

OSCAR LEESER
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

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

The City Council met in regular session at the above place and date. Meeting was called to order at 8:30 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Emma Acosta, Carl Robinson, Michiel R. Noe, Lilia Limón, and Cortney Carlisle Niland. Late arrival: Eddie Holguin, Jr. at 8:45 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.

PLEDGE OF ALLEGIANCE

VICTORIA MASCORRO

MAYOR'S PROCLAMATIONS

1. EL PASO NEIGHBORHOOD ASSOCIATION'S DAY
2. OUTSTANDING HISPANIC-OWNED BUSINESS DAY

RECOGNITIONS

CITY EMPLOYEES

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. Ms. Sandra Ruiloba Natividad – 25 years
2. Ms. Sue Ellen Beatty – 25 years
3. Ms. Rosa Maria Lozano – 25 years
4. Police Lieutenant Andrea Baca – 25 years
5. Ms. Maria S. Flores – 30 years
6. Mr. Mario J. Campos – 30 years
7. Ms. Sandra S. Dunsavage – 30 years
8. Mr. Robert Nava, Jr. – 45 years

CONSENT AGENDA

Motion made by Representative Lilly, seconded by Representative Romero, 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, Romero, Acosta, Robinson, Noe, Holguin, Limón, and Niland
NAYS: None

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 23, 2013, the Legislative Review of the Whole/Work Session of July 23, 2013, and the Special City Council Meeting of July 17, 2013 (Budget Hearings for Airport, City Development, Community Development, Convention & Performing Arts, Municipal Clerk, Engineering and Construction Management, General Services, International Bridges, and Office of the Comptroller), and the Special City Council Meeting of July 18, 2013 (Budget Hearings for Library, Museums & Cultural Affairs, Parks & Recreation, Zoo, Department of Public Health, Environmental Services, and Fire).

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

RESOLUTION

WHEREAS, St. Ignatius Church (hereinafter referred to as "Grantee") is sponsoring The St. Ignatius Bazaar (hereinafter referred to as "Event"), from 8:00 am Thursday, August 1, 2013 to 12:00 am Monday, August 5, 2013; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee desires to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on East 3rd Avenue from South Park Street to Nino Aguilera Street and on Nino Aguilera Street from East 3rd Avenue to East Delta Drive, from 8:00 am Thursday, August 1, 2013 to 12:00 am Monday, August 5, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the city Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the City Event.

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

That the sale and service of alcoholic beverages by St. Ignatius Church, in the closed portions of City rights-of-way on East 3rd Avenue from South Park Street to Nino Aguilera Street and on Nino Aguilera Street from East 3rd Avenue to East Delta Drive, from 5:00 pm to 12:00 am on Friday, August 2, 2013, Saturday, August 3, 2013 and Sunday, August 4, 2013, is a permissible activity in conjunction with The St. Ignatius Bazaar.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón, and Niland
NAYS: None
ABSTAIN: Representative Holguin

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3B.

RESOLUTION

WHEREAS, on March 21, 2013, the City Planning Commission approved the Tierra Del Este Phase V Land Study; and

WHEREAS, the application was approved with conditions requiring that alternative traffic control measures, i.e., roundabouts be installed in lieu of four-way stops, and with a comment that this development is excluded from the calculation for parkland as per Title 19 Subdivision & Development Plats; and

WHEREAS, the applicant Ranchos Real Land Holdings, LLC has submitted a proportionality appeal for this approval under Section 19.46 of the El Paso Municipal Code; and

WHEREAS, the purpose of a proportionality appeal is to assure that the application of uniform dedication and construction standards to a proposed development project does not result in a disproportionate burden on the property owner, taking into consideration the nature and extend of the demands created by the proposed development on the city's public facilities systems.

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

That the relief requested by Ranchos Real Land Holdings, LLC is hereby granted and finds the following:

1. The Appellant is responsible for the proportionate share of the four-way stop and restriping at the intersections as set forth in the March 25, 2013, approval letter, attached as Exhibit A.
2. The Appellant has no duty to construct any parks or dedicate any parks to the City in connection with the Tierra Del Este Phase V Land Study.

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

Mayor Leeser and Representatives Noe, Robinson, Acosta, and Holguin commented.

The following City staff members commented:

1. Mr. Ted Marquez, Director for Department of Transportation
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. Doug Schwartz, applicant, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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TAKEN WITH ITEM 12

3C.

RESOLUTION

WHEREAS, On January 29, 2013, the City Council awarded Solicitation No. 2012-242 for Safe Route to School – Project No. 2 (the “Project”) to Tri State Electric, Ltd. (“Contractor”), for an estimated total amount of \$1,416,136.04; and

WHEREAS, the award included Base Bids I through III and Options 1 through 4; and

WHEREAS, the Project is federally funded through the 2009 Transportation Enhancement Program and administered by the Texas Department of Transportation (“TxDOT”); and

WHEREAS, TxDOT no longer has funding available for the award of the Options;

WHEREAS, the City desires to issue a change order deleting Options 1 through 4 from the contract, thereby decreasing the amount of the contract by \$281,634.50; and

WHEREAS, Texas Local Government Code Section 252.048 allows for change orders to decrease the quantity of work to be performed provided that any change order decreasing the amount of the contract by more than \$100,000 be approved by City Council and that any change order which decreases the original contract price by more than 25% be done with consent of the contractor; and

WHEREAS, the deletion of Options 1 through 4 from this contract decreases the original contract price by 20%; and

WHEREAS, although Contractor’s consent is not required by law, Contractor has consented to the decrease of the contract amount by 20% as evidenced by acceptance of the Construction Quantity Noticed attached hereto as **Exhibit “A”**.

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

That the City Council approve the deduction of Options 1 through 4 in the amount of \$281,634.50 awarded under contract number 2012-242 to Tri State Electric, Ltd., on January 29, 2013, for the Safe Route to School – Project No. 2, due to lack of funding by the Texas Department of Transportation. The new contract amount, including this construction quantity notice/change order is \$1,134,501.54.

3D.

RESOLUTION

WHEREAS, On January 29, 2013, the City Council awarded Solicitation No. 2012-243 for Safe Route to School – Project No. 3 (the “Project”) to Tri State Electric, Ltd. (“Contractor”), for an estimated total amount of \$1,873,936.00; and

WHEREAS, the award included Base Bids I through III and Options 1 through 5; and

WHEREAS, the Project is federally funded through the 2009 Transportation Enhancement Program and administered by the Texas Department of Transportation (“TxDOT”); and

WHEREAS, TxDOT no longer has funding available for the award of the Options;

WHEREAS, the City desires to issue a change order deleting Options 1 through 5 from the contract, thereby decreasing the amount of the contract by \$404,950.00; and

WHEREAS, Texas Local Government Code Section 252.048 allows for change orders to decrease the quantity of work to be performed provided that any change order decreasing the amount of the contract by more than \$100,000 be approved by City Council and that any change order which decreases the original contract price by more than 25% be done with the consent of the contractor; and

WHEREAS, the deletion of Options 1 through 5 from this contract decreases the original contract price by 22%; and

WHEREAS, although Contractor's consent is not required by law, Contractor has consented to the decrease of the contract amount by 22% as evidenced by acceptance of the Construction Quantity Noticed attached hereto as **Exhibit "A"**.

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

That the City Council approve the deduction of Options 1 through 5 in the amount of \$404,950 awarded under contract number 2012-243 to Tri State Electric, Ltd., on January 29, 2013, for the Safe Route to School – Project No 3, due to lack of funding by the Texas Department of Transportation. The new contract sum, including this construction quantity notice/change order is \$1,468,986.

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

Representative Acosta commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Romero, and unanimously carried to **APPROVE** the Resolutions.

NOT PRESENT FOR THE VOTE: Representative Niland

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3E.

***RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Interlocal Agreement by and between the City of El Paso ("CITY") and Camino Real Regional Mobility Authority that was entered on November 11, 2010, to provide for funding from the City in the amount of up to \$210,000.00 for the construction of the aesthetic improvements on the I 10 and Airway interchange that are on the City owned right of way.

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3F.

***RESOLUTION**

That the City Manager is authorized to enter into an Affiliation Agreement between The University of Texas at El Paso ("University") and City of El Paso ("Facility") to cooperate with University to establish and implement from time to time one or more Programs involving the students and personnel of University and the facilities and personnel of Facility, and that the City Manager or a designee is authorized to enter into all Program Agreements encompassed by the Affiliation Agreement in substantial conformity with the Program Agreement attached hereto as Exhibit "A."

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4. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that Linda Samples be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective August 19, 2013, at a salary of \$80,000 per annum, plus benefits.

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5. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Carmen Arrieta-Candelaria to the Fire and Police Pension Fund Board of Trustees by Mayor Oscar Leeser.

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6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Fire Chief Samuel Peña to the El Paso County 911 District Board of Managers by Mayor Oscar Leeser.

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6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Adam E. Gurrola to the Parks and Recreation Advisory Board by Representative Larry Romero, District 2.

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7. FOR NOTATION

*Motion made, seconded, and unanimously carried to **APPROVE** for notation to accept the donation of \$500 from El Paso Accent Homes LLC for Movies under the Stars in District 3.

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8A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2010-189 (Niehoff Alternators and Related Parts) with McAdams Group LLC dba Texas Alternator Starter Service for two additional years pursuant to the provisions of an award approved by City Council on September 14, 2010. The extended contract period will be from September 13, 2013 to September 14, 2015.

Department:	Fire
Award to:	McAdams Group LLC dba Texas Alternator Starter Service El Paso, TX
Option:	Two (of Two)
Annual Estimated Amount:	\$35,000
Total Estimated Amount:	\$70, 000 (2 years)
Account No.:	322-22090-522280-1000
Funding Source:	General Fire Fund-Vehicle/Heavy Equipment Maintenance

This is a requirements type contract.

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8B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE, AS REVISED** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend the current contract 2010-206 (Traffic Priority Control System, Infrared Activated, Data Encoded) with Tri-State Electric Ltd, for two additional years pursuant to the provisions of an award approved by the City Council on September 14, 2010. The extended contract period will be from September 14, 2013 to September 13, 2015.

Department: Transportation
 Award to Vendor: Tri-State Electric Ltd
 El Paso, TX
 Option: 2 years
 Annual Estimated Amount: \$154,386.54
 Total Estimated Amount: \$308,773.08 (2 Years)
 Account No.: 532-32170-532030-1000
 Funding Source: General Fund Public Access Maintenance

This is a Best Value type contract.

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8C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to reject the sole bid received for solicitation No. 2013-192 (Sale of Real Property Improvement, Airport Hangar #7) as the bidder did not agree to the terms and conditions of the Contract.

Department: Aviation (El Paso International Airport)

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8D. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2010-223R (Maintenance of City Servers) with Solid Systems CAD Services, Inc. for two additional years pursuant to the provisions of an award approved by City Council on August 17, 2010. The extended contract period will be from August 17, 2013 to August 17, 2015.

Department: Information Technology Department
 Award to: Solid Systems CAD Services, Inc.
 Houston, Texas
 Option: Two (of Two)
 Annual Estimated Amount: \$ 76,336.67
 Total Estimated Amount: \$152,663.34 (2 years)
 Account No.: 239 - 15070 - 522150 - 1000
 Funding Source: General Fund

This is a thirty six month contract.

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9A. – 9H. INTRODUCTIONS

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, 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:

- 9A.** An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2801 Memphis Avenue. Property Owner: Ramon and Aurora Tarin. SURW13-00001

- 9B. An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2800 Nashville Street. Property Owner: Carlos and Maria Hernandez. SURW13-00002
- 9C. An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2604 Elm Street. Property Owner: Blanca V. Duarte. SURW13-00005
- 9D. An Ordinance vacating a portion of Elm Street Right-of-Way, adjacent to Block 126, Highland Park Addition, City of El Paso, El Paso County, Texas. Subject Property: 2608 Elm Street. Property Owner: Salvador and Blanca V. Duarte. SURW13-00006
- 9E. An Ordinance rescinding Ordinance Nos. 10739, 12141, 15006, and 15167 and authorizing the El Paso Public Library to establish fees by the Budget Resolution for use of library system for non-residents of the City of El Paso; replacement fees for lost or destroyed cards; fees for overdue, damaged, or lost books and other materials; fees for services including but not limited to copying, printing, faxing, scanning, and meeting room use; and collection fees. The ordinance also authorizes City Council to declare limited periods of "Amnesty" by appropriately adopted Resolution.

PUBLIC HEARING WILL BE HELD ON AUGUST 6, 2013, FOR ITEMS 9A – 9E

- 9F. An Ordinance changing the zoning of Tracts 7 and 7A, Section 16, Block 80, Township 1 Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property owner: Direct Home Sales Inc., Location: south of Patriot Freeway and east of Mesquite Hill Drive, PZRZ13-00019.
- 9G. An Ordinance changing the zoning of Tract 1-D-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Album and east of McRae. Property Owner: LUCMOR, LLC. PZRZ13-00017
- 9H. An Ordinance granting Special Permit No. PZST13-00010, to allow for a Ground Mounted 55' Personal Wireless Service Facility on the property described as Lots 11-12, Block 34, Campbell's Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1100 S. Oregon Street. Property Owner: Silva Diversified, Inc. PZST13-00010

PUBLIC HEARING WILL BE HELD ON AUGUST 20, 2013, FOR ITEMS 9F – 9H

10A. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2013-164 Building Electrical Supplies and Related Products to Border States Industries, Inc./ Border States Electric Supply for an initial term estimated award of \$540,000.

Department:	General Services Border States Industries, Inc /Border States Electrical Supply El Paso, TX
Item(s):	All
Initial Term:	3 years

Option to Extend: 1 year
 Annual Estimated Award: \$180,000
 Initial Term Estimated Award: \$540,000
 Total Estimated Award: \$720,000
 Account No.: 213 – 31040 – 522260 – 1000 – P3120
 Funding Source: General Services Dept – General Fund –
 Building Facilities Maintenance

This is a low bid, requirements type contract.

The Financial Services - Purchasing Division and General Services recommend that Graybar Electric Co. and Triangle Electrical Supply be disqualified as non-responsive and the contract be awarded as indicated to Border States Industries, Inc. / Border States Electrical Supply, the lowest responsive, responsible bidder.

Mr. Bruce Collins, Purchasing Manager, commented.

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10B. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to **AWARD** Solicitation No. 2013-184 (Rental of Portable Restrooms) to El Paso Sanitation Systems, Inc. for an initial term estimated award of \$600,000.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón and Niland
 NAYS: None
 ABSTAIN: Representative Holguin

Department: General Services – Land Management Division
 Award to: El Paso Sanitation Systems, Inc.
 El Paso, TX
 Item(s): All
 Initial Term: 3 Years
 Option to Extend: 2 Years
 Annual Estimated Award: \$ 200,000
 Initial Term Estimated Award: \$ 600,000 (3 years)
 Total Estimated Award: \$1,000,000 (5 years)
 Account No.: 231– 31120 – 524110 – 1000 – P3111
 Funding Source: General Fund – Leases NOC

This is a Best Value, service contract.

The Financial Services - Purchasing Division and General Services – Land Management Division recommend award as indicated to El Paso Sanitation Systems, Inc., the bidder offering the best value bid.

Representative Robinson commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
 2. Mr. Stuart Ed, Director for General Services
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ITEMS TAKEN TOGETHER

10C-1.

RESOLUTION

WHEREAS, on May 22, 2012, the City of El Paso awarded Contract No. 2012-050 (Janitorial Services-) Group A, Items 20, 20a, 22, 22a, 24, 24a, 25, 25a, 26, 26a, 28, 28a, 30, 30a, 31, 31a, 32, 32a, 37, 37a, 38, 38a to Federal Janitorial-STG, LTD, for the Parks and Recreation Department; and

WHEREAS, the City finds that the Company is in default of the provisions of the Contract because the vendor failed to cure the performance of the janitorial services; and

WHEREAS, pursuant to Section C, Paragraph 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract for default; and

WHEREAS, the City desires to terminate this Contract for Default.

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

That the Purchasing Manager is authorized to notify Federal Janitorial STG LTD, that the City is terminating Contract No. 2012-050 for default pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor's failure to cure performance and that the termination shall be as of July 30, 2013.

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

10C-2. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **AWARD** Solicitation No. 2013-201 (Janitorial Services – Parks and Recreation Various Facilities) to Total Cleaning Services for an initial term estimated award of \$851,523.76.

Department:	Parks and Recreation
Award to:	Total Cleaning Services El Paso, TX
Item(s):	All
Initial Term:	2 years
Option to Extend:	2 years
Payment Terms:	1.5% - 10 days
Annual Estimated Award:	\$ 425,761.88
Initial Term Estimated Award:	\$ 851,523.76 (2 years)
Total Estimated Award:	\$1,703,047.50 (4 years)
Account No.:	451 – 51220 – 522060 - 1000
Funding Source:	Maintenance Services Contract - Janitorial

This is a Best Value, service type contract.

The Financial Services - Purchasing Division and Parks and Recreation recommend award as indicated to Total Cleaning Services, the bidder offering the best value bid.

Adefto Building & Grounds Services Inc. is deemed non-responsive on Groups 1a and 1b because the bidder did not bid on all items.

Mr. Bruce Collins, Purchasing Manager, commented.

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11A.

ORDINANCE 18044

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 26 & 27, BLOCK C, STEVENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4 (COMMERCIAL) TO C-5 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 533 W. FRANKLIN. PROPERTY OWNER: 533 WEST FRANKLIN, LLC. PZRZ13-00018**

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

Mr. Rodolfo Alarcon, citizen, commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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, Romero, Acosta, Noe, Holguin, and Niland

NAYS: Representative Limón

NOT PRESENT FOR THE VOTE: Representative Robinson

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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11B.

ORDINANCE 18045

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 8, BLOCK 6, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) 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: SOUTH OF EDGEMERE BOULEVARD AND WEST OF LEE BOULEVARD. PROPERTY OWNER: ARDENT QUEST APARTMENT. PZRZ13-00014**

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

Representative Noe commented.

Motion duly made by Representative Noe, seconded by Mayor Pro Tempore 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, Romero, Acosta, Noe, Holguin, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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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11C.

ORDINANCE 18046

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A LOT 48, BLOCK 4, STILES GARDENS, CITY OF EL PASO, COUNTY OF EL PASO, TEXAS, FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7121 STILES DRIVE A & B. PROPERTY OWNER: CLOTILDE HIDALGO. PZRZ13-00008**

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

Motion duly made by Representative Acosta, seconded by Representative Romero, 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, Romero, Acosta, Noe, Holguin, and Limón
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Robinson and Niland

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

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11D.

ORDINANCE 18047

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 20-B1, BLOCK 55, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 9355 ESCOBAR DRIVE. PROPERTY OWNER: D.M.K. SISTERS, LLC. PZRZ13-00011**

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

Motion duly made by Representative Holguin, seconded by Mayor Pro Tempore 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, Romero, Acosta, Noe, Holguin, Limón and Niland
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representative Robinson

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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11E. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00026, to allow for the expansion of a major utility facility for El Paso Electric Company on the property described as a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.730 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1165 Sunmount Drive. Applicant: El Paso Public Service Board (PSB). PZST12-00026

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11F.

ORDINANCE 18048

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00023, TO ALLOW FOR A FACILITY-MOUNTED PERSONAL WIRELESS SERVICE FACILITY (PWSF) AND IMPOSING CONDITIONS ON THE PROPERTY DESCRIBED AS LOT 19 AND A PORTION OF LOT 17, BLOCK 138, CHAPARRAL PARK UNIT 30, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 6520 LOMA DE CRISTO DRIVE. APPLICANT: ASCENSION LUTHERAN CHURCH. PZST12-00023**

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

Mayor Leeser and Representatives Robinson and Noe commented.

The following members of the public commented:

1. Mr. W. Bebb Francis, III, attorney for AT&T
2. Mr. David Prejean
3. Ms. Lisa Turner
4. Ms. Sherri Bonart

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representative Robinson

2ND AND FINAL MOTION

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore Niland, that the Ordinance be **ADOPTED** and **APPROVED** with two conditions and the amendments read into the record by Planning. 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, Romero, Acosta, Robinson, Noe, Holguin, Limón 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**.

11G. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable To All Platting Procedures), to modify and add exemptions, and amend the time for decision on Plats and Land Studies; Chapter 19.02 (Land Studies), to amend the criteria for approval and criteria for revisions following approval of a Land Study; Chapter 19.03 (Preliminary Plat), to amend the effect of approval of a Preliminary Plat, and the time for expiration and extension of the Preliminary Plat; Chapter 19.04 (Final Plat), to amend the time for expiration and extension of a Final Plat, and the plat recordation procedure; Chapter 19.08 (Construction Plans and Management), to amend the requirements of Subdivision Improvement Plans, the timing of public improvements and permit issuance to allow grading permits without requiring a subdivision, and to amend the security for completion of improvements; Chapter 19.10 (Dedication, Construction Requirements and City Participation), to clarify Roadway Participation Policies and developer's proportionate share; Chapter 19.15 (Roadways), to amend the street/thoroughfare escrow policies and procedures; Chapter 19.21 (Sidewalks), to amend sidewalk requirements for new streets; Chapter 19.41 (Expiration, Extension and Reinstatement), to amend the time of expiration of a plat application; and Chapter 19.46 (Proportionality Appeal), to amend the appeal requirements. The penalty being as provided in Chapter 19.42 of the City of El Paso City Code.

11H.

ORDINANCE 18049

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016528 TO MODIFY THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER 5, CITY OF EL PASO, TEXAS TO INCLUDE AN ADDITIONAL AREA IN DOWNTOWN EL PASO: ADDITION C AREA-SOUTH EL PASO, AS MORE FULLY DESCRIBED HEREIN; AND ADOPTING AMENDMENTS TO THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER 5 TO INCORPORATE THE INCREASE TO THE FUND RESULTING FROM THE EXPANSION TO THE BOUNDARY, AND TO ALLOCATE ADDITIONAL FUNDING FROM THE FINANCING PLAN TO THE COMMERCIAL FACADE IMPROVEMENT PROGRAM AND TAX INCREMENT REINVESTMENT ZONE ADMINISTRATIVE COSTS; ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E) TEXAS TAX CODE; ALSO PROVIDING A SEVERABILITY CLAUSE.**

Mayor Leeser and Representatives Acosta, Robinson, Holguin, and Niland commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Marty Howell, Director of Economic Development and Sustainability
- 3. Ms. Nickole Heater, Economic Development Specialist

The following members of the public commented:

- 1. Ms. Veronica Soto
- 2. Mr. Dennis Melonas
- 3. Mr. T. J. Karam
- 4. Mr. Jim Jabolie

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative 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, Romero, Acosta, Noe, Limón and Niland
NAYS: Representatives 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**.

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TAKEN WITH ITEMS 3C AN 3D

12.

RESOLUTION

WHEREAS, On January 29, 2013, the City Council awarded Solicitation No. 2012-241 for Safe Route to School – Project No. 1 (“Project”), to G.U.Y. Construction, L.L.C. (“Contractor”), for an estimated total amount of \$1,870,766.72; and

WHEREAS, the award included Base Bids I through III and Options 1through 10; and

WHEREAS, the Project is federally funded through the 2009 Transportation Enhancement Program and administered by the Texas Department of Transportation (“TxDOT”); and

WHEREAS, TxDOT no longer has funding available for the award of the Options;

WHEREAS, the City desires to issue a change order deleting Options 1 through 10 from the contract, thereby decreasing the amount of the contract by \$659,034.16; and

WHEREAS, Texas Local Government Code Section 252.048 allows for change orders to decrease the quantity of work to be performed provided that any change order decreasing the amount of the contract by more than \$100,000 be approved by City Council and that any change order which decreases the original contract price by more than 25% be done with consent of the contractor; and

WHEREAS, the deletion of Options 1 through 10 from this contract decreases the original contract price by 35%; and

WHEREAS, Contractor has consented to the decrease of the contract amount by 35% as evidenced by acceptance of the Construction Quantity Notice attached hereto as **Exhibit “A”**.

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

That the City Council approve the deduction of Options 1 through 10 in the amount of \$659,034.16 awarded under contract number 2012-241 to G.U.Y. Construction, L.L.C., on January 29, 2013, for the Safe Route to School – Project No 1, due to lack of funding by the Texas Department of Transportation. The new contract amount, including this construction quantity notice/change order is \$1,211,732.56.

Ms. Irene Ramirez, Interim City Engineer, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representative Acosta commented.

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

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

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13A.

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 ARGAL CORPORATION, for the City's purchase of the property in the amount of \$1,150,000.00 for the purpose of using the property as a park, more particularly described as Lot 1, Block 298, Vista Del Sol Unit Sixty One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 54, Page 14, 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.

Mayor Leeser and Representative Limón commented.

The following City staff members commented:

1. Ms. Liza Ramirez-Tobias, Capital Assets Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Motion made by Representative Limón, seconded by Representative Romero, and unanimously carried to **APPROVE** the Resolution.

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13B.

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 TBMTTHREE PARTNERS LIMITED PARTNERSHIP, a Texas Limited Partnership, in the amount of \$1,174,000.00 for the City's purchase of the property for a recreation center, located at 7380 Alameda Avenue, El Paso, Texas near the intersection of Alameda Avenue and Carolina Drive, and more particularly described as a portion of Lot 2, Block 40, Cedar Grove Park Unit No. 5, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 61, Page 85, of the Plat Records of El Paso County, Texas and Tracts 10B and 10C, Block 26, YSLETA GRANT made by El Paso County, Texas for tax purposes and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

Representatives Acosta and Limón commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Liza Ramirez-Tobias, Capital Assets Manager

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

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14.

RESOLUTION

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

That the City of El Paso accepts, with gratitude, the donation from the El Paso Zoological Society ("Society"), of the following:

- Design, fabrication, site preparation and installation of a multi-component tree house playground, valued at up to \$500,000.00, for the El Paso Zoo as further described in the agreement with the Society attached hereto as Exhibit "A" ("Contract") and incorporated herein; and
- Sponsorship for three years of programming, from 2016 through 2018 for the future Wildlife Theater to be located at the El Paso Zoo, valued at up to \$900,000.00 as further described in the Contract.

That City Council also authorizes the City Manager to sign any necessary documentation required for this donation that does not affect the approved budget of the City of El Paso including to sign the Contract.

That the City of El Paso recognizes the donation to the Society by Mr. and Mrs. Paul Foster, which enables these projects.

Representative Acosta commented.

The following City staff members commented:

1. Mr. Steve Marshall, Zoo Director
2. Mr. Renee R. Neuert, Executive Director

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

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15A. CITY DEVELOPMENT

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** a request to waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 600 Mulberry Drive, legally described as a portion of Tract 14-C-2, Block 5, Upper Valley, City of El Paso, El Paso County, Texas.

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

Mayor Leeser and Representative Limón commented.

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15B. CITY DEVELOPMENT

Motion made by Representative Holguin, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** a request to waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 1817 Por Fin Lane, legally described as Tract 21 C-1-C1, Block 8, Ysleta Grant, City of El Paso, El Paso County, Texas.

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

Representative Holguin commented.

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15C. CITY DEVELOPMENT

Presentation and discussion by Regional Cyber and Energy Security (RCES) on an annual report on status of project progress activities during the first year of operations, use of grant funds and the performance measures required under the agreement with the City of El Paso.

Mr. Marty Howell, Director of Economic Development and Sustainability, and Mr. Luis Perez, Acting Director, Regional Cyber & Energy Security Center, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta and Limón commented.

NO ACTION was taken on this item.

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The City Council Meeting was **RECESSED** at 11:19 a.m.

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The City Council Meeting was **RECONVENED** at 12:15 p.m.

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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.

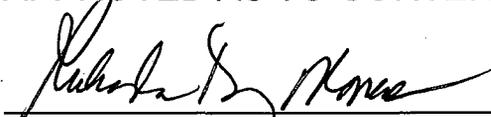
The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Charlie McNabb
3. Mr. Othon Medina
4. Mr. Salvador Gomez
5. Ms. Wally Cech

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

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Motion made by Representative Romero, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:32 p.m.

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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk