

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

August 26, 2014
COUNCIL CHAMBERS, CITY HALL
8:00 AM

The City Council met in regular session at the above place and date. Meeting was called to order at 8:05 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Cortney Carlisle Niland, Larry Romero, Emma Acosta, Carl Robinson, Michiel R. Noe, Claudia Ordaz, and Lilia Limón. Ann Morgan Lilly requested to be excused. 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.

ROLL CALL

INVOCATION BY CIMA CHAPLAIN CARLOS CLUGY-SOTO

PLEDGE OF ALLEGIANCE

Coldwell Elementary

Adlai Yanez

8:00 A.M. – 8:30 A.M. CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Mr. Jim Tolbert
2. Mr. George Zavala
3. Mr. Jose Lara
4. Mr. Frank Lozano
5. Mr. Jack Bradford
6. Ms. Wally Cech
7. Ms. Lisa Turner

Mayor Leeser and Representative Niland commented.

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MAYOR'S PROCLAMATIONS

1. **Fiesta De Las Flores Week in El Paso**
2. **Blood Donors Appreciation Day**

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NOTICE TO THE PUBLIC

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

NAYS: None

ABSENT: Representative Lilly

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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 August 19, 2014, the Legislative Review Meeting of the Whole of August 18, 2014.

Ms. Lisa Turner, citizen, commented.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

- 2.1. *Motion made, seconded, and carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of August 26, 2014.

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3. RESOLUTIONS:

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3.1.

***RESOLUTION**

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

WHEREAS, Townsquare Media of El Paso, a subsidiary of Townsquare Live Events, LLC (hereinafter referred to as "Grantee") is producing the 2014 Mexican Food Cook-Off to be open to the public from 2:00 p.m. to 11:00 p.m. on September 20, 2014 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee has submitted an application for a Special Privilege Permit pursuant to Title 15.08.120 (D) of the El Paso Municipal Code, for the use and closure of portions of City rights-of-way on South El Paso Street between San Antonio Street to Paisano Drive in conjunction with the Event; and

WHEREAS, the Grantee has indicated their intent to authorize the Saint Raphael Parish Church, (hereinafter referred as "TABC Permittee") to provide for the

temporary sale and service of alcoholic beverages within the identified closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission (TABC) requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages within City rights-of-way, prior to issuance of such permit; and

WHEREAS, the Grantee assumes full responsibility for the TABC Permittee, including verification that the Permittee has obtained a permit for the temporary sale and service of alcoholic beverages from the TABC prior to the Event.

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

That the temporary sale and service of alcoholic beverages by Townsquare Media of El Paso, a subsidiary of Townsquare Live Events, LLC and Saint Raphael Parish Church, in the closed portions of City rights-of-way on South El Paso Street between San Antonio Street to Paisano Drive from 2:00 p.m. to 11:00 p.m. on September 20, 2014 is a permissible activity in conjunction with the 2014 Mexican Food Cook-Off, upon issuance of the required permits from the Texas Alcoholic Beverage Commission and the City of El Paso.

3.2.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of criminal cases in connection with the District Attorney's Information Management System (DIMS) program from September 1, 2014 through August 31, 2015. The County of El Paso will fund DIMS in the amount of \$531,222.72 (69%) while the City will fund DIMS in an amount not to exceed \$238,665.28 (31%).

Ms. Lisa Turner, citizen, commented.

3.3.

***RESOLUTION**

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 AMEC Environment & Infrastructure, Inc., a Nevada Corporation, for a project known as "EPIA ConRAC Geotechnical and Materials Testing Services" for an amount not to exceed Three Hundred Eighty Thousand Six Hundred Eighty Six and 00/100 Dollars (\$380,686.00); 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 Four Hundred Thirty Thousand Six Hundred Eighty Six and 00/100 (\$430,686.00); 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.

3.4.

***RESOLUTION**

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

That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, a City Parks Maintenance Contract by and between the CITY OF EL PASO, a home rule municipal corporation (hereinafter referred to as the "City"), and both TIBH INDUSTRIES, INC., a private non-profit corporation and the certifying party, and BORDER TM INDUSTRIES, INC. D/B/A XCEED RESOURCES, the performing party, to provide park site maintenance services for certain City parks and properties managed by the City's General Services Department, for an amount not to exceed \$325,000.00 over the one-year contract term, payable in monthly installments for the services performed each month, and providing the City Manager with the option to extend the term of this Agreement by two years, one year at a time. This Contract is replacing the City Parks Maintenance Agreement entered into by the parties on April 13, 2010, which the City terminated for convenience, effective August 31, 2014.

3.5.

***RESOLUTION**

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

THAT the City Manager be authorized to sign a Professional Services Agreement by and between the City of El Paso and McBee Strategic Consulting, LLC for outside counsel in connection with the City of El Paso's federal legislative program. The contract term will be from September 1, 2014 through and including August 31, 2016 with three (3) options to renew for an additional one (1) year each. Compensation for each year shall not exceed \$98,500.00.

3.6.

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution that the City Manager be authorized to sign a Management Services Agreement by and between the City and the Camino Real Regional Mobility Authority (CRRMA) and any related documents necessary, whereby the City shall provide various administrative and management services to the CRRMA.

4. APPLICATIONS FOR TAX REFUNDS:

4.1.

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

1. Propel Financial Services in the amount of \$2,661.56 overpayment on June 17, 2014 of 2013 taxes. (Geo. # C214-999-0020-9926)
2. Francisco and Consuelo Villalobos in the amount of \$3,000.00 overpayment on March 13, 2014 of 2014 taxes. (Geo. # S812-999-0360-0200)

5. NOTICE FOR NOTATION:

5.1.

*Motion made, seconded and unanimously carried to **APPROVE** the notation pursuant to the delegation of authority granted to the City Manager by resolution dated April 15, 2014, the City Manager has approved purchase orders in the amount of \$277,539.42 for the purchase of furniture, fixtures and equipment for Southwest University Park. This notation is to comply with the requirement in the resolution that an item be placed

on the City Council agenda for notation whenever the City Manager approves such purchase orders.

5.2. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500.00 from Union Pacific Railroad Company for Summer Programs in District 7.

5.3. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500.00 from Union Pacific for Movies In The Park in District 8.

5.4. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$150.00 from John and Kathleen Rindt, for Movies In The Park Programming in District 8.

6. REQUESTS TO ISSUE PURCHASE ORDERS:

6.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE, AS REVISED** the Director for the Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) to Safran MorphoTrak, Inc. the sole provider of software and equipment associated with the Automated Fingerprint Identification System, (AFIS) with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	Police
Award to:	Safran Morpho Trak, Inc. Anaheim, CA
Total Estimated Award:	\$46,960.00 (one time)
Account No.:	321 – 21270 – 580070 – 4342 – P5002320
Funding Source:	State Confiscated Funds – Public Safety
Equipment	
Sole Source No.:	2014-526

This is a sole source, contract.

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

The following City staff members commented:

1. Assistant Police Chief Michelle Gardner
2. Ms. Veronica Campbell, Senior Purchasing

Ms. Lisa Turner, citizen, commented.

7. BIDS:

7.1. *Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2014-450 for Grandview Senior Center HVAC Upgrades to Desert Contracting, LLC, for an estimated total amount of \$332,500.00.

Department: Engineering and Construction Management
 Award to: Desert Contracting, LLC, El Paso, TX
 Base Bid 1: \$329,000.00
 Alternate 2: \$ 3,500.00
 Total Estimated Award: \$332,500.00
 Time for Completion: 330 Consecutive Calendar Days
 Accounts: 471-71240-580270-2400- G7139CD44
 Funding Source: Community Development Block Grant-39th Year

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.

- 7.2. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2014-419 Animal Food Pellets, Grains, Etc. (Re-Bid) to Lab Animal Supplies Inc. and Valley Feed and Supply Inc. for an initial term estimated award of \$495,261.83. The period of this contract will begin August 26, 2014 and end August 25, 2017.

Department: Zoo
 Award to: Lab Animal Supplies Inc.
 Highland Village, Texas
 Item(s): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37
 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49
 50, 51, 51, 52, 53, 54, 55, 56, 57, 58, 59
 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70
 71, 72, 73.
 Initial Term: 3 years
 Option to Extend: (None)
 Annual Estimated Award: \$162,142.18
 Initial Term Estimated Award: \$486,426.53 (3 years)
 Total Estimated Award: \$486,426.53 (3 years)
 Award to: Valley Feed and Supply Inc.
 El Paso, Texas
 Item(s): 15 and 45
 Initial Term: 3 years
 Option to Extend: (None)
 Annual Estimated Award: \$2,945.10
 Initial Term Estimated Award: \$8,835.30 (3 years)
 Total Estimated Award: \$8,835.30 (3 years)

Total Annual Estimated Award: \$165,087.27
Total Initial Term Estimated Award: \$495,261.83
Total Estimated Award: \$495,261.83

Account No.: 3400-452-52140-P5241-531100.
Funding Source: Zoo Operations

This is a Low Bid, unit price contract.

The Purchasing and Strategic Sourcing Department and Zoo recommend award as indicated to Lab Animals Supplies Inc. and Valley Feed and Supply Inc., the bidders offering the lowest, responsive and responsible bids.

REGULAR AGENDA - INTRODUCTIONS

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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:

ABSENT: Representative Lilly

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- 8.1.** An Ordinance changing the zoning of Tract 56, S.A. & M.G.R.R. Survey No. 267, 144 Thorn Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 144 Thorn Avenue. Property Owner: Trans-American Communications, Inc. PZRZ14-00025

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2014

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- 8.2.** An ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions) to amend the definition of monument sign; Chapter 20.18 (Sign Regulations), Article II (Administration) Section 20.18.140 (Prohibited Signs) to remove the prohibition of roof signs and roof-mounted signs; Article IV (On-Premise Sign Regulations), Section 20.18.400 (General) to add administrative procedures for exceptions to sign standards; Section 20.18.440 (COP, C-1, P-C, P-I, R-MU, G-MU, and I-MU Districts) to amend the requirements for wall signs and to add perpendicular sign standards; Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) to amend the definition of interstate or freeway frontage, to amend the requirements for wall signs, and to add roof and perpendicular sign standards; Section 20.18.455 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) creating a new section to add requirements for shopping center sign plans; and 20.18.460 (C-5 District) to add roof sign standards. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2014

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- 8.3.** An ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.020 (Definition) to add a definition for approved

containers, and to amend section 9.04.260 (Accumulation and Storage), subsection 9.04.260A (Construction or Demolition Material) to allow for the accumulation and storage of construction materials and debris through additional means, the penalty being as provided in section 9.04.630 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2014

- 8.4. An ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Section 20.18.020 (Applicability) to exempt signs authorized through a franchise for waste containers located on sidewalks or other city property, the penalty being as provided in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2014

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 9.1. Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **AWARD** Solicitation No. 2014-441 for Baggage Handling System Belts Replacement (Re-Bid) to Glidepath LLC, dba Beumer Glidepath, for an estimated total amount of \$2,613,237.00.

ABSENT: Representative Lilly

Department:	Engineering and Construction Management
Award to:	Glidepath LLC, dba Beumer Glidepath
Base Bid :	\$2,613,237.00
Total Estimated Award:	\$2,613,237.00
Time for Completion:	240 Consecutive Calendar Days
Accounts:	3080-562-62230-PAP00660
Funding Source:	EPIA Passenger Facility Charge (PFC) 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 an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer 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 to the lowest responsive and responsible bidder and

that G & S Mechanical USA, Inc. be deemed non-responsive for failure to acknowledge all amendments and submit on proper proposal form.

REGULAR AGENDA – PUBLIC HEARINGS

10. CITY DEVELOPMENT:

- 10.1.** *Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance renewing the Special Privilege License granted to Navajo Refining Company by Ordinance No. 014032 and accepting the assignment to H E P Pipeline, LLC. for the maintenance, use and repair of the existing multi-product pipeline within portions of city right-of-way beneath Market Avenue just east of Eastside Street for a term of fifteen years with one renewable fifteen year term.
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11. ENVIRONMENTAL SERVICES:

ITEMS 11.1 and 11.2 TAKEN TOGETHER

11.1. ORDINANCE 018233

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO “LORETTO INVESTMENT CORPORATION” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Representative Niland commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

NAYS: None

ABSENT: Representative Lilly

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

11.2. ORDINANCE 018234

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO “BIN THERE DUMP THAT” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Representative Niland commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland
NAYS: None
ABSENT: Representative Lilly

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

REGULAR AGENDA - OTHER BUSINESS

12. CITY DEVELOPMENT:

- 12.1.** *Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on a request from EP Shalom Group, LLC, Elliot Berg, General Partner, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for the property located at 6746 Edgemere Boulevard and legally described as portion of Lot 1, Block 2, International Industrial Center, Unit No. 1, City of El Paso, El Paso County, Texas pursuant to Title 20 Zoning, Section 20.10.060B of the El Paso City Code.

13. ENGINEERING AND CONSTRUCTION MANAGEMENT:

13.1.

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 to Contribute Right of Way Funds by and between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"), whereby the City shall contribute 4.4% of the actual cost of right-of-way acquisition for the State's project to construct highway improvements on Highway No. Loop 375 from Racetrack Dr. to U.S. 54. The City's estimated contribution is \$2,234,655 and shall be made by a conveyance of 4.586 acres and an easement with an appraised value of \$1,031,534 and a cash payment of \$1,203,121. Total budget for right-of-way acquisition is estimated to be \$50,787,603.

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

Representatives Acosta, Robinson, Noe, Noe, Ordaz, and Limón commented.

Mr. Tommy Gonzalez, City Manager, commented.

Mr. Sergio Garcia, TxDOT-El Paso District

Ms. Lisa Turner, citizen, commented.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **APPROVE** the Resolution.

13.2.

RESOLUTION

WHEREAS, on July 20, 2004, the City Council adopted a resolution approving the use of Competitive Sealed Proposal, Design-Build and Job Order Contracts as permitted alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2269 of the Texas Government Code); and

WHEREAS, on June 8, 2010, the City Council adopted a resolution re-affirming the use of the Competitive Sealed Proposal method as an approved alternate project delivery method for construction and adopting a Competitive Sealed Proposal Policy setting forth the procedures, selection criteria and weight to be given the selection criteria for the Competitive Sealed Proposal method of procurement; and

WHEREAS, on July 17, 2012, the City Council approved a Design-Build Policy for use with the Design-Build alternate project delivery method, including how the determination will be made to use the Design-Build procurement method and the evaluation criteria to be used for the Design-Build method of procurement; and

WHEREAS, on July 17, 2012, the City Council approved the Public-Private Partnership Guidelines for the development and operation of qualifying projects, including the evaluation criteria to be used for the Public-Private Partnership method of procurement; and

WHEREAS, on September 18, 2012, the City Council adopted a resolution approving Construction Manager At Risk as an alternate construction project delivery method as permitted under Texas Government Code Section 2267 (now Section 2269 of the Texas Government Code); and

WHEREAS, on September 18, 2012, concurrent with the resolution approving the use of Construction Manager At Risk as an alternate project delivery method for the City, the City Council approved a Construction Manager At Risk Procurement Policy which included the evaluation criteria to be used for the Construction manager At Risk method of procurement; and

WHEREAS, Texas Government Code Chapter 2269 which permits the use of alternate delivery methods for procurement of construction projects, provides a list of permitted evaluation criteria the governmental entity may consider when using any of the alternate delivery methods of procurement: and

WHEREAS, the list of permitted evaluation criteria can be found at Texas Government Code Section 2269.005 and includes, "any other relevant factor specifically listed in the request for bids, proposals, or qualifications"; and

WHEREAS, the City Council desires to amend the previously adopted alternate delivery method policies for Competitive Sealed Proposal, Design-Build, Public-Private Partnership and Construction Manager At Risk to include local preference evaluation criteria consistent with the Hire El Paso First ordinance adopted by City Council on May 6, 2014, to allow for award of a construction contract to a Tier 1 bidder who is within 5 points of the highest ranked proposer, if the amount of the bid is within 5% of

the highest ranked proposer or to a Tier 2 bidder who is within 5 points of the highest ranked proposer, if the amount of the bid is within 2.5% of the highest ranked proposer.

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

That City Council directs that the alternative procurement method polices for Competitive Sealed Proposal, Design-Build, Public-Private Partnership and Construction Manager At Risk, previously approved by City Council, be revised to add local preference evaluation criteria consistent with the Hire El Paso First ordinance adopted by City Council on May 6, 2014, to allow award of a construction contract to a Tier 1 bidder who is within 5 points of the highest ranked proposer, if the amount of the bid is within 5% of the highest ranked proposer or to a Tier 2 bidder who is within 5 points of the highest ranked proposer, if the amount of the bid is within 2.5% of the highest ranked proposer.

Ms. Leila Melendez, Interim Deputy Director, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Niland and Robinson commented.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **APPROVE** the Resolution.

AYES: Representatives Romero, Acosta, Noe, Ordaz, and Niland

NAYS: Representatives Robinson and Limón

ABSENT: Representative Lilly

14. MUNICIPAL CLERK:

14.1. 1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:19 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representative Lilly

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

2nd MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 9:25 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Lilly

3rd MOTION AND FINAL MOTION

Motion made Representative Romero, seconded by Mayor Pro Tempore Niland, and carried that the City Council, in accordance with El Paso Municipal Code section 2.44.030, hereby appoints Victor Salas to fill the vacancy in Municipal Court Four. This appointment shall be effective on September 30, 2014.

AYES: Representatives Romero, Noe, Ordaz, Limón, and Niland

NAYS: Representatives Acosta and Robinson

ABSENT: Representative Lilly

Representatives Romero, Acosta, Robinson, and Limón commented.

15. ZOO:

15.1.

RESOLUTION

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

That the City of El Paso accepts, with gratitude, the donation from the El Paso Zoological Society ("Society"), of the following:

- Design, fabrication, site preparation, and installation of a permanent shade structure to provide shade for the El Paso's Zoo's Giraffe Encounter, valued at \$100,000.00, as further described in the agreement with the Society attached hereto as Exhibit "A" ("Contract") and incorporated herein.

That City Council also authorizes the City Manager to sign any necessary documentation required for this donation that does not affect the approved budget of the City of El Paso including to sign the Contract.

That the City of El Paso recognizes the donation to the Society by the McKee Foundation, which enables this project.

Mr. Steve Marshall, Zoo Director, commented.

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** the Resolution.

16. MAYOR AND COUNCIL:

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- 16.1.** Discussion and action on the report of the Texas Municipal League (TML) Legislative Policy Committee On General Government as discussed at the August 15th, 2014 meeting in Austin, TX.

Mayor Leeser and Representatives Acosta and Robinson commented.

Ms. Brie Franco, Assistant City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

NO ACTION taken on this item.

ADJOURN

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 9:58 a.m.

NOT PRESENT FOR THE VOTE: Representative Lilly

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APPROVED AS TO CONTENT:


Richarda Duffy Morsen, City Clerk