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
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 13, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 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 8:52 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

. . . . . .

PLEDGE OF ALLEGIANCE

IDENICA HERRERA

MAYOR'S PROCLAMATIONS

1. **COACH BRUCE REICHMAN DAY**
2. **EL PASO BRANCH NAACP DAY**
3. **NATIONAL AIRBORNE DAY**

. . . . . .

CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, 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 August 6, 2013 and the Legislative Review Meeting of the Whole of August 5, 2013, the Legislative Review of the Whole/Work Session of August 6, 2013, the Special City Council Meeting of July 30, 2013 (Budget Wrap up), and the Special City Council Meeting of August 1, 2013 (Budget Wrap up).

. . . . . .

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

. . . . . .

3A.

***RESOLUTION**

That the City Manager be authorized to sign a Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and 50 Walter Jones Blvd., Inc. ("Lessee") for the following described property:

Approximately 240,695 square feet of land being a portion of Lot 1, Block 15, Butterfield Trail Industrial Park Unit III, City of El Paso, El Paso County, Texas, municipally known and numbered as 50 Walter Jones Blvd., El Paso, Texas.

Ms. Lisa Turner, citizen, commented.

. . . . . .

ITEMS TAKEN TOGETHER

3B1.

RESOLUTION

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

That the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Hector F. Barraza (the "Applicant"), pursuant to the City's Infill Development Incentive Policy, for the construction of a residential apartment complex on the vacant lot located at 2413 Tremont Avenue, El Paso, Texas.

3B2.

RESOLUTION

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Hector F. Barraza (the "Applicant"), pursuant to the City's Infill Development Incentive Policy for the construction of a residential apartment complex on the vacant lot located at 2413 Tremont Avenue, El Paso, Texas.

Ms. Lisa Turner, citizen, commented.

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón and Niland
NAYS: Representative Holguin

. . . . . .

3C.

***RESOLUTION**

That the City Manager be authorized to sign a Local Transportation Project Advance Funding Agreement (LPAFA) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for Operational Improvements on Paseo Del Norte from Desert Blvd. to North Resler Drive. The City will contribute $229,774.00 to the total project amount of $3,094,638.00.

. . . . . .

3D.

RESOLUTION

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

That the City Manager be authorized to sign a Local Transportation Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas

Department of Transportation, for the design and construction of the Dyer Street Rapid Transit System, for a total project amount of $10,403,670 with a local contribution by the City of $163,400.

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

Representatives Acosta and Robinson commented.

Ms. Joyce Wilson, City Manager, 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 Resolution.

. . . . . .

3E.

RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and Moreno Cardenas, Inc., a Texas Corporation, for a project known as "Pebble Hills Extension" for an amount not to exceed One Hundred Twenty Six Thousand Sixty Four and 00/100 Dollars ($126,064.00); and that the City Engineer be authorized to approve up to $25,000.00 in additional services, for a total contract amount not to exceed One Hundred Fifty One Thousand Sixty Four and 00/100 Dollars ($151,064.00); and 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 agreement.

Mr. Gilbert Andujo, Engineering Division Manager, and Ms. Irene Ramirez, Interim City Engineer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta and Noe commented.

Ms. Joyce Wilson, City Manager, commented.

1ST MOTION
*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR**.

2ND AND FINAL MOTION
Motion made by Representative Noe, seconded by Representative Acosta, and unanimously carried to **APPROVE, AS REVISED** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Holguin

. . . . . .

3F.

***RESOLUTION**

That the City Manager be authorized to sign An Underground and Switchgear Box Pad Easement to improve reliability of electrical power in the downtown area, said easement more particularly described as a portion of Block 20, Mills Map Addition, City of El Paso, El Paso County, Texas.

. . . . . .

3G.

RESOLUTION

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

That the City Council approves a change order for additional work valued at Three Hundred Five Thousand One Hundred Ninety Five and No/100 Dollars ($305,195.00) to Urban Associates, Inc. for additional construction for the Sun Metro Operations and Maintenance Facility, Solicitation No 2012-074. The change order is for additional construction for the modification of the floor layout, including architectural, mechanical, and electrical valued at Two Hundred Fifty Thousand Six Hundred Sixty Eight and No/100 Dollars ($250,668.00) and for replacement of asphalt pavement with concrete pavement for the emergency exit driveway valued at Fifty Four Thousand Five Hundred Twenty Seven and No/100 Dollars ($54,527.00). There shall be no additional time added to the contract as a result of this change order. The current contract amount of $27,984,481.60 shall not increase as a result of this change order, but shall be off-set by existing value engineering credits to the project.

Ms. Margaret Schroeder, Traffic Engineer for Engineering Department, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Irene Ramirez, Interim City Engineer

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 Resolution.

. . . . . .

3H.

***RESOLUTION**

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, DELEYTO G. SAIZ JR. & LEONOR P. HYDER ET. AL., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulations of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 2.38 of the El Paso City Code; and the owner failed to comply with due notices and orders entered by the Building and Standards Commission. In accordance with El Paso City Code Chapter 2.38, the Building and Standards Commission entered an order on May 23, 2012, requiring the property to be cleared of all weeds, trash and debris within thirty (30) days from the date of the entry of said order or in the alternative the City of El Paso through the Code Compliance Division of the Environmental Services Department may demolish the structure; clear the property of all weeds, trash and debris; and seek reimbursement from the Owners for the cost of complying with this order, and that the expense, if not satisfied, shall be a lien against the Property.

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of demolishing the building(s), removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lots 15 & 16, Block 23, of the East El Paso Addition to the City of El Paso, Texas

to be $108,600.18, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED EIGHT THOUSAND AND SIX-HUNDRED TWENTY-FOUR AND 18/100 DOLLARS ($108,624.18). The City Council finds that the work was completed on May 16, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 2.38 of the El Paso City Code, declares the above total amount ONE HUNDRED EIGHT THOUSAND AND SIX-HUNDRED TWENTY-FOUR AND 18/100 DOLLARS ($108,624.18) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

. . . . . .

3I.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SCHRODER, VERA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3630 Keltner Avenue, more particularly described as Lot(s) 33 & 34 (6000 sq ft), Block 73-D, Logan Heights Subdivision, El Paso, El Paso County, Texas, Parcel # L447-999-073D-9900

to be $242.21, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of TWO HUNDRED SIXTY SIX AND 21/100 DOLLARS ($266.21). The City Council finds that the work was completed on the 17th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED SIXTY SIX AND 21/100 DOLLARS ($266.21) to be a lien on the above

described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, CONFIDENTIAL, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 10729 Jadestone Street, more particularly described as Lot(s) 31, Block 1, Shearman #2 Subdivision, El Paso, El Paso County, Texas, Parcel # S363-999-0010-6100

to be $111.10, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED THIRTY FIVE AND 10/100 DOLLARS ($135.10). The City Council finds that the work was completed on the 26th day(s) of February, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY FIVE AND 10/100 DOLLARS ($135.10) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ORTIZ, AIDA L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 5540 Longview Circle, more particularly described as Lot(s) 22 (6606.12 SQ FT), Block 23, Sarah Anne Park #2 Subdivision, El Paso, El Paso County, Texas, Parcel # S162-999-0230-4300

to be $112.85, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED THIRTY SIX AND 85/100 DOLLARS ($136.85). The City Council finds that the work was completed on the 18th day(s) of February, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY SIX AND 85/100 DOLLARS ($136.85) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, THOMAS, IRMA I, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 12329 O'Brian Street, more particularly described as Lot(s) 23, Block 8, Future Land Subdivision, El Paso, El Paso County, Texas, Parcel # F950-999-0080-2300

to be $123.13, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED FORTY SEVEN AND 13/100 DOLLARS ($147.13). The City Council finds that the work was completed on the 31st day(s) of January, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY SEVEN AND 13/100 DOLLARS ($147.13) to be a lien on the

above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, TRIEN, JOHN H, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> SWLY Pt of Lot(s) 9 (274.45 Ft on NWLY-240.28 Ft on NELY-274.22 Ft on SELY-239.52 Ft on SWLY) (65812.89 Sq Ft) Block 50, Milagro Hills #6 Subdivision, El Paso, El Paso County, Texas, Parcel #M425-999-0500-9050

to be $481.71, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of FIVE HUNDRED FIVE AND 71/100 DOLLARS ($505.71). The City Council finds that the work was completed on the 19th day(s) of July, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED FIVE AND 71/100 DOLLARS ($505.71) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SSRC INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 11820 Quail Bush Circle, more particularly described as Lot(s) 24 (5092.00 SQ FT), Block 1, Hueco Mountain Village Subdivision, El Paso, El Paso County, Texas, Parcel # H801-999-0010-1200

to be $109.74, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED THIRTY THREE AND 74/100 DOLLARS ($133.74). The City Council finds that the work was completed on the 2nd day(s) of January, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY THREE AND 74/100 DOLLARS ($133.74) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SSRC INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 11843 Quail Bush Circle, more particularly described as Lot(s) 18 (8284.00 SQ FT), Block 1, Hueco Mountain Village Subdivision, El Paso, El Paso County, Texas, Parcel # H801-999-0010-0900

to be $172.30, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED NINETY SIX AND 30/100 DOLLARS ($196.30). The City Council finds that the work was completed on the 17th day(s) of October, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY SIX AND 30/100 DOLLARS ($196.30) to be a lien on the

above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, FAGAN, RICHARD & RUTH S, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 12116 El Greco Cir, more particularly described as Lot(s) 9 (5460.00 sq ft), Block 518, Vista Del Sol #123 Subdivision, El Paso, El Paso County, Texas, Parcel # V893-999-5180-0900

to be $146.14, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED SEVENTY AND 14/100 DOLLARS ($170.14). The City Council finds that the work was completed on the 6th day(s) of June, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY AND 14/100 DOLLARS ($170.14) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ARANDA, GILBERT, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

TR 5-C-1C (0.4817AC), Block 52, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel # Y805-999-052A-0505

to be $499.30, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of FIVE HUNDRED TWENTY THREE AND 30/100 DOLLARS ($523.30). The City Council finds that the work was completed on the 19th day(s) of March, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED TWENTY THREE AND 30/100 DOLLARS ($523.30) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ARCHER, ROBERTA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

203 Fountain Road, more particularly described as Lot(s) E 38 Ft of Lot(s)7 & W 22 Ft of Lot(s) 8 (10440 Sq Ft), Block 10, Coronado Country Club Foothills Subdivision, El Paso, El Paso County, Texas, Parcel # C809-999-0100-0800

to be $149.39, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED SEVENTY THREE AND 39/100 DOLLARS ($173.39). The City Council finds that the work was completed on the 5th day(s) of September, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY THREE AND 39/100 DOLLARS ($173.39) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, FEBRES, FRANCIS & VASQUEZ, RICARDO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 708 S Hills Street, more particularly described as Lot(s) 14 & 15 (6000 SQ FT), Block 48, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel # M028-999-0480-6100

to be $214.34, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of TWO HUNDRED THIRTY EIGHT AND 34/100 DOLLARS ($238.34). The City Council finds that the work was completed on the 11th day(s) of February, 2013, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED THIRTY EIGHT AND 34/100 DOLLARS ($238.34) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JARDINES DEL VALLES LP, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 5000 Jardines, more particularly described as Lot(s) 5 (19957.23 sq ft), Block 2, Jardines Del Valle Subdivision, El Paso, El Paso County, Texas, Parcel # J188-999-0020-0500

to be $175.91, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of ONE HUNDRED NINETY NINE AND 91/100 DOLLARS ($199.91). The City Council finds that the work was completed on the 18th day(s) of June, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY NINE AND 91/100 DOLLARS ($199.91) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, LUNA, MARIA I, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

> 1011 Tays Street, more particularly described as Lot(s) 5 & N 13 Ft of 4 (4560 Sq Ft), Block 30, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel # M028-999-0300-1700

to be $444.10, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, $24.00, total to wit, making a total of FOUR HUNDRED SIXTY EIGHT AND 10/100 DOLLARS ($468.10). The City Council finds that the work was completed on the 16th day(s) of May, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED SIXTY EIGHT AND 10/100 DOLLARS ($468.10) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

. . . . . .

3J.

RESOLUTION

WHEREAS, on May 12, 2007 a General Election and City Charter Amendment Election was held and all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

1. That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meetings for the following dates are hereby canceled:

   September 3, 2013
   November 26, 2013
   December 24, 2013

2. That the Regular City Council meeting scheduled for December 31, 2013 is hereby re-scheduled for January 2, 2014.

Representative Acosta commented.

Mr. Richard Schecter, citizen, 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 Resolution.

. . . . . .

3K.

***RESOLUTION**

That the City Manager be authorized to sign an Interlocal Cooperation Contract between the City of El Paso and Texas Department of Public Safety (DPS) Reprographics & Distribution Services which will allow the City to purchase supplies from DPS at a later time as needed, from September 1, 2013 through August 31, 2015, for the Police Department's use in conducting DWI breath tests.

. . . . . .

4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Katrina M. Martich to the Open Space Advisory Board by Mayor Oscar Leeser.

. . . . . .

4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Katrina M. Martich to the Open Space Advisory Board by Mayor Oscar Leeser.

. . . . . .

4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Lois Anne Balin to the Open Space Advisory Board by Representative Carl L. Robinson, District 4.

. . . . . .

4D. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Julian Gonzalez Herrell to the Ethics Review Commission by Representative Carl L. Robinson, District 4.

. . . . . .

4E. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Mary Elizabeth (Betty) Hoover to the Animal Shelter Advisory Committee by Mayor Oscar Leeser.

. . . . . .

4F. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT APPOINT** Roger Freund, DVM to the Animal Shelter Advisory Committee by Mayor Oscar Leeser.

. . . . . .

4G. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Representative Ann Morgan Lilly to the Animal Shelter Advisory Committee by Mayor Oscar Leeser.

. . . . . .

5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Matthew P. Loweree to the City Plan Commission by Representative Emma Acosta, District 3.

. . . . . .

6. FOR NOTATION

*Motion made, seconded, and unanimously carried to **APPROVE** for notation to accept the donation of $500 from CEA Engineering Group, $500 from Desert View Homes, Inc., and $100 from Jack Berg Sales for the District 3 Movies under the Stars.

. . . . . .

7. APPLICATIONS FOR TAX REFUNDS

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

1. HSBC in the amount of $3,377.52 overpayment of 2012 taxes.
   (Geo. # C840-999-0160-3300)

2. CoreLogic % Provident Funding in the amount of $5,789.84 overpayment of 2012 taxes.
   (Geo. # H454-999-0010-4700)

3. JP Morgan Chase Bank NA in the amount of $3,965.44 overpayment of 2012 taxes.
   (Geo. # M348-999-0010-1450)

4. HSBC in the amount of $2,590.07 overpayment of 2012 taxes.
   (Geo. # R460-999-0420-1100)

5. Hans G. Idfors in the amount of $3,831.28 overpayment of 2012 taxes.
   (Geo. # V893-999-1890-3700)

6. CitiMortgage Inc. in the amount of $2,843.71 overpayment of 2012 taxes.
   (Geo. # V893-999-359A-4800)

7. JP Morgan Chase Bank NA in the amount of $4,129.43 for double payment of 2012 taxes.
   (Geo. # X293-000-L00A-0481)

. . . . . .

8A. BEST VALUE PROCUREMENT

1ST MOTION
*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR**.

2ND AND FINAL MOTION
Motion made by Representative Acosta, seconded by Representative Robinson, and carried to **AWARD** Solicitation No. 2013-225 (Grounds Maintenance – City Facilities) to Green Scene, Inc. for an estimated award of $211,140.

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

Department:	General Services – Land Management Division
Award to:	Green Scene, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	None
Payment Terms:	Net 30
Annual Estimated Award:	$ 70,380
Total Estimated Award:	$211,140 (3 years)
Account No.:	231 – 31120 - 522210 – 1000 – P3110
Funding Source:	General Fund – Groundskeeping Horti Contracts

This is a Best Value, service contract.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager

. . . . . .

8B. BEST VALUE PROCUREMENT

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 **AWARD** Solicitation No. 2013-241 (Janitorial Services – Animal Clinics) to The Eagle Janitorial Services for an initial term estimated award of $137,118.96.

Department:	Environmental Services
Award to:	The Eagle Janitorial Services El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	$45,706.32
Initial Term Estimated Award:	$137,118.96 (3 Years)
Total Estimated Award:	$228,531.60 (5 Years)
Account No.:	522060-3120-334-34050
Funding Source:	Maintenance Services Contract - Janitorial

This is a Best Value, Service contract.

The Financial Services - Purchasing Division and Environmental Services recommend award as indicated to The Eagle Janitorial Services, the bidder offering the best value bid.

Representative Acosta commented.

The following City staff members commented:

1. Mr. Bruce Collins, Purchasing Manager
2. Mr. Kurt Fenstermacher, Interim Director, Environmental Services

. . . . . .

9. BID

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 **AWARD** Solicitation No. 2013-236 Bid for Bus Stop Enhancements Citywide Year 3 to Keystone GC, LLC, for an estimated total amount of $219,387.85.

Department:	Engineering and Construction Management
Award to:	Keystone GC, LLC El Paso, TX

Base Bid I:	$219,387.85
Total Estimated Award:	$219,387.85
Time for Completion:	180 Consecutive Calendar Days
Accounts:	190-28300-580270-4710-PCP09MT0090
Funding Source:	2009 Certificates of Obligation

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. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

Mayor Leeser and Representative Acosta commented.

. . . . . .

10A. – 10H. INTRODUCTIONS

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

10A. An Ordinance amending Ordinance Number 017862 which established operating procedures and set fees for Foreign-Trade Zone No. 68 and to allow the revisions to Zone Schedule No. 1, Rates, Rules, Charges and Regulations applying at Foreign Trade Zone No. 68, El Paso, Texas, to replace in its entirety Article One, formerly known as "Privileges Of Foreign Trade Zones" with a new Section called "Scope of Foreign Trade Zones"; to make other changes to be consistent when referring to defined terms throughout the Tariff Schedule; to remove Article II for redundancy; to update Section 3.01 regarding merchandise permitted in a zone; to update Section 3.07 regarding exclusion from Zone of Goods or Process Of Treatment; to update the names of required federal forms; to update the admission language in Section 4.17 to allow for blanket admissions; to amend Section 4.27 to require compliance with special orders of the Foreign-Trade Zones Board; to add Section 4.37 regarding grantee liability; to add a fee for alterations to a zone site and to change certain fees in Article V; to add language to amend certain definitions and to add other definitions; and to add Appendices D and E.

10B. An Ordinance amending Ordinance No. 016605 which originally authorized the issuance of El Paso Public Improvement District No. 1 (Thunder Canyon) Special Assessment Revenues Bonds, Series 2007, to allow a modification in the method by which debt service coverage is calculated.

10C. An Ordinance amending Title 2 (Administration And Personnel), to amend Chapter 2.110 (City Organizational Structure) of the City Code to create and establish the duties of the Chief Financial

Officer; to create and establish the duties of the Purchasing and Strategic Sourcing Department and the Office of the Comptroller.

10D. An Ordinance amending Title 13 (Streets, Sidewalks And Public Places), Chapter 13.25 (El Paso Zoo), Section 13.25.010 (El Paso Zoo Fees) of the El Paso City Code to update the fees authorized to be charged by the City through the El Paso Zoo, which will be set by the City's Budget Resolution or other duly authorized Resolution.

PUBLIC HEARING WILL BE HELD ON AUGUST 20, 2013, FOR ITEMS 10A – 10D

10E. 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 Owner Information: LUCMOR, LLC, 1400 Texas Avenue, El Paso, TX 79901

10F. An Ordinance changing the zoning of a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, 14400 Pebble Hills Blvd., City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 14400 Pebble Hills Boulevard. Property Owner: Socorro Independent School District. PZRZ13-00025

10G. An Ordinance approving a detailed site development plan for a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys; located at 14400 Pebble Hills Boulevard, and to permit an increase in height from the height limit regulations of the S-D (Special Development) zone district, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.360A5 the penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 14400 Pebble Hills Boulevard. Property Owner: Socorro Independent School District. PZDS13-00010

10H. An Ordinance granting Special Permit No. PZST13-00013, to permit a skilled nursing facility on the property described as a portion of Tract 2A, Block 1, Ysleta Grant, 9641 North Loop Road, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9641 North Loop Road. Property Owner: Ben L. Ivey, LTD. PZST13-00013

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 17, 2013, FOR ITEMS 10E – 10H

. . . . . .

11A. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **AWARD** Solicitation No. 2013-246 Re-Bid for CNG Fuel Dispensers to D&H Pump Service, Inc., for an estimated total amount of $2,420,000.

Department:	Engineering and Construction Management
Award to:	D&H Pump Service, Inc. El Paso, TX
Base Bid 1:	$1,398,090
Base Bid 2:	$ 509,051
Base Bid 3:	$ 512,859

Total Estimated Award:	$2,420,000
Time for Completion:	180 Consecutive Calendar Days
Accounts:	560-60070-580270-3210-TX040077 334-34060-580270-3150-PSWM00170
Funding Source:	Sun Metro FTA Grant & Environmental Services – Capital projects

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.

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 lump-sum contract. The Engineering & Construction Management and Sun Metro Departments recommend award as indicated to the lowest responsive and responsible bidder.

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

Representative Acosta commented.

Mr. Jay Banasiak, Director of Mass Transit, commented.

. . . . . .

11B.

RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and Quantum Engineering Consultants, Inc., a Texas Corporation, for a project known as "Pedestrian Pathways Phases I and II" for an amount not to exceed Five Hundred Sixty Eight Thousand Nine Hundred Ninety Two Dollars and 50/100 ($568,992.50); and that the City Engineer be authorized to approve up to $50,000.00 in additional services, for a total contract amount not to exceed Six Hundred Eighteen Thousand Nine Hundred Ninety Two Dollars and 50/100 ($618,992.50); and 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 agreement.

Mr. Javier Reyes, Engineering Division Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Irene Ramirez, Interim City Engineer

The following members of the public commented:

1. Ms. Lisa Turner

2. Mr. Stephen Ingle
3. Mr. Norbert Portillo
4. Ms. Veronica Soto, Executive Director, El Paso Downtown Management District
5. Mr. Scott White, El Paso Coalition

1ST MOTION
Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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 made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

. . . . . .

12.

RESOLUTION

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

That the Director of Aviation be authorized to sign and submit a grant application and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP) Project No. 3-48-0077-033-2013;

That upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, any related grant modifications, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney's Office; provided that such authorization shall include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements;

That the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant; and

That the total grant amount for the following projects shall include a federal estimated share of $5,574,528.00 and a local estimated share of $619,392.00, and the total grant amount and local share will be determined by the final costs associated with the identified projects:

1. Terminal and Cargo Aprons – Joint Seal Replacement
2. ARFF Safety Equipment
3. Taxiway "A" Realignment

Ms. Monica Lombrana, Director of Aviation, commented.

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

NOT PRESENT FOR THE VOTE: Representative Robinson

. . . . . .

13. CITY MANAGER'S OFFICE

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **CLOSE** the Second Public Hearing on the City of El Paso's proposed Fiscal Year 2014 Property Tax Increase.

Ms. Lynly Leeper, Chief Budget Officer presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Lilly, Robinson, Limón, and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

The following members of the public commented:

1. Mr. Richard Hanson
2. Mr. Richard Schecter
3. Mr. Bill Palmer
4. Ms. Lisa Turner

. . . . . .

14.

RESOLUTION

WHEREAS, the City Council for the City of El Paso recognizes the importance of governmental transparency and the principals contained in the Texas Public Information Act ("TPIA");

WHEREAS, the City Council intends that all electronic communications related to City business be maintained on City devices and available under the TPIA;

WHEREAS, City of El Paso elected officials, employees, contractors and volunteers who have a City e-mail address may on occasion receive or send emails or other communications on personal devices or via personal email accounts, that are related to City business;

WHEREAS, in the event that an occasional or inadvertent communication involving City business is sent from or received on a personal e-mail account or personal device, the elected official, employee, contractor or volunteer who has a City e-mail address shall forward such communication to his or her City e-mail address;

WHEREAS, effective September 1, 2013, the legislature has defined, "public information" to now include "any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business, including any e-mail, internet posting, text message, instant message, [or] other electronic communication"; and

WHEREAS, the City Council finds that the law does not provide a method by which the City can access such records, however the City Council recognizes the importance of the public's right of access to all information regarding the transaction of City business as allowed by law, and therefore elects provide a method of access.

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

That it is the City's policy to adhere to the Texas Public Information Act, and the principals of governmental transparency contained therein, and to provide thorough and open public access to information regarding the transaction of City business as required by the TPIA.

That it is the City's policy for all communications in connection with the transaction of official business, for City of El Paso elected officials, employees, contractors and volunteers who have a City e-mail address, not to use personal e-mail addresses in connection with the transaction of official business to ensure that all information regarding the transaction of official business involving public information is open and available to members of the public as allowed by law; and

That it is the City's policy that in the case of an occasional or inadvertent email, text message or other electronic communication in connection with the transaction of official business on a personal device by a City of El Paso elected officials, employees, contractors and volunteers who have a City e-mail address, such person shall, as soon as practicable, forward such communication to his or her City e-mail address to be maintained and managed as official public records.

That this resolution does not waive any exceptions under the TPIA.

Mayor Leeser and Representatives Acosta, Robinson, Noe, Limón, and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Lisa Turner

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Resolution regarding the City's policy concerning communications in connection with the transaction of official business and the use of personal e-mail accounts with the earlier **DIRECTIVE** to the City Attorney and ask them to consider an amendment to the Ethics Ordinance for violation of this policy and to include sanctions, also request for additional training with regards to other means of electronic communications, such as face book, twitter, etc. and the **DIRECTIVE** to the City Manager that she demands the policy with regard to elect use of electronic communication to include this policy and appropriate disciplinary action for violation.

. . . . . .

15.

RESOLUTION

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

WHEREAS, at its August 6, 2013, Regular City Council Meeting, the City Council of the City of El Paso, received information regarding the inclusion of the construction of an international port of entry at the intersection of Yarbrough Drive and the Cesar Chavez Highway on the 2006 Border Improvement Plan and the same location described more generally as being between the Bridge of the Americas and the Zaragoza Port of Entry in the 2040 Horizon Plan of the Metropolitan Planning Organization ("MPO"); and

WHEREAS, the City Council wishes to reassure the community that the City is not interested in supporting said international port of entry construction project; and

WHEREAS, the City Council formally seeks to remove said international port of entry construction project from all MPO planning documents.

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

That the City Council does not intend to construct a new international port of entry between the Bridge of the Americas and the Zaragoza Port of Entry, and formally requests that said project be removed as a project on any and all Metropolitan Planning Organization planning documents, including, but not limited to, the 2006 Border Improvement Plan and the 2040 Horizon Plan.

Mayor Leeser and Representative Limón commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Josette Flores, Assistant City Attorney, gave legal advice.

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

NOT PRESENT FOR THE VOTE: Representative Niland

. . . . . .

ADDITION TO THE AGENDA

1A. – 1B. INTRODUCTIONS

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

1A. An Ordinance amending Title 1 (General Provisions), Chapter 1.04 (General Provisions), Section 1.04.070 (Vesting of Projects), of the El Paso City Code, to authorize a fee for vesting Application Permits, the penalty being as provided in Section 1.08 (General Penalty) of the El Paso City Code.

1B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.106 (Permit Fees), Subsection 18.02.106.28 (Starting Work Without a Permit) of the El Paso City Code, to increase the amount of the Permit For Starting Work Without A Permit. The penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 20, 2013, FOR ITEMS 1A – 1B

. . . . . .

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:01 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Representative Romero, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 12:15 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Niland

. . . . . .

The City Council Meeting was **RECESSED** at 12:25 p.m. in order to convene the Mass Transit Department Board Meeting.

. . . . . .

The City Council Meeting was **RECONVENED** at 1:01 p.m.

. . . . . .

EX1. AND EX2.

1ST MOTION

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:02 p.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 Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 1:28 p.m. and **RECONVENE** the meeting of the City Council.

. . . . . .

EX1. March 6, 2012, Amended (By Restatement) Economic Development Grant Agreement between the City of El Paso, Texas and El Paso Community Foundation for the development of a nonprofit project to be located in downtown El Paso in association with Artspace Projects, Inc. (551.071)

Motion made Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried that the City Manager send a letter to the El Paso Community Foundation and Artspace Projects, Inc., pursuant to the March 6, 2012 Amended (By Restatement) Economic Development Grant Agreement between the City of El Paso and the El Paso Community Foundation, requesting a status report by Oct. 31, 2013 on the development of a nonprofit mixed use economic development project at 601 N. Oregon, El Paso, Texas to determine if the project is feasible and can proceed to the financing and construction phase.

Ms. Lisa Turner, citizen, commented.

. . . . . .

EX2. Investment Builders, Inc. (IBI) and West Mountainview, Ltd. d/b/a Villas at West Mountain, Our file no. 13-1001-048 (551.071)

NO ACTION was taken on this item.

. . . . . .

EX3. Railroad Commission of Texas Gas Utilities Docket No. 10292, Petition for Review of Municipal Rate Action of the City of El Paso Regarding Texas Gas Service Company, a division of ONEOK, Inc's Interim Rate Adjustment for Calendar Year 2012. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention in the following Gas Utilities Docket No. 10292; Petition for Review of Municipal Rate Action of the City of El Paso Regarding Texas Gas Service Company, a division of ONEOK, Inc's Interim Rate Adjustment for Calendar Year 2012.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

Ms. Lisa Turner, citizen, commented.

. . . . . .

EX4. Economic Development Project to build a facility in Northeast El Paso.

NO ACTION was taken on this item.

. . . . . .

EX5. El Paso Electric Company's transmission/distribution easement through Esmerelda Park (551.071)

NO ACTION was taken on this item.

. . . . . .

ADDITION TO THE AGENDA

EX1. PUC Docket NO. 41359; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station Intersect with Caliente to Coyote 115-kV Transmission Line in El Paso County, Texas (551.071)

NO ACTION was taken on this item.

. . . . . .

EX2. PUC Docket No. 41360; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station to Caliente Substation 115-kV Transmission Line in El Paso County, Texas (551.071)

NO ACTION was taken on this item.

. . . . . .

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. Ms. Wally Cech
2. Mr. Salvador Gomez
3. Ms. Lisa Turner

Mayor Leeser and Representative Acosta commented.

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

. . . . . .

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:32 p.m.

. . . . . .

APPROVED AS TO CONTENT:

For:

Richarda Duffy Momsen, City Clerk