

DEE MARGO
MAYOR



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ-BROWN, DISTRICT 3
SAM MORGAN, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

TOMMY GONZALEZ
CITY MANAGER

**LEGISLATIVE REVIEW MEETING OF THE WHOLE MINUTES
MAIN CONFERENCE ROOM
CITY HALL, 300 N. CAMPBELL
April 02, 2018
9:00 A.M.**

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The City Council met at the above place and date. Meeting was called to order at 9:03 a.m. Mayor Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Cassandra Hernandez-Brown, Sam Morgan, Michiel Noe, Claudia Ordaz Perez, and Henry Rivera. Alexsandra Annello requested to be excused.

The agenda items for the Regular City Council meeting agenda of April 3, 2018 were reviewed.
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3.1. CONSENT AGENDA - RESOLUTIONS

A Resolution authorizing the City Manager to sign the second amendment to the Agreement for Professional Services by and between the City of El Paso and Mijares-Mora Architects, Inc. a Texas corporation, for a project known as "CHECKED BAGGAGE INSPECTION SCREENING SYSTEM", for an amount not to exceed Three Hundred Six Thousand Four Hundred Eighty Seven AND 00/100 DOLLARS (\$306,487.00); for a total contract amount not to exceed One Million Two Hundred Twenty Five Thousand Two Hundred Fifteen and 00/100 Dollars (\$1,225,215.00); 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. Funding source: PFC, TSA, and Airport Enterprise

Mayor Margo questioned the following City staff member:

- Mr. Terry Sharpe, Department of Aviation Assistant Director, Operations and Security

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THE FOLLOWING ITEMS WERE DISCUSSED TOGETHER:

3.2. CONSENT AGENDA - RESOLUTIONS

A Resolution authorizing the City Manager to sign the Amendment and Lessor's Approval of Assignment by and between the City of El Paso (Lessor), Host Hotels and Resorts, L.P. (Assignor) and CP El Paso, Ltd., a Kentucky limited partnership (Assignee) for the following described property:

A portion of Tract 4A25, Block 2, Ascarate Grant, El Paso County, Texas, containing approximately 376,568.841 square feet of land, municipally known and number as 1600 Airway Boulevard, El Paso, Texas.

3.3. CONSENT AGENDA - RESOLUTIONS

A Resolution authorizing the City Manager to sign a Hotel Site Lease by and between the City of El Paso (Lessor) and CP El Paso, Ltd., a Kentucky limited partnership (Lessee) for the following described property:

A portion of Tract 4A25, Block 2, Ascarate Grant, El Paso County, Texas, containing approximately 376,568.841 square feet of land, municipally known and numbered as 1600 Airway Boulevard, El Paso, Texas.

Mayor Margo and Representative Lizarraga questioned the following City staff members:

- Mr. Jeff Schultes, Department of Aviation Assistant Director, Administration
- Ms. Monica Lombraña, Managing Director for Aviation and International Bridges

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3.5. CONSENT AGENDA - RESOLUTIONS

A Resolution authorizing the City Manager to sign a Fuel Farm Lease by and between the City of El Paso ("Lessor") and Franklin Mountain Aviation ELP, LLC ("Lessee") for the premises described as follows: A portion of Block 4, El Paso International Airport Tracts, Unit 1, El Paso, El Paso County, Texas (the "Premises") to be used as a bulk aviation fuel farm. Lease terms:

- Thirty (30 Years) with four (4) additional five year terms
- \$.2439 sq. ft., final lease area will be determined at completion and approval of site plan

Lease will run concurrently with the Fixed-base operator's lease to Franklin Mountain Aviation, LLC which was approved by City Council on March 6, 2018.

Mayor Margo questioned the following City staff member:

- Mr. Jeff Schultes, Department of Aviation Assistant Director, Administration

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4.1. CONSENT AGENDA - RESOLUTIONS

That the City Manager is authorized to execute the construction manager-at risk agreement ("Contract") between the City of El Paso and Arrow Building Corp. ("Contractor"), a Texas Corporation, for the project known as the Two Regional Aquatic Parks: Chelsea & Lionel Forti 2018-520R in an initial amount of Ten Thousand and No/100 Dollars (\$10,000.00) for preconstruction services for the Chelsea aquatic park and Ten Thousand and No/100 Dollars (\$10,000.00) for preconstruction services for the Lionel Forti aquatic center, for a total of Twenty Thousand and No/100 Dollars (\$20,000.00) for preconstruction services, and that the City Engineer is authorized to approve additional preconstruction services administratively, for an additional amount not to exceed Twenty Thousand and No/100 Dollars (\$20,000.00) if such services are necessary for a total not to exceed preconstruction services contract amount not to exceed Forty Thousand and No/100 Dollars (\$40,000.00). The project scope includes the following amenities: entrance plaza to the Water park, lap pool, climbing wall, volleyball net, lazy river, baja deck and playground area, toddlers area, parking areas, rental event pavilion, cabanas, landscaping and public art.

Representatives Ordaz Perez and Rivera questioned the following City staff member:

- Ms. Claudia Garcia, Purchasing Agent

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5.1. CONSENT AGENDA – RESOLUTIONS

A Resolution that the City Council authorizes the City Engineer to approve a change order for Contract No. 2016-832 for the Dyer Corridor RTS project with Jordan Foster Construction, LLC., once the design work is complete, in the amount not to exceed \$325,000.00 for the increase of the cost of work for the construction of drill shaft foundations for pedestrian lighting for the Dyer Corridor RTS project, if the increased cost is

justified and within the appropriate budget identified for the project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers.

Mayor Margo questioned the following City staff member:

- Ms. Margaret Schroeder, Engineering Division Manager

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5.2. CONSENT AGENDA - RESOLUTIONS

A Resolution that the City Council hereby clarifies that the delegation of authority of the City Engineer includes the right to enter into right of entry agreements with third parties in order for the third parties to gain access to inspect, repair, maintain or construct on City property, provided that the right of entry agreement is reviewed and approved as to form by the City Attorney's Office, and that the City Clerk shall file and maintain the originals of all agreements entered into and signed pursuant to this resolution in accordance with applicable records retention requirements; this delegation of authority to the City Engineer is effective as of April 4, 2018.

Mayor Margo and Representative Svarzbein questioned the following City staff members:

- Mr. Sam Rodriguez, City Engineer
- Mr. Tommy Gonzalez, City Manager

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9.1. CONSENT AGENDA – BEST VALUE PROCUREMENT

The award of Solicitation No. 2018-976 Heavy Duty Vehicle Radiator & Tank Repair Services to Frontera Radiator and Parts Inc. for an initial three (3) year term estimated award of \$186,759.15. The award is to include a two (2) year optional amount of \$124,506.10 for a total five (5) year award of \$311,265.25. This contract will allow radiator repairs and/or replacements for heavy-duty vehicles.

CONTRACT VARIANCE:

The difference in cost, based on the comparison to the previous three (3) year term contract is a decrease of \$113,240.85.

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| Department: | Street and Maintenance |
| Award to: | Frontera Radiators and Parts Inc. El Paso, TX |
| Item(s): | All |
| Initial Term: | 3 years |
| Option to Extend: | 2 years |
| Annual Estimated Award: | \$62,253.05 |
| Initial Term Estimated Award: | \$186,759.15 (3 years) |
| Total Estimated Award: | \$311,265.25 (5 years) |
| Account No.: | 532-37020-531210-3600-P3711 532-37020-531250-3600-P3701 |
| Funding Source: | Fleet Internal Service Fund |
| District(s): | All |

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to Frontera Radiators and Parts Inc., the bidder offering the best value bid. In

accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

Mayor Margo and Representative Lizarraga questioned the following City staff member:

- Mr. Bruce Collins, Purchasing Director

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10.1. CONSENT AGENDA – BIDS

The award of Solicitation No. 2018-1039 Oxygen Cylinders - Rental, Refill and Delivery to SYOXSA, Inc. for an initial three (3) year term estimated award of \$201,498.75. The award is to include a two (2) year optional amount of \$134,332.50 for a total five (5) year award of \$335,831.25. Medical Oxygen is administered by first responders on almost every medical call while on the scene and during transport.

CONTRACT VARIANCE:

Previous contract was awarded in 2013. The difference in cost, based on the comparison to the annual usage from the previous contract, is as follows:

Item 1: The per unit cost increased by \$24.00 with an annual estimated quantity of 840 units, resulting in an annual increase of \$20,160.00.

Item 1A: The per unit cost increased by \$0.44 with an annual estimated quantity of 5,000 refills, resulting in an annual increase of \$2,200.00.

Item 2: The per unit cost increased by \$54.75 with an annual estimated quantity of 55 units, resulting in an annual increase of \$3,011.25. The rental service of the 7,842 liter cylinder was added.

Item 2A: The per unit cost increased by \$12.00 with an annual estimated quantity of 600 refills, resulting in an annual increase of \$7,200.00. The refill service of this cylinder size was added.

Item 3: The per unit cost increased by \$18.80 with an annual estimated quantity of 55 units, resulting in an annual increase of \$1,034.00.

Item 3A: The per unit cost decreased by \$0.19 with an annual estimated quantity of 600 refills, resulting in an annual decrease of \$114.00.

The total annual cost increased by \$33,491.25 and for the initial three (3) years by \$100,473.75.

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| Department: | Fire Department |
| Award to: | SYOXSA, Inc. El Paso, TX |
| Item(s): | All |
| Initial Term: | 3 years |
| Option to Extend: | 2 years |
| Annual Estimated Award: | \$67,166.25 |
| Initial Term Estimated Award: | \$201,498.75 (3 years) |
| Total Estimated Award: | \$335,831.25 (5 years) |
| Account No.: | 322-22090-522250-1000-P2217 |
| Funding Source: | General Funds – Public Safety Equipment Maintenance – Logistics Support |
| District(s): | All |

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Fire Department recommend award as indicated to SYOXSA, Inc., the lowest, responsive, responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

The Purchasing & Strategic Sourcing Department and Fire Department recommend Praxair Distribution, Inc., be deemed non-responsive for failure to provide the requested proof of medical license to refill medical grade oxygen and for submitting exemptions to the City's indemnification clauses.

Mayor Margo questioned the following City staff member:

- Ms. Maria Newbold, Purchasing Analyst

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11.1. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance to amend Title 12 (Vehicles & Traffic) Chapter 12.54 (Towing Regulations and Fees), Section 12.54.020, to amend the maximum fees that may be charged within the City for non-consent vehicle tows; and to amend Section 12.54.050 to limit requests for towing fee studies to once every three years, unless the towing fee company assumes the costs associated with the study.

Representative Hernandez-Brown questioned the following City staff member:

- Police Assistant Chief Zina Silva
- Ms. Dionne Mack, Deputy City Manager

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12.1. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance amending Chapter 2.64 (City of El Paso Employees' Retirement Trust) concerning the appointment of Trustees, changing the terms of office for certain Trustees, changing the fund name, defines termination date, changing the time to apply for a disability retirement, prescribing procedures for filling vacancies on the board, imposing educational requirements on Trustees, providing for the automatic removal of Trustees and clarifying the method for buying back service credit for members who are re-employed.

Mayor Margo questioned the following City staff member:

- Mr. Karl Rimkus, Environmental Services Program Manager

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13.1. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance authorizing the City Manager to sign a deed and any other documents necessary to convey to the State Of Texas, acting by and through the Texas Transportation Commission, a 1.315 acre parcel of land situated in the J. Barker Survey, Number 9, Abstract Number 8, El Paso County, Texas and being all of Lots 3 Through 28 and part of Lots 29 Through 32, Block 24 of the second revised map of Mundy Heights Addition to the City Of El Paso, El Paso County, Texas, said parcel to be included in the Loop 375 Border West Highway Project.

Mayor Margo and Representatives Svarzbein and Ordaz Perez questioned the following City staff members:

- Mr. Sam Rodriguez, City Engineer
- Mr. Tommy Gonzalez, City Manager

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14.5. REGULAR AGENDA – MANAGEMENT UPDATES

Presentation on the Westside Natatorium

Mayor Margo and Representatives Svarzbein, Hernandez-Brown and Noe questioned the following City staff member:

- Mr. Tommy Gonzalez, City Manager

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15.1. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on the award of Solicitation No. 2018-974R Executive Recruiting Services for on-call executive recruitment services. Services will be requested on a task order basis by and between the following two (2) firms:

1. Ralph Andersen & Associates; and
2. Springsted Waters Incorporated

Each consultant will perform the work on a task order basis pursuant to the rates established in Solicitation No. 2018-974R. Each on-call executive recruitment award will be for a total estimated amount not to exceed Four Hundred & Fifty Thousand and No/00 Dollars (\$450,000.00) for a term of three (3) years with the option to extend the term for two (2) additional one (1) year periods. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement. 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. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed. This is a Request for Proposal, Service Contract.

Mayor Margo and Representatives Hernandez-Brown and Lizarraga questioned the following City staff members:

- Ms. Haydee Peña, Purchasing Agent
- Ms. Linda Ball Thomas, Human Resources Director
- Mr. Bruce Collins, Purchasing Director
- Mr. Tommy Gonzalez, City Manager

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16.1. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on the award of Solicitation No. 2018-1095 Barricade Rental Service to Contractor's Barricade Service, Inc. dba Apache Barricade & Sign for an initial term estimated award of \$783,268.50. The award is to include a two (2) year optional amount of \$522,179.00 for a total five (5) year award of \$ 1,305,447.50. This service will ensure the City has safe and adequate traffic control.

CONTRACT VARIANCE:

Previous contract was awarded in 2014. The difference in cost, based on the comparison to the annual usage from the previous contract, is as follows:

Group A: The average cost increased by \$1.03 resulting in an increase of \$2,468.00.

Group B: The average cost decreased by (\$38.35) yet, nine (9) items were added to this group for holidays and specials events resulting in an increase of \$8,699.25.

Group C: The average cost increased by \$157.12 resulting in an increase of \$187,468.50. Seven (7) items were added to this group and usages were increased for holidays and special events.

Group D: Is a new addition to the contract for holidays and special events, no prior contract available.

Department: Street and Maintenance
Award to: Contractor's Barricade Service, Inc. dba Apache Barricade & Sign
El Paso, TX
Item(s): All
Initial Term: 3 years
Option to Extend: 2 years
Annual Estimated Award: \$261,089.50
Initial Term Estimated Award: \$783,268.50 (3 years)
Total Estimated Award: \$1,305,447.50 (5 years)
Account No.: 532 – 32120 - 524110 – 1000 – P3210
Funding Source: General Fund – Leases NOC
District(s): All

This is a Low Bid, services contract.

The Purchasing & Strategic Sourcing Department and Street and Maintenance Department recommend award as indicated to Contractor's Barricade Service, Inc. dba Apache Barricade & Sign, the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

Mayor Margo questioned the following City staff member:

- Ms. Haydee Peña, Purchasing Agent

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17.1. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Orders to Clear Channel Outdoor, Inc. the sole source for billboard advertising, with the stipulation that the vendor provides an updated sole source letter and affidavit each year. The approval of this contract will allow billboard advertising to our current outreach campaign for recycling and other Environmental Services promotions (Earth Day, Code Compliance, etc.).

Department: Environmental Services
Award to: Clear Channel Outdoor, Inc.
El Paso, TX
Annual Estimated Amount: \$115,000.00
Total Estimated Award: \$345,000.00 (3 Years)
Account No.: 334-34080-3100-P3485-521170
Funding Source: Enterprise Funds
District(s): All

Sole Source No.: 2018-1251

This is a Sole Source, service contract.

Mayor Margo and Representatives Svarzbein, Hernandez-Brown, Ordaz Perez, and Lizarraga questioned the following City staff members:

- Ms. Virginia Venegas, Procurement Analyst
- Ms. Ellen Smyth, Environmental Services Director

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18.1. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

An Ordinance granting Special Permit No. PZST17-00035, to allow for a 60 ft. Ground-mounted Personal Wireless Service Facility on the property described as a portion of Lot 1, Block 1, Centre Court, 5901 Upper Valley Road, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 5901 Upper Valley Road. Property Owner: Rey De Reyes Evangelical Free Church. PZST17-00035 THIS IS AN APPEAL

Representative Svarzbein questioned the following City staff members:

- Mr. Raul Garcia, Lead Planner, Planning and Inspections
- Ms. Sylvia Firth, City Attorney

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18.3. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

An Ordinance vacating a .1078 acre tract of land situated in the Simeon Hart Survey, Abstract number 43, City of El Paso, El Paso County, Texas, said tract being part of that unnamed area shown as public road 25 foot wide according to Old Fort Bliss Addition, City of El Paso, El Paso County, Texas, and a .5070 acre tract of land situated in the Simeon Hart Survey, Abstract number 43, City of El Paso, El Paso County, Texas, said tract being part of that unnamed area shown as public road 25 foot wide according to Old Fort Bliss Addition, City of El Paso, El Paso County, Texas, said tract also being a part of Ruhlen Court, a 25 foot wide right-of-way according to Globe Addition (formerly Lot 19 Old Fort Bliss) an addition to the City of El Paso, El Paso County, Texas, and a .2217 acre parcel of land situated in the Simeon Hart Survey, Abstract number 43, City of El Paso, El Paso County, Texas, said parcel being part of that unnamed area shown as public road 25 foot wide according to Old Fort Bliss plat, City of El Paso, El Paso County, Texas. SURW15-00004 Subject Property: North of Yandell and East of Paisano
Property Owner: City of El Paso

Representative Lizarraga questioned the following City staff member:

- Nelson Ortiz, Lead Planner, Planning and Inspections

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19.2. REGULAR AGENDA – OTHER BUSINESS

Discussion and action on a Resolution to establish the Local Filmmakers Program and adopt Program Guidelines.

Mayor Margo and Representative Lizarraga questioned the following City staff member:

- Mr. Ben Fyffe, Museums and Cultural Affairs Assistant Director

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21.1. REGULAR AGENDA – MAYOR AND COUNCIL

Discussion and action to direct the City Manager to develop a master plan for the Eastside of El Paso.

Mayor Margo and Representative Noe commented.

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21.2. REGULAR AGENDA – MAYOR AND COUNCIL

Discussion and action on activating the City of El Paso Ad Hoc Charter Advisory Committee for the purpose of a City Charter Amendment Special Election to be held in November 2018.

Representatives Hernandez-Brown, Morgan, and Noe questioned the following City staff members:

- Ms. Sylvia Firth, City Attorney
- Mr. Tommy Gonzalez, City Manager

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21.3. REGULAR AGENDA – MAYOR AND COUNCIL

Discussion and action to direct the City Manager to initiate an ordinance amendment for Title 12, Chapter 12.44, Section 12.44.170, Subsection F of the El Paso City Code which states that vehicles that display Disabled Veteran License Plates are exempt from payment of parking fees at any city facility where a parking fee is collected, to be amended to no longer require the vehicle be operated by or for the transportation of the person the Disabled Veteran Plates are registered to.

Representative Morgan commented.

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21.4. REGULAR AGENDA – MAYOR AND COUNCIL

Discussion and Action on Call to the Public and Work Session procedures.

Representative Hernandez-Brown commented.

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 Motion made by Ordaz Perez, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 9:49 a.m.

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 APPROVED AS TO CONTENT:

 Laura D. Prine, City Clerk