

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 22, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor Pro Tempore Ann Morgan Lilly present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrivals: Michiel R. Noe at 8:39 a.m. and Carl Robinson at 9:02 a.m. Mayor John F. Cook and Steve Ortega 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.

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MAYOR'S PROCLAMATIONS

1. CATHOLIC SCHOOLS WEEK
2. FREDERICK CARTER 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. Carol Bohle
2. Mr. Othon Medina
3. Ms. Wally Cech
4. Mr. Steve Strumer

Representative Niland commented.

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CONSENT AGENDA

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Niland, 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, Noe, Holguin, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Robinson
ABSENT: Representative Ortega

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 15, 2013, and the Special City Council Meeting of January 10, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook and Representative Steve Ortega from the Regular Council Meeting of January 22, 2013.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign an Air Cargo Building Lease Agreement between the City of El Paso ("Lessor") and Servisair USA Inc. ("Lessee") for office and warehouse space, loading dock and vehicle parking space, and the ground service equipment parking apron at the Air Cargo Center located at 6415 Convair Road, El Paso, Texas.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a Fuel Site Lease by and between the City of El Paso ("Lessor") and Cutter Aviation El Paso Limited Partnership ("Lessee") for the following parcel of land:

A portion of Tract 4-A-26, Ascarate Grant, El Paso, El Paso County, Texas, consisting of approximately 13,655.44 square feet of land, and municipally known and numbered as 6825 Convair Road, El Paso, Texas.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor") and Robert E. Rook, Jr. as Trustee of the Patsy Marie Taylor Revocable Trust and as Trustee of the Henry L. Taylor Marital Deduction Trust ("Assignee") for the following described property:

Lots 16, 17 and 18, Block 4, El Paso International Airport Tracts, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 7301 Boeing Dr., El Paso, Texas.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor") and Ace Body Shop, Inc. ("Assignee") for the following described property:

All of Lot 12, Block 5, El Paso International Airport Tracts, Unit 3, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 6617 Montana, El Paso, Texas.

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3E.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso ("City") passed Ordinance No. 017116 on May 26, 2009, electing for the City to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), ADP, Inc. has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider ADP, Inc. as an enterprise zone project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that ADP, Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. ADP, Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of ADP, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that ADP, Inc. meets the criteria for tax relief and other incentives adopted by the City and agrees to nominate ADP, Inc. for enterprise zone project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate ADP, Inc. as an enterprise project pursuant to the Act.

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

1. That ADP, Inc., to be known as the ADP Expansion Project, is a "qualified business" as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or her designee be authorized to sign any and all documents required by EDC to complete the nomination process.

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3F.

***RESOLUTION**

WHEREAS, Hun Seo and Jose A. Fong (hereinafter referred to as “Grantees”) have received administrative approval for a Special Privilege Permit for the use of portions of City right-of-way within the alley between Durango Street and Anthony Street behind the property located at 504 West San Antonio Avenue, Suite C for the construction, maintenance, use and repair of an outdoor patio café; and

WHEREAS, the Grantees desire to obtain a permit or license from the Texas Alcoholic Beverage Commission (TABC) for the sale and service of alcoholic beverages in conjunction with the outdoor patio café; and

WHEREAS, the Grantees have authorized VKDT, LLC (hereinafter referred to as “Licensee”) to provide for the sale and service of alcoholic beverages within the outdoor patio cafe; and

WHEREAS, TABC requires El Paso City Council to approve the sale and service of alcoholic beverages within City right-of-way as a permissible activity; and

WHEREAS, as a prerequisite for approval by the City, Grantees and Licensee shall obtain and maintain public liability insurance coverage for personal injury or death and liquor liability insurance, each of which shall name the City as additionally insured for the duration of the Special Privilege Permit; and

WHEREAS, Grantees and Licensee shall maintain for the duration of the Special Privilege Permit, and provide to the City, a current copy of the annual mixed-beverage permit, beverage cartage permit, and mixed beverage late hours permit issued by TABC for the sale and service of alcoholic beverages.

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

That the sale and service of alcoholic beverages by VKDT, LLC on behalf of Hun Seo and Jose A. Fong at the outdoor patio café located within portions of the alley between Durango Street and Anthony Street behind the property located at 504 West San Antonio Avenue, Suite C, El Paso, Texas, is a permissible activity.

Representative Acosta commented.

Assistant Police Chief Robert Feidner commented.

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3G.

***RESOLUTION**

That the El Paso City Council hereby rename a portion of the street currently known as Brays Landing Drive, which is located South of Northern Pass Drive and North of Paseo Del Norte Boulevard (as identified in Exhibit “A”), and authorizes the City Manager to take the necessary steps to change the name from Brays Landing Drive to Cimarron Park Drive. This is located within the City of El Paso, El Paso County, Texas.

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3H.

***RESOLUTION**

That the City Manager be authorized to sign an Overhead Electrical Easement for the provision of electrical power to a new road condition message sign to be located at 4301 Woodrow Bean-Transmountain Road, said easement more particularly described as a portion of Section 31, Block 81, TSP 1, T & P Railroad Surveys, City of El Paso, El Paso County, Texas.

Representative Byrd commented.

Irene Ramirez, Interim City Engineer, commented.

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3I.

***RESOLUTION**

That the City Manager be authorized to sign an Underground Electrical and Transformer Pad Easement for the provision of electrical power to a new City emergency communications radio tower to be constructed at 11615-C Railroad Drive, said easement more particularly described as a portion of Tract 1, Section 28, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

3J.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, STONE NEST LLC., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3617 Fred Wilson Ave, more particularly described as Lot(s) 7 to Lot 9 & N 48.85 Ft of W 2 Ft of Lot 6, Block 73-D, Logan Heights Subdivision, El Paso, El Paso County, Texas, Parcel # L447-999-073D-2200

to be \$104.51, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED TWENTY EIGHT AND 51/100 DOLLARS (\$128.51). The City Council finds that the work was completed on the 2 day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED TWENTY EIGHT AND 51/100 DOLLARS (\$128.51) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GLORIA LOPEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3627 Fred Wilson Ave, more particularly described as Lot(s) 3 & 4, Block 73-D, Logan Heights Subdivision, El Paso, El Paso County, Texas, Parcel # L447-999-073D-0800

to be \$124.90, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FORTY EIGHT AND 90/100 DOLLARS (\$148.90). The City Council finds that the work was completed on the 28th day(s) of June, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY EIGHT AND 90/100 DOLLARS (\$148.90) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, F T JAMES, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3737 Fred Wilson Avenue, more particularly described as Lot(s) 1 to Lot 4 & 47 Ft ADJ on E (17640 Sq Ft), Block 73-A, Logan Heights Subdivision, El Paso, El Paso County, Texas, Parcel # L447-999-073A-3300

to be \$198.10, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED AND TWENTY TWO AND 10/100 DOLLARS (\$222.10). The City Council finds that the work was completed on the 16th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED TWENTY TWO AND 10/100 DOLLARS (\$222.10) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RAOUL SOTO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3800 Idalia Avenue, more particularly described as Lot(s) 32 & W 1/2 of Lot 31 (4500 Sq Ft), Block 83, Grandview Subdivision, El Paso, El Paso County, Texas, Parcel # G686-999-0830-9100

to be \$174.10, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY EIGHT AND 10/100 DOLLARS (\$198.10). The City Council finds that the work was completed on the 20th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY EIGHT AND 10/100 DOLLARS (\$198.10) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, HOWARD BURTON, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3101 McLean, more particularly described as Lot(s) 23 (EXC N 0.5 Ft (7950 Sq Ft), Block 107, Pebble Hills #11 Subdivision, El Paso, El Paso County, Texas, Parcel # P654-999-1070-4500

to be \$143.16, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY SEVEN AND 16/100 DOLLARS (\$167.16). The City Council finds that the work was completed on the 25th day(s) of June, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SIXTY SEVEN AND 16/100 DOLLARS (\$167.16) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SPATZZIO HOMES INC., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11365 Charles Reynolds Lane, more particularly described as Lot(s) 4 (5548.82 Sq Ft), Block 1, Sandstone Ranch Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel # S138-999-0010-0040

to be \$191.20, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTEEN AND 20/100 DOLLARS (\$215.20). The City Council finds that the work was completed on the 10th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED FIFTEEN AND 20/100 DOLLARS (\$215.20) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, PUGH, ALLAN B., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5353 Colin Powell Avenue, more particularly described as Lot(s) 5 (5129.00 Sq Ft), Block 9, Patriot Village #2 Subdivision, El Paso, El Paso County, Texas, Parcel # P605-999-0090-0500

to be \$137.21, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY ONE AND 21/100 DOLLARS (\$161.21). The City Council finds that the work was completed on the 16th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SIXTY ONE AND 21/100 DOLLARS (\$161.21) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RONALD R DUKE & LLORA F AGUSTIN, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

7200 Copper Nail Lane, more particularly described as Lot(s) 39 (5634.18 Sq Ft), Block 13, Mesquite Hills #2 Subdivision, El Paso, El Paso County, Texas, Parcel # M395-999-0130-3900

to be \$167.92, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY ONE AND 92/100 DOLLARS (\$191.92). The City Council finds that the work was completed on the 12th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY ONE AND 92/100 DOLLARS (\$191.92) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MELISSA D MAYNARD, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4508 Joseph Rodriguez Drive, more particularly described as Lot(s) 3 (4738.05 Sq Ft), Block 6, Tres Suenos #1 Subdivision, El Paso, El Paso County, Texas, Parcel # T820-999-0060-0300

to be \$135.00, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY NINE AND 00/100 DOLLARS (\$159.00). The City Council finds that the work was completed on the 5th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FIFTY NINE AND 00/100 DOLLARS (\$159.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ANDREAS & MATTHIAS RING, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4740 Joseph Rodriguez Dr., more particularly described as Lot(s) 6 (4481.00 Sq Ft), Block 12, Tres Suenos #4 Subdivision, El Paso, El Paso County, Texas, Parcel # T820-999-0120-0600

to be \$148.84, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY TWO AND 84/100 DOLLARS (\$172.84). The City Council finds that the work was completed on the 2nd day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY TWO AND 84/100 DOLLARS (\$172.84) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JOSE G. & ELVIRA R. GALLARDO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

7522 Adobe Dr., more particularly described as Lot(s) 7, Block 3, Hacienda Heights Subdivision, El Paso, El Paso County, Texas, Parcel # H012-999-0030-2100

to be \$172.48, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY SIX AND 48/100 DOLLARS (\$196.48). The City Council finds that the work was completed on the 17th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY SIX AND 48/100 DOLLARS (\$196.48) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ROBERTO C BARRON, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4033 Hacienda Rey, more particularly described as Lot(s) 11 (15128.01 Sq Ft), Block 1, Haciendas San Miguel # 1 Subdivision, El Paso, El Paso County, Texas, Parcel # H013-999-0010-1100

to be \$239.77, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY THREE AND 77/100 DOLLARS (\$263.77). The City Council finds that the work was completed on the 23rd day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED SIXTY THREE AND 77/100 DOLLARS (\$263.77) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JESUS S F OROZCO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other

objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5016 Jardines Place, more particularly described as Lot(s) 9 (10168.00 Sq Ft), Block 2, Jardines Del Valle Subdivision, El Paso, El Paso County, Texas, Parcel # J188-999-0020-0900

to be \$481.76, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FIVE HUNDRED FIVE AND 76/100 DOLLARS (\$505.76). The City Council finds that the work was completed on the 19th day(s) of June, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED FIVE AND 76/100 DOLLARS (\$505.76) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ARMANDO M RAMOS, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5020 Jardines Place, more particularly described as Lot(s) 10 (10168.00 Sq Ft), Block 2, Jardines Del Valle Subdivision, El Paso, El Paso County, Texas, Parcel # J188-999-0020-1000

to be \$104.19, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED TWENTY EIGHT AND 19/100 DOLLARS (\$128.19). The City Council finds that the work was completed on the 29th day(s) of June, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED TWENTY EIGHT AND 19/100 DOLLARS (\$128.19) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

.....
3K.

***RESOLUTION**

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting scheduled for February 12, 2013 is hereby moved to February 11, 2013 at 9:00 am.

.....
3L.

***RESOLUTION**

WHEREAS, the El Paso City Council desires to enter into this Interlocal Agreement so as to allow the sharing of law enforcement information via the COPLINK system; and

WHEREAS, the El Paso City Council finds that the implementation of this Interlocal Agreement will permit the electronic access to information maintained by the law enforcement agencies participating in this ILA, serving as a solution to the problems of inaccessible or irretrievable information as a result of disparate information systems that lack a common platform and difficulty in sharing data across jurisdictional boundaries.

WHEREAS, the El Paso City Council finds that the implementation of this Interlocal Agreement will substantially further the public's safety, health and welfare.

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

1. The Mayor be authorized to enter into this ILA by and between the Collin County, Texas ("Collin County"), the City of Austin, Texas; the City of Houston, Texas; and the City of San Antonio, Texas for the purposes of allowing the sharing of law enforcement information via the COPLINK system.
2. The City Council agrees that the information shared between the participating agencies will be handled in accordance with each agencies adopted privacy policy and the "Criminal Intelligence Systems Operating Policies" 28 CFR part 23, U.S. Executive Order 12291.
3. The City Council agrees that all personnel accessing the COPLINK system, and any other authorized users will comply with 28 CFR Part 23.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Geoffrey Wright to the City Plan Commission by Representative Michiel R. Noe, District 5.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Georgina Panahi to the Tax Increment Reinvestment Zone Number 6 by Representative Michiel R. Noe, District 5.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Lisa Turner to the Ad Hoc Charter Advisory Committee by Representative Eddie Holguin, Jr., District 6.

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Yolanda Giner to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Emma Acosta, District 3.

6.

NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Carl L. Robinson on December 31, 2012, in the amount of \$5,000 (loan from Carl L. Robinson).

7. APPLICATIONS FOR TAX REFUNDS

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

- A. Mills Escrow Co. in the amount of \$3,293.59 overpayment of 2012 taxes.
(Geo # C648-007-0010-1100)
- B. Rio Bravo Title Co., LLC in the amount of \$3,683.87 overpayment of 2012 taxes.
(Geo # F315-999-0060-9500)
- C. David L. and Christine M. Gray in the amount of \$7,717.99 overpayment of 2012 taxes.
(Geo # F609-999-0070-2400)
- D. Ernest and Stella Perry in the amount of \$3,565.28 overpayment of 2012 taxes.
(Geo # H454-999-0010-2300)
- E. Robert I. McKinley in the amount of \$3,905.95 overpayment of 2012 taxes.
(Geo # H755-999-0020-0100)
- F. Sierra Title in the amount of \$2,617.07 overpayment of 2012 taxes.
(Geo # I256-999-0110-1300)
- G. First Light Federal Credit Union in the amount of \$2,764.70 overpayment of 2012 taxes.
(Geo # M820-999-0170-7600)
- H. ZNotes LP in the amount of \$4,319.96 overpayment of 2012 taxes.
(Geo. # P324-999-0330-0100)
- I. Vantage Point Title Inc. in the amount of \$3,081.97 overpayment of 2012 taxes.
(Geo. # T287-999-1790-0700)
- J. Gerardo A. and Juanita G. Reyes in the amount of \$3,118.56 overpayment of 2012 taxes.
(Geo. # N425-999-0180-5600)
- K. Enrique and Linda Sarabia in the amount of \$2,944.07 overpayment of 2012 taxes.
(Geo. # V893-999-014C-2900)

L. El Paso Title Co., Inc. in the amount of \$2,915.65 overpayment of 2012 taxes.
(Geo. # V893-999-1810-4300)

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8A. 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 Shi Government Solutions a contractor under the Department of Information Resources, (DIR) SDD-1364 (Hewlett-Packard Company) for (4) HP ProLiant DL380p Gen8 – Servers, and an extended service agreement for parts and labor, 3 years on site repair. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

Department: Police
Award to: Shi Government Solutions
Austin Texas

Total Estimated Amount: \$113,880 (4 servers)
\$ 17,524 (extended service agreement
3 years - \$5,841.33 per year)

Total Estimated Award \$131,404
Account No.: 322/22130/580100/2720/2010SST812 UASI
FY 2010
322/21270/580100/4342/ Confiscated
Funds P5002320 (Extended Service)

Funding Source: Urban Area Security Initiative (UASI)
Confiscated Funds

Reference No.: 2013-122

This is a Cooperative, (unit price) contract.
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8B. 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 Motorola Solutions, Inc a contractor under the Department of Information Resources, (DIR)-SDD-1304 for the purchase of 67 Motorola APX 6000 700/800 model 2.5 portable radios. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR) cooperative purchasing program was approved by Mayor and City Council on 02/27/2007.

Department: Police
Award to: Motorola Solutions, Inc.
El Paso, Texas 79930

Total Estimated Award: \$257,280

Account No.: 321/21230/580100/2710-/G2108210-FY 2008
COPS Technology Grant Police

Reference No.: 2013-120

This is a Cooperative, (unit price) contract.

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ITEMS TAKEN TOGETHER

9A. BID

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a change order to Total Cleaning Services Contract No. 2008-069 (Janitorial Services – El Paso Department of Public Health Facilities) for a total estimated amount of \$92,122.69 for a total revised contract amount of \$460,613.45.

Department: Public Health
Award to: Total Cleaning Services
El Paso, TX
Total Estimated Award: \$92,122.69
Account No.: 341-41170-522060-1000
Funding Source: General Fund-Maintenance Services
Contract Janitorial

This is a Best Value, services contract.

9B. BID

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a change order to The Eagle Janitorial Services Contract No. 2008-069 (Janitorial Services – El Paso Department of Public Health Facilities) for a total estimated amount of \$89,501.38 for a the total revised contract amount of \$447,506.90.

Department: Public Health
Award to: The Eagle Janitorial Services
El Paso, TX
Total Estimated Award: \$89,501.38
Account No.: 341-41170-522060-1000
Funding Source: General Fund-Maintenance Services
Contract Janitorial

This is a Best Value, services contract.

Representative Byrd commented.

Mr. Bruce Collins, Purchasing Manager, commented.

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10A. – 10C. INTRODUCTIONS

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Niland
 NAYS: None
 ABSENT: Representative Ortega

- 10A.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 5.01 acres more or less, of city land under the jurisdiction of the El Paso Water Utilities Public Service Board, to the El Paso Electric Company, which land is described as a portion of the west half of Section 14, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located near Loma Real Avenue and Martin Luther King Blvd. in northeast El Paso, El Paso County, Texas and authorizing the City Manager to execute a Contract of Sale, Special Warranty Deed, and any other documents necessary, to complete the conveyance, to the El Paso Electric Company. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system.
- 10B.** An Ordinance granting a Special Privilege License to Chico's Tacos Inc. permitting the encroachment onto a portion of an alley adjacent to Block 2, Tobin's Washington Park Addition, El Paso, El Paso County, Texas, more commonly known as 4230 Alameda Avenue, to allow parking, signage, landscaping, vehicular and pedestrian traffic. (NESV13-00001)
- 10C.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 4 and 5, Block, 1, Map of Orchard Addition, City of El Paso, El Paso County, Texas SURW12-00005

PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2013, FOR ITEMS 10A – 10C

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11A. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and carried to **AWARD** Solicitation No. 2013-104R for the renovation of the building located at 801 Texas Avenue to Arrow Building Corporation for an estimated total construction amount not to exceed \$7,010,000.

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

Department:	Engineering and Construction Management
Award to:	Arrow Building Corporation
Preconstruction Phase Services: (Lump Sum)	\$ 10,000
Contractor's Fee for Construction Phase Services:	\$7,000,000
Total Estimated Construction	
Budget:	\$7,010,000
Construction Time for Completion:	7/01/2013 Substantial Completion (1 st Floor) 10/01/2013 Substantial Completion (Remainder of building) 10/31/2013 Final Completion
Accounts:	580270-190-4730-99998-PCP13CITYHALL2
Funding Source:	2013 City Hall Relocation Certificates of Obligation

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 selection was done as a Construction Manager at Risk One-Step Process. The Engineering and Construction Management Department recommends award as indicated to Arrow Building Corporation, the highest ranked proposer based on the evaluation criteria established for this procurement.

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

Representatives Byrd, Niland, Acosta, Lilly, and Robinson commented.

The following City staff members commented:

- 1. Mr. William Studer, Deputy City Manager, Development and Tourism
- 2. Mr. John Neal, Special Projects

Mr. Othon Medina, citizen, commented.

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11B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and carried to **AWARD, AS REVISED** Solicitation No. 2013-105R for the renovation of the building located at 218 North Campbell St. to CF Jordan Construction LLC for an estimated total construction amount not to exceed \$11,512,000.

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

Department:	Engineering and Construction Management
Award to:	CF Jordan Construction LLC
Preconstruction Phase Services: (Lump Sum)	\$ 12,000
Contractor's Fee for Construction Phase Services:	\$11,500,000
Total Estimated Construction Budget:	\$11,512,000
Construction Time for Completion:	08/29/2013 Substantial Completion (Main Project) 10/14/2013 Substantial Completion (Freight Elevator) 11/14/2013 Final Completion
Accounts:	580270-190-4690-99998-PCP13LUTHER
Funding Source:	Certificates of Obligation from various Capital

Improvement Programs (CIP's) as reprogrammed on
11/6/2012

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 is 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 selection was done as a Construction Manager at Risk One-Step Process. The Engineering and Construction Management Department recommends award as indicated to CF Jordan Construction LLC, the highest ranked proposer based on the evaluation criteria established for this procurement.

Representative Byrd commented.

Ms. Irene Ramirez, Interim City Engineer, commented.

Mr. Othon Medina, citizen, commented.

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ITEMS TAKEN TOGETHER

11C. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **AUTHORIZE** the City Manager to enter into a Job Order Contract for City Owned Facilities with Vistacon Ventures, LLC, a Texas Limited Liability Company, in the amount not to exceed \$1,500,000 over a two year period. This is a "job order contract" as allowed pursuant to Texas Government Code Section 2267. Vistacon Ventures, LLC competitively bid for job order contracting services and was selected by the Education Service Center Region 19. The Contractor is entitled to perform only the work issued by individual project work orders.

ABSENT: Representative Ortega

11D. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **AUTHORIZE** the City Manager to enter into a Job Order Contract for City Owned Facilities with Mirador Enterprises, Inc., a Texas Corporation, in the amount not to exceed \$1,500,000 over a two year period. This is a "job order contract" as allowed pursuant to Texas Government Code Section 2267. Mirador Enterprises, Inc. competitively bid for job order contracting services and was selected by the Education Service Center Region 19. The Contractor is entitled to perform only the work issued by individual project work orders.

ABSENT: Representative Ortega

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

Representatives Niland, Robinson, Acosta, Holguin, and Byrd commented.

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12.

R E S O L U T I O N

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

THAT the City Manager be authorized to sign an agreement for baseline physical exams services for firefighters (Solicitation 2012-183R) between the City and El Paso Healthcare Systems, Ltd., dba Las Palmas Del Sol Healthcare and El Paso County Hospital District dba University Medical Center for a contract term of 120 days beginning on January 22, 2013.

Representatives Byrd, Robinson, Acosta, Noe, and Niland commented.

The following City staff members commented:

- 1. Mr. Bruce Collins, Purchasing Manager
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.
- 3. Mr. William Studer, Deputy City Manager, Development and Tourism
- 4. Interim Fire Chief Carlos Carmona

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

ABSENT: Representative Ortega
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13.

R E S O L U T I O N

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2013 BUDGET RESOLUTION

WHEREAS, the City Council adopted the Budget Resolution for FY 2013 on August 21, 2012; and

WHEREAS, paragraph 45 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the City Council desires to revise the established electrical permit fee for solar panels as authorized pursuant to Title 18, to provide for a maximum established fee; and

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

That Schedule C, attached to the FY 2013 Budget Resolution and effective September 1, 2012, shall be amended as set forth in Attachment A to the Resolution Amending Schedule C for the City of El Paso FY 2013 Budget, to establish a maximum electrical permit fee for solar panels.

Representatives Byrd, Acosta, and Niland commented.

Mr. Victor Morrison-Vega, Deputy Director for Building Permits & Inspections, City Development, commented.

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

ABSENT: Representative Ortega

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ITEMS TAKEN TOGETHER

14A.

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 Amendment #5 to the Professional Services Contract, dated May 17, 2010, between the City of El Paso and Johnson Controls, Inc., a Wisconsin Corporation, to perform additional facility improvement measures (the "FIMs") on 11 El Paso International Airport facilities/buildings; specifically, the FIMs are: (1) lighting retrofits and controls at all 11 facilities; (2) window film on Customs, Main Terminal, Aircraft Rescue and Firefighting Facility (ARFF) and the Butterfield Golf Course; (3) Central Plant and AHU Upgrades at the Terminal Building; and (4) a Facility Management System at the Terminal Building, to implement Phase V of the City-wide Energy Operational Savings, for an amount of \$4,991,967, and for optional maintenance, measurement and verification services over a 10-year period in the estimated amount of \$658,026, for a total award of \$5,649,993, which will be funded with Airport Enterprise Funds; and that the City Manager be authorized to sign any contracts or other documents required to effectuate this transaction, subject to final approval by the City Attorney's office of all necessary documents to effectuate the transaction.

14B.

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 Amendment #6 to the Professional Services Contract, dated May 17, 2010, between the City of El Paso and Johnson Controls, Inc., a Wisconsin Corporation, to perform annual expanded measurement and verification (M&V) services, for an amount of \$247,300.00, over a three-year term, which will be funded with General Services Department Operating Funds; and that the City Manager be authorized to sign any contracts or other documents required to effectuate this transaction, subject to final approval by the City Attorney's office of all necessary documents to effectuate the transaction.

Mr. Stuart Ed, Director of General Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd, Acosta, Robinson, and Holguin commented.

The following City staff members commented:

- 1. Ms. Monica Lombrana, Director of Aviation
- 2. Mr. William Studer, Deputy City Manager, Development and Tourism

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

ABSENT: Representative Ortega

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15. PARKS AND RECREATION

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **POSTPONE** four weeks the item on a Resolution adopting the 2012-2022 Updated Parks and Recreation Master Plan as prepared by the City’s consultants, Halff Associates, Inc., for the City of El Paso.

ABSENT: Representative Ortega

Ms. Marci Tuck, Open Space, Trails and Parks Coordinator, and Jim Carrillo, Halff Associates, Inc. presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representative Robinson, Byrd, Noe, Acosta, Lilly, and Niland commented.

The following City staff members commented:

- 1. Ms. Nanette Smejkal, Director of Parks and Recreation
- 2. Mr. William Studer Deputy City Manager, Development and Tourism
- 3. Mr. Mathew McElroy, Director of City Development
- 4. Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. Jim Tolbert, citizen, commented.

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16A. MAYOR AND COUNCIL

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **DIRECT** the City Manager to City initiate a street vacation of a portion of Campbell Street between Arizona Avenue and Rio Grande Avenue, in accordance with a Resolution, adopted by City Council on February 21, 2012, allowing for an alternate method for determining the fair market value and for determining the compensation for the sale or conveyance of land dedicated to the City as a public street, alley, or easement to the abutting property owner owning the fee simple.

ABSENT: Representative Ortega

Representative Niland commented.

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16B. MAYOR AND COUNCIL

Presentation on the options for the entrance into the State Park off of Transmountain. Discussion and action on submitting comments to the Texas Parks and Wildlife Commission for the January 24th meeting about the transfer of land from the State Park to TXDOT for the purpose of supporting the entrance.

Dr. Cesar Mendez, Franklin Mountain State Park, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representative Byrd commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

The following members of the public commented:

- 1. Mr. Corky Kuhlmann, Land Conservation, Texas Parks and Wildlife Department
- 2. Ms. Judy Ackerman

NO ACTION was taken on this item.

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16C. MAYOR AND COUNCIL

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to **DIRECT** the City Manager to implement new electronic plan application review software for the City Development Department at the time of the relocation to the new facilities.

ABSENT: Representative Ortega

Representative Niland presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Noe and Acosta commented.

The following City staff members commented:

- 1. Mr. Mathew McElroy, Director of City Development
- 2. Mr. Miguel Gamino, Director of Information Technology

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16D. MAYOR AND COUNCIL

Discussion and action about the Police, Fire, and City Pension Funds, consideration to purchase real property for office space.

Representatives Niland, Acosta, Noe, Byrd, Robinson, and Holguin commented.

The following City staff members commented:

- 1. Mr. William Studer, Deputy City Manager, Development and Tourism
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

NO ACTION was taken on this item.

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Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:19 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.

ABSENT: Representative Ortega

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 2:14 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Ortega

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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)

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **DELETE** the item regarding 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.

ABSENT: Representative Ortega

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EX2. Andres Cortez vs. Jorge Gonzalez et. al. Cause No. EP-12-CV-00050 (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized settlement authority to negotiate settlement and sign all settlement documents necessary to resolve the lawsuit styled Andres Cortez vs. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-00050.

ABSENT: Representative Ortega

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EX3. Chapter 11 Bankruptcy of Maria Gabriela Stoiber, Case No. 12-31644. (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and unanimously carried that outside counsel for the City of El Paso in consultation with the City Attorney be authorized settlement authority, to negotiate settlement agreement and that the City Attorney may sign all documents to resolve the dispute related to the bankruptcy case styled In Re: Maria Gabriela Stoiber, Bankruptcy Case No. 12-31644, Chapter 11.

ABSENT: Representative Ortega

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EX4. City of Socorro, Texas proposed annexation. (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Niland, and unanimously carried that the City Manager be authorized to send a letter to the City of Socorro that the City of El Paso has concerns about the City of Socorro's proposed annexation of seven (7) identified parcels of land. The concerns include, but are not limited to the following:

ABSENT: Representative Ortega

1. Proper notice of the proposed annexation was not provided to the City of El Paso,
2. The effect the proposed annexation will have on operations and future expansions of The Greater El Paso Landfill, which is owned by the City of El Paso, and the adjacent property,
3. The ability of the City of Socorro to provide adequate City services including water and police and fire protection to The Greater El Paso Landfill; and
4. The ability of the City of Socorro to pay for services in the newly annexed areas pursuant to the Interlocal Agreement with City of El Paso.

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EX5. Carl Starr et al vs. The City of El Paso et al, Cause No. EP-12-CV-0404 and the Aggressive Solicitation Ordinance No. 017886. (551.071)

NO ACTION was taken on this item.

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Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 2:18 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk