

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
JUNE 18, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 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 Cortney Carlisle Niland. Late arrivals: Steve Ortega at 8:42 a.m. and Carl Robinson at 8:48 a.m. The invocation was given by CIMA Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. AMATEUR RADIO WEEK
2. JUDY GUTIERREZ APPRECIATION DAY
3. ERIC REED DAY

RECOGNITIONS

1. STEVE ORTEGA – CONQUISTADOR AWARD
2. SUSIE BYRD – CONQUISTADOR AWARD
3. JOE GOMEZ – CONQUISTADOR AWARD
4. CENTRAL REGIONAL COMMAND CENTER
5. NORTHEAST REGIONAL COMMAND CENTER
6. EVA DEEMER
7. ALEX PASTOR
8. DIEGO CAPELETTI

RECOGNITIONS

- RECOGNITION OF OUTGOING ELECTED OFFICIALS BY CITY MANAGER AND STAFF.
- RECOGNITION OF MAYOR BY CITY COUNCIL.
- RECOGNITION OF CITY EMPLOYEES WHO FACILITATED THE CORPORATE RELOCATION OF CITY OFFICES DURING THE JANUARY - MARCH 2013 TIME PERIOD.

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. Mr. David Ochoa
2. Ms. Marybeth Stevens
3. Mr. Jerry Thiedt
4. Mr. Steven Strumer
5. Ms. Wally Cech
6. Mr. Jorge Artalejo
7. Ms. Lisa Turner
8. Mr. Salvador Gomez
9. Ms. Linda Senchoway

Mayor Cook and Representative Niland commented.

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

NO ACTION, other than the above procedural Motion, was taken on the item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Noe, 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 June 11, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3.

***RESOLUTION**

That a portion of Eastwood Park at 3110 Parkwood Street, El Paso, Texas is authorized to remain open past the normal operating hours, from 11:00 p.m. on Saturday, June 22, 2013 to 6:00 a.m. on Sunday, June 23, 2013 in accordance with El Paso City Code 13.24.040(E), including permitted uses, for the purpose of celebrating American Radio Relay League Field Day as requested by the El Paso Amateur Radio Club.

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4A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a Portion of Tracts 12 and 13, J.M. Jett Survey 155, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4864 Doniphan Drive. Property Owner: El Paso Independent School District. PZRZ13-00003

Representative Niland commented.

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

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ITEMS TAKEN TOGETHER 4B1 AND 4B2

4B1. CITY DEVELOPMENT

Motion made by Representative Noe, seconded by Representative Niland, and carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of Parcel 1: Lots 1-2 and 4-5, Block 1, Del Mesa Additions, City of El Paso, El Paso County, Texas from C-2 (Commercial) to G-MU (General Mixed Use); Parcel 2: A portion of Tract 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas from C-2/SP (Commercial/special permit) to G-MU (General Mixed Use); Parcel 3: A portion of 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas R-4/SP (Residential/special permit) to G-MU (General Mixed Use); Parcel 4: Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas from C-1/C/SP (Commercial/condition/special permit) to G-MU (General Mixed Use) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Parcel 1: 5305 and 5331 Montana Avenue, Parcel 2: 1015 Chelsea Street, Parcel 3: 1012 Cardon Street, and Parcel 4: 1039 Chelsea Street. Property Owner: Chicos Tacos, Inc., Mora Holdings, LLC, Johanna Welsh Estate, and Omega Paving Contractors, Inc. PZRZ12-00044

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

4B2. CITY DEVELOPMENT

Motion made by Representative Noe, seconded by Representative Niland, and carried to **POSTPONE** two weeks the public hearing on an Ordinance releasing a condition placed on property by Ordinance No. 16788 which changed the zoning of Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1039 Chelsea Street. Property Owner: Omega Paving Contractors, Inc. PZCR13-00004

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

Mayor Cook Representatives Noe, Niland and Byrd commented.

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

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5. COMMUNITY AND HUMAN DEVELOPMENT

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **CLOSE** Public Hearing on program performance and on the Proposed Annual Action Plan 2013-2014 of

the Consolidated Plan for 2010-2015, and adoption of a Final Action Plan for 2013-2014, including the 39th Year (2013-2014) Community Development Block Grant Program, and the 2013-2014 Emergency Solutions Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Budgets.

Mr. William Lilly, Director of Community and Human Development, commented.

6A.

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 Council, having herein conducted a public hearing in order to receive comments on program performance and on the Proposed Annual Action Plan 2013-2014 of the Consolidated Plan for 2010-2015, hereby adopts a Final Action Plan for 2013-2014, attached hereto as Exhibit "A," including the 39th Year (2013-2014) Community Development Block Grant Program, and the 2013-2014 Emergency Solutions Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Program Budgets, all attached hereto as Exhibit "B."

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

6B.

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 or the Mayor be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2013-2014, Form SF-424, and all certifications contained therein; and

That the City Manager or the Mayor be authorized to sign Grant Agreements with HUD for the four entitlement grants covered by the Annual Action Plan: the Community Development Block Grant, the Emergency Solutions Grant, the HOME Investment Partnerships Program and the Housing Opportunities for Persons with AIDS Program; and

That the City Manager or the Mayor be authorized to sign all Letters of Support, Certifications of Local Government Approval, and Certifications of Consistency with the Consolidated Plan required by HUD or the State of Texas for grant applications or applications for Low Income Housing Tax Credits for programs covered by the Consolidated Plan or related Community Development programs; and

That the City Manager or the Mayor, subject to completion of environmental review, be authorized to sign all contracts and documents with the agencies or City departments approved for funding in the Annual Action Plan 2013-2014 related to the implementation and performance of the activities contained in the Annual Action Plan 2013-2014 and corresponding programs. The City Manager or the Mayor is authorized herein to sign amendments to such contracts which add to or reduce funding when such amendments are consensual, including the de-obligation of funds by mutual termination; and

That the City Manager or the Mayor be authorized to sign all Environmental Assessments, Requests for Release of Funds, Certifications, and Performance Reports required by the U.S. Department of Housing and Urban Development for activities covered by the Consolidated Plan 2010-2015, the Annual Action Plan 2013-2014, and related Community Development programs; and

That the City Manager or the Mayor be authorized to sign agreements to secure matching funds which add to amounts allocated under the regular CDBG budget, provided that no additional funds from the City are required in addition to those allocated under the regular CDBG budget. The City Manager or the Mayor is authorized herein to sign amendments to matching fund agreements, including extensions to the contract period, provided that no additional City funds are required.

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

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7A.

RESOLUTION

WHEREAS, the City of El Paso (“City”) has the authority under Chapter 380 of the Texas Local Government Code to make loans or grants of public funds for the purposes of promoting local economic development and stimulating business and commercial activity within the City of El Paso; and

WHEREAS, the City and Summit 11 Investment Group, LLC (“Summit 11”) desire the development of a Hotel in downtown El Paso;

WHEREAS, the creation of a Hotel will encourage increased economic development in downtown El Paso, provide significant increases in the City’s sales tax revenues, and improve the City’s ability to provide for the health, safety, and welfare of the citizens of El Paso; and

WHEREAS, the City has concluded and hereby finds that a Chapter 380 Economic Development Program and Agreement (“Agreement”) between the City and Summit 11 clearly promotes economic development in the City of El Paso and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and further, is in the best interests of the City and Summit 11; and

WHEREAS, the Agreement goes meets the requirements of the City of El Paso Economic Development Incentive Policy.

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

That the City Manager be authorized to sign the Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Summit 11 Investment Group, LLC.

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint presentation (copy on file in City Clerk’s office) and read floor amendment.

Mayor Cook and Representatives Byrd, Niland, Robinson, Acosta, Ortega, and Holguin 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. Marcelo Rivera, Attorney for project
- 2. Ms. Carmen Perez
- 3. Ms. Lisa Turner

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

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

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7B.

R E S O L U T I O N

WHEREAS, the City of El Paso (“City”) has the authority under Chapter 380 of the Texas Local Government Code to make loans or grants of public funds for the purposes of promoting local economic development and stimulating business and commercial activity within the City of El Paso; and

WHEREAS, the City and Martin Building, LLC (“Martin Building”) desire the development of a apartments and commercial space in downtown El Paso;

WHEREAS, the creation of a apartments and commercial space will encourage increased economic development in downtown El Paso, provide significant increases in the City’s sales tax revenues, and improve the City’s ability to provide for the health, safety, and welfare of the citizens of El Paso; and

WHEREAS, the City has concluded and hereby finds that a Chapter 380 Economic Development Program and Agreement (“Agreement”) between the City and Martin Building clearly promotes economic development in the City of El Paso and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and further, is in the best interests of the City and Martin Building; and

WHEREAS, the Agreement goes meets the requirements of the City of El Paso Economic Development Incentive Policy.

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

That the City Manager be authorized to sign the Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Martin Building, LLC.

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

Representatives Robinson, Niland, and Ortega commented.

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

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

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7C.

R E S O L U T I O N

A RESOLUTION AMENDING THE CITY’S ECONOMIC DEVELOPMENT INCENTIVE POLICY

WHEREAS, on June 14, 2011, the El Paso City Council, adopted a resolution that established the Economic Development Incentive Policy (the “Policy”); and

WHEREAS, the Director of City Development now recommends that the adopted Policy be amended: (1) include projects that promote commercial investment in the renovation, restoration, and

rehabilitation and new development and new construction in Downtown El Paso; and (2) utilize Sustainable City Center Funds for qualified projects in Downtown El Paso.

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

The City of El Paso Downtown New Construction Incentive Policy be amended and restated as shown in Exhibit "A", attached to this Resolution.

Mayor Cook and Representatives Niland and Acosta commented.

Mr. Mathew McElroy, Director of City Development, commented.

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

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

NAYS: None

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Holguin

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8A. MAYOR AND COUNCIL

Financial Audit and Oversight Committee Report:

- 1. For Notation Only: Formal Report of the Financial Audit and Oversight Committee meetings held on November 12, 2012, January 30, 2013, and May 23, 2013.
- 2. Discussion and action pertaining specifically to any of the Agenda Items on the Agenda of such Financial Audit and Oversight Committee, as follows:
 - A. 1st Quarter and 2nd Quarter Audit Plan Updates.

Representatives Byrd and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
 - 2. Mr. Edmundo Calderon, Chief Internal Auditor
 - 3. Mr. Bruce Collins, Purchasing Manager
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8B.

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 Council declares that the expenditure of District 1 (\$500), District 2 (\$250), District 4 (\$2,000), District 7 (\$250), and District 8 (\$500) discretionary funds in an amount not to exceed \$3,500.00 to pay towards the costs of marketing and advertising of the Southwestern International PRCA Rodeo helps to promote tourism and participation by persons residing both in and outside of El Paso and constitutes an important municipal purpose or benefit to the City and citizens of El Paso; and

That the City Attorney be authorized to negotiate and the City Manager be authorized to sign an appropriate contract to ensure that the funds are properly expended for the municipal purpose.

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

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ITEM 8C TAKEN INTO EXECUTIVE SESSION

8C. MAYOR AND COUNCIL

Discussion and action on termination of the following agreements with Texas-New Mexico Newspapers Partnership: February 26, 2013 Lease Agreement, February 26, 2013 UPTT Parking Space License Agreement, and the February 26, 2013 UPTT Parking Pass Agreement.

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:06 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representatives Byrd and Ortega

2ND MOTION

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **ADJOURN** the Executive Session at 12:22 p.m. and **RECONVENE** the meeting of the City Council.

3RD MOTION

Motion made by Representative Holguin, seconded by Representative Robinson, and unanimously carried to **RECONSIDER** the item.

4th and FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Robinson, and unanimously carried to **APPROVE** the Resolution. **THE MOTION DIED.**

NO ACTION, other than the above procedural Motions, was taken on the item.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.
- 3. Mr. Larry Nichols, Deputy Director for General Services

Ms. Risher Gilbert, outside counsel, gave legal advice.

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8D. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item to direct the City Manager to review the standards and recommend amendments to the city code for encroachments into city right of way by items such as but not limited to basketball hoops.

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8E.

RESOLUTION

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

That the City Council declares that the expenditure of District 8 discretionary funds in an amount not to exceed \$1,200.00 to pay towards the costs of organizing and holding the Segundo Barrio Community Dance by the Southside Neighborhood Association which fosters community pride, encourages civic engagement and celebrates the heritage and culture of one of the oldest neighborhoods in El Paso's history, and constitutes an important municipal purpose or benefit to the City and citizens of El Paso; and

That the City Attorney be authorized to negotiate and the City Manager be authorized to sign an appropriate contract to ensure that the funds are properly expended for the municipal purpose.

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

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8F. MAYOR AND COUNCIL

*Motion made, seconded, and carried to **DELETE** the item that City Council declare that the expenditure of discretionary funds in an amount not to exceed \$5,000 to pay towards the costs of trees to be planted as part of the Five Points Quiet Zone Landscaping project and constitutes a municipal purpose or benefit to the City and citizens of El Paso.

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ITEMS TAKEN TOGETHER 9, 10A, 10B, AND 10C

9.

ORDINANCE 18029

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017880 FOR THE PURPOSE OF APPROVING THE FIRST AMENDMENT TO THE BALLPARK LEASE AGREEMENT BY AND AMONG THE CITY OF EL PASO, TEXAS, MOUNTAIN STAR SPORTS GROUP, LLC - EL PASO BASEBALL CLUB SERIES, AND MOUNTAIN STAR SPORTS GROUP, LLC.**

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **POSTPONE** two weeks the Introduction and Public Hearing on the Ordinance. **THE MOTION FAILS.**

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

2ND AND FINAL MOTION

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

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

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

10A.

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 the Ballpark Development Agreement dated as of the 18th of June, 2013 by and between the City of El Paso, a Texas home rule city, and Mountain Star Sports Group, LLC – El Paso Baseball Club Series.

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **POSTPONE** two weeks a Resolution approving the First Amendment to the Ballpark Development Agreement by and between the City of El Paso, Texas and Mountain Star Sports Group, LLC—El Paso Baseball Club Series. **THE MOTION FAILS.**

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

2ND MOTION AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE** a Resolution approving the First Amendment to the Ballpark Development Agreement by and between the City of El Paso, Texas and Mountain Star Sports Group, LLC—El Paso Baseball Club Series.

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

10B.

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 the Agreement for Professional Services by and between the CITY OF EL PASO and POPULOUS, INC., a Missouri Corporation, for a project known as “El Paso Ballpark- Design Services” to add design, modification, steel detailing, and survey coordination services and to adjust engineering and construction administration fees for an additional amount not to exceed Seven Hundred Twenty Five Thousand Three Hundred Ten and No/00 Dollars (\$725,310.00). The original contract amount will be amended to \$3,820,680.00. Additionally, 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 the agreement and its amendments.

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Populous, Inc., a Missouri Corporation, for a project known as “El Paso Ballpark- Design Services” to add design, modification, steel detailing, and survey coordination services and to adjust engineering and construction administration fees for an additional amount not to exceed \$725,310. The original contract amount will be amended to \$3,820,680. Additionally, 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 the agreement and its amendments. **THE MOTION FAILS.**

AYES: Representatives Acosta, Robinson, and Holguin

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

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE** a Resolution authorizing the City Manager to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Populous, Inc., a Missouri Corporation, for a project known as "El Paso Ballpark- Design Services" to add design, modification, steel detailing, and survey coordination services and to adjust engineering and construction administration fees for an additional amount not to exceed \$725,310. The original contract amount will be amended to \$3,820,680. Additionally, 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 the agreement and its amendments.

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

NAYS: Representatives Acosta, Robinson and Holguin

10C.

RESOLUTION

WHEREAS, on January 8, 2013, the El Paso City Council awarded Solicitation No. 2013-109R for the El Paso Ballpark to Jordan/Hunt, a Texas Joint Venture, and the City Manager was authorized to sign the modified AIA A133-2009 Standard Form of Agreement between Owner and Construction Manager as Contractor (Construction Manager at Risk Agreement); and

WHEREAS, the design on the El Paso Ballpark has progressed, and the project scope of work and contingency have expanded, and as a result, the estimated total construction amount has been revised.

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

That the Target Budget for the Construction Phase Services as identified in Exhibit B of the January 8, 2013 Construction Manager At Risk Agreement between the City of El Paso and Jordan/Hunt, a Texas Joint Venture be revised to a Target Budget for Construction Phase Services not to exceed \$52,545,810.00; and

That the City Manager be authorized to establish the funding sources; make any necessary budget transfers; and execute any and all documents necessary for execution of this amendment.

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **POSTPONE** two weeks a Resolution that the Target Budget for the Construction Phase Services as identified in Exhibit B of the January 8, 2013 Construction Manager at Risk Agreement between the City of El Paso and Jordan/Hunt, a Texas Joint Venture be revised to a Target Budget for Construction Phase Services in amount not to exceed \$52,545,810; and that the City Manager be authorized to establish the funding sources; make any necessary budget transfers; and execute any and all documents necessary for execution of this amendment. **THE MOTION FAILS.**

AYES: Representatives Acosta, Robinson, and Holguin

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

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE** a Resolution that the Target Budget for the Construction Phase Services as identified in Exhibit B of the January 8, 2013 Construction Manager at Risk Agreement between the City of El Paso and Jordan/Hunt, a Texas Joint Venture be revised to a Target Budget for Construction Phase Services in amount not to exceed \$52,545,810;

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

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

NAYS: Representatives Acosta, Robinson and Holguin

Mr. William Studer, Deputy City Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer
- 3. Mr. Alan Shubert, Project Engineer
- 4. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Josh Hunt, Vice Chairman and CEO of the MountainStar Sports Group
- 2. Mr. Richard Schecter
- 3. General Richard Behrenhausen
- 4. Ms. Connie Fulk
- 5. Ms. Anna Perez
- 6. Ms. Lisa Turner
- 7. Mr. Salvador Gomez
- 8. Mr. Jorge Artalejo

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Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2:23 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk