

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
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 26, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:39 a.m. Mayor Pro Tempore Lilly present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Susannah M. Byrd at 8:42 a.m. and Eddie Holguin Jr. at 8:47 a.m. Absent: Mayor John F. Cook 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. EL PASO COMMISSION FOR WOMEN'S HALL OF FAME INDUCTION DAY
2. NATIONAL TRIO DAY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schechter
2. Ms. Wally Cech
3. Mr. David Ochoa
4. Ms. Lisa Turner
5. Mr. Steven Strumer
6. Ms. Andrea Benitez

CONSENT AGENDA

Motion made by Alternate Mayor Pro Tempore Holguin, 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, 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 February 19, 2013, and the Special City Council Meeting of February 14, 2013 (Recommendations for Proposed City Charter Amendments).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Mayor John F. Cook from the Regular Council Meeting of February 26, 2013.

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3A.

***RESOLUTION**

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

That the City Manager be authorized to sign a First Amendment to the Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and MAST Partners L.P. ("Lessee") to allow for the relocation of parking spaces and for landscaping on the Premises as part of the Butterfield Trail Industrial Park Street and Landscape Improvement Project and to amend the description of the Premises to read as follows:

A portion of Lots 6 and 7, Block 3, Butterfield Trail Industrial Park Unit 1, Replat A, an Addition to the City of El Paso, El Paso County, Texas, containing 1.5826 acres or 68,938.5 square feet of land, more or less, and municipally known and numbered as 13 Founders Blvd., El Paso, Texas.

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3B.

***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 the Interlocal Agreement with the University of Texas at El Paso under which the Institute for Policy and Economic Development of UTEP provides economic-impact assessments, briefing and training to City staff, and other technologically-based economic development assessments services to the City. This Amendment will extend the term to August 30, 2013.

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3C.

RESOLUTION

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

That the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and HECTOR OROZCO AND MARIA T. OROZCO, for the purchase of the property commonly known as 4425 Rosa Ave., El Paso, Texas, more particularly described as Lots 15 and 16, Block 17, Lincoln Park Addition,

an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 13, Pages 63, Plat Records of El Paso County, Texas and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

Representatives Acosta, Robinson and Noe commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Robert Ramirez, Engineering & Construction Management, Consumer Affairs Officer.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representative Noe

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3D.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the General Victim Services FY14 program be operated for the time period of September 1, 2013 to August 31, 2014; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Criminal Justice Division - Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the General Victim Services FY14 program to the Office of the Governor, Criminal Justice Division.
2. The City Manager or her designee be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$231,257.43 from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Unit; and that the City Manager or her designee also be authorized to sign any related paperwork, including but not limited to authorization of budget transfers and submit necessary revision to the operational plan; and that the City Manager be authorized to execute on behalf of the City of El Paso, any

grant amendments or corrections to the grant agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

3. The City of El Paso agrees to provide cash matching funds in the amount of \$46,251.48.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

That the Chief of Police be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Family Service of El Paso, Crime Survivors Counseling Program; Transitional Living Center; and the University Medical Center.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Al Jurado to the Building and Standards Commission, as a regular member, by Representative Emma Acosta, District 3.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Roman Hernandez to the Building and Standards Commission, as a regular member, by Representative Steve Ortega, District 7.

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6. APPLICATIONS FOR TAX REFUNDS

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

1. Pioneer Bank in the amount of \$3,000.24 overpayment of 2012 taxes.
(Geo # A520-999-0210-0100)
2. Bradley Peevey in the amount of \$3,971.20 overpayment of 2012 taxes.
(Geo # C085-999-0010-0100)
3. Timothy J. and Sandra Gahr in the amount of \$5,615.20 overpayment of 2012 taxes.
(Geo # C102-000-0080-3000)
4. Rio Bravo Title Co., LLC in the amount of \$4,115.42 overpayment of 2012 taxes.
(Geo # C518-999-1420-1700)
5. Wells Fargo Home Mortgage in the amount of \$2,964.16 overpayment of 2012 taxes.
(Geo # E049-999-0140-0300)
6. Wells Fargo Home Mortgage in the amount of \$2,558.49 overpayment of 2012 taxes.

(Geo # E077-000-0130-6100)

7. Chester W. King in the amount of \$3,672.95 overpayment of 2012 taxes.
(Geo # E222-999-1640-4000)
8. Texas Title Company in the amount of \$5,808.28 overpayment of 2011 taxes.
(Geo. #E390-999-0050-6900)
9. Sang G. Choo in the amount of \$3,036.46 overpayment of 2012 taxes.
(Geo. # F607-999-0600-8500)
10. Lawyers Title of El Paso in the amount of \$5,611.81 overpayment of 2012 taxes.
(Geo. # H771-000-0020-1700)
11. Stewart Title El Paso. in the amount of \$3,328.79 overpayment of 2012 taxes.
(Geo. # L197-000-0010-1800)
12. Ricardo and Maria Cano in the amount of \$4,842.72 overpayment of 2012 taxes.
(Geo. # L199-000-0010-0400)
13. Carmen Kennon in the amount of \$2,523.03 overpayment of 2012 taxes.
(Geo. # L203-999-0090-1200)
14. Wells Fargo Home Mortgage in the amount of \$2,666.94 overpayment of 2012 taxes.
(Geo. # M395-999-0120-1400)
15. Network National Title in the amount of \$3,654.14 overpayment of 2012 taxes.
(Geo. # M395-999-0140-3500)
16. Jose D. and Luz M. Vargas in the amount of \$2,606.97 overpayment of 2012 taxes.
(Geo. # M771-999-0120-2800)
17. Lawyers Title of El Paso in the amount of \$5,683.52 overpayment of 2012 taxes.
(Geo. # N425-999-0320-9250)
18. REM Electronics Supply Co., Inc. in the amount of \$5,307.27 overpayment of 2012 taxes.
(Geo. # -0824-999-0918-0042)
19. Verde Pan American Center LP in the amount of \$5,218.95 overpayment of 2012 taxes.
(Geo. # P192-999-0020-0100)
20. Verde Pan American Center LP in the amount of \$3,166.66 overpayment of 2012 taxes.
(Geo. # P192-999-0020-1000)
21. Verde Pan American Center LP in the amount of \$6,583.32 overpayment of 2012 taxes.
(Geo. # P192-999-0020-2000)
22. Verde Pan American Center LP in the amount of \$20,048.21 overpayment of 2012 taxes.
(Geo. #P192-999-0020-3000)

23. Verde 455 Pan American LP in the amount of \$17,378.33 overpayment of 2012 taxes.
(Geo. # P196-999-0010-0200)
24. Network National Title in the amount of \$3,187.75 overpayment of 2012 taxes.
(Geo. # P481-999-0160-2300)
25. Pedro Espinoza in the amount of \$3,907.44 overpayment of 2012 taxes.
(Geo. # P585-000-0030-0900)
26. Carlos and Elsa Gallegos in the amount of \$9,690.46 overpayment of 2011 and 2012 taxes.
(Geo. # P585-000-0050-4100)
27. Chase Mortgage in the amount of \$3,495.82 overpayment of 2012 taxes.
(Geo. # P585-000-0100-0800)
28. Lawyers Title of El Paso in the amount of \$3,497.92 overpayment of 2012 taxes.
(Geo. # P585-000-0130-0800)
29. Cesar Moreno in the amount of \$3,106.70 overpayment of 2012 taxes.
(Geo. # P585-000-0180-0600)
30. Barley Square Partners, LP in the amount of \$17,488.87 overpayment of 2012 taxes.
(Geo. # R300-999-0010-0200)
31. Barley Square Partners, LP in the amount of \$22,581.95 overpayment of 2012 taxes.
(Geo. # R300-999-0010-0400)
32. Mary Stevens in the amount of \$8,197.76 overpayment of 2012 taxes.
(Geo. # R854-999-0000-8500)
33. Flagstar Bank c/o Corelogic in the amount of \$2,670.99 overpayment of 2011 taxes.
(Geo. # S237-999-0360-5200)
34. Bernardo Reyes in the amount of \$4,345.04 overpayment of 2012 taxes.
(Geo. # S533-000-0100-02B2)
35. Chase Refund Department c/o Corelogic in the amount of \$6,739.18 overpayment of 2012 taxes.
(Geo. # S688-999-0020-1300)
36. Capital Title of Texas in the amount of \$3,915.51 overpayment of 2012 taxes.
(Geo. # S804-999-0270-5700)
37. Ocwen Financial Corporation in the amount of \$5,836.20 overpayment of 2012 taxes.
(Geo. # S812-999-0300-2400)
38. Roberto and Ana C. Cordero in the amount of \$4,776.54 overpayment of 2012 taxes.
(Geo. # S987-999-0040-0700)
39. Bret T. and Cheryl G. Reed in the amount of \$6,835.64 overpayment of 2012 taxes.
(Geo. # T203-999-0020-2400)

40. Arthur R. and Diana L. Smith in the amount of \$2,906.35 overpayment of 2012 taxes.
(Geo. # T287-999-1110-0800)
41. Network National Title in the amount of \$2,765.64 overpayment of 2012 taxes.
(Geo. # T287-999-1460-0500)
42. Stewart Title Company in the amount of \$9,766.82 overpayment of 2012 taxes.
(Geo. # T287-999-1510-2200)
43. Network National Title in the amount of \$5,598.24 overpayment of 2012 taxes.
(Geo. # T287-999-2020-0430)
44. Lone Star Title Company in the amount of \$2,709.14 overpayment of 2012 taxes.
(Geo. # T820-999-0010-0350)
45. Evolve Federal Credit Union in the amount of \$14,652.82 overpayment of 2012 taxes.
(Geo. # V111-999-0050-0300)
46. Gabriel Olivas in the amount of \$3,439.73 overpayment of 2012 taxes.
(Geo. # V639-999-0070-2700)
47. Humberto E. and Sandra G. Mendoza in the amount of \$2,810.85 overpayment of 2012 taxes.
(Geo. # V893-999-4550-2200)
48. Gilbert Martinez in the amount of \$2,506.14 overpayment of 2012 taxes.
(Geo. # V897-999-0090-3500)
49. L & F Distributors, LLC in the amount of \$5,801.05 overpayment of 2012 taxes.
(Geo. # W145-999-0840-2700)
50. Verde 9600-9660 in the amount of \$3,862.97 overpayment of 2012 taxes.
(Geo. # Z012-999-0010-0100)
51. Verde 9600-9660 in the amount of \$23,777.19 overpayment of 2012 taxes.
(Geo. # Z012-999-0010-0200)
52. Verde 9600-9660 in the amount of \$15,310.64 overpayment of 2012 taxes.
(Geo. # Z012-999-0010-0500)
53. Verde Nasa Apartments LP in the amount of \$6,112.47 overpayment of 2012 taxes.
(Geo. # Z012-999-0020-0250)
54. Michael and Lisa Ray in the amount of \$3,250.53 overpayment of 2012 taxes.
(Geo. # A642-999-0190-2100)

7. NOTATION OF CAMPAIGN CONTRIBUTIONS:

*Motion made, seconded, and carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Carl L. Robinson on February 1, 2013, in the

amount of \$250 from Kenneth J. Gezelius and Show-Ying Liu Gezelius; on February 5, 2013, in the amount of \$500 from Renard U. Johnson; on February 8, 2013, in the amount of \$200 from R. G. or V. E. Vorba; in the amount of \$100 from Edward J. Beck; on February 9, 2013, in the amount of \$50 from Regina Arnold; in the amount of \$50 from James V. or Rosario R. Gorman or Michele Nevins; in the amount of \$50 from De Los A. Bates and Elva A. Bates; in the amount of \$40 from Grace E. Boruff; in the amount of \$25 from Richard E. or Rosemarie Chase; in the amount of \$40 from Shane A. Haggerty; in the amount of \$100 from John F. or Jane B. Sturgis; in the amount of \$20 from Elaine M. Olsakovsky; in the amount of \$50 from English or Mauricette Burnett; in the amount of \$25 from Samuel P. Thompson; in the amount of \$500 from Richard V. Teschner; in the amount of \$100 from Mark W. Austin and Linda A. Austin; in the amount of \$50 from Jerry Villanueva; in the amount of \$1,000 from the El Paso Association of Fire Fighters Local 51, Inc.; on February 10, 2013, in the amount of \$50 from Alice L. Brauner and Norbert E. Brauner; on February 8, 2013, in the amount of \$250 from the El Paso Sheriff's Officers Association – Political Action Committee.

8. BEST VALUE PROCUREMENT:

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-084 (Janitorial Services-EPMA) to The Eagle Janitorial Service for an initial term estimated award of \$64,602.

Department:	El Paso Museum of Art
Award to:	The Eagle Janitorial Service El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$ 21,534
Initial Term Estimated Award:	\$ 64,602 (3 Years)
Total Estimated Award:	\$107,670 (5 Years)
Account No.:	454-54000-522060-1000
Funding Source:	Art Museum Administration

This is a Best Value, service contract.

The Financial Services - Purchasing Division and El Paso Museum of Art recommend award as indicated to The Eagle Janitorial Service the bidder offering the best value bid.

9A. BIDS:

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-088 (Paint, Traffic and Airfield Marking, Type II Waterborne – Aviation) to Sherwin-Williams Company for an initial term estimated award of \$128,175.

Department:	Aviation (El Paso International Airport)
Award to:	Sherwin-Williams Company Cleveland, OH
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 42,725
Initial Term Estimated Award:	\$128,175 (3 years)

Total Estimated Award: \$213,625 (5 years)
Account No.: 562 – 62050 - 531210 – 3000
Funding Source: Inventory Purch-Material and Supplies

This is a Low Bid, unit price contract.

The Financial Services - Purchasing Division and Department of Aviation recommend award as indicated to Sherwin-Williams Company, the lowest responsive, responsible bidder.

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9B. BIDS:

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2013-068 (Oxygen Cylinders – Rental, Refill and Delivery) to Argyle Welding Supply, Inc. for an initial term estimated award of \$101,025.

Department: Fire
Award to: Argyle Welding Supply, Inc.
El Paso, TX
Item(s): All
Initial Term: 3 years
Option to Extend: 2 years
Annual Estimated Award: \$ 33,675
Initial Term Estimated Award: \$101,025 (3 years)
Total Estimated Award: \$168,375 (5 years)
Account No.: 322-22090-522250-1000
Funding Source: General Fund – Public Safety Equipment
Maintenance Contract

This is a Low Bid, unit price contract.

The Financial Services - Purchasing Division and Fire Departments recommend award as indicated to Argyle Welding Supply, Inc., the lowest responsive, responsible bidder.

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ITEM 10A TAKEN INTO EXECUTIVE SESSION

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Noe, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:30 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **ADJOURN** the Executive Session at 9:35 a.m. and **RECONVENE** the meeting of the City Council.

10A. – 10D INTRODUCTIONS

3RD AND FINAL MOTION

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

10A. An Ordinance of the City of El Paso, Texas; defining communications that constitute the transaction of official business of the City of El Paso, Texas; clarifying the duties of the Public Information

Officer, the agents of the Public Information Officer, the Custodians of Local Governmental Records and the duties of employees, volunteers and officials of the City as those duties relate to the assembly, collection, maintenance and retention of local government records; declaring certain communications are local governmental records pursuant to the Texas Local Government Records Act; and providing an effective date.

10B. An Ordinance authorizing the City Manager to sign a Fee Simple Determinable Deed Without Warranty to convey approximately 658.2954 acres, located within the City of El Paso, El Paso County Texas, for portions of Nellie D. Mundy Survey No. 246; Portions of Tract 1, S.J. Larkin Survey No. 268; Portions of Tract 1A, S.J. Larkin Survey No. 269; and all of S.J. Larkin Survey No. 267; generally located on both sides of Transmountain Road west of the Franklin Mountains, and East of I-10, and authorizing the City Manager to execute a Contract of Sale, and any other documents necessary to complete the sale to the Texas Parks & Wildlife Department, for inclusion in the Franklin Mountains State Park. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system.

PUBLIC HEARING WILL BE HELD ON MARCH 5, 2013, FOR ITEMS 10A – 10B

10C. An Ordinance changing the zoning of a Portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/Special Contract) and A-2 (Apartment) to SD (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7200 - 7202 North Loop. Property Owner: Victor and Rosa Gonzalez. PZRZ12-00038

10D. An Ordinance releasing all conditions placed on property by Ordinance No. 4810 and Special Contract of March 28, 1972, which changed the zoning of a Portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, 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: 7200-7202 North Loop. Property Owner: Victor & Rosa Gonzalez. PZCR12-00008

PUBLIC HEARING WILL BE HELD ON MARCH 19, 2013, FOR ITEMS 10C – 10D

11A. FINANCIAL SERVICES:

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to exercise the City's option to extend current Contract 2011-054R (Customer Service Call Center – Staffing & Management Service Operations) with Faneuil, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on March 1, 2011. The extended contract period will be from February 28, 2013 to March 1, 2015.

Department:	Fire
Award to:	Faneuil, Inc. Hampton, VA
Option:	One [of One]
Annual Estimated Amount:	\$1,380,000
Total Estimated Amount:	\$2,760,000 (2 year)
Account No.:	322 – 22080 – 520010 - 1000
Funding Source:	General Fund – Temporary Services Contracts

This is a Request for Proposal, services contract.

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11B. FINANCIAL SERVICES:

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to exercise the City's option to extend current Contract 2010-061 English Language Adult and Juvenile Books with Baker and Taylor, Inc for two additional years pursuant to the provisions of an award approved by the City Council on March 9, 2010. The extended contract period will be from March 9, 2013 to March 8, 2015.

Department:	El Paso Public Library
Award to:	Baker & Taylor, Inc. Charlotte, NC
Option:	One [of One]
Annual Estimated Amount:	\$350,000
Total Estimated Amount:	\$700,000 (2 years)
Account No.:	453-53010-1000-531030
Funding Source:	Library Materials- General Fund

This is a low bid, requirements contract.

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12. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **AWARD** Solicitation No. 2013-067 for Barker Road Street and Drainage Improvements - Phase I to Karlsruhe, Inc. dba CSA Constructors for a total award of \$691,557.35.

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

Department:	Engineering and Construction Management
Award to:	Karlsruher, Inc. dba CSA Constructors El Paso, TX
Base Bid I:	\$255,169.87
Base Bid II:	\$ 89,552.46
Base Bid III:	\$109,618.11
Base Bid IV:	\$237,216.91
Total Estimated Award:	\$691,557.35
Time for Completion:	180 consecutive calendar days
Account:	471-71240-2400-580270-G7138CD40
Funding Source:	CDBG 38th Year

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

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Cynthia Osborne, Assistant City Attorney, gave legal advice.
4. Ms. Irene Ramirez, Engineering & Construction Management, Interim City Engineer

The following members of the public commented:

1. Mr. John Karslsruher, President of Karslsruher, Inc.
2. Mr. Eduardo Rodriguez
3. Mr. Edward, Saab, Vice President of Saab Site Contractors, LP
4. Mr. David Ochoa

13A. COMMUNITY AND HUMAN DEVELOPMENT:

Presentation of the results of the Analysis of Availability/Demand for Type A Accessible Housing in the City of El Paso by the Institute for Policy and Economic Development, The University of Texas at El Paso (UTEP).

Ms. Lisa Tomaka, Assistant Director, UTEP, Institute for Policy and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta and Noe commented.

The following City staff members commented:

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

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. David Ochoa
3. Mr. Roberto Tinajero, Institute for Policy and Economic Development

NO ACTION was taken on this item.

13B.

RESOLUTION

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

That the City Council of the City of El Paso hereby commits \$500,000.00 of CDBG / HOME funding to assist in the development of the Artspace El Paso affordable housing development, to be located at 601 North Oregon Street, subject to the approval of 2013 Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs.

Representatives Acosta and Niland commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. William Lilly, Director, Community and Human Development

Mr. Greg Handberg, Senior Vice President, Artspace El Paso, commented.

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

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

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13C.

RESOLUTION

NOW THEREFORE, 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 Neighborhood Stabilization Program (NSP) Development Agreement between the City of El Paso and Paisano Housing Redevelopment Corporation, as well as any related contract documents necessary to effectuate the amendment and to secure and protect the City's lien interest upon the recommendation of the Director of Community and Human Development and approval of the City Attorney's Office.

Representative Acosta commented.

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

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

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

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14.

RESOLUTION

WHEREAS, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on Golden Hill Terrace Street between Arizona Avenue and Cliff Drive; and

WHEREAS, the City Council of the City of El Paso further finds, in accordance with Sections 12.44.040 and 12.44.050 of the El Paso City Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said street does not carry more than 4,000 vehicles per average day, nor more than 500 vehicles per hour for any consecutive three hours of an average day; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

THAT the Traffic Engineer is hereby authorized and directed to designate Nineteen (19) offset angle parking spaces on the west side of Golden Hill Terrace Street between Arizona Avenue and Cliff Drive. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd, Holguin and Ortega

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15A. MAYOR AND COUNCIL:

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **POSTPONE** one week the item on discussion and action on the security needs of the growing Union Plaza Entertainment District.

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15B. MAYOR AND COUNCIL:

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **POSTPONE** one week the item on discussion and action to direct the City Manager to amend the current multifamily incentive policy implemented as a result of Base Realignment and Closure (BRAC) to add units and amend the term of the program.

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15C.

RESOLUTION SUPPORTING FUNDING FOR CIVIL LEGAL AID IN TEXAS

WHEREAS, the City of El Paso, Texas embraces the principles that our nation promises justice for all, not just for those who can afford to pay for it and subscribes to the values Judge Learned Hand espoused when he said "If we are to keep our democracy, there must be one commandment; Thou shalt not ration justice";

WHEREAS, the Preamble to the Texas Disciplinary Rules of Professional Conduct states that "...a lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.", and that "Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees is a moral obligation of each lawyer as well as the profession generally.";

WHEREAS, the most recent U.S. Census reports that more than 5.7 million Texans qualify for civil legal aid to the poor;

WHEREAS, low-income Texans are often the most vulnerable in our communities, including the elderly, persons with disabilities, veterans, and victims of domestic abuse; and for many disadvantaged Texans access to legal help might be all that stands between them and homelessness, safety and income providing food on their table and shelter for their children;

WHEREAS, the Texas Access to Justice Foundation was created by Supreme Court Order in 1984 to administer the Interest on Lawyers' Trust Accounts (IOLTA) program to fund nonprofit organizations that provide free civil legal aid to low-income Texans and is the leading state funder for civil legal aid in Texas;

WHEREAS, historically low interest rates have dramatically reduced funding for the IOLTA program from \$20.1 million in 2007 to approximately \$4.4 million in 2012, and has created a more than 75 percent loss in funding for civil legal services since 2007; and

WHEREAS, an additional annualized loss of \$6.1 million in federal funding for legal services occurred in 2012 with funding cuts to the Legal Services Corporation.

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

That the City of El Paso, Texas supports the request of \$17.6 million for the biennium from the Texas Legislature to bridge the loss of IOLTA funding and supports the Texas Access to Justice Commission and Foundation proposals for additional funding for basic civil legal services by allowing the Attorney General to distribute money received in civil penalties and restitution.

The following members of the public commented:

1. Ms. Ouisa Davis
2. Mr. Jed Unterecker, Staff Attorney, Paso Del Norte Civil Rights Project
3. Mr. Arturo Mesta, Texas Rio Grande Legal Aid

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd and Holguin

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16A. CITY ATTORNEY:

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 11:31 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **ADJOURN** the Executive Session at 11:56 a.m. and **RECONVENE** the meeting of the City Council.
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The City Council Meeting was **RECESSED** at 11:57 a.m. in order to convene the Special City Council Meeting.

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The City Council Meeting was **RECONVENED** at 12:35 p.m.
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16A. CITY ATTORNEY:

3RD AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Niland and carried to **DELETE** the public hearing on an Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of an "An Ordinance repealing a Resolution approved by City Council on June 26, 2012 Styled Under – Regular Agenda – Other Business 12. City Manager: 3. Discussion and action on a Resolution that the City Manager be authorized to sign the Term Sheet as agreed upon by the City of El Paso and Mountain Star Sports Group, LLC, in order to signal the creation of the public/private partnership and the intent of the City Council to construct a public sports facility ("Ballpark") in the event the investors are able to purchase a Triple-A Minor League Baseball Franchise and relocate it to El Paso; that the City Council intends to locate the Ballpark on the site currently occupied by City Hall, Insights Museum, the Community Garden and the supporting parking area fronting on Franklin Street and authorizes the City Manager to take measures to complete the planning for the redevelopment of such site and to take steps to make the site available for the construction, including termination of leasehold interests, and to move forward to formulate long term and short term execution plans for the relocation of City operations from the City Hall site to other locations in the downtown area for the construction of the Ballpark; that the City Manager be authorized to proceed with proposed financing plan to include the possible use of (i) a venue hotel occupancy tax if approved by the voters at a duly-called election; (ii) lease revenue bonds issued by a local government corporation formed by the city; and/or (iii) other debt obligations issued by or on behalf of the City for the construction and development of the Ballpark; and that the City Manager or her designee be authorized to negotiate a contract containing the terms and conditions set forth in the term sheet for the construction and future operations and maintenance of the Ballpark and to present it to City Council for consideration upon completion of the negotiations." to be held within the City on May 11, 2013.

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

NAYS: Representatives Acosta, Robinson, and Holguin

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

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16B.

ORDINANCE 17961

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, ON MAY 11, 2013; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.**

1ST MOTION

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **REMOVE** Amendment 9 regarding Fire and Police pension fund. **THE MOTION PASSED.**

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

NAYS: Representatives Acosta and Robinson

2ND MOTION

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Acosta, and carried to **ALLOW** citizens to consider returning to a strong Mayor form of government as a Charter amendment proposal. **THE MOTION FAILED.**

AYES: Representatives Acosta, Robinson, and Holguin

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

3RD MOTION

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Robinson, and carried to **POSTPONE** seventy-two hours. **THE MOTION FAILED.**

AYES: Representatives Acosta, Robinson and Holguin

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

4TH AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS AMENDED.** Whereupon the Mayor Pro Tempore 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, Noe, Holguin, Ortega and Niland

NAYS: Representative Robinson

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.
- 3. Ms. Elaine Hengen, Outside Counsel, read revisions into the record.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. David Ochoa
- 3. Mr. Manny Hinojosa
- 4. Mr. Salvador Gomez
- 5. Mr. Stan Roberts

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Meeting was adjourned at 1:43 p.m. due to a loss of a quorum.
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APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk