

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
MAY 7, 2013
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 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, Michiel R. Noe, Eddie Holguin, Jr., and Steve Ortega. Late arrival: Carl Robinson at 8:50 a.m. Absent: Cortney Carlisle Niland 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.

MAYOR'S PROCLAMATIONS

1. **OLDER AMERICANS AWARENESS MONTH**
2. **DRINKING WATER WEEK**
3. **THE NATIONAL ASSOCIATION OF LETTER CARRIERS - STAMP OUT HUNGER DAY**
4. **NATIONAL TOURISM WEEK**
5. **MENTAL HEALTH AWARENESS MONTH**
6. **THE MOVE! EL PASO YEAR**

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. Hannah Hollandbyrd
2. Ms. Lisa Turner
3. Ms. Wally Cech
4. Mr. Steven Strumer
5. Mr. Salvador Gomez

1. MAYOR AND COUNCIL

Presentation by Dr. de la Rosa, Founding Dean of the Paul Foster School of Medicine and Vice President of Health Affairs on the growth of the Health Sciences University campus and the health and economic impact to the City of El Paso.

Representative Acosta commented.

NO ACTION taken on this item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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

NAYS: None

ABSENT: Representative Niland
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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 30, 2013.
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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Representative Cortney Carlisle Niland from the Regular Council Meeting of May 7, 2013.
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4A.

RESOLUTION

That the City Manager be authorized to sign a Lease Agreement by and between the CITY OF EL PASO and TEXAS TECH UNIVERSITY, for the Premises located at 700 West San Francisco, also known as the Union Depot, for the University's higher education purposes. The initial term of this Lease shall be for twenty-five (25) years, commencing on June 1, 2013, with options to extend the Lease for two (2) additional twenty-five (25) year periods.

Representatives Byrd and Ortega commented.

Mr. Peter Wallish, Redevelopment Manager for Economic Development, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** the Resolution.
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4B.

***RESOLUTION**

WHEREAS, the City Of El Paso is entitled to appoint two members of the El Paso Central Appraisal District Board; and

WHEREAS, City Council desires to appoint a new member to the El Paso Central Appraisal District Board to fill the unexpired term previously held by City Council Representative Eddie Holguin, Jr.

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

That District 8 City Representative Cortney Carlisle Niland is hereby appointed to the El Paso Central Appraisal District Board of Directors to fill the unexpired term previously held by City Council Representative Eddie Holguin, Jr.

5. NOTATION OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Steve Ortega on April 3, 2013, in the amount of \$5,000 from Jonathon Abrams; in the amount of \$500 from Robert L. Bowling IV; in the amount of \$500 from Clan Property Management, LLC; in the amount of \$500 from Michael E. Guerra; in the amount of \$500 from Rose Ann & Robert H. Hoy Jr; on April 4, 2013, in the amount of \$500 from Rafael Adame; in the amount of \$500 from William R. Caparis; in the amount of \$2,500 from Richard M. Dillion; in the amount of \$3,000 from Ricardo Fernandez; in the amount of \$5,500 from Harold Hahn; in the amount \$1,000 from Donald R. Margo II; in the amount of \$500 from Dr. Michiel Noe; in the amount \$5,000 from ONDASUN , LLC; in the amount of \$1,400 from Gary Sapp; on April 5, 2013, in the of \$1,000 from Alan R. Abbott; in the amount of \$500 from Lane Gaddy; in the amount of \$2,500 from Mathew Neesen: in the amount of \$500 from Haven R. & Diane W. Williams; on April 8, 2013, in the amount of \$1,000 from Randy Bowling, in the amount of \$500 from William Ellis; on April 10, 2013, in the amount \$1,000 from Nicolas Lamantia; in the amount of \$750 from John G Maxon.

6A. – 6B. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED** for public hearing:

ABSENT: Representative Niland

6A. An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real properties described as Lots 20 and 21, Block 50, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, as described in Volume 321, Page 1596, deed records of El Paso County, Texas, to Mal Development, Inc., in accordance with Section 34.05 (h) of the Tax Code.

Ms. Carmen Perez, outside counsel, gave legal advice.

PUBLIC HEARING WILL BE HELD ON MAY 21, 2013, FOR ITEM 6A

6B. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II Definitions of the El Paso City Code to amend the definition of transitional housing and to allow for the expiration of special permits for transitional homes. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 4, 2013, FOR ITEM 6B

7A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of Lots 9-14, Block 25, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development) and imposing a condition and repealing Ordinance No. 017892, approved October 16, 2012 that changed the zoning of Lots 9-14, Block 25, Third Amended Map of Highland Addition, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2413 Tremont Avenue. Property Owner: Hector F. Barraza. PZRZ12-00022

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7B. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00015, to allow for infill development with reduced front setback, reduced rear setback, reduced side setback, a parking reduction and to allow for a 50% increase in density on the property described as Lots 9 through 14, Block 25, Third Amended Map of Highland Park 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: 2413 Tremont. Property Owner: Hector F. Barraza. PZST12-00015

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7C.

ORDINANCE 18006

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF CHERRINGTON STREET, SOUTHERLY OF VISTA DEL SOL DRIVE, WITHIN GATEWAY ESTATES, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: SOUTH OF THE INTERSECTION OF VISTA DEL SOL DRIVE AND CHERRINGTON STREET, PROPERTY OWNER: COUNTY OF EL PASO SUAX12-00001**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Holguin, Acosta, and Robinson commented.

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, 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, Robinson, Noe, Holguin, and Ortega
- NAYS: None
- ABSENT: Representative Niland

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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7D.

ORDINANCE 18007

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF SAN FRANCISCO STREET AS SHOWN ON THE MILLS MAP AND CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW13-00011**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Robinson commented.

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, 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, Robinson, Noe, and Ortega

NAYS: Representative Holguin

ABSENT: Representative Niland

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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7E.

ORDINANCE 18008

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 3C, BLOCK 47, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 9399 ALAMEDA AVENUE. PROPERTY OWNER: KATHLEEN LOUISE KEY. PZRZ12-00040**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representative Holguin commented.

The following members of the public commented:

1. Ms. Linda Senchoway
2. Mr. Ray Mancera, representing property owners

1st MOTION

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

2nd AND FINAL MOTION

Motion duly made by Representative Holguin, seconded by Representative Acosta, that the Ordinance be **ADOPTED, AS REVISED**. 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, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSENT: Representative Niland

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

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7F. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00018, to allow for infill development with reduced rear setback on the property described as a portion of Lots 30 through 32, Block 117, 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: 1216 Copia Street. Property Owner: Victor M. Olivas and Estela Herrera. PZST12-00018

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8A.

ORDINANCE 18009

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV - SPEED LIMITS) PARAGRAPH F (THIRTY-FIVE MILES PER HOURS), OF THE EL PASO CITY CODE, TO ADD NEW SPEED LIMITS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.**

Representative Byrd commented.

Mr. Ted Marquez, Interim Director of Department of Transportation, commented.

Motion duly made by Representative Noe, 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 Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
- NAYS: None
- ABSENT: Representative Niland

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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8B.

ORDINANCE 18010

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE, TO ADD WESTON BRENT LANE, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Ted Marquez, Interim Director of Department of Transportation, commented.

Motion duly made by Representative Ortega, 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 Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega
NAYS: None
ABSENT: Representative Niland

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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9. COMMUNITY AND HUMAN DEVELOPMENT

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **CLOSE** the Public Hearing on the adoption of the Proposed 2013-2014 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 39th Year Program, the Emergency Solutions Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program, and the Housing Opportunities for Persons with AIDS (HOPWA) Program.

ABSENT: Representative Niland

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Lilly, Director of Community and Human Development
3. Ms. Sylvia Firth, City Manager

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10.

R E S O L U T I O N

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

1. That, having conducted a public hearing in order to receive public comment, the City Council hereby adopts the Proposed 2013-2014 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 39th Year Program, the Emergency Solutions Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program, and the Housing Opportunities for Persons with AIDS (HOPWA) Program, all attached hereto as Exhibit "A"; and
2. That the City Council directs that the notice of availability, including the Proposed 2013-2014 Annual Action Plan Budgets for the CDBG, ESG, HOME and HOPWA Programs be published in the El Paso Times on Sunday, May 12, 2013, to provide the public with an opportunity to review the proposed 2013-2014 Annual Action Plan, including the Proposed Budgets, and submit comments to the Department of Community and Human Development. The deadline for submission of written comments will be 6:00 p.m., on Thursday, June 13, 2013. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 18, 2013, for the purpose of receiving comments from the public and adopting the Final 2013-2014 Annual Action Plan, including the 39th Year CDBG, and the ESG, HOME and HOPWA Budgets, for submission to the U.S. Department of Housing and Urban Development.

Representatives Ortega and Byrd commented.

Ms. Stephanie Karr, citizen, commented.

1ST MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** all but Items 9, 10, 32 and 33.

ABSENT: Representative Niland

2ND MOTION

Motion made by Representative Noe, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** Items 9, 10 and 33.

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

NAYS: None

ABSTAIN: Representative Robinson

ABSENT: Representative Niland

3RD MOTION

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **MOVE** \$30,000 from Project ARRIBA, Item 32 to Senior Disability Exercise Program, Item 31. **THE MOTION FAILS.**

AYES: Representatives Acosta, Noe and Holguin

NAYS: Representatives Lilly, Byrd, Robinson and Ortega

ABSENT: Representative Niland

4TH AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Robinson, and carried to **APPROVE** funding of Item 32.

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

NAYS: Representatives Acosta and Holguin

ABSENT: Representative Niland

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11A. CITY ATTORNEY

Discussion and action regarding City of El Paso State Legislative Agenda including update regarding progress on City’s priority projects and further guidance and direction from City Council.

Mr. Charlie McNabb, Intergovernmental Affairs and Mr. Steven Buraczuk, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Byrd, Acosta, and Lilly 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. David Carpenter, El Paso Electric
- 2. Mr. Norman Gordon, outside counsel
- 3. Ms. Lisa Turner, citizen

NO ACTION taken on this item.

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11B.

R E S O L U T I O N

WHEREAS, Texas Gas Service Company, a division of ONEOK, Inc. ("Company") distributes natural gas within the City Limits of the City of El Paso pursuant to a franchise granted to Southern Union Company dated as of February 22, 2000, and assigned to ONEOK, Inc., and is a gas utility;

WHEREAS, on April 2, 2013, Texas Gas Service Company filed an Interim Rate Adjustment to adjust the tariff for gas service within the City of El Paso specifying that the rate change should be effective on June 1, 2013;

WHEREAS, pursuant to the Gas Utility Regulatory Act, Texas Utilities Code Section 103.001, the City of El Paso has exclusive original jurisdiction over the rates, operations, and services of the Texas Gas Service Company within the City of El Paso;

WHEREAS, the City Council has determined that additional time and information is needed for it to study the proposed interim rate adjustment and the reasons therefor;

WHEREAS, pursuant to the Gas Utility Regulatory Act, Texas Utilities Code Section 104.301, the City of El Paso, as regulatory Authority, has the right to suspend the proposed interim rate adjustment for a period of 45 days after the proposed date the change would otherwise be effective;

WHEREAS, the City Council has determined that it is in the best interest of its citizens and ratepayers to suspend the interim rate adjustment; and

WHEREAS, the City Council finds that the City and its counsel and consultants require sufficient supporting documentation and explanation to review the request for an interim rate adjustment.

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

- 1. That the rate adjustment identified in the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2013, be and is hereby suspended for 45 days after the effective date specified in the filing.
- 2. That Texas Gas Service Company is hereby ordered to file with the City Clerk and Office of the City Attorney on or before June 1, 2013 complete working papers supporting all of its claimed cost of the investment in service for gas utility services as needed by the City's attorneys and consultants to conduct its analysis and make recommendations to the Council, including change in return on net investment, change in depreciation expense, change in ad valorem tax and change in federal income taxes to support the Company's request for an Interim Rate Increase.
- 3. That the City Manager shall so notify Texas Gas Service Company of the suspension and the order to submit working papers by having a copy of this Resolution delivered or mailed to Texas Gas Service Company.
- 4. That the City Attorney is authorized to engage outside counsel to represent the City on this matter and the City Manager be authorized to engage consultants to evaluate the filing.

Mr. Norman Gordon, outside utility counsel, presented a PowerPoint presentation (copy on file in City Clerk's office) and gave legal advice.

Mayor Cook commented.

The following City staff members commented:

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

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

AYES: Representatives Lilly, Robinson, Noe, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd and Acosta

ABSENT: Representative Niland

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12A.

R E S O L U T I O N

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

That the Mayor be authorized to sign an Interlocal Agreement between the County of El Paso and the City of El Paso that provides for the expenditure of funds from the Community Adjustment and Investment Program of the North American Development Bank on Chapter 380 and 381 Agreements under the El Paso Sustainable City Centers Incentive Policy. The County agrees to adopt the Sustainable City Centers Incentive Policy and work the City's Development Department to expand the policy into the unincorporated areas of the County.

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

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

Mr. Matthew Behrens, Assistant City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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

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

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Byrd

ABSENT: Representative Niland

12B.

R E S O L U T I O N

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

That the Mayor be authorized to sign the Third Amended Interlocal Agreement between the County of El Paso and the City of El Paso that provides for a Joint Revolving Loan Fund. Revisions to the Agreement include allowing the City to hire a third-party to serve as the Program Administrator and that the Revolving Loan Fund Board adopt by-laws and regulations governing its proceedings in order to effectively carry out its purpose.

Motion made by Representative Noe, seconded by Representative Ortega, and carried to **APPROVE, AS REVISED** the Resolution.

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

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:22 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: Representative Byrd

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 12:46 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

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EX1. Collection matter regarding Roberto Rangel, our file #13-1003-295 (551.071)

Motion made by Representative Holguin, seconded by Representative Acosta and unanimously carried that the City Attorney's Office be authorized to settle the collection claim against Roberto Rangel; Our File No. 13-1003-295 as recommended by the City Attorney.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

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EX2. Attorney General Opinion No. GA-1003. (551.071)

Ms. Lisa Turner, citizen, commented.

NO ACTION taken on this item.
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EX3. PUC Docket NO. 41359; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station Intersect with Caliente to Coyote 115-kV Transmission Line in El Paso County, Texas (551.071)

Motion made Representative Holguin, seconded by Representative Acosta, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention and, if necessary, to request a hearing in the following Public Utility Commission Docket No. 41359; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station Intersect with Caliente to Coyote 115-kV Transmission Line in El Paso County, Texas;

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

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EX4. PUC Docket No. 41360; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station to Caliente Substation 115-kV Transmission Line in El Paso County, Texas (551.071)

Motion made by Representative Holguin, seconded by Representative Noe, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention and, if necessary, to request a hearing in the following Public Utility Commission Docket No. 41360; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station to Caliente Substation 115-kV Transmission Line in El Paso County, Texas;

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

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EX5. PUC Docket No. 41403; Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Caps (551.071)

Motion made by Representative Holguin, seconded by Representative Noe, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention and, if necessary, to request a hearing in the following Public Utility Commission Docket No. 41403; Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Caps.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

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EX6. Professional legal services in connection with the real estate negotiations with Union Pacific Railroad Company. (551.071 and 551.072)

Motion made by Representative Holguin, seconded by Representative Acosta and carried that the CITY OF EL PASO retains the Gilbert Law Firm, P.C. as outside counsel to provide professional legal services in connection with the real estate negotiations with the Union Pacific Railroad Company. This Motion is intended to grant broad authority to City Attorney to take action necessary to address this matter and its related projects, including but not limited to, identifying the issues needed to be addressed and the particular services to be performed by outside counsel, in consultation with the City Manager.

AYES: Representatives Acosta, Noe, Holguin and Ortega

NAYS: Representative Robinson

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd

ABSENT: Representative Niland

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 12:52 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Byrd
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk