

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 12, 2010
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:03 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Emma Acosta at 9:05 a.m. and Rachel Quintana at 9:11 a.m. 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.

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MAYOR'S PROCLAMATIONS

- 1. WHITE CANE SAFETY MONTH**
- 2. BRAVO TO SENIORS DAY**
- 3. THE WOMEN OF IMPACT WEEK**

RECOGNITION

SOLEDAD "CHOLE" GALVAN - STAR ON THE MOUNTAIN AWARD

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

The following members of the public commented:

- 1. Mr. James Perry
- 2. Mr. Jim Tolbert
- 3. Ms. Dolores Estrada
- 4. Mr. Richard Schecter
- 5. Mr. Ray Gilbert, Jr.
- 6. Mr. Jerry Thiedt
- 7. Mr. William Hart

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

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CONSENT AGENDA

*Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana 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, Quintana, Holguin, Ortega, and O'Rourke
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 October 5, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A. DEPARTMENT OF TRANSPORTATION

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution that Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010, shall be amended to create the annual fees that shall be charged by the City for special privilege licenses/permits for (1) aerial encroachments for the downtown improvement area, (2) for aerial encroachments for all other areas of the City other than those aerial encroachments specifically listed in Schedule C and (3) for subsurface cables.

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3B.

***RESOLUTION**

WHEREAS, Ysleta Del Sur Pueblo (hereinafter referred to as "Grantees") are sponsoring an outdoor concert (hereinafter referred to as "Event"), on Saturday, October 30, 2010 to Sunday, October 31, 2010; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of Old Pueblo Rd. between Alameda Ave. and Socorro Rd. from 3:00 p.m. Saturday, October 30, 2010, to 2:00 a.m. Sunday, October 31, 2010, in conjunction with the proposed Event; and

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

WHEREAS, the Grantees desire to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portion of Old Pueblo Rd. between Alameda Ave. and Socorro Rd. from 3:00 p.m. Saturday, October 30, 2010 to 2:00 a.m. Sunday, October 31, 2010.

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3C.

***RESOLUTION**

WHEREAS, Brick & Mortar (hereinafter referred to as “Grantees”) are sponsoring an outdoor concert (hereinafter referred to as “Event”), on Thursday, October 14, 2010 to Friday, October 15, 2010; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of the alley between Durango Street and Anthony Street from 5:00 p.m. Thursday, October 14, 2010, to 2:00 a.m. Friday, October 15, 2010, in conjunction with the proposed Event; and

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

WHEREAS, the Grantees desire to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street from 9:00 p.m. Thursday, October 14, 2010 to 2:00 a.m. Friday, October 14, 2010.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and AIA Engineers, Ltd., for a project known as “Downtown Train Way Bridge Reconstruction” for an amount not to exceed four hundred six thousand one hundred thirty eight and 10/100 Dollars (\$406,138.10) 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 fifty six thousand one hundred thirty eight and 10/100 Dollars (\$456,138.10).

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3E.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (“City”) and the El Paso County Water Improvement District No. 1 for License L-1204, granting the City the right to

install fiber optic conduit through El Paso County Water Improvement District No.1 facilities within the City for a term of 50 years. The cost to the City is \$14,092.00

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the El Paso County Water Improvement District No. 1 for License L-1205, granting the City the right to install fiber optic conduit through El Paso County Water Improvement District No.1 facilities within the City for a term of 50 years. The cost to the City is \$2,953.00.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the El Paso County Water Improvement District No. 1 for License L-1206, granting the City the right to install fiber optic conduit through El Paso County Water Improvement District No.1 facilities within the City for a term of 50 years. The cost to the City is \$5,714.00

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the El Paso County Water Improvement District No. 1 for License L-1207, granting the City the right to install fiber optic conduit through El Paso County Water Improvement District No.1 facilities within the City for a term of 50 years. The cost to the City is \$3,951.00.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the El Paso County Water Improvement District No. 1 for License L-1208, granting the City the right to install fiber optic conduit through El Paso County Water Improvement District No.1 facilities within the City for a term of 50 years. The cost to the City is \$10,329.00.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso ("City") and the El Paso County Water Improvement District No. 1 for License L-1209, granting the City the right to install fiber optic conduit through El Paso County Water Improvement District No.1 facilities within the City for a term of 50 years. The cost to the City is \$7,954.00.

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3F.

***RESOLUTION**

That City Engineer for the City of El Paso, R. Alan Shubert, is authorized to act as the representative for the City of El Paso in matters relating to property acquisition associated with approved capital projects for the city; and he or his designee is authorized to sign any and all documents necessary to complete property acquisition transactions.

Mayor Cook commented.
Mr. R. Alan Shubert, Chief Engineer, commented.

Mr. Ray Gilbert, Jr., citizen, commented.

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3G.

***RESOLUTION**

That the City Manager, or her designee, is authorized to sign the Contract of Sale attached to this Resolution and all other documents approved by the City Attorney, or his designee, necessary and proper to consummate the purchase of the following described property and the improvements located thereon by the City of El Paso:

Lots 26, 27, 28 and the South 2 feet of Lot 29, Block 2, Hadlock's Suburban Gardens, an Addition to the City of El Paso, El Paso County, Texas and municipally known and numbered as 235 Euclid.

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3H.

RESOLUTION

WHEREAS, the El Paso Employees Federal Credit Union (hereafter "EPEFCU") desire to donate one hundred fifty thousand dollars (\$150,000.00) in multiple payments over the period of five years for the purpose of supporting the Holiday Lights Parade; and

WHEREAS, the City Council wishes to accept this donation for the purpose stated; and

WHEREAS, the City Council authorizes the City Manager to accept this donation, which will be made in multiple payments, and to execute necessary documents to accept the donation and allocate such funds.

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

That the City Council authorizes the City Manager to accept the donation of \$150,000 from EPEFCU for the purpose of supporting the Holiday Lights Parade (hereinafter "Event"), which will be made in multiple payments, no later than thirty days before the Event each year for five years as follows: \$50,000 before the Fiscal Year 2011 Event, \$25,000 before the Fiscal Year 2012 Event, \$25,000 before the Fiscal Year 2013 Event, \$25,000 before the Fiscal Year 2014 Event, and \$25,000 before the Fiscal Year 2015 Event. The City Manager is also hereby authorized to execute any and all necessary documents for the acceptance of the donation for this purpose and any necessary documents for the allocation of such funds.

Mayor Cook and Representative Acosta commented.

Mr. David Almonte, Director of the Office of Management and Budget, commented.

Mr. Ken Walters, CEO, El Paso Employees Federal Credit Union, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega and O'Rourke

NAYS: None

ABSTAIN: Representative Acosta
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3I.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and each of the following public entities, for the provision of public health services and related matters, by the City of El Paso, for the period of September 1, 2010 through August 31, 2011:

- 1. Village of Vinton, Texas;
- 2. Town of Horizon City, Texas;
- 3. Town of Anthony, Texas;
- 4. Town of Clint, Texas; and
- 5. City of Socorro, Texas.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jane Thomas to the Museums and Cultural Affairs Advisory Board by Representative Ann Morgan Lilly, District 1.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jeannine Kennedy to the Museums and Cultural Affairs Advisory Board by Representative Ann Morgan Lilly, District 1.

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4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Belinda M. Luna to the Museums and Cultural Affairs Advisory Board by Representative Emma Acosta, District 3.

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4D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katherine Brennand to the Museums and Cultural Affairs Advisory Board by Representative Emma Acosta, District 3.

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4E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jane E Ratcliff to the Museums and Cultural Affairs Advisory Board by Representative Eddie Holguin, Jr., District 6.

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4F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard Mojica to the Construction Board of Appeals by Representative Steve Ortega, District 7.

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5A. REQUEST TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the request to reject all bids for Solicitation No. 2010-260 (311 Customer Service Center – Staffing & Management) as recommended by Financial Services – Purchasing Division and Fire – Communications, because of significant changes in requirements. This will be reissued as a Request for Proposals.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Ray Gilbert, Jr.
2. Ms. Lisa Turner

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5B. REQUEST TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City Manager to extend current Services Agreement by and between the City of El Paso and The Outsource Connection Inc., for staffing services to answer non-emergency calls dialed to the 911 call center, for four additional months until the City re-bids and awards the services. The total contract amount is increased by \$250,000 to an amount not to exceed \$425,000. The extended contract period will be from December 24, 2010 through April 23, 2011.

Department:	Fire
Initial Estimated Amount:	\$175,000
Increase Amount:	\$250,000
Total Estimated Amount:	\$425,000
Reference No.:	2010-282
Funding Source:	General Fund – Temporary Service Contracts

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Ray Gilbert, Jr.
2. Ms. Lisa Turner

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5C. REQUEST TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue Purchase Orders to TW Telecom (Time Warner) for Internet Services under the General Services Administration (GSA) Contract GS-35F-0426R in the estimated amount of \$53,000 and for Voice & Data Services under the Department of Information Resources (DIR) Contract TW Telecom Holdings, Inc. Formerly TEXAN 2000-TWT-LS in the estimated amount of \$56,000. Total estimated annual amount is \$109,000.

Department:	Information Technology
Funding Source:	FY 2011 Information Technology General Funds
Total Estimated Amount:	\$109,000
Reference No.:	2011-021

Representatives Byrd, Holguin, and Ortega commented.

The following city staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Peter Cooper, City/County Chief Technology Officer
3. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice
4. Mr. Bruce Collins, Purchasing Manager
5. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services

Ms. Lisa Turner citizen, commented

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5D. REQUEST TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to INX, Inc. under the Department of Information Resources (DIR) Contract Number DIR-SDD-1386 for the purchase of a Cisco Voice over IP (VoIP) system at City Hall 10th Floor in the estimated amount of \$187,429.21.

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

Department:	Information Technology
Funding Source:	2009 Reprogramming, Telephone IT Upgrades
Total Estimated Amount:	\$187,429.21
Reference No.:	2011-041

Mayor Cook and Representatives Acosta, Byrd, Ortega, and O'Rourke commented.

The following city staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
4. Mr. Peter Cooper, City/County Chief Technology Officer

The following members of the public commented:

1. Ms. Lisa Turner
2. Ms. Sharon Robinet, Currey Adkins
3. Mr. Ray Gilbert, Jr.
4. Mr. Jerry Thiedt

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5E. REQUEST TO ISSUE PURCHASE ORDERS, ETC.

* Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to West Publishing Corporation dba Elite, the sole source provider of Prolaw Software, a docketing and case management software for use by the City Attorney's Office in the estimated amount of \$68,870.

Department:	Information Technology
Funding Source:	Information Technology General Fund
Total Estimated Amount:	\$68,870
Reference No.:	2011-045

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

Representative Acosta commented.

Mr. Peter Cooper, City/County Chief Technology Officer, commented.

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5F. REQUEST TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a purchase order to Sigma Solutions Inc., a State Department of Information Resources (DIR) contractor under DIR State Contracts DIR-SDD-1385, in the total amount of \$224,397.74 for Cisco Network Infrastructure equipment to modernize the networking links between the City and the County and bridge the two networks together as part of the project to migrate server data from City Hall to the Momsen-Dunnegan-Ryan (MDR) building at 800 E. Overland St.

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

Department: Information Technology
Funding Source: IT Capital Acquisitions
Total Estimated Amount: \$224,397.74
Reference No.: 2011-039

Mayor Cook and Representatives Byrd, Holguin and Ortega commented.

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
- 3. Mr. Bruce Collins, Purchasing Manager

The following members of the public commented:

- 1. Mr. Ray Gilbert, Jr.
- 2. Ms. Lisa Turner

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6A. BIDS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-280 for the NIP Round 3 Sidewalks to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc. for a total estimated amount of \$56,139.30.

Department: Engineering and Construction Management
Award to: J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc.
Base Bid: \$56,139.30
Total Estimated Completion: \$56,139.30
Funding Source: 2006 Certificates of Obligation

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

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

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6B. BIDS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-236 (Mosquito Control Chemicals) to Univar USA for an initial term estimated award of \$171,835.50 and to ADAPCO, Inc. for an initial term estimated award of \$325,406.25.

Department:		Environmental Services
Award to:	Vendor 1	Univar USA El Paso, TX
Items:		Items 1, 3 and 5
Initial Term:		3 years
Option to Extend:		2 years
Annual Estimated Award:		\$57,278.50
Initial Term Estimated Award:		\$171,835.50 (3 years)
Total Estimated Award:		\$286,392.50 (5 years)
Award to:	Vendor 2	ADAPCO, Inc. Sanford, FL
Items:		Items 2 and 4
Initial Term:		3 years
Option to Extend:		None
Annual Estimated Award:		\$108,468.75
Initial Term Estimated Award:		\$325,406.25 (3 years)
Total Estimated Award:		\$325,406.25 (3 years)
Initial Term Estimated Award:		\$497,241.75 (3 years)
Total Estimated Award:		\$611,798.75 (5 years)
Funding Source:		Environmental Services – Chemical Supplies

This is a requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Financial Services - Purchasing Division and Environmental Services Department recommend award as indicated to Univar USA and ADAPCO, Inc., the lowest responsive, responsible bidders.

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7A.-7F. INTRODUCTIONS

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

- 7A. An Ordinance amending Ordinance Numbers 010873, 012221, 012476, 012636, 014826, 015415, 015961, 016456, and 017125 which established operating procedures and set fees for Foreign-Trade Zone No. 68; to incorporate updates for clarification purposes and to allow for an Air Cargo Perishable Goods Project, and to allow the revisions to Zone Schedule No. 1, Rates, Rules Charges and Regulations applying at Foreign Trade Zone No. 68, El Paso, Texas (The Tariff)
- 7B. An Ordinance granting a special privilege license to Union Valet LLC for the use of portions of City right-of-way on San Francisco Street to install a removable valet parking stand and to use the two (2) existing dedicated loading zones on San Francisco Street for vehicle drop off and pick up zones for valet parking within the Union Plaza Entertainment District.
- 7C. An Ordinance granting a special privilege to Hotel Don Quixote, LTD. doing business as Doubletree Hotel El Paso Downtown/City Center, permitting the encroachment of two (2) awnings and two (2) outdoor patio cafes onto portions of City right-of-way located at 600 North El Paso Street and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio cafe area.
- 7D. An Ordinance amending Ordinance No. 012393 which granted a special privilege to the El Paso Electric Company, owner, and El Paso Parking Inc., Lessee, to permit off-street parking within a portion of Rim Road right-of-way, by extending the term five years, and revising the consideration, notification and indemnification provisions. SP-9558c

PUBLIC HEARING WILL BE HELD ON OCTOBER 19, 2010, FOR ITEM 7A –7D

- 7E. An Ordinance approving a detailed site development plan for all of Lot 1, Block 1, Sierra Crest, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7F. An Ordinance granting Special Permit No. ZON10-00051, to allow for infill development on the property described as a portion of Lot 3, Block 8, Lafayette Place, 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.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 2, 2010, FOR ITEMS 7E – 7F

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 ITEMS TAKEN TOGETHER:

8A. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Engineering and Construction Management Department to issue a purchase order to The Playwell Group, Inc., a contractor under the Education Service Center Region 19 Purchasing Cooperative, Contract #346-10, for playground equipment for the following parks: Franklin Hills No. 8, Cimarron #4, Cimarron #1, Pebble Hills, Pecan Grove, Percy Gurrola, Hidden Valley, Pueblo Viejo, McArthur, Todd Ware, Sandstone Ranch Estates, Boys Club, Blackie Cheshier, South El Paso, Capistrano, Chihuahuita, Paseos Del Sol, Valley Creek, Hueco Club Estates No. 2 and Thomas Manor. Total estimated expenditures are \$579,612. Participation by the City of El Paso in the Education Service Center Region 19 Purchasing Cooperative was approved by City Council March 4, 2008.

Department: Engineering and Construction Management

Funding Source: Parkland Dedication, Community Development
Block Grant, and Neighborhood Improvement Program
Total Estimated Award: \$579,612

8B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Engineering and Construction Management Department to issue a purchase order to ExerPlay, Inc., a contractor under the Education Service Center Region 19 Purchasing Cooperative, Contract #346-10, for playground equipment for the following parks: Green Lilac, Esmeralda, Franklin Hills No. 8, Borderland Village #1, Tierra del Este #18, Tierra del Este #30, Tierra del Este #27, Little River, Summit Heights/Fillmore, McArthur, Milagro, Sandstone Ranch, Crime Victims Memorial, Todd Ware, De Vargas, Perry Gurrola, Colonia Verde, Chihuahuita, Boys Club, Blackie Chesher, and South El Paso. Total estimated expenditures are \$305,929.75. Participation by the City of El Paso in the Education Service Center Region 19 Purchasing Cooperative was approved by City Council March 4, 2008.

Department: Engineering and Construction Management
Funding Source: Parkland Dedication, Reprogramming Proportionality, Community Development
Block Grant, Neighborhood
Improvements Program and Other Funding Sources
Total Estimated Award: \$305,929.75

Mayor Cook and Representatives Byrd, and Quintana, commented

Mr. Javier Reyes, Engineering Division Manager, commented.

Mr. Ray Gilbert, Jr. citizen commented.

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8C. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Engineering and Construction Management Department to issue a purchase order to Trane Building Services, a contractor under The Cooperative Purchasing Network (TCPN), Contract # R4669. Total estimated expenditures are \$677,000. Participation by the City of El Paso in The Cooperative Purchasing Network (TCPN) was approved by City Council March 27, 2007.

Department: Engineering and Construction Management
Funding Source: 2008 Reprogramming
Total Estimated Award: \$677,000

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

Mayor Cook commented.

The following city staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Javier Reyes, Engineering Division Manager
3. Mr. Alan Shubert, City Engineer
4. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services

The following members of the public commented:

- 1. Mr. Ray Gilbert, Jr.
- 2. Ms. Lisa Turner

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9. INFORMATION TECHNOLOGY

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Hewlett-Packard Company, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-1364 in the amount of \$1,900,000 to purchase HP server equipment, software and support as part of the project to modernize the server infrastructure and migrate server data to the new HP server systems that will installed at the Momsen-Dunnegan-Ryan (MDR) building at 800 E. Overland St.

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

Department:	Information Technology
Funding Source:	2010 Certificates of Obligation
Total Estimated Amount:	\$1,900,000
Reference No.:	2011-042

AYES: Representatives: Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
 NAYS: None

Mayor Cook and Representative Mr. O'Rourke commented.

The following members of the public commented:

- 1. Mr. Ray Gilbert, Jr.
- 2. Ms. Lisa Turner

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10. ORDINANCE 17429

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL LOTS, 2, 4, 5, 7, 9, 11, 13, AND 14, BLOCK 9, LOTS 1, 3, 4, 6, 7, 8, 9, 11, AND 14, BLOCK 10, LOTS 1, 3, 5, 7, 9, 10, 11, 13, AND 14, BLOCK 11, AND LOTS 2, 4, 6 AND 9, BLOCK 12, SUMMERLIN AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS TO TIERRA DEL SOL HOUSING CORPORATION, IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 272.001(G).**

Mr. William Lilly presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Robinson and Ortega commented.

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

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

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

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11. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the Public Hearing on an Ordinance changing the zoning of all of Lots 43-49, Block 4, Eastside Industrial District, Unit One, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Mayor Cook and Representative Acosta commented

The following city staff members commented:

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

Mr. Mike Keenan, citizen, commented

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12A. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution that City Council authorizes the City Manager to enter into a first amendment to the agreement with Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project known as "A New Plan for El Paso – A rewrite of the City's Comprehensive Plan" (the Original Contract). The consultant was originally selected to perform three tasks in the process of updating the City's Comprehensive Plan. This amendment adds task two.

The first amendment is for the work in an amount not to exceed \$1,236,927. The total contract price, including the first amendment cost is \$1,793,120.

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ITEMS TAKEN TOGETHER:

12B.

R E S O L U T I O N

That the City Council authorizes the City Manager to enter into a contract for minor construction, repair, rehabilitation or alteration of city owned facilities with Basic IDIQ, Inc., a Texas Corporation, in the amount not to exceed one million five hundred and no/100 dollars (\$1,500,000.00) over a two year period. This is a "job order contract" as allowed pursuant to Texas Local Government Code Section 271.120. Basic IDIQ, Inc.

competitively bid for job order contracting services and was selected by the Harris County Department of Education. The Contractor is entitled to perform only the work issued by individual project work orders.

12C.

RESOLUTION

That the City Council authorizes the City Manager to enter into a contract for minor construction, repair, rehabilitation or alteration of city owned facilities with Rayco Construction, Inc., a Texas Corporation, in the amount not to exceed one million five hundred and no/100 dollars (\$1,500,000.00) over a two year period. This is a "job order contract" as allowed pursuant to Texas Local Government Code Section 271.120. Rayco Construction, Inc., competitively bid for job order contracting services and was selected by the Harris County Department of Education. The Contractor is entitled to perform only the work issued by individual project work orders.

Representatives Byrd, O'Rourke, and Quintana commented.

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. R. Alan Shubert, Engineer

The following members of the public commented:

- 1. Mr. Ray Gilbert, Jr.
- 2. Ms. Lisa Turner

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE AS REVISED** the Resolutions.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, O'Rourke
NAYS: None

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13. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative O'Rourke, seconded by Representative Holguin, and carried to **GRANT**, an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a school for the property located at 610 N. Mesa on a request from Ray Mancera, on behalf of Frank Diaz, with the findings that it meets one of the following; 1) Is not in the best interest of the public; 2) constitutes waste or inefficient use of the land or other resources; 3) creates an undue hardship on the applicant; 4) does not serve it's intended purpose; 5) is not affected or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determine in the best interest of the community.

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke
NAYS: Representative Robinson

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

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1A. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE AS REVISED** the City of El Paso's State Legislative Priorities for the 82nd Legislative Session to add a rail initiative; to research manifestos; quiet zones by railroad tracks; truck traffic at ports of entry; valuation in taxes; and state funding for historical buildings downtown.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and O'Rourke

Ms. Joyce Wilson, City Manager, and Ms. Sylvia Borunda Firth, Chief of Staff, Mayor's Office, commented

Mr. Rene Hurtado, El Paso MHMR, commented.

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ITEMS TAKEN TOGETHER:

1B.

RESOLUTION

That the City Manager be authorized to sign a Professional Services Agreement by and between the City of El Paso and Focused Advocacy, LLC for outside counsel in connection with the City of El Paso's state legislative program. The contract term will be from October 15, 2010 through and including October 14, 2011 with one (1) option to renew for an additional one (1) year. Compensation for each year shall not exceed \$78,000.00 that will be paid out in monthly installments of \$6,500.00 each, plus reasonable pre-approved travel expenses to El Paso. The total amount paid shall not exceed \$90,000.00 annually.

1C.

RESOLUTION

That the City Manager be authorized to sign a Personal Services Agreement by and between the City of El Paso and Patrick B. Haggerty for consulting services in connection with the City of El Paso's state legislative program. The contract term will be from October 15, 2010 through and including June 30, 2011. Compensation will be \$2,500.00 per month for the pre-session period from October through December 2010 and \$5,000.00 per month from January through June 30, 2011, plus pre-approved reasonable expenses for travel to El Paso to consult with Mayor, Council and staff; provided however the entire compensation shall not exceed \$40,000.00.

Ms. Joyce Wilson, City Manager, commented and Ms. Sylvia Firth, Chief of Staff, Mayor's Office, gave legal advice.

Representatives Quintana and Acosta commented.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **APPROVE** the Resolutions.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega
NAYS: Representative O'Rourke

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2. MUNICIPAL CLERK

An amendment to the Resolution providing for a Special Election in the City of El Paso for the Submission of a Measure to be held within the City on November 2, 2010, to amend Exhibit A (List of Polling Places).

WHEREAS, the City Council adopted a Resolution on August 17, 2010 to call a Special Election; and
WHEREAS, it is necessary to amend Exhibit A, listing all of the polling places to properly reference a corrected name for one polling place (polling place #12) and the correct identity and location of one polling place (polling place #108), as provided by the El Paso County Elections Administrator and as published; and
WHEREAS, except as herein amended, the Resolution dated August 17, 2010 to call the Special Election shall remain in full force and effect.

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

1. That the Resolution dated August 17, 2010 to call the Special Election (“Resolution”), be amended for the purpose of adopting and incorporating a revised Exhibit A, as referenced in the Resolution, in such Resolution, as follows:
That Exhibit A, containing the listing of all of the polling places for the August 17, 2010 election is hereby adopted and the Resolution is hereby amended to include a revised Exhibit A, as hereto attached, and that the notice of election posted and published by the City Clerk shall include the revised polling places.

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

The following city staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, City Attorney, gave legal advice.
3. Ms. Richarda Duffy Momsen, City Clerk
4. Ms. Laura Gordon, Deputy City Attorney

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O’Rourke

NAYS: None

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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at .12:31 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk