

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

## AGENDA FOR REGULAR COUNCIL MEETING

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November 27, 2012  
COUNCIL CHAMBERS, CITY HALL  
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE  
10<sup>th</sup> FLOOR CONFERENCE ROOM  
November 26, 2012  
9:00 a.m.

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

***PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.***

### ROLL CALL

### INVOCATION BY CIMA CHAPLAIN CARLOS CLUGY-SOTO

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS

1. evolve FEDERAL CREDIT UNION CELEBRATION OF LIGHTS DAY
2. FILIPINO AMERICAN RECOGNITION MONTH
3. MINER ORANGEVILLE DAY
4. GLOBAL HEALTH AWARENESS/WORLD AIDS DAY

### CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

### **NOTICE**

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.

## NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

### CONSENT AGENDA

#### 1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of November 13, 2012, and the Special City Council Meeting of November 19, 2012 (Canvass the votes of the November 6, 2012 Election). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

#### 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

#### 3. RESOLUTIONS:

**3A.** That the City Manager, upon expiration of the Public Comment period on December 5, 2012, be authorized to file Passenger Facility Charge (PFC) Application No. 13-06-C-00-ELP in the amount of \$23,663,299 with the Federal Aviation Administration (FAA) authorizing (i) the continued use of a \$4.50 PFC per eligible enplaned passenger, (ii) the submission of all and related documentation contained in the amendment or requested by the FAA, (iii) the expenditure of revenues from the PFC at EPIA, in accordance with the Airport's Capital Improvement Program, and (iv) the designation of the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the application. **(All Districts)** [Airport, Monica Lombraña, (915) 780-4724]

**3B.** That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Air Matrix Holdings, LP ("Lessee") to amend the description of the Premises to read as follows: A portion of Lots 6, 7, and 8, Block 3, Butterfield Trail Industrial Park Unit One, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 193,258.7 square feet or 4.4366 acres of land, more or less, and municipally known and numbered as 15 Founders Blvd., El Paso, Texas. **(All Districts)** [Airport, Monica Lombraña, (915) 780-4724]

**3C.** That the City Manager be authorized to sign a Third Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and BT-OH, LLC dba United Parcel Service ("Lessee") to amend the description of the Premises to read as follows: A portion of Lots 8 and 9, Block 13, Butterfield Trail Industrial Park Unit Three; and all of Lot 2 and a portion of Lots 1 and 3, Block 13, Butterfield Trail Industrial Park, Unit 2, an Addition to the City of El Paso, El Paso County, Texas, containing 641,432.0 square feet or

14.7253 acres of land, more or less and municipally known and numbered as 28 Leigh Fisher/23 Spur Drive, El Paso, Texas. **(All Districts)**  
[Airport, Monica Lombraña, (915) 780-4724]

- 3D.** That the City Manager be authorized to sign a Second Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso (“Lessor”) and Butterfield Trail Trust I (“Lessee”) to amend the description of the Premises to read as follows: All of Lots 12, 13 and a portion of Lot 14, Block 8, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 323,058.6 square feet or 7.4164 acres of land, more or less, and municipally known and numbered as 19 Leigh Fisher Boulevard, El Paso, Texas. **(All Districts)** [Airport, Monica Lombraña, (915) 780-4724]
- 3E.** That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso (“Lessor”) and Elcom, Inc. (“Lessee”) to amend the description of the Premises to read as follows: All of Lots 3, 4 and a portion of Lot 5, Block 9, and all of Lots 12, 13 and 14, Block 11, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 674,029.5 square feet or 15.4736 acres of land, more or less, and municipally known and numbered as 20 Butterfield Trail Blvd., El Paso, Texas. **(All Districts)** [Airport, Monica Lombraña, (915) 780-4724]
- 3F.** That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso (“Lessor”) and Kasco Butterfield LLC (“Lessee”) to amend the description of the Premises to read as follows: A portion of Lot 1 and all of Lot 2, Block 7, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 266,876.8 square feet or 6.1266 acres of land, more or less, and municipally known and numbered as 24 Zane Grey Street, El Paso, Texas. **(All Districts)** [Airport, Monica Lombraña, (915) 780-4724]
- 3G.** That the City Manager be authorized to sign a Deed of Release from the United States of America to the City of El Paso accepting the covenants and conditions for a 3.881 acre parcel of land, more or less, being a portion of Tract 1B, Block 2, Ascarate Grant, El Paso County, Texas (known as Hawkins Pool and Park), which parcel will be used for parks and recreation purposes, and that City Manager be authorized to approve all budget transfers and any related documentation for reimbursement to the Department of Aviation in the total amount of \$156,900 for the appraised value of the identified parcel and the appraisal services fee, and this amount will be placed in the Airport’s Restricted Land Sales Fund. **(District 3)** [Airport, Monica Lombraña, (915) 780-4724]  
[Parks and Recreation, Liza Ramirez-Tobias, (915) 541-4259]  
**POSTPONED FROM 11-13-12**
- 3H.** That the City Manager be authorized to sign the Agreement to Contribute Right of Way Funds by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, whereby the City of El Paso is required to contribute \$140,030 (4.4% of total project cost) for acquisition of right of way and relocation of utilities for State Improvements to State Spur 1966 from US 85 (Paisano Dr.) to Schuster Ave. Total project cost for right of way and utility relocation is estimated at \$3,182,504. **(Districts 1 and 8)**  
[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

- 3I.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 4, 5, 6, 7, and 8)**  
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]
- 3J.** Approve a resolution authorizing El Paso City Mayor John Cook to sign an amendment to an inter-local agreement between El Paso County on behalf of the El Paso County Juvenile Probation Department and The City of El Paso on behalf of the El Paso Municipal Courts, under the authority and in accordance with the Inter-local Cooperation Act, as set out in Chapter 791, Texas Government Code. This Agreement is made under Amendment Number One to an award from the Texas Juvenile Justice Department Grant S, for the 2012-2013 biennium, date March 15, 2012. As a result of the funding received by the JPD under the Grant the Municipal Courts will strengthen its intervention and diversion program and hire a Juvenile Case Manager and retain jurisdiction over youth who have two or more prior Class C convictions. JPD will pay to the City funds awarded for the services described in Section C of the Agreement.  
**(All Districts)** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 3K.** That the City Manager be authorize to sign an agreement by and between the City of El Paso (the "City") and the El Paso Archaeological Society, Inc. ("EPAS"), in the exchange for EPAS' financial support and assistance to the Museum and to assist the Museum Director in achieving the aims and purposes of the Museum for a period of one year, and authorize the City Manager to exercise a one year extension on behalf of the City. **(District 4)** [Museums and Cultural Affairs, Sean McGlynn, (915) 541-4898]
- 3L.** That the City Manager be authorize to sign a First Lease Amendment by and between the City of El Paso and El Paso Healthcare System, Ltd. Dba Del Sol Medical Center to extend the term of the lease for the use of approximately 159.46 square feet in the Henderson Health Center located at 721 South Mesa Street, for three years beginning December 1, 2012 to November 30, 2015, with an option to extend the lease for two additional one-year periods. **(District 8)**  
[Public Health, Bruce Parsons, (915) 771-5778]  
[City Development, Jane Tomchik, (915) 541-4897]
- 3M.** That the City Manager be authorize to sign a First Lease Amendment by and between the City of El Paso and El Paso Healthcare System, Ltd. Dba Del Sol Medical Center to extend the term of the lease for the use of approximately 96.38 square feet in the Tigua Health Center located at 7862 San Jose Road, for three years beginning December 1, 2012 to November 30, 2015, with an option to extend the lease for two additional one-year periods. **(District 7)**  
[Public Health, Bruce Parsons, (915) 771-5778]  
[City Development, Jane Tomchik, (915) 541-4897]
- 3N.** That the City Manager be authorize to sign a First Lease Amendment by and between the City of El Paso and El Paso Healthcare System, Ltd. Dba Del Sol Medical Center to extend the term of the lease for the use of approximately 222.43 square feet in the Northeast Health Center located at 5587 Transmountain Road, for three years beginning December 1, 2012 to November 30, 2015, with an option to extend the lease for two additional one-year periods. **(District 4)**  
[Public Health, Bruce Parsons, (915) 771-5778]  
[City Development, Jane Tomchik, (915) 541-4897]

- 30. That the City Manager be authorize to sign a First Lease Amendment by and between the City of El Paso and El Paso Healthcare System, Ltd. Dba Del Sol Medical Center to extend the term of the lease for the use of approximately 93.30 square feet in the Westside Health Center located at 5195 Mace Street, for three years beginning December 1, 2012 to November 30, 2015, with an option to extend the lease for two additional one-year periods. **(District 1)**  
[Public Health, Bruce Parsons, (915) 771-5778]  
[City Development, Jane Tomchik, (915) 541-4897]

**4. BOARD APPOINTMENTS:**

- 4A. Kyong Peterson to the Tax Advisory Committee by Mayor John F. Cook.  
[Mayor John F. Cook, (915) 541-4145]
- 4B. John L. Moses to the Historic Landmark Commission by Representative Carl L. Robinson, District 4. [Representative Carl L. Robinson, (915) 541-4400]
- 4C. Bianca Angelica Licon to the Greater El Paso Civic, Convention and Tourism Board by Representative Emma Acosta, District 3.  
[Representative Emma Acosta, (915) 541-4515]

**5. APPLICATIONS FOR TAX REFUNDS:**

That the tax refunds listed on the attachment posted with this agenda be approved.  
(See Attachment B) **(All Districts)** [Tax Office, David Childs, (915) 541-4598]

**6. NOTICE OF CAMPAIGN CONTRIBUTIONS:**

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Mayor John F. Cook in the amount of \$700 from Mrs. Teresa Nevarez.  
[Mayor John F. Cook, (915) 541-4145]

**7. REQUESTS TO ISSUE PURCHASE ORDERS:**

- 7A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2010-008 (Scrap Metal Recycling Services) with Lucero Scrap, LLC for two (2) additional years pursuant to the provisions of an award approved by the City Council on December 1, 2009. The extended contract period will be from December 1, 2012 to November 30, 2014.

|                          |                                                |
|--------------------------|------------------------------------------------|
| Department:              | Environmental Services                         |
| Award to:                | Lucero Scrap, LLC<br>El Paso, TX               |
| Option:                  | 2 Year Option                                  |
| Annual Estimated Amount: | \$158,000 (Annual Revenue)                     |
| Total Estimated Amount:  | \$316,000 (2 years)                            |
| Account No.:             | 334 – 34060 – 431420 – 3100                    |
| Funding Source:          | Environmental Services – Recycling<br>Revenues |
| <b>Districts:</b>        | <b>All</b>                                     |

This is a Best Value, service contract  
 [Financial Services, Bruce D. Collins, (915) 541-4313]  
 [Environmental Services, Kurt Fenstermacher, (915) 621-6892]

- 7B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City’s option to extend current Contract 2009-259 (Security Guard Services) with Ruiz Protective Services Inc. for two (2) additional years pursuant to the provisions of an award approved by the City Council on December 8, 2009. The extended contract period will be from January 1, 2013 to December 31, 2014.

|                          |                                         |
|--------------------------|-----------------------------------------|
| Department:              | Environmental Services                  |
| Award to:                | Ruiz Protective Services<br>El Paso, TX |
| Option:                  | Two years                               |
| Annual Estimated Amount: | \$65,000                                |
| Total Estimated Amount:  | \$130,000                               |
| Account No.:             | 334 – 34130 – 522120 - 3100             |
| Funding Source:          | Environmental – Security Contracts      |
| <b>Districts:</b>        | <b>All</b>                              |

This is Best Value, service contract.  
 [Financial Services, Bruce D. Collins, (915) 541-4313]  
 [Environmental Services, Kurt Fenstermacher, (915) 621-6892]

**8. BID:**

The award of Solicitation No. 2013-056 for EPIA Floor Replacement at Baggage Claim to BASIC IDIQ, INC. for an estimated total amount of \$344,888.88.

|                      |                                       |
|----------------------|---------------------------------------|
| Department:          | Engineering & Construction Management |
| Award to:            | BASIC IDIQ, INC.<br>El Paso, TX       |
| Base Bid:            | \$344,888.88                          |
| Time for Completion: | 98 Consecutive Calendar Days          |
| Accounts:            | 562-62230-3080-580270-PAP00380        |
| Funding Source:      | Airport Enterprise Fund               |
| <b>Districts:</b>    | <b>All</b>                            |

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 low bid, lump sum contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder. [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

**9. BEST VALUE PROCUREMENT:**

The award of Solicitation No. 2012-292 (City Fleet Vehicles) to Casa Ford, Inc. and Rudolph Chevrolet, LLP for an estimated one (1) year award of \$490,589.40.

|                         |                                                                |
|-------------------------|----------------------------------------------------------------|
| Department:             | General Services                                               |
| Award to: Vendor 1:     | Casa Ford, Inc.<br>El Paso, TX                                 |
| Items:                  | Group II, Item 1, Hybrid Automobiles,<br>Compact Sedan 4-Door  |
| Estimated 1 Year Award: | \$238,219.40 (10 Vehicles)                                     |
| <br>                    |                                                                |
| Award to: Vendor 2:     | Rudolph Chevrolet, LLP<br>El Paso, TX                          |
| Items:                  | Group II, Item 3, Hybrid Automobiles,<br>Mid-Size Sedan 4-Door |
| Estimated 1 Year Award: | \$252,370 (10 Vehicles)                                        |
| <br>                    |                                                                |
| Option:                 | No Options                                                     |
| Total Estimated Award:  | \$490,589.40 (1 Year)                                          |
| Account No.:            | 231 – 37010 – 580540 – 4960                                    |
| Funding Source:         | General Services Department – Cars,<br>Pickups, Vans           |
| <b>Districts:</b>       | <b>All</b>                                                     |

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services recommends that Group II Hybrid Automobiles be awarded in lieu of Group I – Gasoline Automobiles and Group III Hybrid SUV Vehicles and that the solicitation be awarded for a one (1) year period. It is also recommended that Philpott Motors be deemed non-responsive for Group II - Compact Sedan for not meeting the minimum liter size of the engine and the contract be awarded to Casa Ford, Inc. and Rudolph Chevrolet, LLP the vendors offering the best value bids.

[Financial Services, Bruce D. Collins, (915) 541-4313]  
[General Services, Stuart Ed, (915) 621-6822]

**REGULAR AGENDA - INTRODUCTIONS**

**10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

**10A. An Ordinance granting a Lease to the University of Texas at El Paso of a single duct in a portion of the City's existing underground conduit system on Oregon**

Street between Glory Road and City Hall for their internal fiber optic telecommunications system and related interlocal services for installation services for installation of the fiber. The following consideration is to be paid to the City: Annual Lease Fee (\$2,764.54) and reimbursement for costs of installing fiber. **(All Districts)**

[Information Technology, Miguel Gamino, (915) 541-4746]

[City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

- 10B.** An Ordinance vacating a portion of Main Street, City of El Paso, El Paso County, Texas. Applicant: Mills Plaza Parking, L.P. & City of El Paso SURW12-00011 **(District 8)** [City Development, Justin Bass, (915) 541-4930]
- 10C.** An Ordinance vacating Morenci Street between Luna Street and Grama Street and being a street within the East El Paso Subdivision, City of El Paso, El Paso County, Texas. SURW12-00017 **(District 2)**  
[City Development, Nelson Ortiz, (915) 541-4931]
- 10D.** An Ordinance vacating a 15' Drainage Right-of-Way between Lots 6 & 7, Block 7, Ranchos Del Sol Unit Two, City of El Paso, El Paso County, Texas. SURW12-00016 **(District 6)** [City Development, Nelson Ortiz, (915) 541-4931]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 4, 2012, FOR ITEMS 10A – 10D**

- 10E.** An Ordinance changing the zoning of the following legally described 451.3581 acre parcel of land situated within the corporate limits of the City of El Paso, El Paso County, Texas as Tract 1A, Section 19, a portion of Tract 1, Section 20, a portion of Tract 1, Section 29 and a portion of Tract 1, Section 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys from R-F (Ranch and Farm) to SCZ (SmartCode Zone). Property Owner: City of El Paso. PZRZ12-00032 **(District 4)** [City Development, Harrison Plourde, (915) 541-4114]
- 10F.** An Ordinance changing the zoning of Parcel 1: a portion of Tract 2C, Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys and a portion of Ysleta-Carlsbad Cut-Off Road (Zaragoza Road), El Paso County, Texas, from R-F (Ranch and Farm) to A-3, (Apartment); Parcel 2: a portion of Tract 2C, Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys and a portion of Ysleta-Carlsbad Cut-Off Road (Zaragoza Road), El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Pebble Hills Boulevard and West of Zaragoza Road. Property Owner: Genagra L.P. ZON08-00080 **(ETJ/Adjacent to District 5)** [City Development, Andrew Salloum, (915) 541-4633]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 18, 2012, FOR ITEMS 10E - 10F**

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**11. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

- 11A.** Discussion and action to award Solicitation No. 2013-034 for Street Resurfacing 2013 to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc., for an estimated total amount of \$2,645,491.60.

|                        |                                                                       |
|------------------------|-----------------------------------------------------------------------|
| Department:            | Engineering & Construction Management                                 |
| Award to:              | J.A.R. Concrete, Inc. dba J.A.R.<br>Construction, Inc.<br>El Paso, TX |
| Base Bid:              | \$2,645,491.60                                                        |
| Total Estimated Award: | \$2,645,491.60                                                        |
| Time for Completion:   | 365 Consecutive Calendar Days                                         |
| Accounts:              | 190-28340-4580-580270-PCP13ST002RSY1                                  |
| Funding Source:        | 2013-2019 Certificate of Obligation – Street<br>Infrastructure        |
| <b>Districts:</b>      | <b>All</b>                                                            |

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 low bid, unit-price contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

[Engineering and Construction Management, Irene D. Ramirez (915)541-4428]

- 11B.** Discussion and action to award Solicitation No. 2012-182R for Fuel Processing Provider-Compressed Natural Gas (CNG) Fuel for City Vehicles and Related Lease of City Property for Natural Gas Fuel Processing Facility to Mansfield Gas Equipment Systems Corporation, a wholly owned subsidiary of Mansfield Energy Corporation, for the design, construction and operation of three CNG fuel processing facilities on property leased from the City, for the fueling of City owned and City contracted vehicles.

|             |                                         |
|-------------|-----------------------------------------|
| Department: | Engineering and Construction Management |
|-------------|-----------------------------------------|

|                                   |                                             |
|-----------------------------------|---------------------------------------------|
| Award to:                         | Mansfield Gas Equipment Systems Corporation |
| Construction Time for Completion: | December 1, 2013                            |
| Term of Agreement:                | 10 years                                    |
| Option:                           | one (1) additional five (5) year term       |
| <b>Districts:</b>                 | <b>All</b>                                  |

This is a Request for Proposals. The Engineering and Construction Management Department recommends award as indicated to Mansfield Gas Equipment Systems Corporation, the highest ranked proposer based on evaluation criteria established for this procurement.

And that the City Manager be authorized, after review by the City Attorney's Office, to execute a Natural Gas Fuel Processing Agreement, any related contract documents and agreements necessary to effectuate this award, and the following leases:

A Fuel Compressing Station Lease by and between the City of El Paso ("Lessor") and Mansfield Gas Equipment Systems Corporation ("Lessee") for the following described property:

64,400 square feet, more or less, being a portion of Lot 2, Block 2, Butterfield Trail Aviation Park, Unit Two, El Paso, El Paso County, Texas; and

Lease by and between the City of El Paso ("Lessor") and Mansfield Gas Equipment Systems Corporation ("Lessee"), for the following described property:

5,000 square feet of a portion of Section 17, Block 81, Township 2, T&P RR Co. Surveys, El Paso County, Texas, municipally numbered and known as 5081 Fred Wilson Avenue; and

A Lease by and between the City of El Paso ("Lessor") and Mansfield Gas Equipment Systems Corporation ("Lessee"), for the following described property:

9,100 square feet of a portion of Lot 1, Municipal Center Subdivision as recorded in Deed Book No. 2499308, Pg. 16, Instrument No. 49308, County Clerk, El Paso County, Texas, municipally numbered and known as 1059 Lafayette Dr.

[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]  
 [Mass Transit Department, Raul Escobedo, (915) 534-5810]

- 11C.** Discussion and action on a Resolution that the Purchasing Manager is authorized to notify JAM Equipment Sales & Services, LLC that the City is terminating Contract No. 2012-263R pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses, and that the termination shall be effective as of November 27, 2012. **(District 2)**

[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]

- 11D.** Discussion and action on the request that the Engineering and Construction Management Department be authorized to issue a Purchase Order to Stertil-Koni, a contractor under HGAC Contract No. FL03-11 (Fleet Services Equipment), for Lift Equipment New Facility. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Houston Galveston Area Council (HGAC) was approved by Mayor and City Council on May 8, 2007.

Department: Mass Transit (Sun Metro)  
 Award to: Steril-Koni  
 Stevensville, MD  
 Local Distributor: Performance Equipment of El Paso  
 El Paso, TX  
 Total Estimated Award: \$2,199,586  
 Account No.: 190-28300-4710-580040-PCP09MT0080  
 Funding Source: FY 2009 Certificates of Obligation  
**Districts: All**

This is a Cooperative, unit price contract.  
 [Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]  
 [Mass Transit, Jay Banasiak, (915) 534-5810]

**12. GENERAL SERVICES:**

Discussion and action on the award of Solicitation No. 2012-294 (Tires, Light & Heavy Duty) to A to Z Tire & Battery, Inc., American Tire Distributors, Martin Tire Company, Redburn Tire Company, and Wingfoot Commercial Tire Systems, LLC for an initial term estimated award of \$1,374,179.70.

Department: General Services  
 Award to: Vendor 1 A to Z Tire & Battery, Inc.  
 Amarillo, TX  
 Items: 2, 6, 7, 10, 12, 14, 15, 16, 17, 18,  
 9, 22, 23, 24, 25, 26, 28, 29 and 33  
 Initial Term: 3 Years  
 Option: None  
 Annual Estimated Award: \$327,554.80  
 Initial Term Estimated Award: \$982,664.00 (3 Years)

Award to: Vendor 2 American Tire Distributors  
 Carrollton, TX  
 Items: 4, 5, 8, 9, 13, 21, 27, 30, 31 and 32  
 Initial Term: 3 years  
 Option: 1 Year  
 Annual Estimated Award: \$94,741.65  
 Initial Term Estimated Award: \$284,224.95 (3 Years)

Award to: Vendor 3 Martin Tire Company  
 El Paso, TX  
 Items: 11  
 Initial Term: 3 Years  
 Option: None  
 Annual Estimated Award: \$15,446.00  
 Initial Term Estimated Award: \$46,338.00 (3 Years)

Award to: Vendor 4 Redburn Tire Company

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Items:                              | Phoenix, AZ<br>1, 3, and 20          |
| Initial Term:                       | 3 Years                              |
| Option:                             | None                                 |
| Annual Estimated Award:             | \$20,317.45                          |
| Initial Term Estimated Award:       | \$60,952.35 (3 Years)                |
| Total Annual Estimated Award:       | \$458,059.90                         |
| Total Initial Term Estimated Award: | \$1,374,179.70 (3 Years)             |
| Total Estimated Award:              | \$1,468,921.35 (4 Years)             |
| Account No.:                        | 231 – 31040 – 522260 – 1000 – P3120  |
| Funding Source:                     | General Services Dept – General Fund |
| <b>Districts:</b>                   | <b>All</b>                           |

This is a low bid, requirements contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to A to Z Tire & Battery, Inc., American Tire Distributors, Martin Tire Company, and Redburn Tire Company, the lowest responsive, responsible bidders.

Wingfoot Commercial Tire System, LLC was deemed non-responsive for requesting a deviation certain Terms and Conditions.

[Financial Services, Bruce D. Collins, (915) 541-4313]

[General Services, Stuart Ed, (915) 621-6822]

**REGULAR AGENDA – OTHER BUSINESS**

**ITEMS 13A AND 13B - RELATED TO THE BALLPARK**

**13. ENGINEERING AND CONSTRUCTION MANAGMENT:**

**13A.** Discussion and action that the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and International Facilities Group, LLC, an Illinois Limited Liability Company, for a project known as El Paso Ballpark - Owner’s Representative” for an amount not to exceed \$650,000, plus reimbursables not to exceed \$153,000; and that the City Engineer be authorized to approve up to \$50,000 in additional services, for a total contract amount not to exceed \$853,000; 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. **(District 8)** [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

**13B.** Discussion and action that the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and Populous, Inc., a Missouri Corporation, for a project known as “El Paso Ballpark – Design Services” for an amount not to exceed \$2,921,500 and that the City Engineer be authorized to approve up to \$50,000 in additional services, for a total contract amount not to exceed \$2,971,500; 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.  
**(District 8)** [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

### **REGULAR AGENDA – PUBLIC HEARINGS**

#### **14. CITY DEVELOPMENT:**

- 14A.** An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

**(All Districts)** [Planning and Economic Development, Arturo Rubio, (915) 541-4633]  
 POSTPONED FROM 9-20-11, 12-20-11, 1-24-12, 4-3-12, 5-29-12 and 7-24-12

- 14B.** An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

**(All Districts)** [Planning and Economic Development, Mathew McElroy, (915) 541-4663]  
 POSTPONED FROM 9-20-2011, 12-20-11, 1-24-12, 4-3-12, 5-29-12 and 7-24-12

#### **15. PARKS AND RECREATION:**

Discussion and action to approve resolution of City Council for the taking of approximately 1.885 acres of Esmeralda Park and approximately .012 acres of Ellis Lateral Linear Trail Park for an electrical easement for a proposed transmission line.

**(District 1)** [Parks and Recreation, Liza Ramirez-Tobias, (915) 541-4599]

### **REGULAR AGENDA – OTHER BUSINESS**

#### **16. CITY DEVELOPMENT:**

- 16A.** Discussion and action on a Resolution amending the City Multi-family Housing Needs Incentive Policy and related Chapter 380 Grant Program; to extend the Program Term from December 31, 2013 to December 31, 2014; and to increase the number of incentivized multi-family units from 4,000 to 5,000. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

- 16B.** Discussion and action on a Resolution to adopt the City of El Paso Guidelines and Criteria for Tax Abatement Assistance. **(All Districts)**

[City Development, Mathew McElroy, (915) 541-4193]

- 16C.** Discussion and action that the City Manager be authorized to sign a Grant Agreement between the City of El Paso and Project ARRIBA Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. (“Grantee”), a 501(c)3 tax exempt, non-profit Texas corporation for the purpose of creating a permanent and sustainable source of local healthcare professionals, teachers and information technologists to address severe shortages in the City of El Paso. Grant agreement in the amount of \$200,000 for a term from September 1, 2012

through August 31, 2013 and is funded from General Fund Economic Development Dept. Budget # 28540-1000-552000 **(All Districts)**  
[City Development, Mathew McElroy, (915) 541-4193]

**17. COMMUNITY AND HUMAN DEVELOPMENT:**

Discussion and action on a Resolution that City Council amend the City's Annual Action Plans 2011-2012 and 2012-2013 of the Consolidated Plan for 2010-2015 by deleting one public service activity in the 37<sup>th</sup> Year (2011-2012) Annual Action Plan and transferring those funds to the CDBG Contingency Account to be reprogrammed for future use; deleting one public service activity in the 38<sup>th</sup> Year (2012-2013) Annual Action Plan and reprogramming those funds to add one new public service activity; and by deleting one activity in the 2011-2012 ESG Program and reprogramming those funds to add one new activity; and that the City Manager be authorized to take any actions necessary to accomplish the intent of the resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department. **(All Districts)**  
[Community and Human Development, Anthony Shaar, (915) 541-4913]

**18. EL PASO WATER UTILITIES:**

Discussion and action on a Joint Resolution between the El Paso City Council and the El Paso Water Utilities –Public Service Board on the transfer of the Rio Bosque Park from the City to the management and control of the Public Service Board and the assignment of the License Agreement between the City and the University of Texas El Paso from the City to the El Paso Water Utilities –Public Service Board. **(District 6)**  
[El Paso Water Utilities, Lupe Cuellar, (915) 594-5636]

**19. FINANCIAL SERVICES:**

**19A.** Discussion and action on the Resolution to adopt the amended and restated City of El Paso FY 2013 Investment Policy. **(All Districts)**  
[Financial Services, Mark Sutter, (915) 541-4014]

**19B.** Discussion and action on the City of El Paso 2013 Debt Management Policy. **(All Districts)** [Financial Services, Mark Sutter, (915) 541-4014]

**20. MAYOR AND COUNCIL:**

**20A.** Discussion and action on the agenda items considered at the October 15, 2012 Financial and Audit Oversight Committee:

1. Discussion and action on the City Investment Policy for FY 2013.
2. Discussion and action on the City of El Paso Internal Audit Charter.
3. Discussion and Action on the FY 2013 Annual Internal Audit Plan.
4. Audit Plan Update.

**(All Districts)** [Representative Susie Byrd, (915) 541-4416]

**20B.** Discussion and action on initiating a city policy that any department initiating the purchase and and/or implementation of new software and/or hardware must coordinate the information technology needs with the city's Informational Technology Department. [Representative Emma Acosta, (915) 541-4572]

- 20C. Discussion and action on providing the city’s information technology department the ability for online streaming of all meetings on Mac and Android products to the general public. [Representative Emma Acosta, (915) 541-4572]
- 20D. Discussion and action on a Resolution regarding the City of El Paso’s intentions to create a regional monument at the premises of the closed Asarco smelter facility. [Mayor John F. Cook, (915) 541-4145]
- 20E. Discussion and action on City owned land recently leased by the PSB for quarry use pursuant to the General Land Office’s mineral rights claim.  
**(District 4)** [Representative Susie Byrd, (915) 541-4416]
- 20F. Discussion and action to assess the operational effectiveness of the 3-1-1 Customer Service Center. [Representative Carl L. Robinson, (915) 541-4400]  
POSTPONED FROM 11-13-12
- 20G. Discussion and action on directing the City Manager and staff to refrain from insults and derogatory comments towards the public and elected city officials. [Representative Carl L. Robinson, (915) 541-4400]
- 20H. Discussion and action to obtain detailed funding sources pertaining to the Mulligan (Luther) Building Rehabilitation as discussed in the City Council Meeting (Agenda Item 6E) on November 6, 2012. [Representative Carl L. Robinson, (915) 541-4400]

**EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- 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 following:

- EX1.** Application of El Paso Electric Company to amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket No. 39973, SOAH Docket No. 473-12-5297. (551.071)  
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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