human Development, commented.

The following members of the public commented:

1. Ms. Sandy Doss, Rebuilding Together El Paso, President
2. Mr. Jay Stuckey, Rebuilding Together El Paso, Volunteer
3. Ms. Sylvia Stuckey, Rebuilding Together El Paso, Fundraising Chair
4. Ms. Charlene Jones, Rebuilding Together El Paso, Volunteer

.....  
**13C. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **POSTPONE** one week a Resolution that the City of El Paso is proud to call for the establishment of the historic Organ Mountains-Desert Peaks National Monument in order to preserve areas within our region of historic, scientific, and scenic value for current and future generations, and that the City of El Paso requests that the President of United States use his authority under the 1906 Antiquities Act to establish the Organ Mountains-Desert Peaks National Monument.

.....  
Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:27 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 on the Regular City Council Agenda:

Motion made by Representative Robinson, seconded by Alternate Mayor Pro Tempore Holguin, and unanimously carried to adjourn the Executive Session at 11:25 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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**EX1.** Potential litigation regarding the Zoo train. (551.071)

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

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**EX2.** Andres Cortez v. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-00050-PRM (551.071)

Motion made by Representative Byrd, seconded by Alternate Mayor Pro Tempore Holguin, and unanimously carried to **POSTPONE** one week the item regarding the Andres Cortez v. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-00050-PRM.

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

.....  
**EX3.** Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff pursuant to PURA §36.354, PUC Docket No. 40547. (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the City Attorney be authorized sign all documents necessary to resolve Public Utility Commission of Texas Docket No. 40547, Petition of El Paso Electric Company to Revise Military Discount Recovery Factor Tariff Pursuant to PURA §36.354.

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

.....  
**EX4.** Cause No. EP-12-CV-0281-FM, Derek Lamar Jackson v. City of El Paso, Et al., In the United States District Court for the Western District of Texas. (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and unanimously carried that the City Attorney’s Office be authorized to reject Plaintiff’s settlement demand and to continue settlement negotiations in the lawsuit styled Derek Lamar Jackson v. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-0281-FM.

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

.....  
Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 11:28 a.m.

NOT PRESENT FOR THE VOTE: Representatives Ortega and Niland

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk