

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
MICHEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

**January 6, 2015
COUNCIL CHAMBERS, CITY HALL
8:00 AM**

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:01 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Carl Robinson, Claudia Ordaz, Lilia Limón, and Cortney Carlisle Niland. Late arrivals: Emma Acosta at 8:07 a.m. and Michiel R. Noe at 8:20 a.m. 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.

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

**Alexis Landeros
Rhiannon Vasquez
Elyzabeth Salgado
Jacob Gaffney**

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

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Ms. Wally Cech
3. Mr. Leo Mendoza
4. Mr. Jorge Artalejo

MAYOR'S PROCLAMATIONS

1. **Dr. Martin Luther King, Jr. Food Drive Week**

2. Crime Stoppers Month

RECOGNITIONS

Canutillo High School's Eagles Football Team

NOTICE TO THE PUBLIC

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, Ordaz, Limón, and Niland

NAYS: None

1. **APPROVAL OF MINUTES:**

*Motion made, seconded, and unanimously carried to **APPROVE** minutes for the Regular City Council Meeting of December 30, 2014, and the Legislative Review Meeting of the Whole of December 29, 2014.

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

NO ACTION taken on this item.

3. **RESOLUTIONS:**

3.1. ***RESOLUTION**

WHEREAS, the Alamito Public Facilities Corporation, a public facility corporation of the Housing Authority of the City of El Paso, Texas (the "Authority"), is in the process of issuing its Alamito Public Facilities Corporation Multi-Family Housing Revenue Bonds, Series 2014 in the amount of \$125,000,000.00 (the "Bonds") for the HACEPT RAD Conversion Program Phase I Project (the "Project") for the costs of acquisition and rehabilitation of thirteen multifamily residential rental developments; and

WHEREAS, a Certificate of Highest Elected Official of the City of El Paso, Texas is required to approve the issuance of the Bonds and this Certificate is solely for the purposes of Section 147(f) of the Internal Revenue Code and the City of El Paso Texas shall have no liabilities for the payment of the obligations nor shall any of its assets be pledged to the payment of the obligations.

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

THAT the Mayor of the City of El Paso, Texas be authorized to sign the Certificate of Approval of the Highest Elected Official attached hereto and made a part hereof.

3.2.

***R E S O L U T I O N**

WHEREAS, on September 24, 2008, the City of El Paso (the "City") and T.V.P. Nonprofit Corporation ("TVP") entered into a CHDO-HOME Financial Terms Contract ("TVP CHDO Agreement") whereby TVP would acquire and develop certain identified parcels;

WHEREAS, TVP acquired and developed some of the parcels identified in the TVP CHDO Agreement and acquired and developed other parcels not identified in the TVP CHDO Agreement;

WHEREAS, on November 11, 2013, TVP and the City executed the First Amendment to the TVP CHDO Agreement which identified the parcels which had been acquired and developed by TVP after the execution of the TVP CHDO Agreement;

WHEREAS, on September 30, 2014, City Council authorized the City to enter into an Assumption and Community Housing Development Organization Written Agreement, Note and Lien (the "Assumption Agreement") with TVP and PV Community Development Corporation ("PV") whereby PV agreed to assume the financial obligations of TVP and the City agreed to convey to PV the parcels originally identified in the TVP CHDO Agreement; and

WHEREAS, in order to clarify the parties' intentions and the identification of the parcels to be conveyed by the City to PV, the City, TVP and PV desire to amend the Assumption Agreement to identify the parcels to be conveyed to PV as those identified in the First Amendment to the TVP CHDO Agreement;

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

That the City Manager be authorized to sign the First Amendment to the Assumption Agreement between T.V. P. Nonprofit Corporation, PV Community Development Corporation, and the City of El Paso that was approved by Council on September 30, 2014 for the nine sites located at 3816 Harrison A&B, 3326 Lincoln A&B, 4011 Fillmore A&B, 4013 Fillmore A&B, and 4010 Pierce in order to amend the property description for the properties to be conveyed by the City of El Paso to PV Community Development Corporation.

REGULAR AGENDA - INTRODUCTIONS

4. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

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

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- 4.1. An Ordinance granting a Special Privilege License to Lampshade Coco, LLC for the construction, installation, maintenance, use and repair of an elevator within certain portions of City right-of-way along the Durango Service Road adjacent to the property located at 500 West San Francisco Avenue, El Paso, Texas for a term of twenty years with one renewable twenty year term.

PUBLIC HEARING WILL BE HELD ON JANUARY 13, 2015

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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5. ENGINEERING AND CONSTRUCTION MANAGEMENT:

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- 5.1. Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **AWARD** Solicitation No. 2015-118 for Kernel Circle Street Improvements to KARLSRUHER, INC. dba CSA Constructors, for an estimated total amount of \$1,225,191.30.

NOT PRESENT FOR THE VOTE: Representative Limón

Department:	Engineering and Construction Management
Award to:	KARLSRUHER, INC. dba CSA Constructors El Paso, TX
Base Bid I:	\$1,225,191.30
Total Estimated Award:	\$1,225,191.30
Time for Completion:	240 Consecutive Calendar Days
Accounts:	580270-4740-190-28900-PCP13ST003Y1B
Funding Source:	Street Infrastructure FY 13 and FY 14

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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REGULAR AGENDA – PUBLIC HEARINGS

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6. PLANNING AND INSPECTIONS:

6.1. 1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:02 a.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

2ND MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Ordaz, and unanimously carried to adjourn the Executive Session at 10:40 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Limón

3RD MOTION

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

4TH AND FINAL MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland, and unanimously carried to **POSTPONE** one week an Ordinance changing the zoning of all of Tracts 6B and 6G, Block 22, Ysleta Grant, 7063 Alameda Avenue, City of El Paso, El Paso County, Texas from C-3 (Commercial) to I-MU (Industrial Mixed Use), approving a Master Zoning Plan and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicant: Francisco and Remedios Ramirez, Location: 7063 Alameda Avenue, PZRZ14-00044 Note: This is an appeal request.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

NAYS: None

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

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Sonya Cahalan, Building Inspector

The following members of the public commented:

1. Mr. Ray Mancera, representing applicant and presented PowerPoint presentation.
2. Ms. Ana Espinoza
3. Mr. Fred Mattson
4. Mr. Gino Espinoza
5. Mr. Francisco Ramirez
6. Ms. Remedios Ramirez
7. Mr. Tony Ochoa
8. Mr. Mario Guerra

7. ECONOMIC AND INTERNATIONAL DEVELOPMENT:

7.1. ORDINANCE 018302

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS; ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E) TEXAS TAX CODE; ALSO PROVIDING A SEVERABILITY CLAUSE.**

Representatives Acosta and Niland commented.

Mr. Joe Gudenrath, Executive Director, Downtown Management District, commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Romero, Acosta, 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**.

REGULAR AGENDA - OTHER BUSINESS

8. CITY ATTORNEY:

ITEMS 8.1 AND 8.2 TAKEN TOGETHER

8.1. RESOLUTION

ACCEPTING THE TRANSFER FROM THE INVENTORY OF THE EL PASO WATER UTILITIES – PUBLIC SERVICE BOARD THE REAL PROPERTY COMMONLY KNOWN AS 130 N. COTTON STREET, DESCRIBED AS ALL OF LOTS 1 THROUGH 18 (INCLUSIVE) AND A PORTION OF LOTS 19 THROUGH 21 (INCLUSIVE), ALL OF LOTS 56 THROUGH 71 (INCLUSIVE) AND A

PORTION OF LOTS 52 THROUGH 55 (INCLUSIVE), BLOCK 71, COTTON ADDITION, AN ADDITION TO THE CITY OF EL PASO, FOR CONSIDERATION PAYABLE TO THE EPWU-PSB OF THE CURRENT APPRAISED VALUE OF \$830,000, THAT THE EPWU-PSB RELOCATE ON OR ABOUT OCTOBER 31, 2015 AND THAT THE CITY MANAGER BE AUTHORIZED TO EXECUTE ANY DOCUMENTS OR TAKE ANY FURTHER ACTIONS NECESSARY TO EFFECTUATE THE TRANSFER TO THE CITY INVENTORY

WHEREAS, City is the owner of a parcel of real property and all improvements located thereon at 130 Cotton Street in the City of El Paso, Texas, as more particularly described as all of all of Lots 1 through 18 (inclusive) and a portion of Lots 19 through 21 (inclusive), Lots 56 through 71 (inclusive) and a portion of Lots 52 through 55 (inclusive), Block 71, Cotton Addition to the City of El Paso (the "Cotton Property") and since 1985, the Cotton Property has been held in the property inventory of the El Paso Water Utilities – Public Service Board ("PSB") for their utility operations;

WHEREAS, on November 12, 2014, the PSB found that the Cotton Property is inexpedient to the water utility system and can be conveyed to the City's land inventory, provided however, that the PSB shall not be required to relocate from the land until twelve months after the City Council makes a final determination to acquire the land (the "PSB Resolution");

WHEREAS, the City intends to convey the Cotton Property to the Rescue Mission of El Paso, Inc. for the development, renovation, construction, operation, management and use of the Cotton Property to provide temporary and transitional housing to low-income persons and families and related services to alleviate the effect and assist in the elimination of hunger, displacement and homelessness;

WHEREAS, as consideration for the transfer of the Cotton Property, the City will pay the PSB the appraised value of the Cotton Property, currently valued by a certified appraiser in the amount of \$830,000;

WHEREAS, City needs the PSB to relocate on or before October 31, 2015 in order to allow the City to convey the property to the Rescue Mission on or about July 31, 2015; and

WHEREAS, City staff recommends that the City accept the Cotton Property from the PSB for the appraised value.

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

That the City accepts from the inventory of the El Paso Water Utilities – Public Service Board the real property commonly known as 130 N. Cotton Street, more particularly described as all of Lots 1 through 18 (inclusive) and a portion of Lots 19 through 21 (inclusive), all of Lots 56 through 71 (inclusive) and a portion of Lots 52 through 55 (inclusive), Block 71, Cotton Addition, an Addition to the City of El Paso, for consideration payable to the EPWU-PSB of the current appraised value of \$830,000, that the PSB relocate on or about July 31, 2015 and that the City Manager be authorized to execute any documents or take any further actions necessary to effectuate the transfer to the City inventory.

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Dr. Mark Sutter, Chief Financial Officer

The following members of the public commented:

1. Mr. Blake Barrow, CEO, Rescue Mission
2. Mr. Richard Schechter
3. Mr. Jerry Thiedt

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

8.2.

R E S O L U T I O N

AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE WITH THE RESCUE MISSION OF EL PASO INC. FOR: 1) THE SALE OF THE REAL PROPERTY COMMONLY KNOWN AS 130 N. COTTON STREET, DESCRIBED AS ALL OF LOTS 1 THROUGH 18 (INCLUSIVE) AND A PORTION OF LOTS 19 THROUGH 21 (INCLUSIVE), ALL OF LOTS 56 THROUGH 71 (INCLUSIVE) AND A PORTION OF LOTS 52 THROUGH 55 (INCLUSIVE), BLOCK 71, COTTON ADDITION, AN ADDITION TO THE CITY OF EL PASO; AND 2) THE ACQUISITION OF THE REAL PROPERTY COMMONLY KNOWN AS 900 WYOMING AVENUE, DESCRIBED AS ALL OF LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20 AND THE WESTERLY 14 FEET OF LOT 17, AND THE EASTERLY 18 FEET OF LOT 18, TOGETHER WITH THE WESTERLY 170 FEET OF A 20-FOOT WIDE EASTERLY AND WESTERLY ALLEY WHICH WAS CLOSED BY INSTRUMENT DATED NOVEMBER 1, 1928, AND ALL OF LOTS 1 AND 2, SAVE AND EXCEPT THE NORTHERLY 48 FEET, 6 INCHES THEREOF, ALL IN BLOCK 240, CAMPBELL ADDITION. CONSIDERATION FOR THE CITY PROPERTY WILL BE THE SIMULTANEOUS CONVEYANCE OF THE WYOMING PROPERTY TO THE CITY.

WHEREAS, City is the owner of a parcel of real property and all improvements located thereon at 130 Cotton Street in the City of El Paso, Texas, as more particularly described as all of all of Lots 1 through 18 (inclusive) and a portion of Lots 19 through 21 (inclusive), Lots 56 through 71 (inclusive) and a portion of Lots 52 through 55 (inclusive), Block 71, Cotton Addition to the City of El Paso (the "Cotton Property");

WHEREAS, Rescue Mission of El Paso, a Texas nonprofit corporation, is the owner of a parcel of real property and all improvements located thereon at 900 Wyoming Street, El Paso, Texas, as more particularly described as all of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20 and the westerly 14 feet of Lot 17, and the easterly 18 feet of Lot 18, together with the westerly 170 feet of a 20-foot wide easterly and westerly alley which was closed by Instrument dated November 1, 1928, and filed for record in Volume 498, Page 171, Real Property Records of El Paso County, Texas, and all of Lots 1 and 2, save and except the northerly 48 feet, 6 inches thereof, all in Block 240, Campbell Addition, El Paso County, Texas (the "Wyoming Property").

WHEREAS, the El Paso Water Utilities – Public Service Board ("PSB") has occupied the Cotton Property since 1985, and on November 12, 2014, the PSB found that the Cotton Property is inexpedient to the water utility system and can be conveyed

to the City's land inventory for conveyance to the Rescue Mission, provided however, that the PSB shall not be required to relocate from the land until twelve months after the City Council makes a final determination to acquire the land (the "PSB Resolution");

WHEREAS, City staff has recommended that, subject to the Council's adoption of an ordinance authorizing the conveyance prior to closing, the City convey the Cotton Property to the Rescue Mission for low-income housing pursuant to Local Government Code Section 272.001(g), for the development, renovation, construction, operation, management and use of the Cotton Property to provide temporary and transitional housing to low-income persons and families and related services to alleviate the effect and assist in the elimination of hunger, displacement and homelessness.

WHEREAS, the City Council has determined that the proposed use of the Cotton Property will serve a public purpose since the Rescue Mission will provide temporary shelter, interim and transitional housing, food and other related services to homeless persons and families (including, but not limited to, the operation of any related businesses regularly carried on and substantially related to furthering the charitable tax-exempt purpose of the Rescue Mission through its education, job training and other charitable activities) in order to alleviate and eliminate the cause of homelessness for the benefit of the homeless residents and all citizens within the City of El Paso.

WHEREAS, the City will convey the Cotton Property to the Rescue Mission in exchange and in consideration for the Rescue Mission's simultaneous conveyance of the Wyoming Property to the City.

WHEREAS, the Rescue Mission desires to acquire the Cotton Property from City for the stated public purposes upon the terms and conditions set forth herein and the City desires to acquire the Wyoming Property from the Rescue Mission for its public purposes.

WHEREAS, pursuant to Texas Local Government Code Section 272.001(g), the City may convey the Cotton Property without complying with the notice and bidding requirements of Texas Local Government Code Section 272.001(a).

WHEREAS, City staff recommends that the City enter into the Contract of Sale with the Rescue Mission for the sale of the Cotton Property and the Contract of Sale for the acquisition of the Wyoming Property.

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

- 1) That the City Manager is hereby authorized to sign, on behalf of the City of El Paso:
 - a. a Contract of Sale with the Rescue Mission of El Paso, Inc., for the sale of the real property commonly known as 130 N. Cotton Street, more particularly described as all of Lots 1 through 18 (inclusive) and a portion of Lots 19 through 21 (inclusive), all of Lots 56 through 71 (inclusive) and a portion of Lots 52 through 55 (inclusive), Block 71, Cotton Addition, an Addition to the City of El Paso, for low-income housing pursuant to Local Government Code Section 272.001(g), for the Rescue Mission's development, renovation, construction, operation, management and use of the Cotton Property to provide temporary and

transitional housing to low-income persons and families and related services to alleviate the effect and assist in the elimination of hunger, displacement and homelessness in exchange and in consideration of the simultaneous conveyance of a property owned by the Rescue Mission at 900 Wyoming Street; and

- b. a Contract of Sale with the Rescue Mission of El Paso, Inc., for the acquisition of the real property commonly known as 900 Wyoming Avenue, described as all of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20 and the westerly 14 feet of Lot 17, and the easterly 18 feet of lot 18, together with the westerly 170 feet of a 20-foot wide easterly and westerly alley which was closed by Instrument dated November 1, 1928 and filed for record in Volume 498, Page 171, Real Property Records of El Paso County, Texas, and all of Lots 1 and 2, save and except the northerly 48 feet, 6 inches thereof, all in Block 240, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas.
- 2) That the City Council's approval of the contracts for the property exchange is subject to following contract terms and conditions: (a) the two properties are deemed to have similar value; (b) each party pay their share of closing costs; (c) City will remediate the property at 130 N. Cotton at the City's cost not to exceed \$75,000; and (d) the vested development rights for the project at 900 Wyoming be transferred to allow the Rescue Mission to develop the same project at 130 N. Cotton.
 - 3) That the contracts be approved and signed by the Rescue Mission within one (1) week.
 - 4) That following the conveyance of the Wyoming property to the City, and upon taking such steps as are necessary to ensure that the property is properly zoned, that the City offer the Wyoming property for sale at fair market value as soon as possible in order to put the property back on the tax rolls.
 - 5) That the City Attorney, in coordination with the City Manager, be further authorized to finalize the contracts required to effectuate this transaction.

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

9. PLANNING AND INSPECTIONS:

- 9.1. *Motion made, seconded, and unanimously carried to **POSTPONE** four weeks a request from Viva-Chaparral Properties, LTD, LLC, Rick Holdridge, General Partner, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a day care for the property located at 3140 Lee Trevino Drive, and legally described as Tract 1-C-8, Block 80, Section 38, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas pursuant to Title 20 Zoning, Section 20.10.060B of the El Paso City Code.

10. PARKS AND RECREATION:

RESOLUTION

A RESOLUTION OF THE CITY OF EL PASO, TEXAS HEREIN AFTER REFERRED TO AS “APPLICANT,” DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT AND IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS “DEPARTMENT,” FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE “PROGRAM”; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; AND UTILIZING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USES.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the department concerning the Program;

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

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that the notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its Department of Parks and Recreation to act for the Applicant in dealing with the Department for the purposes of the Program, and that the Director, Tracy Novak is hereby officially designated as the Applicant’s representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the City Manager and the Applicant’s representative to make application to the Department concerning the site to be known as Futureland Park in the City of El Paso for a park site and is hereby dedicated for public park and recreation purposes in perpetuity.

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

SECTION 5: That the Parks and Recreation Department is hereby authorized to expend any funds that are awarded by the Program for the Futureland Park.

Ms. Marcia Tuck, Open Space Trails and Parks Coordinator, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Representative Robinson commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

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EXECUTIVE SESSION

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:26 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 Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to adjourn the Executive Session at 12:59 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta, Robinson, and Limón

EX1. Hotel Don Quixote, LP v. City of El Paso, Texas; Cause No. 2013DCV0360; County Court at Law No. 5; Matter No. 11-1002-013 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized to dispose of the case styled *Hotel Don Quixote, LP v. City of El Paso, Texas*; Cause No. 2013DCV0360 pending dismissal in County Court at Law No. 5 of El Paso County, Texas. The City Attorney is authorized to sign all documents to effectuate this authority as recommended by the City Attorney.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Limón

EX2. Francisco Lugo and Martha Lugo vs. Union Pacific Railroad Company, a corporation and The City of El Paso, Cause No. 2011-1791; County Court at Law Number 5; Matter No. 11-1004-011 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Attorney be authorized to negotiate a settlement agreement and sign all settlement documents to resolve the lawsuit entitled *Francisco Lugo, et al., v. Union Pacific Railroad Company and The City of El Paso* pending in County Court at Law Number Five of El Paso County, Texas under Cause No. 2011-1791. The City Attorney is authorized to sign all documents to effectuate this authority under File No. 11-1004-011 as recommended by the City Attorney.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Limón

EX3. Alejandro Fierro and Justo A. Fierro v. Ricardo Lopez v. City of El Paso, Texas; Cause No.: 2014-DCV-1628; 171st Judicial District Court; Matter No.: 14-1026-4521 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized to settle the

lawsuit styled *Alejandro Fierro and Justo A. Fierro v. Ricardo Lopez v. City of El Paso, Texas*, pending in the 171st Judicial District Court of El Paso County, Texas under Cause No. 2014-DCV-1628, as approved by the City Attorney. The City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 14-1026-4521 as recommended by the City Attorney.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Limón

EX4. Manny Morales, et al, vs. The City of El Paso, et al, Cause No. EP-14-CV-189, Matter No. 14-1026-4383 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized to reject the Plaintiff's Settlement Offer dated December 29, 2014 in connection with litigation related to the defense and protection of the City's interest and position in the lawsuit entitled *Manny Morales, et al, vs. The City of El Paso, et al, Cause No. EP-14-CV-189*; Our Matter No. 14-1026-4383.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Limón

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ADJOURN

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 1:03 p.m.

NOT PRESENT FOR THE VOTES: Representatives Robinson and Limón

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk