

**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 15, 2012  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrival: Emma Acosta at 8:33 a.m. and Michiel Noe at 8:41 a.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **MENTAL AWARENESS MONTH**
2. **NATIONAL HISPANIC HEPATITIS AWARENESS DAY**
3. **NATIONAL KIDS TO PARKS DAY**
4. **DR. CARLOS A. GUTIERREZ DAY**
5. **RAY MICKENS DAY**

**RECOGNITION**

**DR. CARLOS A. GUTIERREZ – STAR ON THE MOUNTAIN AWARD**

**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](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. Mr. Rick Schecter
2. Mr. George Popson, Jr.
3. Ms. Lisa Turner

Mayor Cook commented.

Ms. Richarda Duffy Momsen, City Clerk, commented.

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**CONSENT AGENDA**

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

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

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 8, 2012 and the Legislative Review Meeting of the Whole for May 7, 2012.

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**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

**NO ACTION** was taken on this item.  
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**3A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Mark Dyer to the Capital Improvements Advisory Committee, by Representative Michiel R. Noe, District 5.  
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**3B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Richard De Santos to the Revolving Loan Fund Board by Mayor John F. Cook.  
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**3C. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Fernando R. Grado to the Revolving Loan Fund Board by Mayor John F. Cook.  
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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Al Jurado Jr. to the Building and Standards Commission by Representative Emma Acosta, District 3.  
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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Kupper Gray to the Tax Increment Reinvestment Zone Number Five by Mayor John F. Cook.  
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**INTRODUCTIONS**

**ITEM 5A THROUGH 5E TAKEN TOGETHER**

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried that the following Ordinances, 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, Ortega, and Niland  
NAYS: None

- 5A.** An Ordinance changing the zoning of the following real property known as: Parcel 1: a portion of Lot 2, Mediterranean Place, City of El Paso, El Paso County, Texas from C-3 (Commercial) to C-4 (Commercial); and, Parcel 2: All of Tract 1-C-14-A, Block 5, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-4 (Commercial). The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7642 and 7636 Gateway East Boulevard. Property Owner: EP Summit Investments, L.P. PZRZ12-00003
- 5B.** An Ordinance changing the zoning of a portion of Lot 2, Block 2, Butterfield Trail Aviation Park Unit Two, City of El Paso, El Paso County, Texas from C-4 (Commercial) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 10151 Montana Avenue. Property Owner: City of El Paso. PZRZ12-00006
- 5C.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.070 (Fences), of the El Paso City Code, to amend the requirements and standards for electrified fences, the penalty being as provided in section 18.02.107 (Violations and Penalties) of the El Paso City Code.
- 5D.** An Ordinance to amend the El Paso City Code to reflect departmental reorganization by amending Title 20 (Zoning) to amend various sections thereunder pertaining to the duties that had been assigned to the Planning and Economic Development Department, to correctly identify the new department name; and regarding the duties of the City Engineer; the penalty being as provided in section 20.24.020 of the El Paso City Code.
- 5E.** An Ordinance to amend the El Paso City Code to reflect departmental reorganization by amending Title 21 (Smart Code), to amend section 21.70.010 to revise the definition of Planning Division to reflect the change of departmental name to the City Development Department; the penalty being as provided in sections 21.60.010-21.60.030 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JUNE 5, 2012, FOR ITEMS 5A – 5E**

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**6A.**

**ORDINANCE 17784**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS: PARCEL 1: BLOCK 34 EXCLUDING LOT 1 AND LOT 31, ALL OF BLOCK 35 AND BLOCK 36 EXCLUDING LOT 1 AND LOT 20, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5/SC (RESIDENTIAL/SPECIAL CONTRACT) TO RMU (RESIDENTIAL MIXED USE); AND, PARCEL 2: LOT 1, BLOCK 36, MONTWOOD HEIGHTS UNIT 8, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-3/SC (COMMERCIAL/SPECIAL CONTRACT) TO RMU (RESIDENTIAL MIXED USE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL**

**PASO CITY CODE. SUBJECT PROPERTY: NORTH OF ZARAGOZA ROAD AND EAST OF JOE BATTLE BOULEVARD. PROPERTY OWNER: THE HOUSING AUTHORITY OF THE CITY OF EL PASO. PZRZ12-00005**

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

Representatives Ortega and Byrd commented.

Motion duly made by Representative Noe, seconded by Representative Niland, 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, Ortega and Niland

NAYS: None

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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**6B.**

**ORDINANCE 17785**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY SPECIAL CONTRACT NO. 56-005 OF THE FOLLOWING PARCELS: PARCEL 1: A PORTION OF TRACT 1 AND TRACT 2, BASSETT CENTER SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND PARCEL 2: A PORTION OF TRACT 1 AND TRACT 2, BASSETT CENTER SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF I-10 AND EAST OF MAGRUDER STREET. PROPERTY OWNER: BASSETT PLACE REAL ESTATE COMPANY, LLC. PZCR12-00001**

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

Motion duly made by Representative Acosta, seconded by Representative Niland, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

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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6C.

**ORDINANCE 17786**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING FOR THE FOLLOWING PARCELS OF LAND: PARCEL 1. A PORTION OF TRACT 1, ALL OF TRACTS 3 AND 3A, JOHN BARKER SURVEY NO. 10 AND TRACT 4F2B, A.F. MILLER SURVEY NO. 215 AND TRACTS 6 AND 7, I.F. HARRISON SURVEY NO. 54 AND MONTECILLO UNIT THREE AMENDING PLAT SAVE AND EXCEPT LOT 2, BLOCK 2, THEREOF AS RECORDED IN CLERK'S FILE NO. 20090065237 AND SAVE AND EXCEPT 4.6007 ACRES BEING LOTS 3 AND 4, BLOCK 9, MONTECILLO UNIT THREE REPLAT A, RECORDED IN CLERK'S FILE NO. 20110085971, REAL PROPERTY RECORDS CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1, C-2, C-3/C, GMU/C, A-2, R-3, R-3A, R-5, AND M-1 TO SCZ (SMARTCODE ZONE), AND PARCEL 2. TRACT 4, JOHN BARKER SURVEY NO. 10, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-3 TO SCZ (SMARTCODE ZONE); AND PARCEL 3. LOT 1, BLOCK 3, KINGS HILL REPLAT AND TRACT 4A, 6G AND A PORTION OF TRACT 6A, A.F. MILLER SURVEY NO. 216 AND TRACT 21, JOHN BARKER SURVEY NO. 10, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1, C-1/SC, A-O/SC, A-O/C/SC, PR-1/SC AND R-3 TO SCZ (SMARTCODE ZONE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 21.60 OF THE EL PASO CITY CODE. PROPERTY OWNER: EPT MESA DEVELOPMENT, LP. PZRZ11-00058.**

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

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

Ms. Joyce Wilson, City Manager, commented.

Ms. Jane Shang, Deputy City Manager, commented.

Mr. Stefanos Polyzoides, Architect, commented.

Mr. David Bogus, EPT Mesa Development, commented.

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

NAYS: None

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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6D.

**ORDINANCE 17787**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.30 (NEW COMMUNITY PLANS), CHAPTER 21.40 (INFILL COMMUNITY PLANS), CHAPTER 21.50 (BUILDING SCALE PLANS), CHAPTER 21.70 (DEFINITIONS OF TERMS), AND CHAPTER 21.80 (TABLES) OF THE EL PASO CITY CODE TO CLARIFY THE SMARTCODE PROVISIONS, TO CALIBRATE THE SMARTCODE TO THE LOCAL CHARACTER OF THE PLACE AND**

**LOCAL CONDITIONS, AND TO ADD STANDARDS FOR A NEW TRANSECT ZONE; THE PENALTY IS AS PROVIDED FOR IN CHAPTER 21.60 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representative Robinson commented.

Motion duly made by Representative Byrd, 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, Ortega and Niland  
NAYS: None

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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**6E AND 9A TAKEN TOGETHER**

**6E.**

**ORDINANCE 17788**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS; ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E) TEXAS TAX CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

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

Ms. Veronica Soto, Downtown Management District, commented.

**1<sup>ST</sup> MOTION**

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

**2<sup>ND</sup> AND FINAL MOTION**

Motion duly made by Representative Niland, 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, Ortega and Niland  
NAYS: Representative Holguin

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

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**6F AND 6G TAKEN TOGETHER**

**6F.**

**ORDINANCE 17789**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF KATHY DRIVE RIGHT OF WAY OUT OF RICHARD LEE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW11-00006**

Motion duly made by Mayor Pro Tempore Lilly, 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:

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

**6G.**

**ORDINANCE 17790**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF FARRELL DRIVE RIGHT OF WAY OUT OF RICHARD LEE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW11-00007**

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

Mayor Cook and Representative Holguin commented.

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

Motion duly made by Mayor Pro Tempore Lilly, 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, Ortega and Niland  
NAYS: None  
ABSTAIN: Representative Holguin

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

**7A. DEPARTMENT OF TRANSPORTATION**

\*Motion made, seconded and unanimously carried to **DELETE** the public hearing on 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) to add Barker Road from J.C. Cramer Lane to a point 1,070 feet north, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code..

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**7B. DEPARTMENT OF TRANSPORTATION**

Motion made by Representative Ortega, seconded by Representative Noe, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code, to add Prince Edward Avenue, Rushing Road, Donald Drive and McCombs Street, The penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code.

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

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**8. FINANCIAL SERVICES**

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD, AS REVISED**, to include the calendar year. Solicitation No. 2012-040R (Management and Operation Transit and LIFT System) to First Transit, Inc., and MV Transportation, Inc. for a total estimated award of \$43,409,530.00 for a 5 year term.

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|--------------------------|--|
| Department:              | Mass Transit Department (Sun Metro)  |
| Award to Vendor 1:       | First Transit, Inc.<br>Cincinnati, OH  |
| Items:                   | Option 1 – Transit Management Service for<br>Fixed Route Transit   |
| Option:                  | 2 years  |
| Annual Estimated Amount: | Year 1. \$1,084,152 (12.66 Months)<br>Year 2. \$1,066,222<br>Year 3. \$1,096,385<br>Year 4. \$1,127,673<br>Year 5. \$1,160,142 |
| Total Estimated Award:   | \$5,534,575 (5 years- includes incentive of possible \$360,000 and<br>special allowance \$470,416)                             |
| Award to Vendor 2:       | MV Transportation, Inc.<br>Fairfield, CA   |
| Items:                   | Option 3 – Transit Service Contract for LIFT Paratransit   |
| Option:                  | 2 Years  |
| Annual Estimated Amount: | Year 1. \$7,241,609 (12.66 Months)<br>Year 2. \$7,203,808<br>Year 3. \$7,530,944<br>Year 4. \$7,807,890<br>Year 5. \$8,090,704 |

Total Estimated Award: \$37,874,955 (5 years- includes incentives of possible \$300,000 and special allowance \$2,530,693)  
Total Estimated Award: \$43,409,530  
Account No.: 60600001 – 502207 – 40345  
Funding Source: Sun Metro Operating Fund – Management Service  
**Districts: All**

This is an RFP, service contract.

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

The Financial Services - Purchasing Division and Mass Transit Department (Sun Metro) recommend award as indicated to First Transit, Inc., and MV Transportation, Inc. the highest ranked proposers based on evaluation factors established for this procurement.

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

Ms. Linda Cherrington, Texas Transportation Institute, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Jane Shang, Deputy City Manager
3. Mr. Bruce Collins, Financial Services
4. Ms. Sylvia Firth, City Attorney, gave legal advice

Mr. Jim Kelly, and Mr. Ed Carrion, MV Transportation, commented.

The following members of the public commented:

1. Mr. Jorge Diaz
2. Mr. Eddie Sanchez
3. Ms. Lisa Turner
4. Mr. Jose Lara
5. Mr. Frank Lozano
6. Mr. David Guzman

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**9A. AND 6E. TAKEN TOGETHER**

**9A.**

**RESOLUTION**

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

That the Mayor be authorized to sign the First Amendment to Interlocal Agreement by and between the City of El Paso and the El Paso Downtown Management District ("DMD") regarding additional funding of

the joint Downtown Commercial Façade Improvement Grant Program, under the terms and conditions set forth therein.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

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

Ms. Veronica Soto, Downtown Management District, commented.

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

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

NAYS: Representative Holguin

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**9B.**

**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 the First Amendment to Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Cruzero Development, LLC (the "Applicant") regarding Applicant's development of a Smart Code Master Planned Community on approximately 228 acres of real property located at the intersection of Joe Battle and Montana Avenue in El Paso, Texas.

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

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, commented.

Ms. Katie Updike, Cruzero Development, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Noe, Holguin and Niland

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10.

**RESOLUTION**

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

That the City Manager be authorized to sign the Agreement for Professional Services by and between the City of El Paso and URS Corporation, a Nevada Corporation, for a project known as "El Paso Streetcar Preliminary Engineering and Environmental Assessment" for an amount not to exceed One Million Two Hundred Fifty Thousand and No/00 Dollars (\$1,250,000.00) and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed One Million Three Hundred Thousand and No/00 Dollars (\$1,300,000.00).

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

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

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Jane Shang, Deputy City Manager
- 3. Mr. Jay Banasiak, Sun Metro

The following Citizens commented:

- 1. Ms. Lisa Turner
- 2. Mr. Peter Schwartz

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

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

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11.

**RESOLUTION**

**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, 2012, 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, 2012;

**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, 2012, 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, 2012 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 the Vice-President, West Texas Region.
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, commented.

Ms. Lisa Turner, Citizen, commented.

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

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

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**12. CITY MANAGER'S REPORT**

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** the new, Proposed Process and Guidelines for focusing Community Development Block Grant (CDBG) Funds, HOME Investment Partnership Grant Funds and other Grant Funds annually in pre-determined target zones, beginning September 1, 2013

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

Mr. William L. Lilly, Director, Community and Human Development, presented a PowerPoint presentation, (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

Ms. Carol Bohle, Director, El Paso Coalition for the Homeless, commented.

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Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:53 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.

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 2:09 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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**EX1.** Clear Channel Outdoor, Inc. vs City of El Paso, Cause No. 2009-3939. (551.071)

**NO ACTION** was taken on this item

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**EX2.** PUC Docket No. 40347 El Paso Electric Company's Request to Adjust System-wide Standards pursuant to P.U.C. Subst. R. 25.52. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney be authorized to file a Motion of Intervention and to request a hearing in the El Paso Electric Company's Request to Adjust System-wide Standards pursuant to P.U.C. Subst. R. 25.52, Public Utility Commission of Texas Docket No. 40347.

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

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**EX3.** PUC Docket No. 40301 Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Two Generating Units at the Montana Site in Texas. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney be authorized to file a Motion of Intervention and to request a hearing in the Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Two Generating Units at the Montana Site in Texas, Public Utility Commission of Texas Docket No. 40301.

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

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**EX4.** PUC Docket No. 40343 Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Goals and Cost Caps. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney be authorized to file a Motion of Intervention and to request a hearing in the Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Goals and Cost Caps, Public Utility Commission of Texas Docket No. 40343 (SOAH Docket No. 473-1-6040).

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

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**EX5.** PUC Project No. 39674 Rulemaking Proceeding to Amend Energy Efficiency Rules; Amendments to PUC Rule §25.181. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney be authorized to file comments in the Rulemaking Proceeding to Amend Energy Efficiency Rules, Amendments to PUC Rule §25.181, Public Utility Commission of Texas Project No. 39674

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

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**EX6.** The Texas Department of Transportation, et. al. vs. H & W Industrial Services, Inc., et. al.; Cause No. 2010-152. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized authority to accept settlement offer and sign all documents to resolve lawsuit styled *The Texas Department of Transportation, et. al. vs. H & W Industrial Services, Inc., et. al.*, Cause No. 2010-152 as recommended by the City Attorney after consultation with the City Manager.

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

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**EX7.** City of El Paso Firemen and Policemen's fund (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that Motion made, seconded and carried that the City Attorney's Office be authorized to retain outside counsel, the law firm of Jones Day, and agrees to waive any potential future conflict of interest regarding future possible representation of Jones Day of other clients.

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

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 3:18 p.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk