

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 27, 2009
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, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly and Emma Acosta at 8:35 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:40 a.m. during Executive Session deliberations, and Rachel Quintana at 8:55 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

RECOGNITIONS

- 1. Recognition and Thank You to Mayor John F. Cook for His Outstanding Contribution as President to the Texas Municipal League.**
- 2. City Employee Recognitions**

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

- 1. Mr. Manuel Estrada – 25 years**
- 2. Ms. Rosie Aguilar – 25 years**
- 3. Ms. Flavia Caldera – 25 years**
- 4. Mr. Paul Guzman – 25 years**
- 5. Mr. Robert Shadrack – 30 years**
- 6. Mr. Richard Lujan – 30 years**
- 7. Mr. Hector Torres – 30 years**
- 8. Ms. Pat Adatao – 30 years**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

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

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 Motion made by Representative O'Rourke, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, Quintana, and Holguin

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Quintana

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EX1. 3228 Sacramento, El Paso, Texas. (551.072) [Mayor's Office, Sylvia Borunda Firth, (915) 541-4656]

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Lilly, Quintana, and O'Rourke

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried that the City Manager and the City Attorney, or their respective designee, be authorized to **ENTER INTO LEASE NEGOTIATIONS** with Woodworkers Club of El Paso, Texas, Inc. for the property municipally known and numbered as 3228 Sacramento, El Paso, Texas in accordance with applicable State law and as recommended by the Capital Asset and Real Estate Committee.

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

NAYS: None

ABSTAIN: Representative Quintana

Mr. Joseph Ayoub, citizen, 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 20, 2009, and the Special City Council Meetings of October 15, 2009 (Strategic Goals and CIP) and October 20, 2009 (Amendment of Ordinance 016769).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, EP Summit Investments, L.P., (the "Applicant") has applied for approval of a detailed site development plan pursuant to the zoning conditions, which include a requirement for City Plan Commission and City Council approval, to permit the construction and development of a distribution/retail facility; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application; and

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed by the zoning conditions, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a distribution/retail facility on the following described property which is located in a C-3/c (Commercial/conditions) District:

A portion of Lot 1, Block 2, Medano Heights, City of El Paso, El Paso County, Texas

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-3/c (Commercial/conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards

applicable in the C-3/c (Commercial/conditions) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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3B.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement for Educational Experience Affiliation (the "Agreement") by and between the City of El Paso (the "City") and Texas Tech University Health Sciences Center ("TTUHSC"), for TTUHSC's placement of its nursing students at the City's Department of Public Health (the "Department") at no cost to the City.

Mayor Pro Tempore Acosta commented.

Ms. Angela Mora, Deputy Director of Clinic Services, commented.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Roman Hernandez to the Building and Standards Commission by Representative Rachel Quintana, District 5

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Gracie Cain to the Building and Standards Commission by Representative Carl L. Robinson, District 4.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joseph S. Daubach to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Rachel Quintana, District 5.

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6. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the request authorization to increase the amount authorized by Council on October 13, 2009, from \$4,156 to \$5,130 from District 5 Discretionary Funds (Council Special Projects), Department ID No. 01010005, Account 504420, Fund No. 01101, to the Parks and Recreation Department (ID No. 51010366, Account 503303, Fund No. 01101) to purchase and install picnic tables and benches.

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7A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **REJECT** all bids for Solicitation Nos. 2009-115 Interior and Exterior Painting for Various City Buildings, 2009-267 Minor General Contractor Services, and 2009-271 Minor Roofing Repairs as recommended by Financial Services Department - Purchasing Division and General Services Department - Fleet Division. Pricing on these bids was significantly higher when compared to pricing on previous projects.

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7B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to The Playwell Group, Inc., under Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard Contract #269-07 for playground equipment for Indian Ridge Park #9 and #10, Stanton Heights, Sunset View, Loma Linda, Tres Suenos #1, Mesquite Hills #1 and #2, River Park West Unit 1, Indian Heights, Summerlin, Hawkins, Tierra del Este #44, and Nations Tobin. Total estimated expenditures are \$269,933.46.

The participation by the City of El Paso in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard was approved by Mayor and City Council on September 19, 2006.

Department: Engineering
Account No.: 99331117 – 508027 – 27263 – PCP08PA01
51159242 – 508027 – 16260 – PCP08PA0411
Funding Source: 2008 Reprogramming – Parks Proportionality and
Parkland Dedication Fees
Total Estimated Award: \$269,933.46
Reference No.: 2010-054

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7C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to ExerPlay, Inc., under Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard Contract #269-07 for playground equipment for Green Lilac Park, River Park West Unit 1, Mesquite Hills Unit 1 and 2, and Tres Suenos Unit 1. Total estimated expenditures are \$168,622.11.

The participation by the City of El Paso in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard was approved by Mayor and City Council on September 19, 2006.

Department: Engineering
Account No.: 99331117 – 508027 – 27263 – PCP08PA01
Funding Source: 2008 Reprogramming – Parks Proportionality
Total Estimated Award: \$168,622.11
Reference No.: 2010-055

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7D. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to PlayPower LT Farmington, Inc./All Play, Inc., under Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard Contract #269-07 for playground equipment for Tierra del Este #44 Park, Indian Heights, Modesto Gomez, Summerlin, and Hawkins. Total estimated expenditures are \$121,257.88.

The participation by the City of El Paso in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard was approved by Mayor and City Council on September 19, 2006.

Department: Engineering
Account No.: 99331117 – 508027 – 27263 – PCP08PA01
99331117 – 508027 – 27263 – PCP08PA05
Funding Source: 2008 Reprogramming – Parks Proportionality and
Playground Replacement

Total Estimated Award: \$121,257.88
Reference No.: 2010-056

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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7E. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Paradigm Traffic Systems Inc., a State of Texas Open Market contractor under Contract No. 6-001150, for procurement of Econolite Rackvision Vehicle Imaging Video Detection System in the estimated amount of \$267,000. This system detects vehicles and changes traffic lights to allow vehicles to proceed. Participation by the City of El Paso in the State of Texas Cooperative Purchasing Program was approved by Mayor and City Council on March 6, 2007.

Department: Street
Account No.: 99331117 – 508027 – 27263 – PCP06ST013
Funding Source: Signal / Flasher Install CP06
Total Estimated Amount: \$267,000
Reference No.: 2010-060

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7F. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

1ST MOTION

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

2nd AND FINAL MOTION

Motion made by Representative Byrd, 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 ACCU-Logistics, LLC, for the design, construction and delivery of five mobile public health emergency preparedness response trailers (Point of Dispensing Sites – PODs) in the purchase amount of \$165,127.51. This is a procurement necessary to preserve the public health and safety.

Department: Public Health
Annual Estimated Amount: \$165,127.51
Account No. 41150023-503112-06346-G410930
Funding Source: Clinical/Medical Supplies – Grant Funds
Total Estimated Award: \$165,127.51 (5 trailers)

Representative Byrd commented.

The following City staff members commented:

1. Mr. Michael Hill, Director of Public Health
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice

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8. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AUTHORIZED** the City to enter into negotiations with HRT Roofing and Construction, Inc. who submitted the highest ranked proposal for the Pavo Real Swimming Pool (Bathhouse) as per recommendations from the Engineering Department and Parks and Recreation Department. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: Engineering
Account No(s): 14101001 - 508027-(60119, 60167, 60183) - PQLPA144A
31130500-508027-(26263, 60021, 60031, 60060) – PQLPA144A
Funding Source: 2000 Quality of Life Bonds
Proposal No.: 2009-255

Mayor Cook and Representatives Byrd and Holguin 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

The following members of the public commented:

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

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9A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-290 (Cummins Proprietary Parts) to Border International Trucks for a total estimated award of \$270,000.

Department: General Services
Award to: Border International Trucks
El Paso, TX
Items: Items 1 & 2
Option: One year
Annual Estimated Amount: \$ 90,000
Account No.: 37370510 – 503121 - 45202
Funding Source: General Services, Internal Service Fund
Total Estimated Award: \$270,000 (3 years)

This is a thirty-six month 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 Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidder.

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9B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-010 for the Unpaved Rights-of-ways, Phase 3, to ZTEX Construction, Inc. for a total estimated amount of \$496,508.50.

Department: Streets/Engineering
Award to: ZTEX Construction, Inc.
Base Bid 1: \$307,363.50
Alternate No. 1: \$189,135.00
Account No.(s): 14200403-508027-29152-PBE04ST136
14200403- 508027-29154 -PBE04ST138
14200403-508027-29153-PBE04ST137
993311117-508027-27263-PCP06ST014
Funding Source: 2004 Bonds - \$76,793.21
2004 Bonds - \$32,323.45
2004 Bonds - \$162,129.87
2006 Certificates of Obligation - \$225,270.87
Total Est. Award: \$496,508.50

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 and/or the Streets Director 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 Department recommends award as indicated to the lowest responsible bidder.

The contractor has offered the City the option to extend the contract at the end of the original term for an additional 150-day term by giving the contractor a written notice no later than thirty (30) days prior to the expiration of the original contract term.

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9C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-274 (Scott Health & Safety Proprietary Products) to Fire Service Equipment, Inc. for Self Breathing Apparatus (SCBA) respirators, Airpacks and parts for a total award of \$475,000.

Department: Fire
Award to: Fire Service Equipment, Inc.
El Paso, TX
Items: All
Option: Purchase up to 100% within 90 days from the date of award
Account No.: 22150024 - 502225 - 07189 - G220911
Funding Source: Homeland Security UASI Grant Funds (FEMA)
Total Award: \$475,000

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

The Departments of Financial Services, Purchasing Division, and Fire recommend award as indicated to the lowest responsive, responsible bidder.

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10A. – 10F. INTRODUCTIONS

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

- 10A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.280 (Restrictions on Parking in Residential Parking Districts), of the El Paso City Code to provide for the creation and dissolution of Residential Parking Districts, issuance and revocation of Visitor, Owner, New Resident, Temporary, and Resident parking permits and establishing fees; the penalty being as provided in Section 12.84 (Violation - Penalty) and Section 12.85 (Parking Violations) of the El Paso City Code.
- 10B.** An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System Ltd. d/b/a Del Sol Medical Center for the use of approximately 96.38 square feet in the Tigua Health Center at 7862 San Jose Road, El Paso, Texas.
- 10C.** An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System Ltd. d/b/a Del Sol Medical Center for the use of approximately 93.30 square feet in the Westside Health Center, at 5195 Mace Road, El Paso, Texas.
- 10D.** An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System Ltd. d/b/a Del Sol Medical Center for the use of approximately 222.43 square feet in the Northeast Health Center at 5587 Transmountain Road, El Paso, Texas.
- 10E.** An Ordinance authorizing the City Manager to execute a lease agreement between the City of El Paso and El Paso Healthcare System LTD d/b/a Del Sol Medical Center for the use of approximately 159.46 square feet in the Henderson Health Center at 721 South Mesa Street, El Paso, Texas.
- 10F.** An Ordinance amending Ordinance No. 017176 which imposed a moratorium for a period of ninety days on the acceptance of applications for permits and issuance of permits for the erection, construction, or modification of off premise signs or billboards, to extend the moratorium period for sixty additional days.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 3, 2009, FOR ITEMS 10A – 10F

Representative Byrd commented.

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11A. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2009-199 (Automobile Parts) to Uni-Select USA, Inc. d/b/a Main Auto Parts El Paso; O'Reilly Automotive Inc. d/b/a O'Reilly Auto Parts; and Westside Trucks, LLC d/b/a Southwest Volvo/Mack Trucks for a total estimated award of \$1,300,000.

Department: General Services, Fleet Division, Fire, Airport, Sun Metro
Award to: Vendor 1: Uni-Select USA, Inc. d/b/a Main Auto Parts El Paso

Items: Moorestown, NJ
 Group II, III, VI, VIII, IX, X, XI, XII, XIII (Primary)
 Group I, IV, V (Secondary)
 Option: Two years
 Annual Estimated Amount: \$358,500

Award to: Vendor 2: O'Reilly Automotive Inc. d/b/a O'Reilly Auto Parts
 Springfield, MO
 Items: Group I, IV, V (Primary)
 Group II, III, VI, VIII, IX, X, XI, XII (Secondary)
 Annual Estimated Amount: \$271,500

Award to: Vendor 3: Westside Trucks, LLC d/b/a Southwest Volvo/Mack
 Trucks
 El Paso, TX
 Items: Group VII (Primary)
 Option: Two years
 Annual Estimated Amount: \$20,000

Annual Estimated Total: \$650,000
 Account No.: 37370510 – 503121 – 45202 (General Services)
 37370510 – 503125 – 45202 (General Services)
 22010320 – 503118 – 01101 (Fire)
 62620003 – 503121 – 40101 (Airport)
 60600015 – 503118 – 40348 (Sun Metro)

Funding Source: General Services Dept., Internal Service Fund,
 Inventory Purchases-Materials and Supplies
 Vehicle Maintenance Supplies

Total Estimated Award: \$1,300,000 (2 Year Total)

This is a twenty-four month requirements type contract for a variety of Automobile Parts.

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 Departments of Financial Services - Purchasing Division, General Services - Fleet Division, Fire, Airport, and Sun Metro recommend award as indicated to the lowest responsive, responsible bidders.

Representative Byrd commented.

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11B. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2009-262R (City Of El Paso 2009 Employee Supplemental Benefits) to United Concordia Insurance Company for Dental Preferred Provider Organization (PPO) dental plan; to Metropolitan Life Insurance Company for Dental Maintenance Organization (DMO) dental plan; to Block Vision of Texas, Inc. for Vision Plan Coverage; to Trustmark Insurance Company for Disability Coverage; and to Standard Insurance Company for Basic and Supplemental Life Insurance for a total estimated amount of \$1,304,000.

Department: OMB – Insurance and Benefits
Award to: Vendor 1 United Concordia Insurance Company
Harrisburg, PA
Item: Dental (PPO)
Option: Two 2-year periods

Award to: Vendor 2: Metropolitan Life Insurance Company
Dallas, TX
Item: Dental (DMO)
Option: Two 2-year periods

Award to: Vendor 3: Block Vision of Texas, Inc.
Dallas, TX
Item: Vision
Option: Two 2-year periods

Award to: Vendor 4: Trustmark Insurance Company
Lake Forrest, IL
Item: Disability
Option: Two 2-year periods

Award to: Vendor 5: Standard Insurance Company
Portland, OR
Item: Life
Option: Two 2-year periods

Account No.: 04100248 – 45121 – 502119
Funding Source: Self Insured Health Fund – Life Benefits
Total Estimated Award: \$1,304,000 (4-year total)

This is a four year contract for City of El Paso 2009 Employee Supplemental Benefits.

The Departments of Financial Services, Purchasing Division, and Office of Management and Budget recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposers as indicated.

Mayor Cook commented.

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

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12. ENGINEERING

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with Medlock Commercial Contractors, LLC who submitted the highest ranked proposal for the Armijo Branch Library Computer Lab Addition & Chihuahuita Community Center HVAC Remodeling project, as per recommendations from the Engineering Department. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: Engineering
Account No(s): 71150069 / 508027 / 07884 / G7134CD0014
71150069 / 508027 / 07892 / G7134CD0021
99331117 / 508027 / 27263 / PCP06MF001
Funding Source: CDBG 34th Year (Armijo), CDBG 34th Year
(Chihuahuita) and 2006 Certificates of Obligation
Proposal No.: 2009-277

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative O'Rourke commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

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13A. PUBLIC HEARING – DEVELOPMENT SERVICES

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 3 – 9, BLOCK 1, MESA HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Don R. Farr, Jr., Bliss Auto Sales, citizen, commented.

Motion duly made by Representative Byrd, seconded by Representative Quintana, that the Ordinance be **DENIED**. 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 against the Ordinance, the same be and the same are hereby **DENIED**.

13B.

ORDINANCE 17222

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00039, TO ALLOW FOR A 44% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 18 – 20 AND THE SOUTH 10 FEET OF LOT 17, BLOCK 59, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Lilly, 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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13C.

ORDINANCE 17223

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1, A PORTION OF TRACT 1B4, S.J. LARKIN SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-3/C (COMMERCIAL/CONDITIONS) TO R-3A (RESIDENTIAL) AND PARCEL 2, A PORTION OF TRACT 1B4, S.J. LARKIN SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O (APARTMENT/OFFICE) TO R-3A (RESIDENTIAL) AND RELEASING CONDITIONS PLACED ON PARCEL 1 BY ORDINANCE NO. 15672. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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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14.

ORDINANCE 17224

The City Clerk read an Ordinance entitled: **AN AMENDMENT TO THE ORDINANCE NO. 016769 GRANTING A FRANCHISE FOR ELITE MEDICAL TRANSPORT, LLC, TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE TO EXTEND THE TERM.**

Assistant Fire Chief Michael Calderazzo commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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**.

.....
15.

RESOLUTION

That the Mayor be authorized to sign a second amendment to the Contract between the City of El Paso and Joyce A. Wilson, City Manager, extending the term of the contract through September 30, 2014, and providing for additional benefits.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager.
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. John Batoon, Assistant City Attorney, gave legal advice.

The following members of the public commented:

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

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

.....
16A.

RESOLUTION

WHEREAS, on November 11, 2008, the City of El Paso (the "City") adopted the City's investment policy;

WHEREAS, pursuant to Section 2256.005 of the Texas Government Code, the City is required to review its investment policy on an annual basis; and

WHEREAS, the City has reviewed its investment policy and as a result of such review now desires to amend and restate the City’s investment policy for fiscal year 2010.

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

That the City hereby adopts the amended and restated City of El Paso 2010 Investment Policy which is attached hereto as Exhibit A and incorporated herein by reference.

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

Mayor Cook and Representative Ortega commented.

Ms. Lisa Turner, citizen, commented

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

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16B.

RESOLUTION

WHEREAS, on November 28, 2005, the City of El Paso (the “City”) adopted a Debt Management Policy (the “Policy”) that set forth the parameters for issuing new debt as well as managing the outstanding debt portfolio, identified the types and amounts of permissible debt, and ensured that the City maintains a solid bond rating in order to minimize borrowing costs and preserving access to credit, and

WHEREAS, the City has reviewed its Policy in accordance with the provisions of the Policy requiring City Council review; and

WHEREAS, the City now desires to amend this Policy.

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

That the City hereby adopts the amendments to the City of El Paso Debt Management Policy, attached hereto as Exhibit A and incorporated herein by reference.

Representative Byrd and Robinson commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **APPROVE AS REVISED** a Resolution to approve the 2009 City's Debt Management Policy.
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17.

RESOLUTION

That the City Manager be authorized to accept the terms and conditions of the Energy Efficiency and Conservation Block Grant by electronic signature Award No. DE-EE000964/000 (the "Agreement") by and between the City of El Paso and the United States Department of Energy ("USDE"), in the amount of \$5,802,700.00 for the period of September 14, 2009 through September 13, 2012, to fund the City Facility Energy Efficiency Retrofits Program, Green Fleet Fund Project, Cash for Clunkers Pilot Program, Landfill Gas Recovery Project, Recycling Outreach Program, Pilot Virtual Remote Meeting Room Improvements project, Energy Star Appliance Rebate Program and the Renewable Energy Demonstration Project (Solar Art). The City Manager is authorized to approve necessary budget transfers.

General Services	Facility Energy Program	3,000,000.00
	Green Fleet vehicles	700,000.00
	MSC building Solar System	100,000.00
Environmental Services	Landfill	1,000,000.00
	Recycling	214,493.00
	Equipment	38,207.00
MCAD	Solar Art	250,000.00
PSB	Appliance rebates	500,000.00
Grant Total		<u><u>5,802,700.00</u></u>

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

The following City staff members commented:

1. Mr. David Almonte, Director of Office of Management and Budget
2. Ms. Ellen Smyth, Director of Environmental Services
3. Mr. Marty Howell, Sustainability Coordinator

The following members of the public commented:

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

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

.....
ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL

Discussion and action on reconsidering authorizing an agreement with Maxim Healthcare Services to provide medical staffing and support personnel in an amount not to exceed \$500,000 to assist in administering H1N1 immunizations to the public and that the City Manager be authorized to increase the

contract for a contingency amount up to \$250,000 if the H1N1 vaccine situation changes and requires a longer duration of the vaccination campaign.

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

Department:	Department of Public Health
Account No.:	41150023 – 502215 – 06340
Funding Source:	Pandemic Influenza Grant Funding
Total Estimated Amount:	\$500,000
Additional Contingency Amount:	\$250,000
Reference No.:	2010-052

Mayor Cook and Representatives Holguin, Acosta, Robinson, Byrd, Ortega, and O’Rourke commented.

The following City staff members commented:

1. Mr. Michael Hill, Director of Public Health
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services
4. Mr. Pat Fowler, Deputy Director of Public Health

The following members of the public commented:

1. Mr. Ray E. Gilbert Jr.
2. Mr. Robert Yokum, Advanced Temporary Agency
3. Mr. Trevor Rigge, Maxim Healthcare Services
4. Mr. Rusty Broaden, Advanced Temporary Agency
5. Ms. Lisa Turner

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **DIRECT** City staff to go through an abbreviated procurement process to obtain additional services on as broad a basis as possible, then to negotiate contracts and to bring the contracts back to Council as soon as possible.

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Motion made by Representative Lilly, seconded by Representative Quintana, and unanimously carried to **ADJOURN** this meeting at 12:28 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk