

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
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  
CLAUDIA ORDAZ, DISTRICT 6  
LILY LIMÓN, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## MINUTES FOR REGULAR COUNCIL MEETING

September 9, 2014  
COUNCIL CHAMBERS, CITY HALL  
8:00 AM

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Cortney Carlisle Niland, Larry Romero, Emma Acosta, Carl Robinson, Michiel R. Noe, Claudia Ordaz, and Lilia Limón. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

### ROLL CALL

### INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

### PLEDGE OF ALLEGIANCE

La Fe Preparatory School

Elizabeth Morales  
Sahira Dispasquale  
Anthony Snow  
Karla Perez  
Julia Alcaraz  
Alia Dispasquale  
Diego Chavez  
Michael Young  
Samantha Castillo

### 8:00 A.M. – 8:30 A.M. CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Steven Strumer

Representative Niland commented.

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**MAYOR'S PROCLAMATIONS**

1. **EPCC Hispanic Heritage Celebration Month**
2. **AmeriCorps Day**

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**NOTICE TO THE PUBLIC**

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, 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, Ordaz, Limón, and Niland  
NAYS: None

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**1. APPROVAL OF MINUTES:**

Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 2, 2014.

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**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

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**2.1. NO ACTION** taken on this item.

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**3. RESOLUTIONS:**

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**3.1.**

**\*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 Van H. Gilbert Architect, P.C., a New Mexico Corporation, for a project known as "El Paso Zoo Event Tent", for an amount not to exceed One Hundred Sixty Nine Thousand Two Hundred Forty Six and 00/100 Dollars (\$169,246.00); 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 Ninety Four Thousand Two Hundred Forty Six Dollars and 00/100 (\$194,246.00); 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.

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**3.2.** \*Motion made, seconded, and unanimously carried to **DELETE** a Resolution to extend the reserve period to December 31, 2015, for Artspace Project Inc.'s Green Building Grant Program application.

3.3.

**\*RESOLUTION**

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

That the City Manager be authorized to sign an Interlocal Cooperation Contract by and between the City of El Paso ("City) and The University of Texas at El Paso ("UTEP"), wherein UTEP will provide exercise programs for Senior Citizens of El Paso at the Gary del Palacio Recreation Center located at 3001 Parkwood Street, El Paso, Texas. The term of the Contract shall begin on September 9, 2014 and shall end on May 31, 2015, at no cost to the City.

3.4.

**\*RESOLUTION**

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

That the Mayor be authorized to sign a contract by and between the City of El Paso and the Paseo del Este Municipal Utility District No.4 to join various other entities for whom the City acts as property tax assessor/collector.

**4. BOARD RE-APPOINTMENTS:**

4.1. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Martina Torres to the Foster Grandparent Program Advisory Council by Mayor Oscar Leeser.

4.2. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Elke Cumming to the TIRZ 5 Board by Mayor Oscar Leeser.

**5. BOARD APPOINTMENTS:**

5.1. \*Motion made, seconded, and unanimously carried to **APPOINT** Representative Carl Robinson to the Financial and Audit Oversight Committee by Mayor Oscar Leeser.

5.2. \*Motion made, seconded, and unanimously carried to **APPOINT** Barbara M. Candelaria to the Animal Shelter Advisory Committee by Representative Claudia Ordaz, District 6.

**6. APPLICATIONS FOR TAX REFUNDS:**

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

1. Weststar Mortgage Co. in the amount of \$7,110.60 overpayment on December 26, 2013 of 2013 taxes. (Geo. # C540-999-0070-3400)
2. First Fidelity Title in the amount of \$3,904.03 overpayment on October 31, 2011 of 2011 taxes. (Geo. # T287-999-2070-3400)

**7. REQUESTS TO ISSUE PURCHASE ORDERS:**

- .....
- 7.1. \*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director for the Purchasing & Strategic Sourcing Department be authorized to exercise the City's option to extend current Contract 2013-282R Web Content Management Implementation Services with Savanco Inc. dba Americaneagle.com for one (1) additional year pursuant to the provisions of an award approved by City Council on September 24, 2013. The extended contract period will be from September 24, 2014 to September 24, 2015.

Department: Information Technology Department  
Award to: Savanco Inc. dba Americaneagle.com  
Des Plaines, IL  
Option: One (of One)  
Annual Estimated Amount: \$134,000.00  
Total Estimated Amount: \$134,000.00 (1 year)  
Account No.: 4560-190-28340-580100  
Funding Source: IT Capital Funds

This is a Request for Proposal, services contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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**8. BIDS:**

- 8.1. \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2014-449 for Bus Stop Enhancements Citywide Year 4 to Vertex Contractors, LLC, for an estimated total amount of \$216,809.85.

Department: Engineering and Construction Management  
Award to: Vertex Contractors, LLC  
El Paso, Tx  
Base Bid : \$216,809.85  
Total Estimated Award: \$216,809.85  
Time for Completion: 210 Consecutive Calendar Days  
Accounts: 580270-4710-190-28300-PCP09MT0090  
Funding Source: 2009 Certificates of Obligation  
(appvd 12/08/08, amended 2013)

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 an estimated value and will be ordered, performed, invoiced, and paid by measured 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.

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**8.2.** \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2014-394 for Parks Upgrade 2014 to Kaizen Construction Services, LLC, for an estimated total amount of \$54,972.00.

Department:	Engineering and Construction Management
Award to:	Kaizen Construction Services, LLC El Paso, TX
Base Bid I:	\$33,155.50 is for La Puesta del Sol
Base Bid II:	\$7,388.50 is for Tres Sueños Unit 5 Park
Base Bid III:	\$14,428.00 is for Vista Del Valle Park
Total Estimated Award:	\$54,972.00
Time for Completion:	150 Consecutive Calendar Days
Accounts:	580270-2210-451-51480-PPA_1025 580270-4690-999-99999-PCP08PA01CCC0 580270-2210-451-51480-PPA10390
Funding Source:	2006 Certificates of Obligation Parkland Dedication Fund

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 an estimated value and will be ordered, performed, invoiced, and paid by measured 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.

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**8.3.** \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2014-450 for Grandview Senior Center HVAC Upgrades to Desert Contracting, LLC, for an estimated total amount of \$329,000.00.

Department:	Engineering and Construction Management
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Award to:	Desert Contracting, LLC, El Paso, TX
Base Bid 1:	\$329,000.00
Total Estimated Award:	\$329,000.00
Time for Completion:	330 Consecutive Calendar Days
Accounts:	471-71240-580270-2400- G7139CD44
Funding Source:	Community Development Block Grant-39th Year

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

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

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**REGULAR AGENDA - OTHER BUSINESS/ PUBLIC HEARING:**  
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**9. MAYOR AND COUNCIL:**  
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- 9.1.** Discussion and action on a presentation on the homeless in El Paso by the El Paso Coalition for the Homeless.

Mayor Leeser and Representatives Niland, Robinson, and Ordaz commented.

**NO ACTION** taken on this item.

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**10. CITY DEVELOPMENT:**  
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**10.1. ORDINANCE 018241**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), TO DELETE BOARDING HOUSE, GROUP HOME, ROOMING HOUSE AND TRANSITIONAL HOUSING AND ADD DEFINITIONS FOR DISABLED GROUP DWELLING, GROUP RESIDENTIAL FACILITY, HOMELESS SHELTER, LODGING HOUSE AND EMERGENCY SHELTER; CHAPTER 20.08 (APPENDIX A), TABLE OF PERMISSIBLE USES, SECTIONS 3 AND 13 – TO DELETE TRANSITIONAL HOUSING, BOARDINGHOUSE, AND ROOMING HOUSE, TO ALLOW HOMELESS SHELTER BY SPECIAL PERMIT IN CERTAIN COMMERCIAL AND MANUFACTURING DISTRICTS, TO ALLOW EMERGENCY SHELTER BY RIGHT IN ALL APARTMENT AND COMMERCIAL DISTRICTS; TO ALLOW DISABLED GROUP DWELLING, ASSISTED LIVING FACILITY, CONVALESCENT HOMES, INTERMEDIATE CARE FACILITY, NURSING HOME, REST HOME AND**

**BOARDING HOME BY RIGHT IN RESIDENTIAL, APARTMENT, COMMERCIAL, AND CERTAIN SPECIAL PURPOSE DISTRICTS, BY DETAILED SITE PLAN IN CERTAIN OTHER SPECIAL PURPOSE DISTRICTS AND BY MASTER ZONING PLAN IN THE RESIDENTIAL MIXED USED DISTRICT; AND GROUP RESIDENTIAL FACILITY, ASSISTED LIVING FACILITY, CONVALESCENT HOME, INTERMEDIATE CARE FACILITY, NURSING HOME, REST HOME, AND BOARDING HOME BY SPECIAL PERMIT IN RESIDENTIAL, BY RIGHT IN APARTMENT, COMMERCIAL, AND CERTAIN SPECIAL PURPOSE DISTRICTS, BY DETAILED SITE PLAN IN CERTAIN OTHER SPECIAL PURPOSE DISTRICTS AND BY MASTER ZONING PLAN IN THE RESIDENTIAL MIXED USE DISTRICT; TO DELETE BOARDING HOME FACILITY 4 RESIDENTS OR LESS AND 5 RESIDENTS OR MORE, TO ALLOW A LODGING HOUSE BY RIGHT IN APARTMENT AND COMMERCIAL DISTRICTS; CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) TO DELETE CONGREGATE HOME, AMEND THE STANDARDS FOR BOARDING HOME FACILITIES, ADD STANDARDS AND REGULATIONS FOR DISABLED GROUP DWELLING; GROUP RESIDENTIAL FACILITY, AND HOMELESS SHELTER; AND (APPENDIX C) TABLE OF PARKING REQUIREMENTS AND STANDARDS TO DELETE TRANSITIONAL HOUSING, BOARDING HOUSE, AND ROOMING HOUSE, AND TO ADD STANDARDS FOR HOMELESS SHELTER, EMERGENCY SHELTER, DISABLED GROUP DWELLING, AND GROUP RESIDENTIAL FACILITY, OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Karla Nieman, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Ms. Hope Jackson, Hope Institute for Female Veterans
2. Ms. Carol Bohle
3. Reverend Jessica Vaughan Lower
4. Reverend John Nelson
5. Mr. John Martin
6. Ms. Susana Reza, Executive Director, Texas Department of Human Services
7. Ms. Lisa Turner
8. Reverend Neal Locke
9. Ms. Linda Velarde, Executive Director, Villa Maria
10. Mr. Nick Cobos, Principal, St. Clements School
11. Ms. Aliana Apodaca
12. Mr. Bill Sparks, Veterans Business Resource Center
13. Ms. Emma Salazar, President, Houston Park Neighborhood Association
14. Mr. Stafford Thurmond, EDI Manager

- 15. Ms. Stefanie Uribarri
- 16. Mr. Brian Kanof
- 17. Ms. Rebecca Concha
- 18. Ms. Kathy Cox, El Paso Coalition for the Homeless
- 19. Reverend Bill Schlesinger, Project Vida

**1<sup>ST</sup> MOTION**

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Niland, and unanimously carried to **SUSPEND** the rules of council to allow for additional speakers after the sign-up deadline.

**2<sup>ND</sup> AND FINAL MOTION**

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Romero, that the Ordinance be **ADOPTED, AS REVISED** with amendment to include 1000 feet prohibition from a school or daycare. 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, Ordaz, 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, AS REVISED**.

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**REGULAR AGENDA - INTRODUCTIONS**  
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**11. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

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

- .....
- 11.1.** An Ordinance amending Title 15 (Public Services), Chapter 15.08. (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), to include a new type of encroachment for sidewalk retail vending in Table 1-1, and to add Subsection R (Sidewalk Retail Vending) to allow for and establish standards for sidewalk retail vending. Penalty is as provided in Section 15.08.125 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2014**

- .....
- 11.2.** An Ordinance amending paragraph 2 of Ordinance 017959 to read as follows: Use of Proceeds. The City shall use the net proceeds from the sale of the property municipally known and numbered as 800 S. Piedras aka 2914 E. Paisano for the design and construction of a roundabout at the intersection of Findley and S. Raynor Street in the area around Barrio Park.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2014**

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- 11.3.** An Ordinance releasing all conditions placed on property by special contract dated

September 5, 1972, which changed the zoning of a portion of Tract 2A2, A.F. Miller Survey 215, 5670 North Mesa Street, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 5670 North Mesa Street. Property Owner: William & Carolina Avila. PZCR14-00004  
**THIS IS AN APPEAL CASE**

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2014**

- 11.4. An Ordinance changing the zoning of a portion of Tract 17B, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, 8941 Dyer Street, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8941 Dyer Street. Property Owner: EP Simana, L.P. PZRZ14-00028

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2014**

- 11.5.1. An Ordinance changing the zoning of a portion of Lot 27, Block 123, Chaparral Park Subdivision Unit 33, 820 Redd Road, City of El Paso, El Paso County, Texas from A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 820 Redd Road. Property Owner: George M. Dipp, Jr. PZRZ14-00027

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2014**

- 11.5.2. An Ordinance approving a Detailed Site Development Plan for a portion of Lot 27, Block 123, Chaparral Park Subdivision Unit 33, 820 Redd Road, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 820 Redd Road. Applicant: George M. Dipp, Jr. PZDS14-00027

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2014**

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**12. ENGINEERING AND CONSTRUCTION MANAGEMENT:**

- 12.1. \*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks Solicitation No. 2014-523 for EPIA Reconstruct Runway 8L-26R, Taxiway 'U' & Taxiway 'V' and Construct New Parallel Taxiway & Connectors to Jordan Foster Construction, LLC, for an estimated total amount of \$17,532,790.50.

Department:	Engineering and Construction Management
Award to:	Jordan Foster Construction, LLC El Paso, TX
Base Bid I:	\$ 14,868,909.90 (90% FAA/ 10% EPIA)
Base Bid II:	\$ 648,524.00 (100% El Paso Water Utilities)
Option 1:	\$ 1,275,425.60 (90% FAA/ 10% EPIA)
Option 2:	\$ 739,931.00 (90% FAA/ 10% EPIA)
Total Estimated Award:	\$17,532,790.50
Time for Completion:	330 Consecutive Calendar Days

Accounts: 562-62330-580270-3080-G620AIP33  
Funding Source: FAA Airport Improvement Program, EPIA  
Funds, El Paso Water Utilities

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 an estimated value and will be ordered, performed, invoiced, and paid by measured 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.

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**13. PURCHASING AND STRATEGIC SOURCING:**

- 13.1.** Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **AUTHORIZE** the Director for the Purchasing & Strategic Sourcing Department to issue Purchase Order in accordance with the Technical Service Support Agreement to Physio-Control, Inc. Physio-Control, Inc., is the authorized technical service representative providing manufacturer authorized maintenance and the sole provider for LifePak defibrillators products, parts, accessories, supplies, and service, with the stipulation that the vendor provides an updated sole source letter and affidavit each year. Referencing Contract #2014-531 (Technical Support Service Agreement).

Department:	Fire Department
Award to:	Physio-Control, Inc Redmond, WA
Annual Estimated Award:	\$88,131
Total Estimated Award:	\$264,363 (3 years)
Account No.:	322-22090-1000-522250-P2217
Funding Source:	Public Safety Equipment Maintenance
Contracts	

This is a Sole Source contract.

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**REGULAR AGENDA – PUBLIC HEARINGS**

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**14. CITY DEVELOPMENT:**

- 14.1.** \*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article III (Billboard Regulations), Section 20.18.270 (Relocation of certain billboards for a City Public Works Project or City or State Roadway Improvement Project) to amend the existing provisions in their entirety to allow for the relocation of existing nonconforming billboards. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**REGULAR AGENDA - OTHER BUSINESS**

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**15. CITY DEVELOPMENT:**

**15.1.**

**RESOLUTION**

**WHEREAS**, by Resolution dated August 21, 2012, the City Council of the City of El Paso created the Financial and Audit Oversight Committee ("FAOC");

**WHEREAS**, the FAOC shall be comprised of four (4) members of City Council; the Internal Auditor; and the City Manager or his designee; and

**WHEREAS**, the appointment of the four (4) City Council members shall be made by a majority vote of the entire City Council (including the Mayor) and shall be appointed for a one (1) year term; and

**WHEREAS**, one (1) of the appointees is no longer a member of the City Council.

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

That the City of El Paso hereby appoints the following City Council member to the Financial and Audit Oversight Committee, and shall take effect on September 11, 2014 and will expire September 10, 2015:

Carl L. Robinson, Representative District 4

Mayor Leeser and Representatives Robinson, Ordaz and Lilly commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Mathew McElroy, Director of City Development
3. Ms. Irene Ramirez, Interim City Engineer

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

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**15.2.**

**RESOLUTION**

**WHEREAS**, it is the duty of the Open Space Advisory Board to act as an advisory board and provide recommendations to the City Council in efforts to preserve and acquire open space as identified in the "Towards a Bright Future: A Green Infrastructure Plan for El Paso, Texas," commonly referred to as the Open Space Master Plan; and

**WHEREAS**, the Open Space Master Plan of the City of El Paso specifically identifies the "Cement Lake Wetlands" in its action plan, and recommends its preservation by the City; and

**WHEREAS**, there is an opportunity to guide and plan for future development and the protection of valuable open space that could potentially be lost if action is not taken; and

**WHEREAS**, the spring-fed feature on the property legally described as J. Barker Survey 10 Abstract #7, Tracts 5-A & 12-B & I.F. Harrison Survey 54 & C. Schertz Survey 106, otherwise known as "Cement Lake Wetlands", acts as a functional part of a FEMA designated arroyo; and

**WHEREAS**, said feature presently constitutes a wetland and stopover point for migratory birds; and

**WHEREAS**, the portion of the lot on which said feature is located has been classified as O-2, Natural on the City of El Paso's Future Land Use Map, a classification that applies to foothills, bosques, wetlands, critical arroyos, and other natural features owned by private or public entities, but currently without protected status that should be kept in their natural state for drainage, natural habitat, and scenic protection; and

**WHEREAS**, Plan El Paso recommends that land classified as O-2, Natural should be considered for public acquisition, especially when key drainage features can be protected; and

**WHEREAS**, the Open Space Advisory Board recommends that the City Council pursue the preservation of said feature;

**THE OPEN SPACE ADVISORY BOARD OF THE CITY OF EL PASO, TEXAS THEREFORE RECOMMENDS:**

**THAT** the City Council direct City staff to initiate preservation efforts of the "Cement Lake Wetlands," in coordination with the Texas Department of Transportation, to ensure its permanent preservation.

Mayor Leeser and Representative Niland, Robinson, and Noe commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Mathew McElroy, Director of City Development

Ms. Katrina Martich, Chair of the OSAB

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

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The City Council Meeting was **RECESSED** at 11:05 a.m. in order to convene the Mass Transit Board Meeting.

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The City Council Meeting was **RECONVENED** at 1:34 p.m.

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**16. MAYOR AND COUNCIL:**

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**ITEMS 16.1 and 16.2 TAKEN TOGETHER**

- 16.1.** Discussion and action on flooding and drainage system on Fairbanks, Rushing and surrounding area in Northeast El Paso

**NO ACTION** taken on this item.

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**16.2.** Discussion and action on current FEMA flood plains.

Mr. Alan Shubert, EPWU Vice President of Operations and Technical Services, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Lilly and Robinson commented.

Kareem Dallo, Flood Plain Administrator, City Development

The following members of the public commented:

1. Mr. Jose Nunez, International Boundary & Water Commission Structural Engineer
2. Ms. Lisa Turner

**NO ACTION** taken on this item.

- .....  
**16.3.** Discussion and action on the 2% allocation for Public Art. Information requested is the complete listing of all public art projects completed, projected and the funding source for each project. Additionally a full accounting of funds that have been allocated for public art, funds paid and balance in the account. A full disclosure of how projects are selected is also requested.

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Dionne Mack, Interim Director of Museums and Cultural Affairs

The following members of the public commented:

1. Ms. Marina Monsivais
2. Ms. Stephanie Uribarri

**NO ACTION** taken on this item.

**EXECUTIVE SESSION**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 4:08 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 4:18 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

**EX1.**       Weidner, Inc. and MFR Performance Solutions, LP v City of El Paso, Cause No. 3:13-CV-405-KC, our File No. 13-1056-011.001 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that outside counsel for the City of El Paso in consultation with the City Attorney be authorized settlement authority, to negotiate settlement agreement and sign all settlement documents to resolve the lawsuit entitled Weidner, Inc. and MFR Performance Solutions, LP v City of El Paso, Cause No. 3:13-CV-405-KC, our File No. 13-1056-011.001.

**EX2.**       PUC Docket 42779, Application of El Paso Electric Company to implement a Fuel Surcharge. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City of El Paso authorizes the City Attorney to file a Motion in Intervention and request a hearing in the following Public Utility Commission Docket No. 42779; Application of El Paso Electric Company to Implement Fuel Surcharge.

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 and any necessary consultants in connection with this matter.

.....  
**ADJOURN**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:20 p.m.

.....  
**APPROVED AS TO CONTENT:**

  
Richarda Duffy Mohnsen, City Clerk