

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
JANUARY 8, 2013
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Michiel R. Noe, and Cortney Carlisle Niland. Late arrivals: Eddie Holguin, Jr. and Steve Ortega at 8:38 a.m. The invocation was given by CIMA Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. DR. MARTIN LUTHER KING, JR. FOOD DRIVE WEEK**
- 2. BENNIE D. COOLEY DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Andrea Benitez
2. Mr. Othon Medina, Jr.
3. Ms. Anna Perez
4. Ms. Wally Cech
5. Ms. Eugenia Gamez
6. Mr. Steven Strumer
7. Ms. Lisa Turner

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

Ms. Joyce Wilson, City Manager, commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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, Ortega, and Niland
NAYS: None

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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 January 2, 2013.

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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 First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and Buzz Oates El Paso LLC ("Lessee") to amend the description of the Premises to read as follows:

Lots 4, 5 and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas, containing 390,637 square feet or 8.968 acres of land and municipally known and numbered as 16 Zane Grey St., El Paso, Texas; and a portion of Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, containing 144,910.1 square feet or 3.3267 acres of land, more or less, and municipally known and numbered as 21 Butterfield Trail Blvd., El Paso, Texas,.

Mayor Cook commented.

Ms. Monica Lombrana, Director of Aviation, commented.

Mr. Othon Medina, citizen, commented.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the General Aviation Non-Commercial Ground Lease by and among the City of El Paso ("Lessor"), Dr. S. Donald Phifer ("Assignor") and Pak West Airlines, Inc. dba Sierra West Airlines ("Assignee") covering the following described property:

Lot 22 and West ½ of Lot 23, Block 4, El Paso International Airport Tracts, Unit 2, El Paso, El Paso County, Texas, commonly known as 7325 Boeing Drive, City of El Paso, El Paso County, Texas.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign an Amendment #1 to the Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation (“State”), dated May 18, 2009. The scope of work for the original Agreement is to construct a Bus Rapid Transit (BRT) on SH 20 (Mesa Street) corridor from Doniphan to Schuster Drive. Amendment #1 replaces Attachment B with attachment B-1, entitled Project Location Map, and replaces Attachment C with Attachment C-1, entitled Project Budget Estimate and Source of Funds, to reflect the On-SYSTEM portion of the route that will be funded with State and Federal funding sources (Mesa Street from Baltimore to Remcon Circle).

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3D. 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.

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3E.

***RESOLUTION**

WHEREAS, on May 22, 2012, the City awarded part of Contract No.2012-050 (Janitorial Services-City Hall and Various City Facilities) to Main Building Maintenance (MBM), for the Parks and Recreation Department; and

WHEREAS, pursuant to Section C, Paragraph 8A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for Convenience.

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

That the Purchasing Manager is authorized to notify Main Building Maintenance that the City is terminating Contract No. 2012-050 pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses, and that the termination shall be effective as of January 8, 2013.

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3F.

***RESOLUTION**

THAT the City Manager is hereby authorized to sign the Mutual Termination of Artist Service Agreement between the City of El Paso and Haddad/Drugan, LLC., a Washington Limited Liability Company to terminate the July 12, 2011 Artist Service Agreement for design, fabrication and installation of the Alameda Corridor Rapid Transit Public Art Project.

Ms. Lisa Turner, commented.

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3G.

***RESOLUTION**

That the City Manager be authorized to sign a Lease by and between the RICARDO RIOS (“Lessor”) and the CITY OF EL PASO (“Lessee”), with regard to the property located at 1505 E. Missouri, El Paso, Texas for twelve (12) months, commencing on the Effective Date and ending January 1, 2014, with an option to extend the lease for one additional one-year period by City Manager.

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3H.

***RESOLUTION**

THAT the City Manager be authorized to sign the Agreement by and between the City of El Paso (“City”) and Texas Tech University Health Sciences Center Department of Internal Medicine (“TTUHSC”) for the provision of health services for the City’s Department of Public Health Sexually Transmitted Disease Clinic by physicians from the TTUHSC for the period from January 8, 2013 through August 31, 2013.

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3I.

***RESOLUTION**

WHEREAS, the Tax Assessor/Collector of the City of El Paso (the “**City**”) has entered the amount of tax as provided by Section 26.09(e) of the State Property Tax Code in the appraisal roll, creating a tax roll for entities, for which the City Tax Assessor/Collector collects taxes, a summary of which is attached hereto and incorporated herein by reference;

WHEREAS, the City adopted the 2012 Tax Roll for all entities that adopted each entity’s budget or tax rate by October 1, 2012, except the Village of Vinton on October 9, 2012;

WHEREAS, the Village of Vinton ratified its tax rate on November 20, 2012 and certified their tax rate to the City Tax Assessor/Collector;

WHEREAS, the City Tax Assessor/Collector now desires to amend and submit the revised tax roll to the City Council for approval as the final 2012 tax roll.

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

THAT the tax roll is hereby approved and constitutes the final 2012 tax roll for all entities, including the Village of Vinton, for which the City Tax Assessor/Collector collects taxes.

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4. APPLICATIONS FOR TAX REFUNDS

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

- A. Sam’s Toys Inc. in the amount of \$4,251.50 overpayment of 2012 taxes.
(Geo # O827-999-0532-0034)
- B. BAC Tax Services Corp. in the amount of \$2,579.08 overpayment of 2012 taxes.
(Geo # E076-000-0080-1000)
- C. Sierra Title in the amount of \$2,746.62 overpayment of 2012 taxes.
(Geo # S619-999-0080-6500)
- D. GMAC Mortgage in the amount of \$3,869.47 overpayment of 2012 taxes.
(Geo # R576-999-0220-7800)
- E. GMAC Mortgage in the amount of \$3,069.89 overpayment of 2012 taxes.
(Geo # W145-999-0760-0230)

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5A. 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 Ford F750 chassis, and to Equipment Southwest, Inc., a Texas Association of School Boards (TASB) Buyboard contractor under Contract No. 357-10 (Refuse Bodies & Trailers/Dump Bodies) for one rear loader body. 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:	\$72,184 (1 unit)
Award to: Vendor 2	Equipment Southwest, Inc., Irving, TX
Estimated Amount:	\$52,745 (1 unit)
Total Estimated Award:	\$124,929
Account No.:	334 – 34060 – 580290 – 3150 – PSWM00170
Funding Source:	Environmental Services Capital – Heavy Off Road Equipment
Reference No.:	2013-119

This is a Cooperative, unit price contract.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Mr. Stuart Ed, Director of General Services

Ms. Lisa Turner, citizen, commented.

5B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2010-135 (Wheel and Axle Alignment and Suspension Parts and Service) with Stanley Spring and Suspension for two additional years pursuant to the provisions of an award approved by the City Council on July 13, 2010. The extended contract period will be from July 13, 2013 to July 12, 2015.

Department:	General Services
Award to:	Stanley Spring and Suspension El Paso, TX (Corporate Office)
Option:	One [of One]
Annual Estimated Amount:	\$50,000
Total Estimated Amount:	\$100,000 (2 years)
Account No.:	231 – 37020 – 531210 – 3600 – P3711 231 – 37020 – 531250 – 3600 – P3701

Funding Source: Supply Support Fund – Inventory Purchase
Materials &Supplies
Supply Support Fund – Equipment Outside
Repair Services

This is a low bid, supplies contract.

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6A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-039 for EPIA Air Cargo #1 Demolition to Border Demolition and Environmental, Inc. for a total award of \$142,149.49

Department: Engineering and Construction Management
Award to: Border Demolition and Environmental, Inc.,
El Paso, TX
Base Bid: \$142,149.49
Total Estimated Award: \$142,149.49
Time for Completion: 180 Consecutive Calendar Days
Account: 562-62230-3080-580270-PAP00590
Funding Source: EPIA Customer Facility Charge

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

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

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

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

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6B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-064 (Chevrolet & Dodge Trucks & Vans Optional Equipment) to Dick Poe Dodge LP and Rudolph Chevrolet LLC for an initial term estimated amount of \$372,339.72.

Department: General Services – Fleet Division
Award to: Vendor 1 Dick Poe Dodge, LP
El Paso, TX
Items: Groups 2, 8 and 11 (Item 3)
Estimated Annual Amount: \$29,379.24
Initial Term Award Amount: \$88,137.72 (3 Year Total)

Award to: Vendor 2 Rudolph Chevrolet, LLP
El Paso, TX
Items: Groups 1, 3, 5, and II (Item 1, 2, 5 and 5A)

Estimated Annual Amount:	\$94,734
Initial Term Award amount:	\$284,202 (3 Year Total)
Option:	No Options
Total Estimated Award:	\$ 372,339.72 (3 Year Total)
Account No.:	231 – 37010 – 580540 – 4960
	334 – 34060 – 580290 – 4150
	322 – 22130 – 580070 – 2720 – 2010sst804
Funding Source:	General Services Dept – Cars, Pickups, Vans
	Environmental Services Dept – Heavy Off
	Road Equipment Fire - Grant

This is a Best Value, unit price contract.

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7A. – 7E. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Ortega, 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:

- 7A.** An Ordinance approving the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Six, City of El Paso, Texas.
- 7B.** An Ordinance granting a special privilege license to C & J Property Corporation, (Owner) and RYZ Inc. (Lessee) for the construction, installation, maintenance, use, and repair of one loading dock and a loading area within portions of City right-of-way along Lee Street adjacent to the property located at 1602 Bassett Avenue for a term of ten years with one renewable ten year term. (NESV12-00042)

PUBLIC HEARING WILL BE HELD ON JANUARY 15, 2013, FOR ITEMS 7A – 7B

- 7C.** An Ordinance granting Special Permit No. PZST12-00020, to allow for infill development with reduced lot area and reduced lot width on the property described as Lot 5, Block 12, Revised Map of Sahara Subdivision, 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: 5616 Bagdad Avenue. Property Owner: Jose and Margarita Gutierrez. PZST12-00020
- 7D.** An Ordinance repealing Ordinance 010917 that exempts non-contributing properties in the Downtown Historic District from complying with design guidelines, and amending Title 20 (zoning), Chapter 20.20 (Historic Landmark Preservation), Section 20.20.080 (Alterations and Changes to Landmarks and H-Overlay properties) of the El Paso City Code to require that a certificate of appropriateness or certificate of demolition be approved prior to construction, alterations, changes, removal, or demolition to all properties with an H-overlay, including those within the Downtown Historic District.
- 7E.** An Ordinance changing the zoning of real property known as being all of Lots 1 and 15, Save and Except two Portions thereof, Block 3, and Lots 2 through 14, Block 3, WFF Industrial Park Unit One Replat "A", City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of Railroad Drive and south of Farah Drive. Property Owner: DBB Holdings, Inc. PZRZ12-00027

PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2013, FOR ITEMS 7C- 7E

Representative Niland commented.

Ms. Joyce Wilson, City Manager, commented.

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ITEMS TAKEN TOGETHER BUT VOTED SEPARATELY

8A.

ORDINANCE 17924

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS) OF THE EL PASO CITY CODE BY ADDING CHAPTER 5.17 (CREDIT ACCESS BUSINESSES) IN ORDER TO SET FORTH REGISTRATION REQUIREMENTS AND CREDIT EXTENSION GUIDELINES, THE PENALTY BEING PROVIDED IN SECTION 5.17.030 (VIOLATIONS; PENALTY) OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Byrd, Acosta, Niland, Holguin, Lilly, Ortega, Noe, and Robinson commented.

The following City staff members commented:

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

The following members of the public commented:

1. Mr. Jerry Allen
2. Mr. Terry Randle
3. Ms. Theresa Ware Asbury
4. Mr. Marco Raposo
5. Ms. Debra Rodriguez, Cash America
6. Mr. Saul Frank, President and Owner, Benny's Loan Pawn Shop
7. Father Pablo Matta, St. Jude Church
8. Mr. John Bloss
9. Ms. Betty Hernandez
10. Ms. Brett Merfish
11. Mr. Michael Brown, CAB Consulting
12. Mr. Alberto Mesta, Texas Rio Grande Legal Aid
13. Mr. Larry Garcia, El Paso Affordable Housing
14. Mr. Steve Peinado, Quick Cash Area Manager
15. Mr. Jose Espinosa, AARP volunteer
16. Mr. Clinton Cross, Texas Advocacy

1st MOTION

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

2ND MOTION

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

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

NAYS: Representatives Robinson and Holguin

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

3RD AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Byrd, and carried that upon implementation of the Ordinance try to keep all legal fees in-house and all administrative enforcement fees in-house and **DIRECT** the City Manager to recommend a registration fee that recoups the City's cost.

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

NAYS: Representatives Robinson and Holguin

8B.

R E S O L U T I O N

RESOLUTION OF THE CITY OF EL PASO TO SUPPORT CITIES' AUTHORITY TO PASS ORDINANCES AIMED AT CURTAILING CREDIT ACCESS BUSINESSES' EXPLOITATION OF ECONOMICALLY VULNERABLE CITIZENS.

WHEREAS, the City Council of the City of El Paso, represents the citizens of the City of El Paso;

WHEREAS, citizens of the City of El Paso are deeply concerned about the harmful effects of payday and auto title lending practices in our community and throughout Texas;

WHEREAS, in the state of Texas there are over 3,000 of these lending storefronts, operating outside of state usury laws, evading licensed consumer lending standards under Texas law, and making over \$3 billion in high-cost loans to Texas families each year;

WHEREAS, there are at least 123 of these loan businesses in our local community promising "easy credit" only to hurt people with annual percentage rates upwards of 500% and loan terms that often pull people deeper into debt;

WHEREAS, in response to the targeting of working families, senior citizens, and military families who struggle to pay rent, bills, and provide for other basic needs, at least 16 states and the District of Columbia have adopted 36% or lower annual percentage rate cap for these small loans;

WHEREAS, upon the Department of Defense's finding that these loans, "undermine military readiness, harm the morale of troops and their families, and add to the cost of fielding an all-volunteer fighting force", the federal government enacted a rate cap of 36% for loans up to 90 days and up to \$2,000 to protect certain members of the military from exploitation; however, Texas payday lenders have found ways to evade the rate cap and continue to exploit the military;

WHEREAS, in 2011, the Texas Legislature approved new regulations for the industry, and while the regulations do provide more oversight and licensing requirements for Credit Access Businesses, the regulations fall well short of providing adequate protections for consumers; and

WHEREAS, to prevent payday and auto title lenders from trapping borrowers in a perpetual cycle of debt, some cities in Texas have implemented ordinances that put in place tighter restrictions on Credit Access Businesses, including regulations that limit the proximity of these businesses to one another, as well as additional regulations to ensure that borrowers can actually repay loans on time.

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

That the City Council of the City of El Paso urges the Texas State Legislature and the Governor of Texas to oppose any efforts in the next regular session of the Texas Legislature to preempt cities' authority to

enact ordinances aimed at ending the exploitative practices of credit access businesses that hurt our communities and struggling Texans by charging usurious and immoral rates and fees.

1ST MOTION

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

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

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Acosta, and carried to **AUTHORIZE** the Mayor to send letter to the Consumer Financial Protection Bureau and to Congressman Beto O'Rourke asking to close loopholes in the law for payday lending.

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

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9A. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2013-082 for EPIA Pedestrian Crosswalk Replacement to Blair-Hall Company, Inc. for an estimated total amount of \$527,521.

Department: Engineering and Construction Management
Award to: Blair-Hall Company, Inc.
El Paso, TX
Base Bid: \$527,521
Time for Completion: 180 Consecutive Calendar Days
Accounts: 562-62230-3080-580270-PAP00370
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.

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

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9B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD** Solicitation No. 2013-066 for Paving of Unpaved Rights-of-Way 2013-2014 to Southwest G.C.E.P., Inc. for a total award of \$679,995.

Department: Engineering and Construction Management
 Award to: Southwest G.C.E.P., Inc.
 El Paso, Tx
 Base Bid: \$ 679,995
 Total Estimated Award: \$ 679,995
 Time for Completion: 365 Consecutive Calendar Days
 Account: 190-28340-4580-580270-PCP13ST004Y1
 Funding Source: 2013-2019 Certificates of Obligation-Street Infrastructure

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

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

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

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

Representative Robinson commented.

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

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9C. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Representative Niland, and carried to **AWARD AS REVISED**, Solicitation No. 2013-109R for El Paso Ballpark to Jordan / Hunt, a Texas Joint Venture for an estimated total construction amount not to exceed \$40,182,111.

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

NAYS: Representatives Robinson and Holguin

Department: Engineering and Construction Management
 Award to: Jordan / Hunt, a Texas Joint Venture
 Contractor's Fee for Preconstruction Phase Services: \$35,000
 Contractor's Fee for Construction Phase Services: \$40,147,111
 Total Estimated Construction Budget (includes Contractor's fees): \$40,182,111
 Construction Time for Completion: 3/1/2014 Substantial completion
 5/1/2014 Final Completion
 Accounts: 580270-190-4735-99998-PCP13STADIUM1
 Funding Source: 2013 Local Government Corporation Special Revenue Bonds

And that the City Manager be authorized to execute the modified AIA A133-2009 Standard Form of Agreement between Owner and Construction Manager as Contractor and any related contract documents and agreements necessary to effectuate this award, including the Guaranteed Maximum Price Amendment.

And that as a part of this award, upon the review by 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.

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 award.

This Request for Proposals is the second step in the Construction Manager at Risk Two-Step Process. The Engineering and Construction Management Department recommends award as indicated to Jordan / Hunt, a Texas Joint Venture, the highest ranked proposer based on the evaluation criteria established for this procurement.

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

Representatives Niland and Acosta commented.

The following members of the public commented:

- 1. Mr. Othon Medina
- 2. Mr. Salvador Gomez

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10A. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried to **AUTHORIZE AS REVISED**, the Purchasing Manager for Financial Services, Purchasing Division to issue Purchase Orders to Central Transportation Systems Inc., a contractor under the State of Texas Contract TXMAS-11-48010 and NBS, Inc., a contractor under ESC Region 19 Contract #11-6660 to establish "on-call" moving services to support the relocation of various City Departments. The City has made the determination that purchasing from these cooperative contracts offers the most cost-effective pricing.

AYES: Representatives Lilly, Byrd, Ortega and Niland
NAYS: Representatives Robinson and Holguin
NOT PRESENT FOR THE VOTE: Representatives Acosta and Noe

The participation by the City of El Paso in the State of Texas TXMAS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007 and participation in the Region 19 Cooperative Purchasing Program was approved on March 4, 2008.

Department:	General Services
Award to Vendor #1:	Central Transportation Systems, Inc. El Paso, Texas
Estimated Award:	\$500,000
Award to Vendor #2:	NBS, Inc. El Paso, Texas
Estimated Award:	\$100,000

Total Estimated Award: \$600,000 (2 Vendors)
Account No.: 999-99998-544060-1000
Funding Source: City Hall Relocation Fund
Reference No.: 2013-117

This is a Cooperative, requirement contract.

Mr. Bruce Collins, Purchasing Manager, commented.

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The City Council Meeting was **RECESSED** at 12:16 p.m. in order to convene the Downtown Development Corporation Meeting.

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The City Council Meeting was **RECONVENED** at 12:26 p.m.

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10B. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution that the City Manager be authorized to sign an agreement for baseline physical exams services for firefighters (Solicitation No. 2012-183R) between the City and El Paso Healthcare Systems, Ltd, dba Las Palmas Del Sol Healthcare for a contract term of three years beginning on January 8, 2013 with an option to extend for one additional two-year period.

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10C. FINANCIAL SERVICES

Motion made by Representative Niland, 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 El Paso Electric Company of El Paso, TX; a sole provider for Automatic Pad Mounted Transfer Switch to automatic switch electric service between Austin and Scottsdale substations to generate emergency power during power outage and have the capability to maintain all airport system operations and services.

NOT PRESENT FOR THE VOTE: Representative Acosta

Department: Airport
Award to: El Paso Electric Company
El Paso, TX
Total Award: \$62,795
Account No.: 562-580270-62230-3080-PAP00620
Funding Source: Airport Cap Projects – Construction (CWIP)
Reference No.: 2013-115

This is a sole source purchase.

Representative Niland commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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10D. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Acosta, 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 eleven (11) Autocar ACX64 chassis, 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 eleven (11) Automated Side Loader (ASL) bodies. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

NOT PRESENT FOR THE VOTE: Representative Ortega

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:	\$1,717,938 (11 units)
Award to: Vendor 2:	Bridgeport Manufacturing, Inc. Bridgeport, TX
Estimated Amount:	\$1,066,023 (11 units)
Total Estimated Award:	\$2,783,961.00
Account No.:	334 – 34060 – 580290 – 3150 – PSWM00170
Funding Source:	Environmental Services Capital – Heavy Off Road Equipment
Reference No.:	2013-118

This is a Cooperative, unit price contract.

Representatives Byrd, Acosta and Noe commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Mr. Stuart Ed, Director of General Services
4. Mr. Kurt Fenstermacher, Interim Director of Environmental Services

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10E. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD** Solicitation No. 2013-001R (Temporary Personnel Backup Service for Various Depts) to Temporary Alternative, Inc., dba dmDickason Personnel Services for a total estimated award of \$1,526,580.

NOT PRESENT FOR THE VOTE: Representative Ortega

Department:	Human Resources
Award to:	Temporary Alternatives, Inc., dba dmDickason Personnel Services El Paso, TX
Items:	All
Option:	No Option

Annual Estimated Amount: \$508,860
Total Estimated Award: \$1,526,580 (3 Years)
Account No.: Various
Funding Source: Various

This is an RFP, service contract.

The Financial Services - Purchasing Division and Human Resources recommend award as indicated to Temporary Alternatives, Inc., dba dmDickason Personnel Services, the highest ranked proposer based on evaluation factors established for this procurement.

Mr. Bruce Collins, Purchasing Manager, commented.

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ITEMS TAKEN TOGETHER

11-1.

RESOLUTION

WHEREAS, on February 24, 2009, the City awarded Contract No. 2009-003 (Reverse Telephone Alert System) to Federal Signal Corporation, for the Fire Department; and

WHEREAS, the City's current mass notification system is in need of an upgrade; and

WHEREAS, pursuant to Section C, Paragraph 8A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Federal Signal Corporation that the City is terminating Contract No. 2009-003 pursuant to the provisions and requirements of Section C, Paragraph 8A of the Contract Clauses, and that the termination shall be effective as of February 22, 2013.

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

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

11-2. FIRE / INFORMATION TECHNOLOGY

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to (Everbridge, Inc.) a contractor under U.S. General Service Administration Council Cooperative (GSA), Contract #GS-35F-0692P for the purchase of mass notification system. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

Department: Fire Department

Award to: Everbridge, Inc.
 Glendale, California
 Initial Cost: \$188,500 (System Cost)
 \$178,500 (Estimated Annual Maintenance)
 Total Cost: \$367,000
 Additional Cost: \$535,500 (Estimated Annual Maintenance
 for 3 years)
 Total Estimated Award: \$902,500
 Account No.: 239-522020-1000-15070
 322-580350-2720-22130-2010SST808
 Funding Sources: General Fund & Urban Area Security
 Initiative (UASI)
 FY 2010
 Reference No.: 2013-103

This is a Cooperative, unit price contract.

Interim Fire Chief Carlos Carmona presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Bruce Collins, Purchasing Manager, commented.

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12.

ORDINANCE 17925

The City Clerk read an Ordinance entitled: **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**

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Niland commented.

Motion duly made by Representative Niland, seconded by Representative Byrd, 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 Byrd, Robinson, Noe, Holguin, and Niland
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, and Ortega

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

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13.

RESOLUTION

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

That the City Manager be authorized to sign a State Use Contract - Contract for Cleaning Services, by and between the City of El Paso and TIBH Industries, Inc., and Professional Contract Services, Inc. for cleaning services at the El Paso International Airport Terminal. The term of the Contract will run through December 31, 2013.

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

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

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14.

R E S O L U T I O N

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER OR CITY ATTORNEY TO TAKE ALL NECESSARY ACTIONS TO INITIATE AND FILE A DECLARATORY JUDGMENT LAWSUIT TO VALIDATE A PROPOSED BOND ISSUANCE, CONTRACTS AND ACTIONS TAKEN OR PLANNED IN SUPPORT OF THE PROJECT BEING FINANCED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to an election held in the City of El Paso, Texas (the "City") on November 6, 2012, the voters of the City authorized the City to provide for the planning, acquisition, establishment, development, construction and financing of a sports and community venue project within the City of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Local Government Code, as amended (the "Venue Project Act"), and described in summary form as a multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games (the "Ballpark"), and related infrastructure as defined in the Venue Project Act (the "Project"), and to impose a tax on the occupancy of a room in hotels located within the City, at a maximum rate of two percent (2%) of the price paid for such room, as authorized by Subchapter H of the Venue Project Act;

WHEREAS, pursuant to such vote of the citizens of El Paso, the Ballpark is an "approved venue project" under the Venue Project Act and pursuant to Section 334.044 of the Venue Project Act, the State legislature has found that for all constitutional and statutory purposes that an approved venue project is owned, used, and held for public purposes by the municipality whose citizens approved such project;

WHEREAS, the City Council of the City has created a local government corporation known as the "City of El Paso Downtown Development Corporation" (the "LGC") pursuant to the provisions Section 431.001 of the Transportation Code and the City Council of the City intends to contract with the LGC to finance the Project for and on behalf of the City;

WHEREAS, the City Council of the City, desires to proceed with confidence that its proposed bond issuance, contracts and actions taken or planned in support of the Project are lawful, valid, and enforceable; and

WHEREAS, Chapter 1205 of the Texas Government Code, as amended, permits the City and other issuers of public securities to seek expedited declaratory judgment concerning such matters.

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

The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct legislative findings and are adopted as part of this Resolution for all purposes.

The City Council of the City does hereby authorize the City Manager or City Attorney to take all necessary actions to initiate and file a declaratory judgment lawsuit (including the retention of outside counsel in connection

therewith), together with the LGC, pursuant to the provisions of Chapter 1205 of the Texas Government Code, as amended, and to take all actions necessary to validate, to the fullest extent of the law, the bond issuance, contracts, and actions taken or planned to be taken in support of the Project, whether those bonds, contracts, or actions are issued or taken by the City or the LGC.

It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551 of the Texas Government Code, as amended.

This Resolution shall take effect immediately upon its passage and it is accordingly so resolved.

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

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

NAYS: Representatives Robinson and Holguin

NOT PRESENT FOR THE VOTE: Representative Acosta

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15A.

R E S O L U T I O N

WHEREAS, the City Council found and declared as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, safety and general welfare of the people, and

WHEREAS, no relevant design guidelines for the Austin Terrace, Manhattan Heights, Old San Francisco, and Sunset Heights Historic Districts have been adopted since the creation of said districts; and

WHEREAS, Chapter 2.24 (Historic Landmark Commission) Section 2.24.020 of the Municipal Code, requires the Historic Landmark Commission to prepare guidelines to be used in determining the approval or denial of certificates of appropriateness and certificates of demolition or removal of designated historic landmarks; and

WHEREAS, the City Council needs to provide for the relevant design guidelines for the Austin Terrace, Manhattan Heights, Old San Francisco, and Sunset Heights Historic Districts and for future historic districts and designated historic properties; and

WHEREAS, on September 10, 2012, the El Paso Historic Landmark Commission recommended the adoption of the Design Guidelines for El Paso's Historic Districts, Sites, and Properties, a copy of which is attached to this Resolution and incorporated as Exhibit "A";

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

THAT, the findings set out in the preamble to this Resolution are found to be true and correct, and that they are hereby adopted and made a part hereof for all purposes.

THAT, the El Paso City Council hereby adopts the Design Guidelines for El Paso's Historic Districts, Sites, and Properties; a copy of which is attached and incorporated as Exhibit "A" in order to preserve the unique and historic character and identity of the Austin Terrace, Manhattan Heights, Old San Francisco, and Sunset Heights Historic Districts and their environments, to be applied towards future designated properties, sites, and districts, and to be used in the review by the Historic Landmark Commission for requests for certificates of appropriateness and certificates of demolition.

Mayor Cook and Representatives Byrd, Acosta, and Niland commented.

Mr. David Ochoa, citizen, commented.

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

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

NAYS: None

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

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15B.

R E S O L U T I O N

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

That Ralph Adame be approved as the Chair of the Board of Directors for the Tax Increment Reinvestment Zone Number Six (TIRZ No.6) for a one-year term commencing January 1, 2013, as recommended by the TIRZ No. 6 Board of Directors, and in accordance with the Texas Tax Increment Financing Act.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

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16.

R E S O L U T I O N

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with the Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land; and,

WHEREAS, the previous design standards for parks within subdivisions submitted under the provisions of Title 19 were adopted by Resolution on June 3, 2008, as the Park Facilities Standards; and,

WHEREAS, the Parks and Recreation Department recommends the Park Facilities Standards be amended in its entirety to reflect a useful and current document to guide both the construction of parks within subdivisions and for City constructed parks.

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

1. That the Park Facilities Standards are amended in its entirety; and
2. That the City Council of El Paso hereby adopts the Park Facilities Standards, attached as Exhibit "A", regulating the design and construction of park facilities.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Traci Novak, Assistant Director for Parks and Recreation
3. Mr. Richard Garcia, Park Planning & Development,

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

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

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 ITEMS TAKEN TOGETHER

17A. POLICE

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **APPROVE** budget transfer BT2013-0178 to increase Federal Confiscated Award to fund the FY2013 Confiscated Fund budget (\$275,000)

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

17B. POLICE

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **APPROVE** budget transfer BT2013-0179 to increase State Confiscated Award to fund the FY2013 Confiscated Fund budget (\$1,075,298)

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

Mayor Cook and Representative Byrd commented.

Assistant Chief Police Robert Feidner commented.

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18A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the presentation and discussion on the video 3E: Explore, Experience, Enjoy El Paso del Norte by the El Paso Museum of History.

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18B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item regarding discussion and action on implementing a median improvement plan.

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 Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:46 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 2:21 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

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

Motion made Mayor Pro Tempore Lilly, seconded by Representative Niland and unanimously carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand and to continue settlement negotiations in the lawsuit styled Andres Cortez v. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-00050-PRM.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

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EX2. City of El Paso vs. El Paso Entertainment, Inc., et al., Cause No. EP-07-CV-380-KC, in the United States District Court for the Western District of Texas. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd and unanimously carried that the City Attorney in consultation with the City Manager be authorized to take any and all action necessary, both affirmative and defensive, as necessary, in connection with this lawsuit styled *City of El Paso vs. El Paso Entertainment, Inc. et. al.*, Cause No. EP-07-CV-380-KC. This Motion is intended to grant broad authority to the City Attorney to take action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints and any other administrative or judicial proceedings or process.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

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ADDITION TO THE AGENDA

EX1. Discussion and action regarding issues related to matters involving the demolition of City Hall, the construction of the new ballpark stadium, the initiative petitions and related litigation. (551.071)

Mayor Cook and Representative Holguin commented.

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

Mr. Othon Medina, citizen, commented.

NO ACTION was taken on this item.

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Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 2:28 p.m.

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk