

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
NOVEMBER 18, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Rachel Quintana, Eddie Holguin, Jr., and Beto O'Rourke. Late arrivals: Steve Ortega at 8:38 a.m. and Melina Castro at 8:44 a.m. Early departure: Rachel Quintana at 1:21 p.m. Absent: Susannah M. Byrd requested to be excused. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. FILIPINO AMERICAN RECOGNITION MONTH**
- 2. J.M. HANKS HIGH SCHOOL MARCHING BAND DAY**
- 3. EL PASO COUNTY JUVENILE JUSTICE DAY**

RECOGNITIONS

- 1. STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE**
- 2. PUBLIC HEALTH WORKERS-DEPARTMENT OF PUBLIC HEALTH**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

- 1. Command Sergeant Major Ingo Schmidt**
- 2. Maestro Phillip Garcia**
- 3. Mr. Jerry Thiedt**
- 4. Mr. Ray Gilbert**

.....
Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Castro and Ortega
ABSENT: Representative Byrd

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:01 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

.....
EX1. Alejandro Hernandez vs. the City of El Paso, Cause No. 08-CV-00222. (551.071)

Motion made by Representative Castro, seconded by Representative Acosta, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Alejandro Hernandez v. City of El Paso, et. al., Cause No. EP-08-CA-0222-KC.

AYES: Representatives Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lilly
ABSENT: Representative Byrd

.....
EX2. Discussion and action regarding Empowerment Zone loan RLF-75 to Magnolia 2720, LLC (Willis-Froetschel Building Group LLC). (551.071)

Motion made by Representative Castro, seconded by Representative Acosta, and unanimously carried that the City Attorney's Office be authorized to **PREPARE THE NECESSARY DOCUMENTS** for a restructuring of Empowerment Zone loan RLF-75 to Magnolia 2720 LLC, as recommended by the City Attorney and the Community and Human Development Department; and that the City Manager or her designee be authorized to sign any and all related documents as appropriate.

AYES: Representatives Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lilly
ABSENT: Representative Byrd

.....
EX3. Update and status on delinquent Empowerment Zone loan collection actions, Empowerment Zone-related litigation, and other legal matters involving the Empowerment Zone. (551.071)

NO ACTION was taken on the item.

.....
CONSENT AGENDA

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

AYES: Representatives Lilly, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Byrd

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of November 11, 2008.

.....
2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Byrd from the Regular City Council Meeting of November 18, 2008, and to **EXCUSE** Representative Quintana only from the 6:00 p.m. Public Hearing of the Regular City Council Meeting of November 18, 2008..

.....
3A.

***RESOLUTION**

That City Council amend the policies and priorities previously adopted on August 26, 2008, regarding the 2009-2010 Housing Opportunities for Persons with AIDS (HOPWA) Program; that City Council adopt the new policies and priorities attached as Exhibit A; and that City Council establish January 9, 2009 as the deadline for submission of all HOPWA application packets.

Representatives Quintana and O'Rourke commented.

Mr. William Lilly, Director of Community and Human Development, commented.

.....
3B.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 28th day of March, 2007, after due notice and hearing, ordered JESUS MELENDEZ and CONSUELO MELENDEZ, record Owners of the hereinafter described property that the Building(s) be resecured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to resecure the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to resecure the Building(s) and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of resecuring the Building(s) and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 19, Block 3, Hughes Subdivision of Block 1 of Alameda Acres in the City of El Paso, El Paso County, Texas, municipally known and numbered as 5640 Dailey Avenue, El Paso, Texas,

to be \$479.71, performed by the Street Department of the City of El Paso. The City Council finds that the work was completed on the 23rd day of October, 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of FOUR HUNDRED SEVENTY-NINE AND 71/100 DOLLARS (\$479.71) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....

3C.

***RESOLUTION**

WHEREAS, on October 5, 2004, the City Council of the City of El Paso resolved to place a lien in the amount of Four Thousand Seven Hundred Fifty Seven and 90/100 Dollars (\$4,757.90) on the property located at:

Lots 4 and E ½ of Lot 5, Block 29, French Addition, an Addition to the City of El Paso, El Paso County Texas, municipally known and numbered as 4421 Madera Avenue.

WHEREAS, the City Council has now been informed that the lien had been placed in error.

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

That the City Council hereby rescinds its action of October 5, 2004, reflected in Document No. 20040097761 resolving to place a lien on the property located at Lots 4 and E ½ of Lot 5, Block 29, French Addition, an Addition to the City of El Paso, El Paso County Texas, municipally known and numbered as 4421 Madera Avenue, and instructs the City Clerk to file a copy of this Resolution with the El Paso County Clerk as notice that said lien has been rescinded.

Mayor Cook and Representative Acosta commented.

Ms. Joyce Wilson, City Manager, and Mr. Victor Torres, Director of Development Services, commented.

.....

3D.

***RESOLUTION**

WHEREAS, Vanilla, Brick & Mortar, 1914, and Shadow Lounge (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for a Thanksgiving Block Party (hereinafter referred to as "Event"), on Wednesday, November 26, 2008 to Thursday, November 27, 2008; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure for less than twenty-four (24) hours to temporarily close a portion of sidewalk on Durango and the adjacent Western Court, between South Durango Street and the westerly alley for the use and closure of public rights-of-way from 11:00 am Wednesday, November 26, 2008, to 10:30 am Thursday, November 27, 2008, in conjunction with the proposed Event; and

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

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

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of sidewalk on Durango Street and the adjacent Western Court between South Durango Street and the westerly alley from 5:00 pm, Wednesday, November 26, 2008 to 2:00 am, Thursday, November 27, 2008.

.....

3E.

3E1.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Quantum Engineering Consultants, Inc. for a project known as "Borderland Area Street and Drainage Improvements Phase VI" for an amount not to exceed \$66,763.05.

3E2.

***RESOLUTION**

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Quantum Engineering Consultants, Inc. for a project known as "Borderland Area Street and Drainage Improvements Phase VII" for an amount not to exceed \$86,086.46.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

.....

3F.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Shab, Inc. for \$33,000 for the purchase of:

A 0.107 acre parcel, more or less, being a portion of Tract 2, Block 8, Upper Valley Survey, El Paso, El Paso County, Texas.

Representative Quintana commented.

Ms. Theresa Cullen, Deputy City Attorney, gave legal advice, and Mr. Alan Shubert, City Engineer, commented.

Mr. Ray Gilbert, citizen, commented.

.....

3G.

***RESOLUTION**

1. That the El Paso City Council approves submission of the grant application for the Gang Initiative project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of \$500,000 from the El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the El Paso Police Department's Anti-gang Initiatives.
3. The City of El Paso agrees to provide a cash match in the amount of \$ 776.20.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.
5. The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

.....
3H.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Region XIX Educational Service Center, for the purpose of providing dental care services and information to minor participants in the Early Head Start and Healthy Start Program. Billing reimbursements for Medicaid and Non-Medicaid clients are based on Medicaid guidelines, protocols and fee schedules. Agreement shall commence on November 18, 2008 and be completed by August 31, 2009.

Representative Acosta commented.

Mr. Michael Hill, Director of Public Health, commented.

.....
4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the appointment of Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3.

.....

4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Annette Stone to the Community Development Steering Committee by Mayor John F. Cook.

4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** James D. Booher to the Historic Landmark Commission by Representative Beto O'Rourke, District 8.

5. APPLICATIONS FOR TAX REFUND

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**:

- A. CitiMortgage, Inc., in the amount of \$2,713.95 overpayment of 2007 taxes. (PID #G431-999-0040-5100).
- B. GMAC Mortgage in the amount of \$6,791.45 overpayment of 2007 taxes. (PID #R577-999-0080-3600).
- C. American Home Mortgage Servicing, Inc., in the amount of \$5,536.83 overpayment of 2007 taxes. (PID #T287-999-1180-4500).
- D. Wachovia Mortgage in the amount of \$5,243.28 overpayment of 2007 taxes. (PID #V893-999-2790-0500).

6. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-211 (City Vehicles) to Rudolph Chevrolet for a total estimated award of \$190,000.

Department: General Services
Award to: Rudolph Chevrolet
El Paso, TX
Item: Group III: Animal Transport Vehicles (5 total) with optional equipment
Annual Est. Amount: \$190,000
Account No.: 37150068 – 508006 - 27507
Funding Source: Equipment Replacement Fund
Total Est. Award: \$190,000

Although this was bid as a thirty-six month requirements type contract, Rudolph Chevrolet offered the City pricing for twelve months and does not offer the City the option to extend the term of the contract.

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

The Departments of Financial Services, Purchasing Division, and General Services recommend award of Group III to the sole vendor offering the best value bid.

Representative Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

.....

7. BID

*Motion made, seconded, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2009-032 (Borderland Street & Drainage Improvements Phase V) to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc., for a total estimated amount of \$385,319.80.

Department: Engineering Department
 Award to: J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc.
 El Paso, TX
 Base Bid I: \$356,712.80
 Base Bid II: \$ 21,570.00
 Base Bid III: \$ 2,040.00
 Option 1: \$ 4,997.00
 Account No.: 71150069 – 508027 – 07894 – G7132CD0026
 Funding Source: Community Development Block Grant 34th Year (2008-2009)
 Total Est. Award: \$385,319.80

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

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

As a part of this award 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 Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.

.....

**8A. &
 8C. - 8E. INTRODUCTIONS**

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

- 8A.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property described herein to G.W.M. Investments II, L.P., in accordance with Section 34.05 (h) of the Tax Code.

- 8C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 Schedule XII (Restrictions on Parking in Residential Districts), Zone Q (No Parking 7:00 a.m. to 4:00 p.m., School Days Only) of the El Paso City Code by adding Milan Street from Quail Avenue to Naples Avenue, both sides. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 Schedule III (Parking Prohibited at All Times on Certain Streets) of the El Paso City Code by deleting Number 157 Lee Street between Magoffin Avenue and Olive Avenue, west side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2008, FOR ITEMS 8A & 8C – 8D

- 8E.** An Ordinance changing the zoning of Lots 11 to 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas, from C-5/SP (Central Business District/Special Permit) to C-5/H/SP (Central Business District/Historic/Special Permit) in order to impose an historic district overlay. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 9, 2008, FOR ITEM 8E

.....
8B. INTRODUCTION

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

- 8B.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 404 Nino Aguilera to Centro De Salud Familiar La Fe, Inc., in accordance with Section 34.05 (h) of the Tax Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2008, FOR ITEM 8B

AYES: Representatives Lilly, Acosta, Castro, Quintana, Holguin, and Ortega
 NAYS: None
 ABSTAIN: Representative O'Rourke
 ABSENT: Representative Byrd

Representative O'Rourke commented.

9A. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-233 (Traffic Sign Materials) to 3M Company and Flint Trading, Inc., for a total estimated award of \$540,000.

Department: Street
Award to: Vendor 1: 3M Company
St. Paul, MN
Item: Base Bid Group A
Option: One year
Annual Estimated Amount: \$100,000

Award to: Vendor 2: Flint Trading, Inc.
Thomasville, NC
Item: Base Bid Group C
Option: Two years
Annual Estimated Amount: \$80,000

Account No.: 32010287 – 503203 – 01101
Funding Source: Public Access Maintenance & Repairs
Total Estimated Award: \$540,000

This is a thirty-six month requirements type contract.

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

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

Representatives Castro and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

.....
9B. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2009-031 (Coronado Road Street & Drainage Improvements Phase I) to J.A.R. Concrete Inc. d/b/a J.A.R. Construction, Inc., for a total estimated amount of \$926,096.79.

Department: Engineering
Award to: J.A.R. Concrete Inc., d/b/a J.A.R. Construction, Inc.
El Paso, TX
Base Bid I: \$699,547.79
Base Bid II: \$ 77,200.00
Base Bid III: \$149,349.00
Account No.: 71150069 – 508027 – 07893 – G7133CD0037
Funding Source: Community Development Block Grant 33rd Year
Total Estimated Award: \$926,096.79

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

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

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, unit-price contract.

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

NOT PRESENT FOR THE VOTE: Representative Castro

Representative Acosta commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

.....
9C. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-244 (Thermoplastics Pavement Markings 2008-2009) to Stripe-A-Zone, Inc., for a total estimated amount of \$1,283,435.

Department:	Street
Award to:	Stripe-A-Zone, Inc. Grand Prairie, TX
Base Bid:	\$1,283,435
Option:	1 year
Account No.:	99331117 – 508027 – 27263 – PCP06ST019 99331117 – 508027 – 27263 – PST07003 31250102 – 508027 – 27175 – PST05003
Funding Source:	FY 2000 & 2006 Certificates of Obligation
Total Estimated Award:	\$1,283,435

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

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

As part of the award of this contract, upon the review of the City Attorney, the Street Director may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

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

Representatives O'Rourke, Ortega, and Lilly commented.

Ms. Joyce Wilson, City Manager, and Mr. Daryl Cole, Street Director, commented.

Mr. Ray Gilbert, citizen, commented.

.....
9D. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **AWARD** Solicitation No. 2009-024 (Automotive Fuel Diesel and Unleaded) to Western Refining Wholesale, for a total estimated award of \$19,165,135.

Department: General Services
Award to: Western Refining Wholesale
El Paso, TX
Items: All Items: Group I, II, & III
Option: Two years
Annual Estimated Amount: \$ 6,388,378 (3,266,000 gallons)
Account No.: 37370510 – 503124 – 45202
Funding Source: Internal Service Fund
Total Estimated Award: \$19,165,135 (9,798,000 gallons)

This is a thirty-six month requirements type contract.

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

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager'
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. John Neal, Acting Director of General Services

.....
10. ORDINANCE 17025

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY THE EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO DOWNGRADE THE FOLLOWING STREETS FROM MINOR ARTERIALS TO COLLECTOR ARTERIALS: YANDELL FROM MISSOURI TO SANTA FE; KERBEY**

FROM KANSAS TO RIM; VAN BUREN FROM ELM TO DYER; MONROE FROM ELM TO DYER; ALTURA FROM ALABAMA TO HAPPER; TIMBERWOLF FROM HOWZE TO MAGRUDER; AND SIOUX FROM MONTANA TO EDGEMERE.

Mr. Chuck Kooshian, Development Services Lead Planner, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Holguin, Ortega, Acosta, O’Rourke, Quintana, Lilly, and Castro commented.

Ms. Joyce Wilson, City Manager, and Ms. Kimberly Forsyth, Engineering Lead Planner, commented.

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

- AYES: Representatives Lilly, Acosta, Castro, Ortega, and O’Rourke
- NAYS: Representative Holguin
- NOT PRESENT FOR THE VOTE: Representative Quintana
- ABSENT: Representative Byrd

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

.....

11.

ORDINANCE 17026

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 SCHEDULE I (ONE-WAY STREETS), OF THE EL PASO CITY CODE BY DELETING NUMBER 38, OREGON STREET FROM ARIZONA AVENUE TO SAN ANTONIO AVENUE; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Castro, Quintana, O’Rourke, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Ted Marquez, Engineering Division Manager
- 3. Ms. Jane Shang, Deputy City Manager of Transportation Services

The following members of the public commented:

- 1. Mr. Eduardo Miranda, Greater El Paso Chamber of Commerce
- 2. Mr. Patrick Olszenski
- 3. Mr. Malcolm McGregor, III

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

AYES: Representatives Lilly, Acosta, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Castro
ABSENT: Representative Byrd

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

.....
12.

ORDINANCE 17027

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE), CHAPTER 6.08 (PASSENGER BUSES AND STREETCARS), OF THE EL PASO CITY CODE TO ADD A NEW SECTION 6.08.060 TO PROVIDE FOR PRIORITY SEATING FOR SENIOR AND MOBILITY-IMPAIRED PASSENGERS ON SUN METRO BUSES, INCLUDING PENALTIES FOR VIOLATION.**

Mayor Cook and Representatives Ortega, Quintana, Castro, O'Rourke, Lilly, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Jane Shang, Deputy City Manager of Transportation Services
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Frank Lozano
- 2. Ms. Noemi Tovar
- 3. Ms. Martha Cardenas
- 4. Mr. Ray Gilbert
- 5. Ms. Lori Vugteveen
- 6. Mr. Jose Lara

Mayor Cook read a statement into the record from Ms. Suzanne Fabian.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

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

.....

13.

RESOLUTION

WHEREAS, on July 19, 2005, the City Council for the City of El Paso adopted a five-year (2005-2010) Consolidated Plan that serves as a comprehensive housing affordability strategy, community development plan, and submission for funding under the Community Development Block Grant (CDBG) Program, which was submitted to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, on June 26, 2007, the City Council for the City of El Paso first amended the 2005-2010 Consolidated Plan to comply with new HUD regulations that became effective March 13, 2006, and amended the 2005-2010 Consolidated Plan again on August 26, 2008 to add a Neighborhood Revitalization Strategy Area component for which HUD approval is forthcoming; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department and Department staff, now desires to amend the 2005-2010 Consolidated Plan by adding a Neighborhood Stabilization Program (NSP) component to the CDBG Program and to amend the Annual Action Plan (2008-2009) by adding NSP-funded activities and approving the International Building Code (IBC) definition for "blighted structure" to be used for the purposes of NSP activities, whenever applicable, as specified in Attachment 1 in order to comply with HUD's directive for such a definition; and

WHEREAS, on October 31, 2008, the City of El Paso published in the El Paso Times public notice and allowed a 15-day public comment period regarding the proposed amendment to the 2005-2010 Consolidated Plan in conjunction with HUD's alternative requirements under Title III of Division B of the Housing and Economic Recovery Act of 2008 shortening the public comment period from 30 days to 15 days due to the expedited nature of the amendment, and the City complied with HUD's additional requirement of posting its substantial amendment materials on the official City of El Paso website as they were developed, published, and submitted to HUD, and City Council has duly considered public comment, if any; and

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

1. That the 2005-2010 Consolidated Plan is hereby amended as follows:

Adding a Neighborhood Stabilization Program (NSP) component, attached hereto as Attachment A and Attachments 1-8, amending its Annual Action Plan (2008-2009) to allow the City of El Paso to use CDBG funds specifically designated for NSP activities, as specified in Attachment 1, to stabilize specific El Paso neighborhoods identified as having the greatest need based on HUD's criteria, and approving the IBC definition for "blighted structure" as specified on pages 4 and 5 of Attachment 1 for the purposes of NSP activities, whenever applicable, to comply with HUD's directive for such a definition. For the purposes of this Amendment, the first neighborhoods that would be targeted for NSP activities are the Chamizal Neighborhood Revitalization Strategy Area (NRSA), census tracts 26.00, 28.00, and 29.00; the Lower Dyer NRSA, census tract 8.00; the Segundo Barrio Neighborhood Revitalization, census tracts 17.00, 18.00, 19.00, 20.00, and 21.00; East El Paso, census tracts 103.13 and 103.15; and, the Ysleta Neighborhood, census tracts 39.01, 39.02, and 40.02.

2. That the City Manager be authorized to sign and submit to the U.S. Department of Housing and Urban Development (HUD) a Neighborhood Stabilization Program (NSP) application as part of the amended Annual Action Plan (2008-2009), and related NSP certifications contained therein.

3. That the City Manager be authorized to sign a Grant Agreement with HUD for the NSP formula grant covered by the City's Annual Action Plan.
4. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.

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

Representatives O'Rourke, Castro, Quintana, and Acosta commented.

Ms. Joyce Wilson, City Manager, commented.

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

.....
14A. ECONOMIC DEVELOPMENT

Presentation regarding Business Retention & Expansion program results for Fiscal Year 2008.

Ms. Rose Romero, Economic Development Specialist, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Castro and Acosta commented.

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Director of Economic Development, commented.

NO ACTION was taken on the item.

.....
14B. ECONOMIC DEVELOPMENT

Presentation by Roman Ortiz, Chief Executive Officer of Project ARRIBA, on the Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. final report on the outcomes of performance measures of the Grant Agreement in the amount of \$250,000 executed on October 2, 2007.

Mr. Roman Ortiz, Chief Executive Officer for Project ARRIBA, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Kathryn Dodson, Director of Economic Development
2. Mr. Edmundo Calderon, Chief Internal Auditor
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

NO ACTION was taken on the item.

.....
14C.

RESOLUTION

That the City Manager is hereby authorized to submit the attached TIRZ No. 5 Annual Report to the appropriate entities as required by Section 311.016 of the Texas Property Tax Code.

Mayor Cook and Representative Quintana commented.

Ms. Kathryn Dodson, Director of Economic Development, commented.

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

AYES: Representatives Lilly, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representative Holguin

ABSENT: Representative Byrd

.....
15. ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item on discussion and action on Tierra Commercial Unit 5 Subdivision Plat proportionality appeal submitted by River Oaks Properties, Ltd and Ranchos Real XII, Ltd under Section 19.46 of the El Paso City Code.

Representative Quintana commented.

.....
16. CITY MANAGER

City Manager's report of current events and issues:

Presentation on the Firemen and Policemen Pension Fund of El Paso.

Mr. Robert Stanton, Executive Director of the Firemen and Policemen Pension Fund, Mr. Rich Mackesey, Buck Consultants, and Mr. Eric Ralph, Senior Vice President of Summit Strategies Group, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Richarda Momsen, Municipal Clerk, and Mr. William Studer, Deputy City Manager of Financial Services, commented.

NO ACTION was taken on the item.
.....

ADDITION TO THE AGENDA
1A. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative O'Rourke, and unanimously carried to authorize the Mayor to sign a Sister City agreement with the City of Chihuahua, Mexico reaffirming the commitment made in 2002.

Mayor Cook commented.

Mr. Robert Andrade, Executive Assistant to the Mayor, commented.

Mr. Steven Silver, volunteer Director for the Sister City's project, commented.

.....
ADDITION TO THE AGENDA
1B. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to **APPROVE** the finding of a public purpose and to allow Council to use discretionary funds for Operation Santa Claus.

Mayor Cook and Representatives O'Rourke, Acosta, and Holguin commented.

Mr. Robert Andrade, Executive Assistant to the Mayor, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Jerry Spurbeck, Marketing Director for Operation Santa Claus, commented.

.....
Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **RECESS** the City Council Meeting at 1:21 p.m.

.....
The City Council meeting **RECONVENED** at 6:02 p.m.

NOT PRESENT: Representatives Castro, Quintana, and Ortega

.....
17. PUBLIC HEARING - ENGINEERING

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **CLOSE** the Public Hearing on the proposal to adopt an Ordinance pursuant to Transportation Code Section 222.106, designating an area as Transportation Reinvestment Zone Number One, City of El Paso, Texas, the designation of the zone, its benefits to the municipality and to the property in the proposed zone.

NOT PRESENT FOR THE VOTE: Representatives Byrd and Quintana

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

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

Ms. Joyce Wilson, City Manager, commented and Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Harold Hahn, Chairman of the Camino Real Regional Mobility Authority

.....
Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 6:32 p.m.

NOT PRESENT FOR THE VOTE: Representatives Byrd and Quintana
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk