

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
DECEMBER 11, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Michiel R. Noe, and Cortney Carlisle Niland. Late arrivals: Ann Morgan Lilly at 8:36 a.m., Eddie Holguin, Jr. at 8:37 a.m., Carl Robinson at 8:49 a.m., and Steve Ortega at 9:30 a.m. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. COMMUNITY EN ACCIÓN DAY
2. WEEK OF GIVING
3. SUN METRO EMPLOYEE APPRECIATION WEEK
4. LYDIA PATTERSON INSTITUTE HOLIDAY POSADA STREET FEST DAY
5. BURGES HIGH SCHOOL – THE STAMPEDE NEWSPAPER DAY

RECOGNITION

BURGES HIGH SCHOOL – WINNER OF THE 2012 PACEMAKER AWARD

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

Requests to speak must be received by 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.

Ms. Lisa Turner, citizen, commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, 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, Byrd, Acosta, Robinson, Noe, Holguin, and Niland

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Ortega

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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 December 4, 2012.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso and California State Teachers Retirement System) to amend the description of the Premises to read as follows:

A portion of Lots 1, 2, 9 and 10, Block 2, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 277,976.0 square feet or 6.3815 acres of land, more or less, and municipally known and numbered as 12 Founders Blvd., El Paso, Texas, and

That the City Manager be authorized to sign a Memorandum of Second Amendment to Butterfield Industrial Park Lease.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a La Placita Lease Agreement by and between the City of El Paso ("Lessor") and Galeria Zia LLC ("Lessee") for the premises described as follows:

Space 1 containing approximately 687 square feet of shop space in La Placita on the lower level of the Airport terminal building, and storage area #AW 105 located in the basement of the Airport terminal building.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign Contract No. NNJ13HA07C by and between the National Aeronautics and Space Administration ("NASA") and the City of El Paso ("Contractor") for the lease of hangar and office space located at 8101 and 8201 Boeing Drive for a period of one (1) year and that the City Manager be authorized to sign four (4) additional modifications to extend the performance period of the contract for a one-year extension each, if requested by NASA.

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3D.

***RESOLUTION**

WHEREAS, the City of El Paso, Texas ("the City"), and the County of El Paso, Texas ("the County"), established a Joint Revolving Loan Fund, utilizing funds available under the U.S. Department of Commerce, Economic Development Administration ("EDA") Section 209 Economic Adjustment Program, and as provided by the Texas Department of Housing and Community Affairs ("TDHCA"), respectively; and

WHEREAS, the Joint Revolving Loan Fund was established pursuant to the terms of an Interlocal Agreement, dated May 16, 2000, and thereafter amended, between the City and the County, and a Revolving Loan Fund Program Agreement, dated May 16, 2000, and thereafter amended, among the City, the County, the Program Bank, and additional Program Lenders; and

WHEREAS, the Revolving Loan Fund Plan ("RLF Plan") was described in Exhibit A to the above-referenced Interlocal Agreement and Program Agreement; and

WHEREAS, upon submission to the EDA of the program report for the Joint Revolving Loan Fund for the period ending September 30, 2012, 13 C.F.R. §307.14(b) and Part II, Section J.2 of the EDA's *Revolving Loan Fund Standard Terms and Conditions* require annual certification by the governing board of the grant recipient that the Joint Revolving Loan Fund is being operated in accordance with the RLF Plan; and

WHEREAS, the City Council is the governing body of the City of El Paso, which is the grant recipient of funds from the EDA; and

WHEREAS, having reviewed the performance of the Joint Revolving Loan Fund for the period ending September 30, 2012, City Council finds that: the RLF Plan is consistent with and supportive of the area's current economic adjustment strategy; the Joint Revolving Loan Fund is being operated in accordance with the policies and procedures contained in the RLF Plan; and the loan portfolio meets the standards contained therein.

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

That the performance of the Joint Revolving Loan Fund has been reviewed for the period ending September 30, 2012, and that the City Manager or her designee be authorized to certify the following to the Economic Development Administration:

1. The RLF Plan is consistent with and supportive of the area's current economic adjustment strategy; and
2. The Joint Revolving Loan Fund is being operated in accordance with the policies and procedures contained in the RLF Plan, and the loan portfolio meets the standards contained therein.

Representative Niland commented.

Ms. Joyce Wilson, City Manager, commented.

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3E.

***R E S O L U T I O N**

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

WHEREAS, Kirby Productions, LLC (hereinafter referred to as "Grantee") is sponsoring The Old Downtown Ball Drop New Year's Eve Bash from Monday, December 31, 2012 through Tuesday, January 1, 2013 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for twenty-four (24) hours on portions of City rights-of-way on Stanton Street between Texas Avenue and Mills Avenue from 8:00 am Monday, December 31, 2012 to 8:00 am Tuesday, January 1, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to provide for the sale and service of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event.

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

That the sale and service of alcoholic beverages by Kirby Productions, LLC in the closed portions of City rights-of-way on Stanton Street between Texas Avenue and Mills Avenue from 7:00 pm Monday, December 31, 2012 to 2:00 am Tuesday, January 1, 2013, is a permissible activity in conjunction with The Old Downtown Ball Drop New Year’s Eve Bash.

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3F.

***R E S O L U T I O N**

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

WHEREAS, Centro de Salud Familiar La Fe (hereinafter referred to as “Grantee”) is sponsoring Navidad de La Fe from Saturday, December 15, 2012 through Sunday, December 16, 2012 (hereinafter referred to as “Event”); and

WHEREAS, the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Temporary Event Permit in accordance with Section 13.36 (Parades and Public Assemblies) for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of Scenic Drive from 6:00 am Saturday, December 15, 2012 to 12:00 am Sunday, December 16, 2012, in conjunction with the proposed Event; and

WHEREAS, Grantee has received administrative approval for a Parks and Recreation use permit for the use of Scenic Drive during operating hours on Saturday, December 15, 2012 in conjunction with the Event; and

WHEREAS, Section 13.24.040 (Hours of Closure) of the El Paso City Code requires City Council approval for the use of Scenic Drive between the hours of 10:00 pm and 6:00 am in conjunction with the Event.

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

That Centro de Salud Familiar La Fe is authorized to utilize Scenic Drive from 10:00 pm Saturday, December 15, 2012 to 12:00 am Sunday, December 16, 2012, in conjunction with Navidad de La Fe.

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3G.

***R E S O L U T I O N**

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

WHEREAS, Run El Paso (hereinafter referred to as “Grantee”) is sponsoring Run El Paso New Year’s Eve Fun Run from Monday, December 31, 2012 through Tuesday, January 1, 2013 (hereinafter referred to as “Event”); and

WHEREAS, the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Temporary Event Permit in accordance with Section 13.36 (Parades and Public Assemblies) for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of Scenic Drive from 11:00 pm Monday, December 31, 2012 to 12:45 am Tuesday, January 1, 2013, in conjunction with the proposed Event; and

WHEREAS, Grantee has received administrative approval for a Parks and Recreation use permit for the use of Scenic Drive during operating hours on Monday, December 31, 2012 in conjunction with the Event; and

WHEREAS, Section 13.24.040 (Hours of Closure) of the El Paso City Code requires City Council approval for the use of Scenic Drive between the hours of 10:00 pm and 6:00 am in conjunction with the Event.

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

That Run El Paso is authorized to utilize Scenic Drive from 11:00 pm Monday, December 31, 2012 to 12:45 pm Tuesday, January 1, 2013, in conjunction with Run El Paso New Year's Eve Fun Run.

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3H. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution authorizing the City Manager to sign an Overhead Electrical Easement for the provision of electrical power to a new road condition message sign to be located at 4301 Woodrow Bean - Transmountain Road, said easement more particularly described as a portion of Section 31, Block 81, TSP 1, T & P Railroad Surveys, City of El Paso, El Paso County, Texas.

Representative Robinson commented.

Ms. Irene Ramirez, Interim City Engineer, commented.

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3I.

***RESOLUTION**

A RESOLUTION TO CERTIFY SUPPORT AND LOCAL FUNDING OF THE UNIVERSITY AVENUE PEDESTRIAN AND BICYCLE IMPROVEMENT PROJECT AND THAT AN APPLICATION BE SUBMITTED TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2012 TEXAS TRANSPORTATION ENHANCEMENT PROGRAM CALL FOR PROJECTS.

WHEREAS, the Texas Department of Transportation has opened a call for projects which go above and beyond standard transportation activities and are integrated into the surrounding environment in a sensitive and creative manner that contributes to the quality of the environment; and

WHEREAS, the City of El Paso seeks to improve the safety of pedestrians and bicyclists by constructing walking and bicycle trails to connect neighborhoods, schools, businesses, and parks; and

WHEREAS, the City of El Paso seeks to enhance walkability and bicycling options to provide residents with a mix of travel modes; and

WHEREAS, the project will be an important and viable asset to the City's transportation network; and

WHEREAS, the project is in conformance with the City's comprehensive plan adopted by the El Paso City Council in 2012.

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

THAT the City of El Paso supports funding for the University Avenue Pedestrian and Bicycle Improvement project and agrees to commit to the development, implementation, construction, maintenance, management and financing of the projects and make the necessary improvements if selected by the Texas Department of Transportation. The City further agrees to provide the required local match of twenty five (25) percent or greater of the total project costs, including being responsible for all non-federally fundable items

and a hundred (100) percent of all cost overruns, and to construct the projects within four years from date of selection.

THAT the City proposes to submit a nomination requesting funding in the amount of SEVEN HUNDRED FIFTEEN THOUSAND ONE HUNDRED FORTY-FOUR AND NO/100 DOLLARS (\$715,144) with a 25% local funding match in the amount of \$238,381.

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.

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3J.

***RESOLUTION**

A RESOLUTION TO CERTIFY SUPPORT AND LOCAL FUNDING OF THE HAWTHORNE STREET PEDESTRIAN AND BICYCLE PROJECT AND THAT AN APPLICATION BE SUBMITTED TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2012 TEXAS TRANSPORTATION ENHANCEMENT PROGRAM CALL FOR PROJECTS.

WHEREAS, the Texas Department of Transportation has opened a call for projects which go above and beyond standard transportation activities and are integrated into the surrounding environment in a sensitive and creative manner that contributes to the quality of the environment; and

WHEREAS, the City of El Paso seeks to improve the safety of pedestrians and bicyclists by constructing walking and bicycle trails to connect neighborhoods, schools, businesses, and parks; and

WHEREAS, the City of El Paso seeks to enhance walkability and bicycling options to provide residents with a mix of travel modes; and

WHEREAS, the project will be an important and viable asset to the City's transportation network; and

WHEREAS, the project is in conformance with the City's comprehensive plan adopted by the El Paso City Council in 2012.

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

THAT the City of El Paso supports funding for the Hawthorne Street Pedestrian and Bicycle Project and agrees to commit to the development, implementation, construction, maintenance, management and financing of the projects and make the necessary improvements if selected by the Texas Department of Transportation. The City further agrees to provide the required local match of twenty five (25) percent or greater of the total project costs, including being responsible for all non-federally fundable items and a hundred (100) percent of all cost overruns, and to construct the projects within four years from date of selection.

THAT the City proposes to submit a nomination requesting funding in the amount of TWO HUNDRED FORTY-TWO THOUSAND TWO HUNDRED EIGHTY AND NO/100 DOLLARS (\$242,280) with a 25% local funding match in the amount of \$80,760.

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.

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3K.

***RESOLUTION**

A RESOLUTION TO CERTIFY SUPPORT AND LOCAL FUNDING OF THE LAWTON DRIVE PEDESTRIAN IMPROVEMENT PROJECT AND THAT AN APPLICATION BE SUBMITTED TO THE

TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2012 TEXAS TRANSPORTATION ENHANCEMENT PROGRAM CALL FOR PROJECTS.

WHEREAS, the Texas Department of Transportation has opened a call for projects which go above and beyond standard transportation activities and are integrated into the surrounding environment in a sensitive and creative manner that contributes to the quality of the environment; and

WHEREAS, the City of El Paso seeks to improve the safety of pedestrians and bicyclists by constructing walking and bicycle trails to connect neighborhoods, schools, businesses, and parks; and

WHEREAS, the City of El Paso seeks to enhance walkability and bicycling options to provide residents with a mix of travel modes; and

WHEREAS, the project will be an important and viable asset to the City's transportation network; and

WHEREAS, the project is in conformance with the City's comprehensive plan adopted by the El Paso City Council in 2012.

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

THAT the City of El Paso supports funding for the Lawton Drive Pedestrian Improvement Project and agrees to commit to the development, implementation, construction, maintenance, management and financing of the project and make the necessary improvements if selected by the Texas Department of Transportation. The City further agrees to provide the required local match of twenty five (25) percent or greater of the total project costs, including being responsible for all non-federally fundable items and a hundred (100) percent of all cost overruns, and to construct the projects within four years from date of selection.

THAT the City proposes to submit a nomination requesting funding in the amount of ONE HUNDRED FIFTY-FIVE THOUSAND TWO HUNDRED EIGHTY-FOUR AND NO/100 DOLLARS (\$155,284) with a 25% local funding match in the amount of \$51,761.

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.

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3L.

***RESOLUTION**

A RESOLUTION TO CERTIFY SUPPORT AND LOCAL FUNDING OF THE SANTA FE STREET PEDESTRIAN IMPROVEMENT PROJECT AND THAT AN Application BE SUBMITTED TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2012 TEXAS TRANSPORTATION ENHANCEMENT PROGRAM CALL FOR PROJECTS.

WHEREAS, the Texas Department of Transportation has opened a call for projects which go above and beyond standard transportation activities and are integrated into the surrounding environment in a sensitive and creative manner that contributes to the quality of the environment; and

WHEREAS, the City of El Paso seeks to improve the safety of pedestrians and bicyclists by constructing walking and bicycle trails to connect neighborhoods, schools, businesses, and parks; and

WHEREAS, the City of El Paso seeks to enhance walkability and bicycling options to provide residents with a mix of travel modes; and

WHEREAS, the project will be an important and viable asset to the City's transportation network; and

WHEREAS, the project is in conformance with the City's comprehensive plan adopted by the El Paso City Council in 2012.

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

THAT the City of El Paso supports funding for the Santa Fe Street Pedestrian Improvement Project and agrees to commit to the development, implementation, construction, maintenance, management and financing of the projects and make the necessary improvements if selected by the Texas Department of Transportation. The City further agrees to provide the required local match of twenty five (25) percent or greater of the total project costs, including being responsible for all non-federally fundable items and a hundred (100) percent of all cost overruns, and to construct the projects within four years from date of selection.

THAT the City proposes to submit a nomination requesting funding in the amount of TWO HUNDRED THIRTY-FIVE THOUSAND FOUR HUNDRED FIFTY-TWO AND NO/100 DOLLARS (\$235,452) with a 25% local funding match in the amount of \$78,484.

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.

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3M.

***RESOLUTION**

WHEREAS, EPT Mesa Development, LP ("Developer"), in conjunction with its design and construction of Montecillo Unit Three (the "Development"), desires to proceed with the design and construction of a median opening, left turn lanes and drainage improvements within the right-of-way on State Highway 20 at Montecillo Drive (the "Project"); and

WHEREAS, Texas Local Government Code 212.071 authorizes a municipality with 5,000 or more inhabitants to enter into a contract with a developer to construct public improvements related to the development, not including a building, without complying with the competitive bidding procedures of Local Government Code Chapter 252; and

WHEREAS, Developer's design and construction of the Project will accommodate higher traffic volumes than the current configuration, thereby decreasing traffic congestion at the main entrance of the Development and will be an economic benefit to local tax payers, and therefore, is in the best interest of the citizens of the El Paso; and

WHEREAS, Developer's design and construction of the Project and therefore, this Agreement is in the best interest of the citizens of the El Paso; and

WHEREAS, the Developer and the City desire that the Developer shall design and construct the median opening, left turn lanes and drainage improvements within the right-of-way on State Highway 20 at Montecillo Drive.

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

That the City Manager be authorized to sign a Developer Participation Agreement between the City of El Paso and EPT Mesa Development, LP for the design and construction of a median opening, left turn lanes and drainage improvements within the right-of-way on State Highway 20 at Montecillo Drive, at no cost to the City.

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3N.

***RESOLUTION**

That the City Manager be authorized to sign a Construction and Maintenance Agreement between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation,

granting authority to the City of El Paso for the design and construction of a median opening, left turn lanes and drainage improvements within the right-of-way of State Highway 20 at Montecillo Drive.

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30.

***RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Interlocal Agreement that was entered into on February 25, 2003, between the City of El Paso, and the El Paso Community College (EPCC) to continue the jointly supported and managed library facility at the Northwest Campus of EPCC to serve the families and students of Northwest El Paso updating the services, and that the City Manager be authorized to sign future amendments that do not affect the approved budget of the City of El Paso.

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3P.

***RESOLUTION**

WHEREAS, Ordinance No. 15006, approved by the City Council of the City of El Paso on December 24, 2001, authorizes the Council to declare limited periods of "amnesty" to allow borrowers of items from the El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for lost items: and

WHEREAS, The Library desires to encourage donations of canned and non-perishable food donations to the MLK Canned Food Drive, an initiative of the City of El Paso, as well as the return of overdue or items previously considered lost to the Library.

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

That the week of January 12 through January 19, 2013 be declared "Food for Fines Week" for the El Paso Public Library ("the Library") to waive \$1.00 worth of fines for every canned or non-perishable food donation made to the MLK Canned Food Drive at Library locations up to \$5.00.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** James L. Graham to the Open Space Advisory Board by Representative Steve Ortega, District 7.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Bernard J. Sargent to the El Paso Bond Overview Advisory Committee (BOAC) by Mayor John F. Cook.

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4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** John D. Cordova to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Steve Ortega, District 7.

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5. APPLICATIONS FOR TAX REFUNDS

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

- A. Select Portfolio Servicing in the amount of \$3,039.43 overpayment of 2011 taxes.
(Geo # A451-999-000H-0100)
- B. John S. and Marjory D. Brady in the amount of \$6,667.58 overpayment of 2009 taxes.

(Geo # C340-999-0980-6100)

C. USAA/GMAC Mortgage in the amount of \$3,485.10 overpayment of 2011 taxes.
(Geo # S137-999-0050-3500)

D. Rigoberto Grijalva in the amount of \$2,898.87 overpayment of 2012 taxes.
(Geo # V893-999-5250-3400)

E. Flagstar Bank in the amount of \$3,898.77 overpayment of 2011 taxes.
(Geo # V897-999-0380-0600)

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6A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE AS REVISED**, the Purchasing Manager for Financial Services, Purchasing Division to issue a Change Order to Center for Employee Assistance for Contract No. 2008-054 (Stress Management for Firefighters) for a total estimated amount of \$180,000 for the total revised contract amount of \$1,226.250.

Department: Fire
Award to: Center for Employee Assistance
El Paso, TX
Total Estimated Award: \$180,000
Account No.: 322-22020-521120-1000
Funding Source: General Fund – Health Care Provider Services

This is a Best Value, services contract.

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6B. 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 Chastang's Ford aka Chastang's Bayou City Autocar, a Texas Association of School Boards (TASB) Buyboard contractor under Contract No. 358-10 (Vehicles & Heavy Duty Trucks & Options) for one 2013 Autocar ACX64 Chassis with a CNG engine, and to Bridgeport Manufacturing, Inc., a Texas Association of School Boards (TASB) Buyboard contractor under Contract No. 357-10 (Refuse Bodies & Trailers/Dump Bodies) for a CNG Automated Side Loader (ASL) Refuse Truck. 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 Texas Association of School Boards (TASB Buyboard) was approved by Mayor and City Council on August 21, 2007.

Department: General Services
Award to: Vendor 1 Chastang's Ford aka Chastang's Bayou City
Autocar
Houston, TX
Estimated Amount: \$137,465
Award to: Vendor 2 Bridgeport Manufacturing, Inc.
Bridgeport, TX
Estimated Amount: \$144,189
Total Estimated Award: \$281,654

Account No.: 334 – 34060 – 580290 – 3150 – PSWM00170
Funding Source: Environmental Services Capital – Heavy Off
Road Equipment
Reference No.: 2013-100

This is a Cooperative, unit price contract.

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6C. 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 Henry Schein, Inc. and Southeastern Emergency Equipment, contractors under the Texas Association of School Boards (TASB) BuyBoard Contract No. 374-11, for Medical Supplies. 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 Texas Association of School Boards (TASB BuyBoard) was approved by Mayor and City Council on August 21, 2007.

Department:		Fire
Award to:	Vendor 1	Henry Schein, Inc. Mellville, NY
Estimated Amount:		\$200,000
Award to:	Vendor 2	Southeastern Emergency Equipment Youngsville, NC
Estimated Amount:		\$200,000
Total Estimated Award:		\$400,000
Account No.:		322 – 22090 – 531120 – 1000
Funding Source:		Logistic-Medical Supplies
Reference No.:		2013-101

This is a Cooperative, unit price contract.

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7A. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD** Solicitation No. 2013-056 for EPIA Floor Replacement at Baggage Claim to BASIC IDIQ, INC. for an estimated total amount of \$344,888.88.

NOT PRESENT FOR THE VOTE: Representative Ortega

Department:	Engineering & Construction Management
Award to:	BASIC IDIQ, INC. El Paso, TX
Base Bid:	\$344,888.88
Time for Completion:	98 Consecutive Calendar Days

Accounts: 562-62230-3080-580270-PAP00380
Funding Source: Airport Enterprise Fund

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

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

This is a low bid, lump sum contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

Mayor Cook and Representatives Niland and Robinson commented.

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

The following members of the public commented:

1. Mr. Eddie Linss, Vice President / Regional Manager for Basic IDIQ
2. Ms. Lisa Turner

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-306R (PC Time and Management system) to Comprise Technologies, Inc. for a initial term estimated award of \$78,243 (1st year).

Department:	Library
Award to:	Comprise Technologies, Inc. Navesink, NJ
Items:	All
Option:	One year
1 st Year Cost Amount:	\$78,243 (Software/Hardware/Implementation/Maintenance)
Total Estimated Award:	\$122,527 (5 Years) (Includes years' 2-5 license/maintenance)
Account No.:	453 – 53140 – 501000 – 1000
Funding Source:	FY Library General Fund

This is an RFP for software and hardware system contract.

The Financial Services - Purchasing Division and Library Department recommend award as indicated to Comprise Technologies, Inc., the highest ranked proposal, based on evaluation factors established for this procurement.

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7C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-004 (GMC/Chevrolet – Proprietary Parts and Service) to Rush Truck Center of Texas L.P. dba Rush Truck Center El Paso for an initial term estimated award of \$150,000.

Department:	General Services
Award to:	Rush Truck Center of Texas L.P. dba Rush Truck Center El Paso El Paso, TX
Items:	All
Initial Term:	3 Years
Option:	1 Year
Annual Estimated Award:	\$ 50,000
Initial Term Estimated Award:	\$150,000 (3 Years)
Total Estimated Award:	\$200,000 (4 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 contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Rush Truck Center of Texas L.P. dba Rush Truck Center El Paso, the sole responsive, responsible bidder.

8A. – 8J. INTRODUCTIONS

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

NOT PRESENT FOR THE VOTE: Representative Ortega

- 8A.** An Ordinance amending Title 3 (Revenue and Finance) Chapter 3.12 (Hotel Room Tax) of the El Paso City Code by amending Section 3.12.010 (Definitions); Section 3.12.050 (Rules and Regulations – Record Inspection Authority) and Section 3.12.070 (Violation – Penalty) and adding new Section 3.12.021 (Additional Tax Imposed for Approved Venue Project – Rate); Section 3.12.031 (Collection of Additional Tax – Approved Venue Project); Section 3.12.041 (Additional Tax – Reports and Remittances); Section 3.12.62 (Use of Additional Tax Proceeds – Venue Projects Fund) for the purpose of effectuating the Baseball Stadium Venue Project approved by the voters on November 6, 2012.
- 8B.** An Ordinance amending Title 3 (Revenue and Finance) Chapter 3.12 (Hotel Room Tax) of the El Paso City Code by amending Section 3.12.010 (Definitions) and adding criminal and other penalties for violations.
- 8C.** An Ordinance granting a special privilege license to El Paso Community College for the construction, installation, maintenance and repair of a 1000 linear foot subsurface fiber optic cable within portions of City right-of-way beneath Rio Grande Avenue between Oregon Street and Kansas Street for a term of fifteen years with two renewable fifteen year terms. (NESV12-00012)

- 8D. An Ordinance amending the 2025 Proposed Thoroughfare System, as incorporated into Plan El Paso, to delete a portion of Durango Street from Missouri Avenue to Franklin Avenue currently designated as a minor arterial, to downgrade a portion of Durango Street from Franklin Avenue to San Antonio Avenue from a minor arterial to a collector arterial, to downgrade a portion of Santa Fe Street from Yandell Drive to San Antonio Avenue from a major arterial to a minor arterial, to add Franklin Avenue as a collector arterial from Interstate Highway 10 to Durango Street, and to delete a portion of Missouri Avenue from Coldwell Street to Santa Fe Street currently designated as a minor arterial and collector arterial.
- 8E. An Ordinance authorizing the City Manager to sign a lease with Texas Tech University Health Science Center for the lease of the AB Fall Mansion located at 1725 Arizona, El Paso, Texas for a three year term at rental amount of one dollar per annum and two one-year extensions. Lessee will be responsible for all utilities, repair and maintenance during the term and any extensions.
- 8F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.160 (Schedule XV - City Taxicab Zone) to add locations on Anthony Street and Durango Drive, the penalty being as provided in Section 1.08.010-1.08.030 and 6.16.110, of the El Paso City Code.
- 8G. An Ordinance authorizing the City Manager to sign a contract of sale with El Paso Motorsports, Inc., dba Sun City Built, for the sale of property at 6212 Fiesta Drive, El Paso, Texas in the amount of \$32,000.
- 8H. An Ordinance authorizing the City Manager to sign a lease with Ruben Vargas DBA Border Parking for the lease of approximately 9084 square feet of land located on a portion of lots 11 through 18, Block 44, Campbell Addition in the City of El Paso, Texas, for an initial four-year term and initial rental amount of \$20,700 per annum and two three-year options to extend with annual 5% rental increases.
- 8I. An Ordinance amending Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting Code) Sections 18.18.060 (Definitions) and 18.18.150 (Recreational Facilities) of the El Paso City Code to exempt City Parks from the lumens per acre, the penalty being as provided in Section 18.18.400 (Violations) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 18, 2012, FOR ITEMS 8A – 8I

- 8J. An Ordinance granting Special Permit No. PZST12-00014, to allow for infill development with reduced rear yard setbacks on the property described as being the East 90 feet of Lots 7 - 12 and the West 45 feet of the South 10 feet of Lot 7, Block 93, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3204 Montana Avenue. Property Owner: Enrique and Norma Garcia, PZST12-00014

PUBLIC HEARING WILL BE HELD ON JANUARY 2, 2013, FOR ITEM 8J

9. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **AWARD** Solicitation No. 2013-063 for H.M.A.C. Course 2013 to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc., for an estimated total amount of \$1,827,870.

NOT PRESENT FOR THE VOTE: Representative Ortega

Department: Engineering & Construction Management
and El Paso Department of Transportation

Award to: J.A.R. Concrete, Inc. dba J.A.R.
Construction, Inc.
El Paso, TX

Base Bid: \$ 1,827,870

Time for Completion: 730 Consecutive Calendar Days

Accounts: 532-32120-1000-580270

Funding Source: El Paso Department of Transportation
General Funds

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 or the Director of Transportation 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 and the El Paso Department of Transportation recommend award as indicated to the lowest responsive and responsible bidder.

..... **10.**

INFORMATION TECHNOLOGY

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Cellco Partnership d/b/a Verizon Wireless a contractor under the Department of Information Resources (DIR), Contract No. DIR-SDD-1779 for the purchase of wireless phone service, mobile broadband services, and related products. 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 approved by Mayor and City Council on February 27, 2007.

Department: Information Technology

Award to: Cellco Partnership d/b/a Verizon Wireless
Basking Ridge, New Jersey

Total Estimated Award: \$845,048

Account No.: 239 – 15070 – 540020 – 1000

Funding Source: Capital Equipment Lease Agreement

Reference No.: 2013-102

This is a Cooperative, unit price contract.

Mr. Miguel Gamino, Director of Information Technology, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta commented.

Mr. Bruce Collins, Purchasing Manager, commented.

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11A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** to January 2, 2013 the item on a Resolution to adopt the City of El Paso Guidelines and Criteria for Tax Abatement Assistance.

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11B.

R E S O L U T I O N

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

That the City Manager be authorized to execute a Chapter 380 Grant Agreement by and between the **CITY OF EL PASO, TEXAS**, a home-rule municipality of El Paso County, Texas and **ADP, INC.**, a Delaware Corporation for the construction of a new facility and expansion of its operations within the city limits of the City of El Paso.

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

Mayor Cook and Representatives Byrd, Robinson, Ortega, and Niland commented.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Ms. Lisa Turner
- 3. Mr. Bob Cook, El Paso Regional Economic Development Corporation, President and CEO

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

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

NAYS: Representative Holguin

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11C. CITY DEVELOPMENT

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to **POSTPONE** four weeks the item on a Resolution to approve the Design Guidelines for El Paso's Historic Districts, Sites, and Properties, as per Chapter 2.24 (Historic Landmark Commission), Section 2.24.020 of the Municipal Code requiring the Historic Landmark Commission to prepare guidelines to be used in determining the approval or denial of certificates of appropriateness, certificates of demolition, or removal of designated historic landmarks.

Representatives Byrd, Ortega, and Niland commented.

The following City staff members commented:

- 1. Mr. Mathew McElroy, Director of City Development
- 2. Ms. Providencia Velazquez, Historic Preservation Officer

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12A.

R E S O L U T I O N

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and INTERNATIONAL FACILITIES GROUP, LLC, an Illinois Limited Liability Company, for a project known as "EL PASO BALLPARK – OWNER'S REPRESENTATIVE" for an amount not to exceed Six Hundred Fifty Thousand and No/00 Dollars (\$650,000.00), plus reimbursable expenses not to exceed One Hundred Fifty Three Thousand and No/00 Dollars (\$153,000.00); and that the City Engineer be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed Eight Hundred Fifty Three Thousand and No/00 Dollars (\$853,000.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

Mr. Alan Shubert, Project Engineer - El Paso Ballpark, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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

NAYS: Representatives Robinson and Holguin

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12B.

R E S O L U T I O N

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and Huitt-Zollars, Inc., a Texas Corporation, for a project known as "Dyer Corridor Rapid Transit System (Dyer RTS)", for an amount not to exceed One Million Nine Hundred Five Thousand Three Hundred Thirty and 00/100 Dollars (\$1,905,330.00); and that the City Engineer be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed One Million Nine Hundred Fifty Five Thousand Three Hundred Thirty and 00/100 Dollars (\$1,955,330.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

Ms. Irene Ramirez, Interim City Engineer, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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

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13. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **APPOINT** Henry Gallardo in the General Business Management category to the Public Service Board as recommended by the Public Service Board Selection Committee.

Mayor Cook and Representatives Lilly and Ortega commented.
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Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:20 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.

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 11:29 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd, Robinson, and Niland

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EX1. Alfredo Chavarria vs. City of El Paso, Cause No. 2012DCV-05878 (551.071)

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on Alfredo Chavarria vs. City of El Paso, Cause No. 2012DCV-05878 (551.071)

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EX2. Performance evaluation review for City Manager Joyce Wilson. (551.071 and 551.074)

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on this item.

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Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 11:32 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk