

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
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 9, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Ann Morgan Lilly at 8:39 a.m., Carl Robinson at 8:41 a.m., and Eddie Holguin, Jr. at 8:42 a.m. Absent: Michiel R. Noe requested to be excused. The invocation was given by Border Patrol Chaplain Linda Camacho, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **SENSORY PROCESSING DISORDER AWARENESS MONTH**
2. **FIRE PREVENTION WEEK 2012 WITH THE EL PASO FIRE DEPARTMENT**
3. **WESTERN TECHNICAL COLLEGE - MEDICAL ASSISTANTS' RECOGNITION WEEK**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Richard Schecter
3. Ms. Melanie Terrebonne
4. Ms. Lisa Turner

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

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CONSENT AGENDA

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

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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 October 2, 2012, and the Special Joint City Council Meeting and the Public Service Board of September 26, 2012.

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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, on behalf of the City of El Paso, an Airline Operating Agreement and Terminal Building Lease and an Operating Agreement, which shall be in the formats attached hereto. All such agreements shall be approved "As to Form" by the City Attorney prior to execution.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a License Agreement by and between the City of El Paso ("City") and Clear Channel Outdoor, Inc. ("Licensee") regarding four (4) poster billboard structures, each double-faced, on a portion of Airport property beginning November 1, 2012. The term of the License Agreement is ten (10) years.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign a Consent to Assignment from Bohannon Development Corporation, a Texas Corporation to Edgerock Residential Partners, Ltd with respect to the City of El Paso's Chapter 380 Agreement for construction of a large scale housing development.

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3D.

***RESOLUTION**

WHEREAS, The Garden (hereinafter referred to as "Grantee") is sponsoring Walk a Mile from 2:00 pm to 10:00 pm, Tuesday, October 16, 2012 (hereinafter referred to as "Event"); and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way on a portion of Western Street between Anthony Street and Durango Drive from 2:00 pm to 10:00 pm, Tuesday, October 16, 2012, in conjunction with the proposed Event; and

WHEREAS, the Grantee and Licenses desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event.

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

That the sale and service of alcoholic beverages by The Garden, in the closed portions of City rights-of-way on portions of Western Street between Anthony Street and Durango Street from 4:00 pm to 9:00 pm Tuesday, October 16, 2012, in conjunction with Walk a Mile, is a permissible activity.

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3E.

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

WHEREAS, The Sunset Heights Block Party Committee (hereinafter referred to as "Grantee") is sponsoring The Sunset Heights Block Party from 12:00 pm to 10:00 pm Saturday, October 27, 2012 (hereinafter referred to as "Event"); and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has authorized El Paso Sun City Pride Organization (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way on Prospect Street between Los Angeles Drive and Stewart Court and Corto Way between Prospect Street and the alley between Prospect Street and Yandell Drive from 8:00 am Saturday, October 27, 2012 to 2:00 am Sunday, October 28, 2012, in conjunction with the proposed Event; and

WHEREAS, the Grantee and Licenses desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event.

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

That the sale and service of alcoholic beverages by El Paso Sun City Pride Organization, in the closed portions of City rights-of-way on Prospect Street between Los Angeles Drive and Stewart Court and Corto Way between Prospect Street and the alley between Prospect Street and Yandell Drive from 12:00 pm to 10:00 pm Saturday, October 27, 2012 in conjunction with The Sunset Heights Block Party, is a permissible activity.

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3F.

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

WHEREAS, Flow Events (hereinafter referred to as "Grantee") is sponsoring Downtown Glow from Wednesday, October 31, 2012 through Thursday, November 1, 2012 (hereinafter referred to as "Event"); and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has authorized Plum City Lounge (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way on Franklin Avenue between Oregon Street and Santa Fe Street from 3:00 pm Wednesday, October 31, 2012 to 4:00 am Thursday, November 1, 2012, in conjunction with the proposed Event; and

WHEREAS, Grantee has received administrative approval for a Parks and Recreation Department use permit for the use of Cleveland Square Park during operating hours on Wednesday, October 31, 2012 through Thursday, November 1, 2012, in conjunction with the Event; and

WHEREAS, the Grantee and Licenses desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way and in Cleveland Square Park during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the City Event.

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

That Flow Events and Plum City Lounge be authorized to utilize Cleveland Square Park from 1:00 am to 4:00 am Thursday, November 1, 2012; and that the sale and service of alcoholic beverages by Flow Events and Plum City Lounge in the closed portions of City rights-of-way on Franklin Avenue between Oregon Street and Santa Fe Street and in Cleveland Square Park from 6:00 pm Wednesday, October 31, 2012 to 1:00 am Thursday, November 1, 2012, in conjunction with Downtown Glow, is a permissible activity.

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3G.

***RESOLUTION**

WHEREAS, the El Paso City Council finds that transnational gangs, narcotics trafficking, and other border criminal activity threaten the peace and security for the citizens of El Paso; and

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso to submit of the grant application for the Local Border Security Program FY2012 (LBSP-12) project to the Texas Department of Public Safety.

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

The City Manager be authorized to sign the grant acceptance for the Local Border Security Program FY2012 (LBSP-12) including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$235,000, from the Texas Department of Public Safety to the City of El Paso Police Department. Prior Council dated April 24, 2012.

Representatives Ortega, Byrd, and Holguin commented.

Assistant Police Chief Robert Feidener commented.

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3H.

***RESOLUTION**

That the City Manager or designee be authorized to sign and submit DSHS Contract No. #2013-042582 for its Health Promotion & Chronic Disease Prevention/Abstinence Education In-School Intervention program, in the amount of \$153,781.00, to allow the City to implement an evidence-based abstinence education intervention to delay initiation of sexual activity, decrease the teen pregnancy rate and prevent sexually transmitted infections; and that the City Manager or designee be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract

program budget that do not change the contract amount, and to sign all related certifications. Match funds are required in the amount of \$115,336, and the match shall be provided by the City on an in-kind basis.

3I.

***RESOLUTION**

WHEREAS, the Tax Assessor/Collector of the City of El Paso (the "**City**") has entered the amount of tax as provided by Section 26.09(e) of the State Property Tax Code in the appraisal roll, creating a tax roll for entities, for which the City Tax Assessor/Collector collects taxes, a summary of which is attached hereto and incorporated herein by reference;

WHEREAS, the Village of Vinton has not adopted its budget or tax rate by October 1, 2012 and have not certified their tax rate to the City Tax Assessor/Collector as of the date of this resolution;

WHEREAS, the tax roll for the remaining entities is on file and available for inspection in the City Tax Office; and

WHEREAS, the City Tax Assessor/Collector now submits the tax roll to the City Council for approval as the 2012 tax roll.

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

THAT the tax roll attached hereto is hereby approved and constitutes the 2012 tax roll for all entities (except the Village of Vinton) which the City Tax Assessor/Collector collects taxes.

4A. **BOARD RE-APPOINTMENT**

*Motion made, seconded, and unanimously carried to **RE-APPOINT** James K. Suerken to the Construction Board of Appeals by Representative Ann Morgan Lilly, District 1.

4B. **BOARD RE-APPOINTMENT**

*Motion made, seconded, and unanimously carried to **APPOINT** Robert A. Ardivino to the City Plan Commission by Mayor John F Robert A. Ardivino to the City Plan Commission by Mayor John F. Cook.

5A. **BOARD APPOINTMENT**

*Motion made, seconded, and unanimously carried to **APPOINT** William Ketcherside to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Carl L. Robinson, District 4.

5B. **BOARD APPOINTMENT**

*Motion made, seconded, and unanimously carried to **APPOINT** Juan Antonio Reza as the El Paso City Council's appointee to the Tax Advisory Committee by Representative Steve Ortega, District 7.

6. **REQUEST TO ISSUE PURCHASE ORDER**

*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 2009-017 (Aviation Fuel) with Cutter Aviation El Paso, LP for two additional years pursuant to the provisions of an award approved by the City Council on October 13, 2009. The extended contract period will be from October 15, 2012 to October 14, 2014.

Department: Police
Award to: Cutter Aviation El Paso, LP

Option:	El Paso, TX
Annual Estimated Amount:	N/A
Total Estimated Amount:	\$ 85,407.32
Account No.:	\$170,814.64 (2 years)
Funding Source:	321 – 21270 – 530090 – 4342
	Confiscated Funds

This is a low bid, requirements contract.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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7A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-284 for El Paso International Airport (EPIA) Roofing to Basic IDIQ, Inc., for an estimated total amount of \$309,968.70.

Department:	Engineering & Construction Management
Award to:	Basic IDIQ, Inc.
	El Paso, TX
Base Bid:	\$309,968.70
Time for Completion:	90 Consecutive Calendar Days
Account:	562-62230-3080-580270-PAP00470
Funding Source:	Airport Enterprise Funds

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 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 unit-price contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-272 for Fire Station 8, 19, 20 & 26 to Pride General Contractors, LLC, for an estimated total amount of \$388,116.64.

Department:	Engineering & Construction Management
Award to:	Pride General Contractors, LLC
	El Paso, TX
Base Bid:	\$140,094.54
Option 1:	\$105,132.58
Option 2:	\$ 96,031.31

Option 3:	\$ 46,858.21
Total Estimated Award:	\$388,116.64
Time for Completion:	175 Consecutive Calendar Days
Accounts:	190-28340-4560-580270-PCP12MFE070 (Fire Station 26) 190-28340-4560-580270-PCP12MFE080 (Fire Station 20) 190-28340-4560-580270-PCP12MFE090 (Fire Station 19) 190-28340-4560-580270-PCP12MFE100 (Fire Station 8) 190-28340-4560-580270-PCP12MFG510 (Fire Station 20 Carport)
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.

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 lump sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.

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8A. – 8G. INTRODUCTIONS

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

8A. An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real properties described as Lots 12 thru 14, inclusive, Block 57; Lots 15 thru 20, inclusive; Block 57, Lots 31 and 32; Block 57 and Lot 33, Block 57, Wilco Subdivision Unit No. 2, El Paso County, Texas, to John Kaba and Barbara Paul, in accordance with Section 34.05 (h) of the Tax Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2012, FOR ITEM 8A

8B. An Ordinance granting Special Permit No. PZST12-00012, to allow for infill development with reduced lot area and reduced lot width on the property described as Lot 34, Block 12, Revised Map of Sahara Subdivision, 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: 5619 Saluki Drive. Property Owner: David Velasco. PZST12-00012

8C. An Ordinance changing the zoning of the following real property know as: Parcel 1: Lots 1 to 6 and portion of 7, Block 209, Alexander Addition, City of El Paso, El Paso County Texas, from C-1 (Commercial) to G-MU (General-Mixed Use); and , Parcel 2; Portion of Lots 7 to 10, Block 209, Alexander Addition City of El Paso, El Paso County, Texas, from C-1 (Commercial) to G-MU (General-Mixed Use); and , Parcel 3: Parcels 11 to 20, Block 209, Alexander Addition, City of El Paso, El Paso County, Texas, from A-O/sp (Apartment Office/Special Permit) to G-MU (General-Mixed Use), and repealing special permit no. SP93-04. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2501 and 2025 North Mesa. Property Owner: EP Del Mesa Partners, LP. PZRZ12-00019

- 8D.** An Ordinance changing the zoning of a portion of Lot 4, Block 1, of the Replat of Artcraft Park, City of El Paso, El Paso County, Texas From R-3 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8000 Artcraft Road. Property Owners: Helen S. Coles, Otis C. Coles III and Suzanne E. Hubbard. PZRZ12-00013
- 8E.** An Ordinance approving the “Southern Industrial Park Master Plan” as a study area plan to be incorporated into the City’s comprehensive plan, Plan El Paso, and that the future land use map contained in the Plan El Paso be amended to incorporate the land uses contained in the “Southern Industrial Park Master Plan”. PLRG12-00011
- 8F.** An Ordinance changing the zoning of the following legally described 13,786,305 sq. ft. tract of land being situated in portions of El Paso International Airport Tracts 1-11 and located in portions of Ascarate Grant, Tract 4, Block 2, within the City of El Paso, El Paso County, Texas from C-1 (Commercial), C-2/sp (Commercial/special permit), C-4 (Commercial), C-4/sp (Commercial/special permit), C-4/c (Commercial/condition), and M-1 (light manufacturing) to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property owner: City of El Paso. PZRZ12-00026
- 8G.** An Ordinance amending Title 21 (SmartCode), Chapter 21.40 (Infill Community Plans), Section 21.40.020 (Infill Community Types), Section 21.40.070 (Special Requirements), and Chapter 21.80 (Tables), Section 21.80.240 (Table 16 Special District Standards of the El Paso City Code, to clarify the SmartCode provisions, to calibrate the SmartCode to the local character of the place and local conditions for infill development, and to revise the Special District Standards Table; the penalty is as provided for in Chapter 21.60 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 30, 2012, FOR ITEMS 8B – 8G

..... **9.**
ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD, AS REVISED** Solicitation No. 2012-289, for HVAC Upgrades - San Juan, Leona Ford Washington and Grandview to T-Dyne Contractors, LLC, for a total estimated amount of \$554,000.

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

Department:	Engineering & Construction Management	
Award to:	T-Dyne Contractors, LLC	
	El Paso, Texas	
Base Bid 1:	\$270,000	San Juan
Base Bid 2:	\$222,000	Leona Ford Washington
Base Bid 3:	Not awarded	Grandview
Option No. 1:	\$ 58,000	
Option No 2:	\$ 4,000	
Total Award	\$554,000	
Account No.:	San Juan	190-28340-4560-580270-PCP12MFE030
	Leona Ford Washington	190-28340-4560-580270-PCP12MFE040
Time for Completion:	91 consecutive calendar days	

Funding Source:

FY2012-13 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.

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 lump-sum contract. The Engineering and Construction Management Department and General Services recommend award to the bidder offering the best value bid.

Representatives Acosta, Byrd, and Ortega commented.

The following City staff members commented:

1. Mr. Javier Reyes, Engineering Division Manager
2. Mr. Bruce Collins, Purchasing Manager

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10A. GENERAL SERVICES

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, and unanimously carried to **AWARD** Solicitation No. 2012-293 (Trucks & Vans, Gasoline and Diesel) to Dick Poe Dodge LP and Rudolph Chevrolet LLC for a total estimated award of \$2,200,000.

Department:		General Services
Award to:	Vendor 1:	Dick Poe Dodge LP
		El Paso, TX
Items:		3, 9, 18, 39 and 40
Option:		None
1 st Year Estimated Award:		\$ 350,000
2 nd Year Estimated Award:		\$ 250,000
3 rd Year Estimated Award:		\$ 200,000
Total Estimated Award:		\$ 800,000 (3 Years)

Award to:	Vendor 2:	Rudolph Chevrolet LLC
		El Paso, TX
Items:		1, 2, 7, 10-17, 19-29, 31-35, 41 and 42
Option:		None
1 st Year Estimated Award:		\$ 750,000
2 nd Year Estimated Award:		\$ 350,000
3 rd Year Estimated Award:		\$ 300,000
Total Estimated Award:		\$1,400,000 (3 Years)

Total Estimated 1 st Year Award:	\$ 1,100,000
Total Estimated 2 nd Year Award:	\$ 600,000
Total Estimated 3 rd Year Award:	\$ 500,000
Total Estimated 3 Year Award	\$ 2,200,000
Account Nos.:	231 – 37101 – 580540 – 4960 – P3120
	334 – 34060 – 580290 – 4150

Funding Source: General Services Department – Cars,
Pickups, Vans
Environmental Services Dept. – Heavy Off
Road Equipment

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services recommend that Casa Ford be deemed as non-responsive and the contract be awarded as indicated to Dick Poe Dodge LP and Rudolph Chevrolet LLC, the vendors offering the best value bid.

Representatives Byrd and Niland commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Mr. Stuart Ed, Director of General Services

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10B. GENERAL SERVICES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD** Solicitation No. 2012-300 (Fertilizer) to Justin Seed Company Inc. for an initial term estimated award of \$901,182.30.

Department:	General Services
Award to:	Justin Seed Company Inc. Justin, TX (Corporate Office)
Items:	All
Initial Term:	3 years
Option:	None
Annual Estimated Award:	\$300,394.10
Initial Term Estimated Award:	\$901,182.30 (3 years)
Total Estimated Award:	\$901,182.30 (3 years)
Account No.:	231 – 31120 – 531130 – 1000 – P3110 231 – 31120 – 531130 – 1000 – P3111
Funding Source:	General Fund – Land Maintenance Supplies

This is a low bid, requirements contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Justin Seed Company Inc., the lowest responsive, responsible bidder.

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INTERNATIONAL BRIDGES

*Motion made, seconded, and unanimously carried to **DELETE** 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.

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12.

ORDINANCE 17886

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) CHAPTER 12.32 (PEDESTRIANS) OF THE EL PASO CITY CODE BY REPEALING SECTION 12.32.060 (SOLICITING RIDES OR BUSINESS - PROHIBITIONS) AND ADOPTING A NEW SECTION 12.32.063 (SOLICITATION PROHIBITIONS), TO PROHIBIT THE AGGRESSIVE SOLICITATION OF MONEY OR OTHER SERVICES WHILE AT OR NEAR CERTAIN AREAS, AND CREATING AN OFFENSE; THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.**

Mr. Nathan Brown, Assistant City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office) and gave legal advice.

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

The following City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Assistant Police Chief Robert Feidner

The following members of the public commented:

1. Mr. Richard Dayoub
2. Ms. Lisa Turner
3. Ms. Veronica Soto, Downtown Management District
4. Mr. Dennis Melonas

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign up period.

2ND MOTION

Motion duly made by Representative Byrd, seconded by Representative Acosta, to **ADOPT** the Ordinance to prohibit this solicitation on medians and at private businesses but not to accept the other portions of the Ordinance and to work with the Homeless Coalition to assist the chronic homeless population in connecting them with social services. **THE MOTION FAILED.**

AYES: Representatives Byrd and Acosta
NAYS: Representatives Lilly, Robinson, Holguin, Ortega, and Niland
ABSENT: Representative Noe

3RD AND FINAL MOTION

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS PRESENTED.** 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, Robinson, Holguin, Ortega, and Niland
NAYS: Representatives Byrd and Acosta
ABSENT: Representative Noe

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 PRESENTED.**

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13A.

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 Demattei Wong Architecture, Inc., a California Corporation, for a project known as "El Paso International Airport Consolidated Rental Car Facility" for an amount not to exceed Two Million Seven Hundred Thousand and No/100 Dollars (\$2,700,000.00); 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 Two Million Seven Hundred Fifty Thousand and No/100 Dollars (\$2,750,000.00); 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.

Representatives Lilly and Byrd commented.

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

Ms. Irene Ramirez, Assistant City Engineer, commented.

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

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13B.

RESOLUTION

WHEREAS, the City desires to engage Allbritton Lee, LLC, (the "Artist") to design, fabricate and install an original piece of public art to be known as the EPIA Consolidated Rental Car Facility Public Art Project, to be incorporated into the City's El Paso International Airport Consolidated Rental Car Facility Project, located at the El Paso International Airport, 6701 Convair Road, El Paso, El Paso County, Texas; and

WHEREAS, Artist has been approved by the Public Art Committee and the Museums and Cultural Affairs Advisory Board as having the experience and expertise in outdoor public art and is qualified to provide the services required by the City.

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

That the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and Allbritton Lee, LLC, a Texas Limited Liability Corporation, for the design, fabrication and installation of an original piece of public art to be incorporated into the City's El Paso International Airport Consolidated Rental Car Facility Project, located at El Paso International Airport, 6701 Convair Road, El Paso, Texas, for an amount not to exceed Three Hundred Fifty Thousand and No/00 Dollars (\$350,000.00).

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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14.

RESOLUTION

That the City Manager or designee be authorized to sign and submit Contract number 2013-042708-001 and other related documents for the Texas Department of State Health Services' Special Supplemental Nutrition Program for Women, Infant, and Children, in the amount of \$3,475,538 for the period of October 1, 2012 through March 31, 2013, to provide supplemental food instruments, nutrition education, and counseling to enhance good health care at no cost to low-income pregnant and postpartum women, infants and children identified to be at nutritional risk; and that the City Manager or designee be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change the contract amount, and to sign all related certifications.

Representative Holguin commented.

Mr. Bruce Parsons, Interim Director for Public Health, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Holguin, Ortega and Niland

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Robinson
ABSENT: Representative Noe

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15A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on a Resolution authorizing the City Manager 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.

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15B. MAYOR AND COUNCIL

Presentation from El Paso Water Utilities on Managing Drought in El Paso.

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

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ADD01. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Michiel R. Noe from the Regular Council Meeting of October 9, 2012.

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ADD02. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Billie Brown to the City Accessibility Committee by Representative Carl L. Robinson, District 4.

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 11:40 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk