

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
MARCH 4, 2014
8:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:00 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. Absent: Eddie Holguin, Jr. requested to be excused. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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PLEDGE OF ALLEGIANCE

Harmony Science Academy

**Nicklaus Estrada
Doneva Gonzalez
Chloe Wegner
Alan Rodriguez**

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CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

Requests to speak must be received by 8:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Scott White
2. Ms. Wally Cech
3. Mr. Steve Strumer
4. Mr. Salvador Gomez
5. Mr. Pedro Diaz

Representative Niland commented.

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

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MAYOR'S PROCLAMATIONS

1. **Cesar E. Chavez – Social Justice Month**
 2. **American Red Cross Month**
 3. **Girl Scout Week**
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CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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, Limón, and Niland
NAYS: None
ABSENT: Representative Holguin

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 25, 2014, and the Legislative Review meeting of the Whole of February 24, 2014.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and carried to **EXCUSE, AS REVISED** Representative Eddie Holguin, Jr. from the Regular Council Meeting of March 4, 2014.

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3.1

***RESOLUTION**

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

THAT the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso and the University of Texas at El Paso in an amount of Thirty-Five Thousand Seven Hundred Twenty and no/100 Dollars (\$35,720.00) for the University of Texas at El Paso's Institute for Policy and Economic Development to develop a survey of City residents regarding the Financial and Strategic Plan for the City of El Paso and the Community's Priorities regarding City Services.

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3.2

***RESOLUTION**

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

That the City Manager be authorized to sign an Amendment to the Contract No. 2011-310R for the Operation and Maintenance of City of El Paso's Municipal Vehicle Storage Facility by and between the City of El Paso and Rod Robertson Enterprises, Inc., to set a Storage Fee for vehicles that are 25 feet or less and a Storage Fee for vehicles that exceed 25 feet in length, pursuant to the Section 85.722(d) of the Texas Administrative Code.

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ITEMS TAKEN TOGETHER 4.1 – 4.6

4.1 REQUEST TO ISSUE PURCHASE ORDER

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue Purchase Order(s) to Grainger, Inc., a contractor under the State of Texas TXMAS-2-539030-19 (Texas Multiple Award Schedule) Contract, for the purchase of miscellaneous equipment and supplies for the El Paso Ballpark. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

The participation by the City of El Paso in the Texas TXMAS Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department:	Engineering & Construction Management
Vendor:	Grainger, Inc.
Vendor Location:	El Paso, TX
Total Estimated Amount:	\$225,000.00
Funding Source:	El Paso Ballpark
Account:	190-99998-500090-4735-PCP13STADIUM1
Reference No.:	2014-238

This is a Cooperative, unit price contract.

4.2 REQUEST TO ISSUE PURCHASE ORDER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order to Desert Communications, Inc., for the data/communication/TV/fiber structured cabling for the El Paso Ballpark in the estimated award of \$88,585.00.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

Department:	Engineering & Construction Management
Award to:	Desert Communications, Inc.
	El Paso, Texas
Total Estimated Award:	\$88,585.00
Funding Source:	El Paso Ballpark
Account No.:	190-99998-580090-4735-PCP13STADIUM1
Reference No.:	2014-242

This is a Venue Project purchase exempt from the competitive bidding laws.

The Purchasing & Strategic Sourcing Department and Engineering & Construction Management recommend award as indicated to Desert Communications, Inc. the lowest responsive, responsible bidder.

4.3 REQUEST TO ISSUE PURCHASE ORDER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) to J.F. Duncan Industries, Inc. DBA Duray for the purchase of miscellaneous food service and related equipment for the El Paso Ballpark in the estimated award of \$125,000.00.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

Department:	Engineering & Construction Management
Award to:	J.F. Duncan Industries, Inc. DBA Duray Littleton, Colorado
Total Estimated Award:	\$125,000.00
Funding Source:	El Paso Ballpark
Account No.:	190-99998-580090-4735-PCP13STADIUM1
Reference No.:	2014-240

This is a Venue Project purchase exempt from the competitive bidding laws.

The Purchasing & Strategic Sourcing Department and Engineering & Construction Management recommend award as indicated to J.F. Duncan Industries, Inc. DBA Duray, the best value bidder.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) to J.F. Duncan Industries, Inc. DBA Duray for the purchase of miscellaneous food service and related equipment for the El Paso Ballpark in the estimated award of \$125,000.00.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

Department:	Engineering & Construction Management
Award to:	J.F. Duncan Industries, Inc. DBA Duray Littleton, Colorado
Total Estimated Award:	\$125,000.00
Funding Source:	El Paso Ballpark
Account No.:	190-99998-580090-4735-PCP13STADIUM1
Reference No.:	2014-240

This is a Venue Project purchase exempt from the competitive bidding laws.

The Purchasing & Strategic Sourcing Department and Engineering & Construction Management recommend award as indicated to J.F. Duncan Industries, Inc. DBA Duray, the best value bidder.

4.4 REQUEST TO ISSUE PURCHASE ORDER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order to Desert Communications, Inc., for the WIFI/WLAN system for the El Paso Ballpark in the estimated award of \$311,878.59.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

Department:	Engineering & Construction Management
Award to:	Desert Communications, Inc. El Paso, Texas
Total Estimated Award:	\$311,878.59
Funding Source:	El Paso Ballpark
Account No.:	190-99998-580090-4735-PCP13STADIUM1
Reference No.:	2014-239

This is a low-bid procurement.

The Purchasing & Strategic Sourcing Department and Engineering & Construction Management recommend award as indicated to Desert Communications, Inc. the lowest responsive, responsible bidder.

4.5 REQUEST TO ISSUE PURCHASE ORDER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) to 4 Topps, LLC for the purchase of various seating sets and swivel seats for the El Paso Ballpark in the estimated award of \$111,400.00.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

Department:	Engineering & Construction Management
Award to:	4 Topps, LLC Winston-Salem, NC
Total Estimated Award:	\$111,400.00
Funding Source:	El Paso Ballpark
Account No.:	190-99998-580090-4735-PCP13STADIUM1
Reference No.:	2014-248

This is a Venue Project exempt from the competitive bidding laws.

The Purchasing & Strategic Sourcing Department and Engineering & Construction Management recommend award as indicated to 4 Topps, LLC based on a quotation.

4.6 REQUEST TO ISSUE PURCHASE ORDER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) to Sandler Seating for the purchase of miscellaneous outdoor seating for the El Paso Ballpark in the estimated award of \$132,749.34.

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

NAYS: None

ABSENT: Representative Holguin

ABSTAIN: Representatives Robinson and Limón

Department:	Engineering & Construction Management
Award to:	Sandler Seating
	Atlanta, GA
Total Estimated Award:	\$132,749.34
Funding Source:	El Paso Ballpark
Account No.:	190-99998-580090-4735-PCP13STADIUM1
Reference No.:	2014-247

This is a Venue Project exempt from the competitive bidding laws.

The Purchasing & Strategic Sourcing Department and Engineering & Construction Management recommend award as indicated to Sandler Seating based on a quotation.

Mayor Leeser and Representatives Robinson and Limon commented.

The following City staff members commented:

1. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
2. Mr. William Studer, Deputy City Manager

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5.1 INTRODUCTION

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

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

NAYS: None

ABSENT: Representative Holguin

An Ordinance changing the zoning of the westerly half of Block 31, Lots 17-20, and portion of lot 16, of Alexander Addition, 401 and 405 River Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) to G-MU (General Mixed Use) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 401 & 405 River Avenue. Property Owner: Eduardo & Josephina Soto. PZRZ14-00009

PUBLIC HEARING WILL BE HELD ON APRIL 1, 2014
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6.1

ORDINANCE 18130

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 017113 ADOPTING IMPACT FEES FOR WATER AND WASTEWATER FACILITIES, ESTABLISHING IMPACT FEE SERVICE AREAS, PROVIDING FOR ASSESSMENT AND COLLECTION OF IMPACT FEES; PROVIDING FOR ACCOUNTS FOR IMPACT FEES AND USE OF FUNDS IN THESE ACCOUNTS; PROVIDING FOR APPEALS; AND PROVIDING FOR OTHER PROVISIONS REQUIRED UNDER STATE LAW INCLUDING PROCEDURAL PROVISIONS; TO RECODIFY TITLE 15 (PUBLIC SERVICES), CHAPTER 15.20 TO 15.22 OF THE EL PASO CITY CODE; TO AMEND SECTION 15.22.060 (LAND USE ASSUMPTIONS AND SERVICE AREA) TO ADOPT UPDATED LAND USE ASSUMPTIONS AND SERVICE AREAS, TO AMEND SECTION 15.22.070 (CAPITAL IMPROVEMENTS PLAN) TO ADOPT UPDATED CAPITAL IMPROVEMENTS PLAN, AND TO AMEND SECTION 15.22.100 (MAXIMUM FEE AND ACTUAL FEE TO BE ASSESSED) TO UPDATE THE IMPACT FEES ADOPTED BY CITY COUNCIL.**

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

The following City staff members commented:

- 1. Mr. Mathew McElroy, Director of City Development
- 2. Mr. John Balliew, El Paso Water Utilities, President & CEO

The following members of the public commented:

- 1. Ms. Judy Ackerman
- 2. Mr. Ray Adatao
- 3. Mr. Charlie Wakeem
- 4. Mr. Jim Tolbert
- 5. Mr. Richard Dayoub
- 6. Mr. Robert Ardovino

1st 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.

2ND AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Representative Limón, that the Ordinance be **ADOPTED** and to **DIRECT** staff not to raise impact fees for twelve months. 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, Limón and Niland
 NAYS: None
 ABSENT: Representative Holguin

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

6.2

ORDINANCE 18131

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A 1.9075 ACRE PORTION OF EDGAR ROAD RIGHT-OF-WAY OUT OF S.A. & M.G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW13-00012. APPLICANT: PRIME DESERT PROPERTIES, LLC**

Representative Lilly commented.

Mr. Mathew McElroy, Director of City Development, commented.

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

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

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

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6.3

ORDINANCE 18132

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.**

Mr. Carey Westin, Director of Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Jon Law, Downtown Management District
2. Ms. Veronica Soto, Downtown Management District

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, Limón and Niland
- NAYS: None
- ABSENT: Representative Holguin

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

6.4

ORDINANCE 18133

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 22, 23 AND 24, PALMDALE ACRES, 7235 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7235 NORTH LOOP DRIVE. PROPERTY OWNER: LILLIAN JACQUEZ & CARLOS DIAZ JR. PZRZ13-00030**

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

Representative Acosta commented.

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

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

NAYS: None

ABSENT: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Lilly

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

6.5

ORDINANCE 18134

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) ARTICLE II (DEFINITIONS) TO DELETE DEFINITIONS OF SIGN, OFF-PREMISE TEMPORARY SUBDIVISION DIRECTIONAL IN SECTION 20.02.938 AND TO SUBSTITUTE THE DEFINITION OF SIGN, TEMPORARY SUBDIVISION WITH TEMPORARY SUBDIVISION KIOSK SIGN IN SECTION 20.02.984; AND CHAPTER 20.08 (APPENDIX A), TABLE OF PERMISSIBLE USES, SECTION 16 TEMPORARY USES TO ADD TEMPORARY SUBDIVISION KIOSK SIGN; AND CHAPTER 20.18 (SIGN REGULATIONS) ARTICLE I (GENERAL PROVISIONS), SECTION 20.18.050 (DEFINITIONS) TO DELETE OFF-PREMISES TEMPORARY SUBDIVISION DIRECTIONAL SIGN AND TEMPORARY SUBDIVISION SIGN AND ADD TEMPORARY SUBDIVISION KIOSK SIGN; ARTICLE III (BILLBOARD REGULATIONS) TO ADD A NEW SECTION 20.18.310 TEMPORARY SUBDIVISION KIOSK SIGN; ARTICLE IV (ON-PREMISES SIGN REGULATIONS) SECTION 20.18.500 (TEMPORARY ON-PREMISES SIGNS) TO DELETE SUBSECTION B. TEMPORARY SUBDIVISION IDENTIFICATION SIGN REQUIREMENTS AND RE-LETTER SUBSECTIONS B-H, OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED 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).

Representatives Niland, Acosta, Limon, and Lilly commented.

Mr. Ray Aduino, Association of Builders, Executive Director, commented.

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

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

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

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6.6

ORDINANCE 18135

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 ZONING, CHAPTER 20.10 SUPPLEMENTAL USE REGULATIONS, TO CREATE A CIVIC AND CULTURAL DISTRICT, AND CHAPTER 20.18 SIGN REGULATIONS, ARTICLE IV ON-PREMISES SIGN REGULATIONS, TO CREATE STANDARDS FOR CIVIC AND CULTURAL DISTRICT SIGNS 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 Representative Niland 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, Limón and Niland
NAYS: None
ABSENT: Representative Holguin

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

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7.1

ORDINANCE 18136

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING A 0.04 ACRE PARCEL OF LAND BEING A PORTION OUT OF A TRACT DESCRIBED IN VOLUME 977, PAGE 454, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS AND BEING A PORTION OF F. NEVE SURVEY NO. 8, AND A PORTION OUT OF THE SETTER AND SCHNEIDER, ONE ACRE TRACT AS SHOWN ON THE MAP OF CHULA VISTA ADDITION, AN ADDITION IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 6, PAGE 49, PLAT RECORDS OF EL PASO**

COUNTY TEXAS, LOCATED AT THE REAR OF 500 RADFORD STREET AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE TO JOSE A. MONTOYA

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

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

8.1

ORDINANCE 18137

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 12 (VEHICLES & TRAFFIC), CHAPTER 12.54 (TOWING REGULATIONS AND FEES) TO AMEND SECTION 12.54.010 (DEFINITIONS) TO AMEND THE DEFINITIONS PURSUANT TO STATE CODE; SECTION 12.54.020 (MAXIMUM FEE SCHEDULE) TO AMEND THE MAXIMUM FEES THAT MAY BE CHARGED WITHIN THE CITY FOR NON-CONSENT VEHICLE TOWS, TO AMEND THE WEIGHT CLASSIFICATIONS OF VEHICLES, AND ESTABLISH THE MAXIMUM FEES FOR MEDIUM- AND HEAVY-DUTY TOWS; SECTION 12.54.030 (REMOVAL OF DEBRIS) TO AMEND THE TERM TOW TRUCK OPERATOR TO TOW COMPANY; AND SECTION 12.54.050 (TOWING FEE STUDIES) TO DELETE THE POLICE LEGISLATIVE REVIEW COMMITTEE.**

Mayor Leaser and Representatives Acosta and Noe commented.

The following City staff members commented:

- 1. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
- 2. Assistant Police Chief Michelle Gardner

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

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

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

ITEMS TAKEN TOGETHER

9.1

ORDINANCE 18138

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST TO RANDY SHIELDS IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TEXAS PROPERTY TAX CODE**

TO THE FOLLOWING AND DESCRIBED PARCEL: LOT 5, BLOCK 236, MOUNTAIN SHADOW ESTATES #31, IN EL PASO COUNTY, TEXAS.

9.2

ORDINANCE 18139

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST TO MARCO A. HERNANDEZ IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TEXAS PROPERTY TAX CODE TO THE FOLLOWING AND DESCRIBED PARCELS: LOT 1, BLOCK 879, HORIZON CITY #100, IN EL PASO COUNTY, TEXAS. LOTS 15 AND 16, BLOCK 155, HORIZON CITY #17, IN EL PASO COUNTY, TEXAS. LOT 1, BLOCK 388, MOUNTAIN SHADOW ESTATES #54, IN EL PASO COUNTY, TEXAS. LOT 19, BLOCK 23, HORIZON CITY #9, IN EL PASO COUNTY, TEXAS. LOT 20, BLOCK 23, HORIZON CITY #9, IN EL PASO COUNTY, TEXAS.**

9.3

ORDINANCE 18140

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST TO STACYE MCCLAIN IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TEXAS PROPERTY TAX CODE TO THE FOLLOWING AND DESCRIBED PARCEL: LOT 4, BLOCK 236, MOUNTAIN SHADOW ESTATES #31, IN EL PASO COUNTY, TEXAS.**

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

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

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

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10.1.

R E S O L U T I O N

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

That the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and ARGAL CORPORATION, for the City's purchase of the property in the amount of \$1,387,168.25 for the purpose of using the property as a park, more particularly described as A Portion of Lot 3, Block 298, Vista Del Sol Unit Sixty One, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 54, Page 14, Plat Records of El Paso County, Texas and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

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

ABSENT: Representative Holguin

Representatives Noe and Limon commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, Parks and Recreation, commented.

Mr. David Hensley, Las Palmas Neighborhood Association

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11.1.

R E S O L U T I O N

WHEREAS, on June 18, 2013, the City Council for the City of El Paso adopted the Final Action Plan for 2013-2014 for the Consolidated Plan 2010-2015, including the 39th Year (2013-2014) Community Development Block Grant (CDBG) Program, and on that date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2013-2014 Annual Action Plan and all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2013-2014 Annual Action Plan of the 2010-2015 Consolidated Plan and 2013-2014 CDBG Program Budget by adding one public facility activity in the 39th Year program; and

WHEREAS, on January 29, 2014, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the 2013-2014 Annual Action Plan and 39th Year CDBG Program Budget and City Council has duly considered public comment, if any; and

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

1. That the 2013-2014 Annual Action Plan and 39th Year CDBG Program Budget is hereby amended as follows:

Manning Way Street and Drainage Improvements – \$186,500 (**District #3**): This public facility project is added to the 39th Year CDBG program. The project entails construction of street and drainage improvements on Manning Way from the levee to the end of the street, to include a new asphaltic roadway, curb and gutter, sidewalks, ramps, driveways and street lights. Installation of an underground storm sewer system will be covered with storm water utility funds. The funds for this project will be transferred from the CDBG Unprogrammed Funds Account.

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney’s Office and Director of Community and Human Development Department.

Mayor Leeser and Representatives Acosta, and Robinson commented.

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

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

ABSENT: Representative Holguin

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12.1

RESOLUTION

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso’s Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) Camino Real Regional Mobility Authority (CRRMA) Board positions expire on February 1st of each year;

WHEREAS, in the event of a vacancy, Board member nominations shall be solicited by the Mayor from City Council by written notice for a period of not less than two (2) weeks, and upon completion of this two week period, the Mayor shall review all received recommendations and those identified by the Mayor as well;

WHEREAS, the Mayor shall then make one (1) nomination for each position via presentation to the City Council at a City Council meeting and Council shall appoint a member for each open position by majority vote evidenced by City Council Resolution;

WHEREAS, on January 27, 2014, the Mayor notified City Council in writing of the three vacancies and requested Council provide their recommendations for nominations for the three positions through February 10, 2014;

WHEREAS, no recommendations were received from Council and the Mayor has identified one nomination for each vacant position each of which were presented at a City Council meeting on March 4, 2014;

WHEREAS, the City now desires to make appointments, in accordance with the appointment process outlined herein to CRRMA Board Positions 1, 3 and 5;

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 board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect March 5, 2014:

- 1. Les Parker for Position 1, whose term will expire on February 1, 2016;
- 2. Dori Fenenbock for Position 3, whose term will expire on February 1, 2016; and
- 3. Joe Wardy for Position 5, whose term will expire on February 1, 2014.

Mayor Leeser and Representative Acosta commented.

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

ABSENT: Representative Holguin

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:36 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

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

ABSENT: Representative Holguin

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 11:15 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Holguin

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EX1. Economic incentives for health facility to be located in Far West El Paso. (551.072 and 551.087)

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding economic incentives for health facility to be located in Far West El Paso.

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EX2. Economic incentives for a back office service provider to relocate to El Paso. (551.087)

NO ACTION taken on this item.

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EX3. Christina Monrreal vs. The City of El Paso; Cause No. 2012DCV06425 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly 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 styled Christina Monrreal vs. The City of El Paso; Cause No. 2012-DCV06425.

ABSENT: Representative Holguin

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EX4. Chapter 11 Bankruptcy of Maria Gabriela Stoiber, Case No. 12-31644. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Attorney's Office, through outside counsel for the City of El Paso, in consultation with the City Manager be authorized to take any and all action necessary to protect and secure the City's lien interests and position related to the bankruptcy case styled In Re: Maria Gabriela Stoiber, Bankruptcy Case No. 12-31644, Chapter 11, the Financial Terms Contract, and the Bankruptcy Plan of Reorganization. This Motion is intended to grant broad authority to take whatever action necessary to address these matters, including but not limited to the initiation of foreclosure, response to litigation, complaints, the filing of motions, and any other administrative or judicial proceedings or processes and any actions related to the City's interest in the property located at 1014 Myrtle, 1015 Myrtle, 189 S. Collingsworth, 202-204 W. California, and 917 Ochoa St.

ABSENT: Representative Holguin

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 11:21 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk