

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Legal

AGENDA DATE: July 23, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Theresa Cullen-915-541-4550

DISTRICT(S) AFFECTED: 6

SUBJECT:

This Joint Resolution between the City of El Paso and the El Paso Water Utilities/Public Service Board amends a Joint Resolution approved by the City Council on July 31, 2012, and it involves playing fields at Blackie Chesher Park. Because of space limitations, the Joint Resolution revises the dimensions of two soccer fields (300 feet X 200 feet each), at an identified location south of Escobar Drive, and identifies two soccer fields which will be expanded to flat fields (130 yards X 100 yards each) at locations north of Escobar Drive.

BACKGROUND / DISCUSSION:

On July 31, 2012, the City Council approved a Joint Resolution that allowed for the transfer of land from the EPWU/PSB inventory to the City of El Paso inventory. In addition, the Joint Resolution required the EPWU/PSB to design and construct two lighted competition (130 yards X 100 yards) soccer fields in Blackie Chesher Park at a location south of Escobar Drive. In exchange for the EPWU/PSB's design and construction of the fields, the City Council agreed to release any restrictions placed upon an identified parcel located north of the Bluff Channel. Upon commencement of the design and construction of the two soccer fields, it was discovered that the designated location for the two fields south of Escobar Drive could not accommodate the competition soccer fields with the identified dimensions. City staff and EPWU/PSB staff and management recommend that the Joint Resolution be amended to allow EPWU/PSB to proceed with the construction of two smaller soccer fields (300 feet X 200 feet) on the site specified in the July 31, 2012 Joint Resolution and that EPWU/PSB design and prepare construction plans which will expand two existing soccer fields (North of Escobar Drive) to flat fields (130 yards X 100 yards). EPWU/PSB will construct the expanded fields and will provide for irrigation; however, EPWU/PSB will not be responsible for constructing any fencing and lighting for the expanded fields unless the City provides EPWU/PSB with the funding for the fencing and lighting. The two flat fields will be restricted for game use only, and soccer games will be given a priority. EPWU/PSB will complete the construction for the expansion of the two flat fields within one year from the date of Council's approval of this Joint Resolution. The two flat fields will be restricted for game use only, and soccer games will be given a priority.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Joint Resolution approved July 31, 2012.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

\$100,000 190-29010-580270-4800-PCP13PRKA08
\$700,000 190-29010-580270-4800-PCP13PRKA24

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

Amendment to Joint Resolution was approved by the PSB on July 10, 2013.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)Information copy to appropriate Deputy City Manager

JOINT RESOLUTION AMENDMENT

WHEREAS, on July 31, 2012, the El Paso City Council and on August 8, 2012, the El Paso Water Utilities Public Service Board Trustees approved a Joint Resolution (Joint Resolution) that allowed for the transfer of land from the El Paso Water Utilities-Public Service Board (EPWU/PSB) land inventory to the City of El Paso's (City) land inventory as part of the parties' intentions that the City would have a consolidated land holding for park purposes below the Bluff Channel in accordance with the City's Parks and Recreation Master Plan for Blackie Chesher Park and that EPWU/PSB would have a unified parcel above the Bluff Cannel;

WHEREAS, the Joint Resolution also required the EPWU/PSB to design and construct two (2) lighted competition (130 yards X 100 yards) soccer fields in Blackie Chesher Park at an identified location south of Escobar Drive as consideration for the land transfer;

WHEREAS, during construction, it was discovered that the designated location for the two fields south of Escobar Drive could not accommodate two (2) competition soccer fields with the identified dimensions; and

WHEREAS, the EPWU/PSB staff has suggested a resolution which will allow it to comply with its commitment to build two (2) competition soccer fields, and the City staff also supports the suggested resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TRUSTEES:

1. The City Council and the EPWU/PSB acknowledge that two (2) competition soccer fields with the dimensions of 130 yards X 100 yards each cannot be constructed in the location identified in the Joint Resolution.
2. EPWU/PSB, at no cost to the City, will revise the design and construction plans it has prepared for the two (2) competition soccer fields so that the EPWU/PSB can complete the construction of two (2) soccer fields (300 feet X 200 feet) with lighting and associated amenities such as fencing and walkways in the location as identified in the Joint Resolution. The revised design of these two (2) soccer fields will be coordinated with City staff and will be in accordance with the specifications of the City's Parks and Recreation Department. The EPWU/PSB will complete construction of these two soccer fields by July 31, 2013. These two (2) fields will be restricted for soccer use only.
3. In addition EPWU/PSB, at no cost to the City, agrees it will design and prepare construction plans which will expand the two existing soccer fields to flat fields (130 yards x 100 yards) and the design will include irrigation, fencing and lighting. The existing fields to be expanded are located north of Escobar Drive and in Blackie Chesher Park and identified on Exhibit "A" which is attached hereto and made a part hereof for all purposes. The revised design

of these two (2) flat fields will be coordinated with City staff and will be in accordance with the specifications of the City's Parks and Recreation Department. EPWU/PSB will construct the expanded fields and will provide for irrigation; however, EPWU/PSB will not be responsible for constructing any fencing and lighting for the expanded fields unless the City provides EPWU/PSB with the funding for the construction of the fencing and lighting. The two flat fields will be restricted for game use only, and soccer games will be given a priority. EPWU/PSB will complete the construction for the expansion of the two flat fields within one (1) year from the date of City Council approval of this Joint Resolution.

4. Except as expressly herein revised, all other provisions of the Joint Resolution approved by the City Council on July 31, 2012 and by the El Paso Water Utilities Public Service Board Trustees on August 8, 2012, remain in full force and effect.

APPROVED this the _____ day of _____ 2013.

THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:



Tracy A. Novak
Interim Parks and Recreation Director

(Signatures continued on next page)

APPROVED this 10th day of July 2013 by the El Paso Water Utilities Public Service Board.

**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**


Richard T. Schoephoerster, PhD., P.E.
Chair

ATTEST


David Nemir, PhD.
Secretary/Treasurer

APPROVED AS TO FORM:


Robert D. Andron
General Counsel

