

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
NOVEMBER 13, 2012
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Alternate Mayor Pro Tempore Eddie Holguin, Jr. present and presiding and the following Council Members answered roll call: Emma Acosta, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrival: Susannah M. Byrd at 8:36 a.m. Absent: Mayor John F. Cook, Ann Morgan Lilly, and Carl Robinson requested to be excused. The invocation was given by Border Patrol Chaplain Linda Camacho, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. ALL FOR AUTISM**
- 2. NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH**
- 3. SUN CITY CAB SAFE RIDE HOME 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 for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. James Langford
2. Mr. Othon Medina
3. Dr. Anna Perez
4. Ms. Wally Cech
5. Ms. Lisa Turner

Representatives Byrd, Noe and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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CONSENT AGENDA

Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Byrd, Acosta, Noe, Holguin, Ortega, and Niland
NAYS: None
ABSENT: Representatives Lilly and Robinson

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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 November 6, 2012, the LRC of the Whole of November 5, 2012 and the Special City Council Meeting of November 5, 2012.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook, Mayor Pro Tempore Ann Morgan Lilly, and Representative Carl Robinson from the Regular Council Meeting of November 13, 2012.

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3A.

***RESOLUTION**

That the Director of Aviation be authorized to revise and replace the list of facilities verifying the navigational facilities as identified in the Federal Aviation Administration’s Memorandum of Agreement No. DTFASW-10-L-00112, as approved by the El Paso City Council on Oct. 6, 2009.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Contract by and between the City of El Paso and Hines Interests, L.P. to add a Second Option Period of six (6) months and two (2) additional options to extend for six (6) months each which will allow time for a Feasibility Period in connection with a study for a new hotel and conference center adjacent to the Butterfield Trail Golf Club.

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3C.

***RESOLUTION**

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager 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 One Hundred Fifty-Six Thousand Nine Hundred Dollars and No/100 (\$156,900.00) 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.

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3D.

***RESOLUTION**

That the Mayor is authorized to sign the Certification Agreement between the Texas Historical Commission and the City of El Paso for participation in the Certified Local Government Program (the "Program"), and that the City's policies and ordinances are consistent with the revised state rules for the Program.

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3E.

***RESOLUTION**

WHEREAS, the United States Congress enacted and the President signed the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (2009) ("ARRA") to promote economic recovery, investment and creation of new jobs and opportunities; and

WHEREAS, the Railroad Commission of Texas ("Commission"), an agency of the State of Texas, has been awarded ARRA funds from the U.S. Department of Energy, Award No. DE-EEE0002564 ("DOE Grant"); and

WHEREAS, Chapter 113, Subchapter I, Texas Natural Resources Code, P.L. 111-5, (2009), and the DOE Grant authorize the Commission to award ARRA stimulus funds to local governments, municipalities, and other governmental organizations to be utilized for purposes authorized by ARRA and the DOE Grant; and

WHEREAS, the Commission wishes to grant funding to the City of El Paso ("City") and the Commission and the City wish to enter into a Grant Agreement in the form of an Interlocal Agreement for the Texas Alternative Fuel Fleet Pilot Program Stimulus Grant Agreement #1499056, for the purchase of two compressed natural gas vehicles in the amount of \$48,486 with the requirement of a cash match from the City of \$110,514; and

WHEREAS, the Texas Interlocal Cooperation Act, Texas Government Code, Section 791.001 *et seq.* allows the City to enter into the referenced agreement with the Commission; and

WHEREAS, the City has funding for the additional monies that the acquisition of the two referenced compressed natural gas vehicles will require in excess of the City's matching funds of \$110,514.

NOW THEREFORE, BE IT RESOLVED,

That the Mayor be authorized to sign an Interlocal Agreement for the Texas Alternative Fuel Fleet Pilot Program Stimulus Grant Agreement #1499056 between the Railroad Commission of Texas and the City of El Paso, in the amount of \$48,486, for the procurement of two compressed natural gas vehicles; and that the Mayor or designee be authorized to sign any grant related documents and to sign all related certifications upon approval by the City Attorney's Office. Matching funds are required from the City in the amount of \$110,514.

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3F.

***RESOLUTION**

That the City Manager or designee be authorized to sign and submit Amendment Four to the Information & Referral Services Agreement with the State of Texas Health and Human Services Commission to adjust the budget by adding \$212,000 and extending the contract for another year, through August 31, 2013, with the total multi-year contract not to exceed \$637,753.51; and that the City Manager or designee be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change the contract amount, and to sign all related certifications.

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3G.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, Texas and the Town of Horizon City, Texas regarding the City of El Paso's General Services Department supplying of fleet vehicle maintenance services to the Town of Horizon City.

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4A.

***RESOLUTION**

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, the appointment of Melanie Bailey will end on November 26, 2012.

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

That Melanie Bailey is reappointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the term that ends November 26, 2018.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** David Berchelmann to the Historic Landmark Commission by Representative Steve Ortega, District 7.

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5A.

***RESOLUTION**

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, Robert Warach has resigned and this appointment is being made to fill the vacancy.

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

That Col. Jim Smith is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the unexpired term that ends July 10, 2013.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katrina M. Martich to the Public Service Board Selection Committee by Representative Susie Byrd, District 2.

NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Steve Ortega on October 11, 2012, in the amount of \$1,000 from Lane B. Gaddy; in the amount \$1,000 from Robert V Wingo; in the amount of \$1,000 from Harold Hahn; in the amount of \$1,000 from Melissa O'Rourke; in the amount of \$1,000 from Robert H. & Rose Ann Hoy; in the amount of \$200 from G Russell & Cathy Hill; in the amount of \$250 from Sandra & Robert Almanzan; in the amount \$1,000 from J. Kirk Robison; in the amount of \$1,000 from L. Frederick Francis; in the amount of \$1,000 from Scott Pac; in the amount of \$1,000 from Robert L. Bowling; in the amount of \$1,000 from Michael E. Guerra; in the amount of \$1,000 from Maria Teran; in the amount of \$1,000 from J. A. Cardwell; in the amount of \$1,000 from Deborah Hamlyn; in the amount of \$1,000 from Ruben E. Guerra; in the amount of \$1,000 from Pablo Sanders; in the amount of \$1,000 from J. Robert Brown; in the amount of \$1,000 from Ike J. Monty III; in the amount of \$1,000 from Stanley P. Jobe; in the amount of \$1,000 from Leonard A. Goodman III; in the amount of \$1,000 from Myrna Deckert; in the amount of \$1,000 from Robert F. O'Rourke; in the amount of \$1,000 from Renard U. Johnson; in the amount of \$1,000 from Edward Escudero; in the amount of \$1,000 from E.C. Houghton, Jr; in the amount of \$1,000 from William D. Sanders; in the amount of \$1,000 from Miguel Fernandez, Jr (Ondasun, LLC); in the amount of \$1,000 from Rodrigo Fernandez (Ondasun, LLC); in the amount of \$1,000 from Octavio Gomez (FGGSV, LLC); and on October 29, 2012, in the amount of \$3,000 from J. Kirk Robison.

7.

***RESOLUTION**

That the City Council declares that the expenditure of District 1 discretionary funds in an amount not to exceed \$20,000.00 to pay towards the cost of irrigation materials, permit fees and licensed irrigator services for construction of a fitness path and landscape and irrigation improvements to the parkways adjacent to Polk Elementary School, helps calm traffic, increases walkability in the neighborhood, encourages a healthy lifestyle and provides shade for pedestrians and constitutes an important municipal purpose or benefit to the City and citizens of El Paso; and

That the City Attorney be authorized to negotiate and the City Manager be authorized to sign an appropriate contract to ensure that the funds are properly expended for the municipal purpose.

8. APPLICATIONS FOR TAX REFUNDS

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

- A. Lone Star Title Company of El Paso, Inc., in the amount of \$3,375.17 overpayment of 2011 taxes. (Geo # C340-999-1160-2900)
- B. Select Portfolio Servicing Inc. in the amount of \$4,854.01 overpayment of 2010 taxes. (Geo # C340-999-013A-6100)
- C. Gregory Bowling, in the amount of \$3,062.29 overpayment of 2009 taxes. (Geo # M403-999-0040-1600)
- D. Gregory Bowling, in the amount of \$4,049.65 overpayment of 2009 taxes. (Geo # M403-999-0040-0900)
- E. Gregory Bowling, in the amount of \$7,290.20 overpayment of 2011 taxes.

(Geo # P885-000-0010-0200)

F. Gregory Bowling, in the amount of \$3,267.69 overpayment of 2009 taxes.
(Geo # S137-999-0130-2300)

G. Gregory Bowling, in the amount of \$3,480.39 overpayment of 2009 taxes.
(Geo # T201-000-0020-1200)

H. Gregory Bowling, in the amount of \$9,529.21 overpayment of 2009 taxes.
(Geo # T820-999-0150-0100)

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9A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City’s option to extend current Contract 2010-067 (Security Guard Services – International Bridges) with Ruiz Protective Service, Inc. for two (2) additional years pursuant to the provisions of an award approved by the City Council on February 6, 2010. The extended contract period will be from April 1, 2013 to March 31, 2015.

Department: International Bridges
Award to: Ruiz Protective Service
El Paso, TX
Option: None
Annual Estimated Amount: \$487,581.60
Total Estimated Amount: \$975,163.20
Account No.: 564 – 64830 – 522120 - 3300
Funding Source: Security Contract – International Bridges

This is a Best Value, service contract.

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9B. 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 Daco Fire Equipment, Inc., a contractor under Houston-Galveston Area Council Cooperative (HGAC) Contract No. FS12-11 for the purchase of two (2) F-550 Ford Hazmat Trucks. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department: Fire Department
Award to: Daco Fire Equipment, Inc.
Lubbock, TX
Total Estimated Amount: \$248,052 (2 Units)
Account No.: 322 – 22130 – 580070 – 2720 – 2010SST805
Funding Source: 2010 UASI Grant – Hazardous Material Response
Reference No.: 2013-071

This is a Cooperative, unit price contract.

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10A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-271 for Municipal Service Center Roof Re-coating Project (Building 2, 3 & 4) to Pride General Contractors, LLC for an estimated total amount of \$197,888.

Department: Engineering & Construction Management
Award to: Pride General Contractors, LLC
El Paso, TX
Base Bid: \$197,888
Time for Completion: 45 Consecutive Calendar Days
Account: 190-28340-4560-580270-PCP12MFG390 and PCP12MFG400
Funding Source: 2012-2013 Short Term CIP Certificates of Obligation

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

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

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

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10B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-020 for Bus Stop Enhancements & Shelter Installation Citywide to Globe Builders, LLC for a total award of \$141,547.65

Department: Engineering and Construction Management
Award to: Globe Builders, LLC
El Paso, Tx
Base Bid: \$ 141,547.65
Total Estimated Award: \$ 141,547.65
Time for Completion: 180 Consecutive Calendar Days
Account: 190-28310-4500-580270-PCP10MT010
Funding Source: 2010 Infrastructure Capital Plan Certificates of Obligation

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only 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.

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10C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-235 (Carrier HVAC – Proprietary Parts and Service) to JIVG Enterprises LLC dba Technical Building Services for an initial term estimated award of \$150,000.

Department: General Services
Award to: JIVG Enterprises LLC dba Technical Building Services
El Paso, TX
Items: All
Initial Term: 3 Years
Option: None
Annual Estimated Award: \$50,000
Initial Term Estimated Award: \$150,000 (3 Years)
Total Estimated Award: \$150,000 (3 Years)
Account No.: 231 – 31040 – 522260 – 1000 – P3120
Funding Source: General Fund – Building Facilities Maintenance Contracts

This is a low bid, service contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to JIVG Enterprises LLC dba Technical Building Services, the lowest responsive, responsible bidder.

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11A. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried to **AWARD** Solicitation No. 2013-032 for Micro-Surfacing 2013 to Intermountain Slurry Seal, Inc. for a total award of \$2,049,500.

Department: Engineering and Construction Management
Award to: Intermountain Slurry Seal, Inc.
Watsonville, CA
Base Bid: \$ 2,049,500
Total Estimated Award: \$ 2,049,500
Time for Completion: 180 Consecutive Calendar Days
Account: 190-28340-4740-580270-PCP13ST0002
Funding Source: 2013-2019 Certificates of Obligation-Street Infrastructure

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 contact 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 or Department of Transportation 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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11B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2012-159 for Bicycle Paths on Various City Streets to Karlsruher, Inc. dba CSA Constructors for a total award of \$1,400,471.47.

Department:	Engineering and Construction Management
Award to:	Karlsruher, Inc. dba CSA Constructors El Paso, TX
Base Bid I:	\$ 536,238.76
Base Bid II:	\$ 864,232.71
Total Estimated Award:	\$1,400,471.47
Time for Completion:	180 Consecutive Calendar Days
Account:	190-38170-4950-580270- PCP06ST022A0
Funding Source:	TXDOT/ Congestion Mitigation & Air Quality Improvement (CMAQ)

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 contact 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.

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

Representative Acosta commented.

11C. ENGINEERING AND CONSTRUCTION MANAGEMENT

1st MOTION

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and carried to **AWARD** Solicitation No. 2013-007 for Roseway Drive Street & Drainage Improvements Phase II & III and Landscaping to Saab Site Contractors, LP, for an estimated total amount of \$1,011,107.50.

AYES: Representatives Byrd, Acosta, Noe, Holguin, and Niland

NAYS: Representative Ortega

ABSENT: Representatives Lilly and Robinson

2nd MOTION

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Noe, and unanimously carried to **AWARD** Solicitation No. 2013-007 for Roseway Drive Street & Drainage Improvements Phase II & III and Landscaping to Saab Site Contractors, LP, for an estimated total amount of \$1,011,107.50.

Department:	Engineering & Construction Management
Award to:	Saab Site Contractors, LP
	El Paso, TX
Base Bid I:	\$ 238,888
Base Bid II:	\$ 417,130.80
Base Bid III:	\$ 8,836.00
Option 1:	\$ 224,198.50
Option 2:	\$ 122,054.20
Total Estimated Award:	\$1,011,107.50
Time for Completion:	270 Consecutive Calendar Days
Accounts:	190-38230-4970-580270-PBE04ST127A0
Funding Source:	2004 GO Bonds, PSB Capital Projects

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.

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

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12A. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order(s) to Mitchell Adding Machine dba Mitchell Time & Parking, the sole provider for Amano McGann software and equipment, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: Aviation (El Paso International Airport)
Award to: Mitchell Adding Machine Co., Inc dba
Mitchell Time and Parking
Austin, TX
Annual Estimated Amount: \$81,261.25
Total Estimated Award: \$81,261.25
Account No.: 562 – 62220 – 580100 – 3080 – P0000040
562 – 62080 – 533030 – 3000
Funding Source: Airport Capital Projects– Data Processing Equipment
Airport Operations – Other Equipment
Sole Source No.: 2013-072

This is a sole source, requirements contract.

Representative Byrd commented.

Mr. Bruce Collins, Purchasing Manager, commented.

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ITEMS TAKEN TOGETHER

12B1. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order(s) to Decision Tree Inc. a contractor under the Department Information Resources (DIR) Contract No.DIR-SDD-890, for the purchase of computer equipment. 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 Department of Information Resources (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology
Award to: Decision Tree Inc.
El Paso, TX
Total Estimated Award: \$560,406
Account No.: 239 – 15070 – 580100 – 4960 (\$410,000)
334 – 34060 – 580100 – 3150 (\$150,406)
Funding Source: IT- Minor Capital
Environmental – Capital
Reference No.: 2013-074

This is a Cooperative, requirement contract.

12B2. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order(s) to Checkpoint Services Inc. a contractor under the Department Information Resources (DIR) Contract No. DIR-SDD-890, for the purchase of computer equipment. 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 Department of Information Resources (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department:	Information Technology
Award to:	Checkpoint Services Inc. El Paso, TX
Total Estimated Award:	\$510,000
Account No.:	239 – 15070 – 580100 – 4960 (\$410,000) 334 – 34060 – 580100 – 3150 (\$100,000)
Funding Source:	IT-Minor Capital Environmental Capital
Reference No.:	2013-075

This is a Cooperative, requirement contract.

12B3. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE, AS REVISED** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order(s) to Checkpoint Services, Inc, a contractor under the Department of Information Resources (DIR) Contract No. DIR-SDD-890 (Products and Related Services, Dell Marketing, L.P.) to purchase 84 Optiplex 9010 Dell Computers for use by the El Paso Police Department. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department:	Police Department
Award to:	Checkpoint Services, Inc. El Paso, TX
Annual Estimated Amount:	\$98,826
Total Estimated Award:	\$98,826 (for 84 Computers)
Account No.:	321 – 21270 – 580100 – 4342 – P5002320
Funding Source:	Data Processing Equipment-3150
Reference No.:	2013-065

This is a Cooperative, unit price contract.

Representative Byrd commented.

Mr. Bruce Collins, Purchasing Manager, commented.

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12C. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2012-307 (Apparatus Tires) to American Tire Distributors and Redburn Tire Company for an initial term estimated award of \$934,963.77.

Department: Fire Department
Award to: American Tire Distributors
Carrollton, TX
Items: 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 14, and 18
Initial Term: 3 Years
Option: 1 Year
Annual Estimated Award: \$190,225.75

Award to: Redburn Tire Company
Phoenix, AZ
Items: 4, 5, 9, 15, 16, 17, and 19
Initial Term: 3 Years
Option: None
Annual Estimated Award: \$121,428.84

Initial Term Estimated Award: \$934,963.77 (3 Years)
Total Estimated Award: \$934,963.77 (3 Years)
Account No.: 322 – 22090 – 531180 - 1000
Funding Source: Logistics – Vehicle Maintenance Supplies

This is a low bid, unit price contract.

The Financial Services - Purchasing Division and Fire Department recommend that Wingfoot Commercial Tire System, LLC, be disqualified as non-responsive and the contract be awarded as indicated to American Tire Distributors and Redburn Tire Company, the lowest responsive, responsible bidders.

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12D. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2012-221 (Automobile Parts – Light and Heavy Duty Vehicles) to Uni-Select USA, Inc. for an initial term estimated award of \$2,265,000.

Department: General Services
Award to: Uni-Select USA, Inc.
Moorestown, NJ (Corporate Office)
Local Distributor: Main Auto Parts
Items: All
Discount: 10% to 60% (Comprises 13 Groups of Auto Parts)
Initial Term: 3 Years
Option: 2 Years
Annual Estimated Award: \$755,000
Initial Term Estimated Award: \$2,265,000 (3 Years)
Total Estimated Award: \$3,775,000 (5 Years)
Account No.: 231 – 37020 – 531210 – 3600 – P3711
231 – 37020 – 531250 – 3600 – P3701
Funding Source: Supply Support Fund – Inventory Purchases – Materials & Supplies
Supply Support Fund – Equipment – Outside Repairs

This is a low bid, catalog pricing agreement.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Uni-Select USA, Inc., the lowest responsive, responsible bidder.

Representatives Byrd and Acosta commented.

Mr. Bruce Collins, Purchasing Manager, commented.

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13. CITY MANAGER

Discussion and action on the Quarterly Update from El Paso Electric Company as presented by El Paso Electric Representatives.

Ms. Marybeth Stevens, Assistant Vice President of External Affairs and Public Relations and Ms. Kelly Lore, Vice President Customer Care, El Paso Electric Company, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd, Ortega, and Niland commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

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14. CITY DEVELOPMENT

1st MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **APPROVE** an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP12-00040 at 218-222 N. Mesa and 230 N. Mesa, El Paso, Texas, on October 22, 2012 to deny a certificate of demolition application for the referenced property against staff recommendation of approval.

Mr. Mathew McElroy, Director of City Development, and Ms. Providencia Velazquez, Historic Preservation Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd, Ortega, Niland, and Noe commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Max Grossman
2. Mr. Peter Spier
3. Ms. Margaret Smith
4. Mr. Mark Dillon
5. Mr. Bernie Sargent
6. Mr. T J Karam
7. Mr. Henry Trost

8. Ms. Lisa Turner
9. Mr. Jack Cardwell, Borderplex Community Trust applicant
10. Ms. Jamie Gallagher, Borderplex Community Trust applicant
11. Mr. Frank Desloge, Borderplex Community Trust applicant
12. Mr. Morris Brown
13. Mr. David Bernard, Borderplex Community Trust

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15.

RESOLUTION

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

That the following affordable rental housing developments are approved for funding commitments, as recommended by the Director of Community and Human Development, as listed below:

- | | | |
|----|---|--|
| 1. | CHDO:
Project Type:
Project Address:
Funding Amount:
District | TVP Non Profit Corporation
Land Acquisition / Construction of 10 Rental Units
1230 Myrtle
\$850,000
8 |
| 2. | CHDO:
Project Type:
Project Address:
Funding Amount:
District | PV Community Development Corporation
Land Acquisition / Construction of 8 Rental Units
314 Glenwood
\$990,000
3 |
| 3. | CHDO:
Project Type:
Project Address:
Funding Amount:
District | The Marvellous Light
Land Acquisition / Construction of 8 Rental Units
6033 Deer Avenue
\$990,000
4 |
| 4. | CHDO:
Project Type:
Project Address:
Funding Amount:
District | TVP Non-Profit Corporation
Land Acquisition / Construction of 12 Rental Units
1217 Magoffin
\$1,120,000
8 |
| 5. | Developer:
Project Type:
Project Address:
Funding Amount:
District | RNR Properties
Land Acquisition and Construction of 10 Rental Units
Corner of Diana and Riley Streets
\$812,000
2 |
| 6. | Developer:
Project Type:
Project Address:
Funding Amount:
District: | North Desert Palms, Ltd.
Construction of 20 Rental Units
11001 Dyer
\$1,947,000
4 |
| 7. | Developer:
Project Type:
Project Address:
Funding Amount: | Eastside Crossings Ltd.
Land Acquisition and Construction of 188 Rental Units
Intersection of Zaragoza and Nour H
\$100,000 |

That the City Manager, on behalf of the City, be authorized to sign the applicable Investor HOME Written Agreement or Community Housing Development Organization (CHDO) HOME Written Agreement, in a form substantially similar to the form contract attached as Exhibit "A", by and between the City and each respective project developer, as well as any related contract documents necessary to effectuate the award(s) and to secure and protect the City's lien interest, upon approval by the City Attorney's Office.

Mr. William Lilly, Director of Community and Human Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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ITEMS TAKEN TOGETHER

16A.

RESOLUTION

A RESOLUTION TO CERTIFY LOCAL FUNDING AND SUPPORT OF THE EL PASO MUSEUM OF HISTORY TOURIST & WELCOME CENTER PROJECT AND APPLICATION TO THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR FUNDING COMPETITION IN THE TEXAS DEPARTMENT OF TRASPORTATION 2012 PROGRAM CALL FOR PROJECTS

WHEREAS, the El Paso Museum of History Tourist & Welcome Center project will renovate an existing 2,500 sq. ft. gallery space from a 'temporary gallery' to a 'permanent' Tourist & Welcome Center featuring four state-of-the-art transportation-related exhibits surrounding a visitor welcoming center. ; and the City proposes to submit a nomination requesting federal funding for assistance in the amount of SEVEN HUNDRED TWENTY THOUSAND FOUR HUNDRED THIRTY FIVE AND NO/100 DOLLARS (\$720,435); and

WHEREAS, the program requires a minimum 20% local funding match and the City has allocated and will provide the match requirement in the amount of \$144,087.

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

THAT the City of El Paso supports funding this project as shown in the nomination budget and commits to the project's development, implementation, construction, maintenance, management, and financing. The City is willing and able to enter into an agreement with TxDOT by resolution or ordinance;

THAT the City adopts this Resolution approving the submission of the project nomination, and the support and matching funds for the project should it receive grant funds.

THAT the City Manager is hereby authorized to act on behalf of the City in all matters relating to this funding nomination and to execute all necessary applications, assurances, certifications, and other documents, relative to the submission, later acceptance, and administration of such funds.

THAT it is hereby officially found and determined that this meeting at which this resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required. The regular meeting of the El Paso Council was called to order at 8:30 a.m. on November 13, 2012 in Council Chambers by the Mayor.

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

16B.

RESOLUTION

A RESOLUTION TO CERTIFY LOCAL FUNDING AND SUPPORT OF THE EL PASO MUSEUM OF HISTORY PERMANENT 3-D DIGITAL HIGHWAY PROJECT AND APPLICATION TO THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR FUNDING COMPETITION IN THE TEXAS DEPARTMENT OF TRASPORTATION 2012 PROGRAM CALL FOR PROJECTS

WHEREAS, the El Paso Museum of History 3-D Digital Highway project will propose a professionally designed, fabricated and installed TouchCity 3-D Digital Highway (the Wall) as an integral visitor component to the Tourist & Welcome Center. El Paso's Wall is located in a theater-in-the-round within the Tourist & Welcome Center. The EPMH Wall content will be bilingual and diverse as our Borderland community. Content will be provided by EPMH, UTEP's Special Collections Library, EP Library's Border Heritage Center, and several other institutions and businesses. ; and the City proposes to submit a nomination requesting federal funding for assistance in the amount of TWO MILLION, FIVE HUNDRED THOUSAND, EIGHT HUNDRED EIGHTY AND NO/100 DOLLARS (\$2,500,880); and

WHEREAS, the program requires a minimum 20% local funding match and the City has allocated and will provide the match requirement in the amount of \$500,176.

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

THAT the City of El Paso supports funding this project as shown in the nomination budget and commits to the project's development, implementation, construction, maintenance, management, and financing. The City is willing and able to enter into an agreement with TxDOT by resolution or ordinance;

THAT the City adopts this Resolution approving the submission of the project nomination, and the support and matching funds for the project should it receive grant funds.

THAT the City Manager is hereby authorized to act on behalf of the City in all matters relating to this funding nomination and to execute all necessary applications, assurances, certifications, and other documents, relative to the submission, later acceptance, and administration of such funds.

THAT it is hereby officially found and determined that this meeting at which this resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required. The regular meeting of the El Paso Council was called to order at 8:30 a.m. on November 13, 2012 in Council Chambers by the Mayor.

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

16C.

RESOLUTION

A RESOLUTION TO CERTIFY LOCAL FUNDING AND SUPPORT OF THE EL PASO MUSEUM OF HISTORY TRANSPORTABLE 3-D DIGITAL HIGHWAY PROJECT AND APPLICATION TO THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR FUNDING COMPETITION IN THE TEXAS DEPARTMENT OF TRASPORTATION 2012 PROGRAM CALL FOR PROJECTS

WHEREAS, the El Paso Museum of History Transportable 3-D Digital Highway project will request Texas Transportation Enhancement Program funding to design and fabricate a Transportable TouchCity 3-D Digital Highway as an external component to the Tourist & Welcome Center proposed by the Museum of History. It is estimated that the Transportable Wall will remain stationary for 30-60 days before moving to the next El Paso community, including nearby Fort Bliss, the country's 2nd largest military installation; and

the City proposes to submit a nomination requesting federal funding for assistance in the amount of FOUR HUNDRED THIRTY ONE THOUSAND NINE HUNDRED THIRTY THREE AND NO/100 DOLLARS (\$431,933); and

WHEREAS, the program requires a minimum 20% local funding match and the City has allocated and will provide the match requirement in the amount of \$86,387.

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

THAT the City of El Paso supports funding this project as shown in the nomination budget and commits to the project’s development, implementation, construction, maintenance, management, and financing. The City is willing and able to enter into an agreement with TxDOT by resolution or ordinance;

THAT the City adopts this Resolution approving the submission of the project nomination, and the support and matching funds for the project should it receive grant funds.

THAT the City Manager is hereby authorized to act on behalf of the City in all matters relating to this funding nomination and to execute all necessary applications, assurances, certifications, and other documents, relative to the submission, later acceptance, and administration of such funds.

THAT it is hereby officially found and determined that this meeting at which this resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required. The regular meeting of the El Paso Council was called to order at 8:30 a.m. on November 13, 2012 in Council Chambers by the Mayor.
Representative Niland commented.

The following City staff members commented:

- 1. Mr. Sean McGlynn, Director of Museums and Cultural Affairs
- 2. Dr. Julia Bussinger, Director of History Museum

The following members of the public commented:

- 1. Mr. David E. Saucedo
- 2. Mr. Joe Gomez

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

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17A. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **DIRECT** City staff to look for opportunities to incentivize City Centers and everything along the corridors that connects these centers more attractive.

AYES: Representatives Byrd, Acosta, Noe, Ortega and Niland
NAYS: None
ABSTAIN: Representative Holguin
ABSENT: Representatives Lilly and Robinson

Mr. Marty Howell, Interim Director of Economic Development and Sustainability, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representatives Byrd, Acosta, and Niland commented.

The following City staff members commented:

1. Mr. Carlos Gallinar, Deputy Director for Planning, City Development
2. Ms. Monica Lombrana, Director of Aviation

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17B. MAYOR AND COUNCIL

Motion made by Representative Niland, seconded by Representative Byrd, and carried to **DIRECT** City staff to re-evaluate and provide a recommendation on expanding the City Centers Downtown tier one incentive area.

AYES: Representatives Byrd, Acosta, Noe, Ortega, and Niland

NAYS: Representative Holguin

ABSENT: Representatives Lilly and Robinson

Mr. Marty Howell, Interim Director of Economic Development and Sustainability, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Joyce Wilson, City Manager, commented.

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ITEMS TAKEN TOGETHER

17C.

Discussion and action regarding strengthening the city's "local business" definition as stated with the Hire El Paso First Local Bid Preference policy.

Representative Niland commented.

17D.

Discussion and action giving direction to the city's purchasing department to craft a Socioeconomic Program which afford preferences and/or other considerations to small, minority, woman owned and disable veteran in the city bidding process.

17E.

Discussion and action regarding city assisted bond programming for local bidding.

17F.

Discussion and action regarding the consideration of "subcontracting" with a city contractor to qualify as sufficient for prior city work history in the city's best value procurement process.

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **DIRECT** City staff look into the particular issues raised regarding local preference in the procurement process and to model after the cities of Houston and San Antonio, Texas.

Representatives Byrd, Acosta, Holguin, Ortega, and Niland commented.

Mr. Bruce Collins, Purchasing Manager, commented.

The following members of the public commented:

1. Ms. Cindy Ramos Davidson
2. Mr. Carlos Ornelas
3. Mr. Oscar Venegas, Hispanic Contractors Community
4. Mr. Joe Gomez
5. Ms. T J Karam
6. Mr. Joe Lopez
7. Ms. Nancy Ontiveros, Home Grown EP
8. Ms. Lisa Turner

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17G. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item regarding discussion and action to assess the operational effectiveness of the 3-1-1 Customer Service Center.

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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding a Resolution that the Texas Department of Transportation consider and address the environmental impact the Loop 375 Border Highway West Extension Project and its associated drainage infrastructure may have on the sustainability and preservation of Cement Lake, to include the impact to its water source and the quality of that source, and take the necessary measures to protect the area to ensure that it remains a valuable resource to the green infrastructure of our Community.

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:26 p.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.

ABSENT: Representatives Lilly and Robinson

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 1:40 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. Andres Cortez v. Jorge Gonzalez et. al. Cause No. EP-12-CV-00050 (551.071)

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **DELETE** the item on Andres Cortez v. Jorge Gonzalez et. al. Cause No. EP-12-CV-00050 (551.071)

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Noe

ABSENT: Representatives Lilly and Robinson

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EX2. Texas Attorney General Request for Opinion RQ-1097-GA (551.071)

Motion made Representative Byrd, seconded by Representative Acosta and carried that the City Attorney's Office be authorized to retain outside counsel, the law firm of Gordon, Davis, Johnson & Shane, P.C., in connection with the Texas Attorney General Request for Opinion RQ-1097-GA, our matter no: 12-1006-141, and agrees to waive any potential future conflict of interest regarding future possible representation by Gordon, Davis, Johnson & Shane, P.C., of other clients in connection with issues involving the City of El Paso.

AYES: Representatives Byrd, Acosta, and Holguin

NAYS: Representatives Ortega and Niland

NOT PRESENT FOR THE VOTE: Representative Noe

ABSENT: Representatives Lilly and Robinson

Representative Acosta commented.

Ms. Laura Gordon, Deputy City Attorney, and Ms. Terri Cullen, Deputy City Attorney, gave legal advice.

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EX3. Patriot Place, Ltd.; Bankruptcy Case No. 11-31024-hcm (551.071)

NO ACTION was taken on this item.

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Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:45 p.m.

NOT PRESENT FOR THE VOTE: Representative Noe

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk