

OSCAR LEESER
MAYOR

SEAN MCGLYNN
INTERIM CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

June 10, 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 8:01 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, Eddie Holguin, Jr., and Lilia Limón. Late arrival: Michiel R. Noe at 8:13 a.m. Absent: Cortney Carlisle Niland requested to be excused. The invocation was given by Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

Crockett Elementary School

Andres Armijo
Angel Arzola
Leo Bermudez
Cesar Cervantes
Sylvia Cortez
Nisa Gallegos
Manny Hernandez
Kayla Huitron
Kalev Jacques
Yaretzi Martinez
Isaac Ponzio
Sarai Smith
Maya Sanchez
Branden Torres

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

The following members of the public commented:

1. Mr. Jack Bradford
2. Ms. Wally Cech
3. Mr. Gordon Ray Thatcher
4. Ms. Lisa Turner
5. Mr. Salvador Gomez
6. Mr. Hector Enriquez

Mayor Leaser and Representatives Holguin and Robinson commented.

The following City staff members commented:

1. Mr. Sean McGlynn, Interim City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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MAYOR'S PROCLAMATIONS

1. **National Drug Court Month**
2. **West Point Day**
3. **Flag Observance Day**

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RECOGNITIONS

Awards from the Texas Public Works Association

Southwest University Ballpark - Public Works Project of the Year – Large Projects
Alan Shubert - Citation for Exemplary Service to Public Works
Ted Marquez - Professional Manager of the Year for Transportation
Ellen Smyth - Professional Manager of the Year for Solid Waste

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NOTICE TO THE PUBLIC

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CONSENT AGENDA

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

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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 June 3, 2014, the Legislative Review Meeting of the Whole of June 2, 2014, the Special City Council Meeting of June 2, 2014.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Representative Cortney Carlisle Niland from the Regular Council Meeting of June 10, 2014.

3. RESOLUTIONS:

3.1.

***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 an Air Cargo Center Agreement by and between the City of El Paso and Integrated Airline Services, Inc. dba CAS for office and warehouse space; loading dock and vehicle parking space, and aircraft parking apron and ground service equipment parking apron at the Air Cargo Center located at 301 George Perry Blvd., Suite J, El Paso, Texas.

3.2.

***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 Grantor's Approval of Assignment of the Easement Agreement by and among the City of El Paso ("Grantor"), Plains Pipeline, L.P. ("Grantee"), and Magellan Pipeline Company, L.P. ("Assignee") for the following described property:

1. Area 1: An easement running through the Airport Movement Area and Air Operations area from the southern boundary of the Airport to the southerly right-of-way line of Global Reach Drive that varies in width from thirty-five (35) to fifty (50) feet; and
2. Area 2: An easement running from the northerly right-of-way line of Global Reach Drive through the Airport's Outer Perimeter Area to the northern boundary of the Airport that varies in width from thirty-five (35) to fifty (50) feet.

Ms. Lisa Turner, citizen, commented.

3.3.

***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 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 "REPTILE BUILDING" for an amount not to exceed Fifty Five Thousand One Hundred Eighty Six Dollars and No/00 (\$55,186.00); and that the City Engineer be authorized to approve up to \$10,000.00 in

additional services, for a total contract amount not to exceed Sixty Five Thousand One Hundred Eighty Six Dollars and No/00 (\$65,186.00); 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.

3.4. **ENGINEERING AND CONSTRUCTION MANAGEMENT**

1ST MOTION

*Motion made, seconded, and unanimously carried to **APPROVE** a Resolution authorizing the City Manager to sign a Landscape Maintenance Agreement between the City of El Paso and the State of Texas acting by and through the Texas Department of Transportation, whereby the City agrees to maintain the pedestrian enhancements and other aesthetic improvements along SH 20 (Mesa Street) upon completion of the improvements.

2ND MOTION

Motion made by Representative Limón, seconded by Representative Robinson, and carried to **RECONSIDER** the item.

AYES: Representatives Acosta, Robinson, Holguin and Limón

NAYS: Representatives Lilly, Romero, and Noe

ABSENT: Representative Niland

3RD AND FINAL MOTION

Motion made by Representative Limón, seconded by Alternate Mayor Pro Tempore Holguin, and carried to **POSTPONE** one week the Resolution authorizing the City Manager to sign a Landscape Maintenance Agreement between the City of El Paso and the State of Texas acting by and through the Texas Department of Transportation, whereby the City agrees to maintain the pedestrian enhancements and other aesthetic improvements along SH 20 (Mesa Street) upon completion of the improvements.

AYES: Representatives Acosta, Robinson, Holguin and Limón

NAYS: Representatives Lilly, Romero, and Noe

ABSENT: Representative Niland

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

The following City staff members commented:

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

Ms. Lisa Turner, citizen, commented.

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

WHEREAS, on February 11, 2014, City Council approved the “Interactive Exhibition Project Agreement” (“Agreement”) between Gibson Group TouchCity

Limited and the City of El Paso for the software, design, and consulting services for the “El Paso TouchCity Wall” project (“Project”); and

WHEREAS, pursuant to Section 2 of the Agreement, changes as a result of the completion of Phase 1 of the Project and the creation of the data protection strategy would be agreed to in writing through a “Scope of Work Addendum”; and

WHEREAS, the parties desire to execute the Scope of Work Addendum that will be incorporated in to the Agreement;

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

That the City Manager be authorized to sign a Scope of Work Addendum to the “Interactive Exhibition Project Agreement” between the City of El Paso and Gibson Group TouchCity Limited, which amends (Exhibit A) Cost Proposal, amends (Exhibit B) Indicative Timeline, and establishes the data protection strategy; 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.

3.6.

***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 lease between Dr. Alvaro Medina, DVM and the City of El Paso for use of the City’s Department of Public Health vehicle #1118, license plate number 817 448 and VIN 1FCMF53S710A05496 as a spay/neuter van to be used to offer spay and neuter procedures, for an initial term from June 10, 2014 – April 7, 2015, with Dr. Medina’s option of two (2) consecutive full one (1) year extensions, in exchange for a minimum number of low cost spay and neuter procedures and the resulting reduction in the feral dog and cat population in the City of El Paso.

3.7.

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

WHEREAS, Federal Transit Administration’s (FTA) grant recipients are required to comply with the United States Department of Transportation Title VI Regulations (49 CFR part 21) and the FTA Circular 4702.1B, which sets out the new criteria for FTA recipients; and

WHEREAS, the City of El Paso’s Mass Transit Department (Sun Metro) is an FTA grant recipient; and

WHEREAS, Sun Metro is required to have a Title VI Program (Program) under the federal regulations; and

WHEREAS, the Program sets out the policies and procedures for Sun Metro to evaluate proposed service and fare changes to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin, or a disproportionate burden on low-income populations.

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

That the City of El Paso adopts the City of El Paso's Mass Transit Department's (Sun Metro) Federal Title VI Program.

3.8.

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

WHEREAS, on July 10, 2012, the City of El Paso awarded Contract No. 2012-180 (Structural and Proximity Fire Fighting Clothing) Items 5, 10, 11,12, 13, 14, 16 to Firefighter Tool Supply ("Company"); and

WHEREAS, the City finds that the Company is in default of the provisions of the Contract because the vendor failed to cure the performance by not providing goods to the City at the contract price; and

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

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

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

That the Purchasing Director is authorized to notify Firefighter Tool Supply, that the City is terminating Contract No. 2012-180 Structural and Proximity Fire Fighting Clothing, for default pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor's failure to cure performance and that the termination shall be as of June 10, 2014.

Mr. Bruce Collins, Director for Purchasing and Strategic Sourcing, commented.

Ms. Lisa Turner, citizen, commented.

4. BOARD APPOINTMENTS:

4.1. *Motion made, seconded, and unanimously carried to **APPOINT** Ruben Chavez to the Bicycle Advisory Committee by Representative Emma Acosta, District 3.

4.2. *Motion made, seconded, and unanimously carried to **APPOINT** Rodolfo A. Barba to the El Paso Bond Overview Advisory Committee by Representative Larry Romero, District 2.

5. APPLICATIONS FOR TAX REFUNDS:

5.1. *Motion made, seconded, and unanimously carried that the tax refunds listed on the attachment posted with this agenda be approved.

1. Maria E. Salazar in the amount of \$3,077.39 overpayment on March 24, 2014 of 2013 taxes. (Geo. # T172-999-0290-1400)

6. NOTICE FOR NOTATION:

- 6.1. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$1,000 from Alco Machine Tool & Steel Inc., \$500 from Barnett Harley Davidson, \$500 from Brock & Bustillos Inc. and \$250 from Tropicana Homes for Movies Under the Stars in District 3.

- 6.2. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$2,500 from Mattress Firm for the Economic Development Familiarization Tours.

7. **BEST VALUE PROCUREMENTS:**

- 7.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the award of Solicitation No. 2014-273 (Janitorial Services – WIC Clinics) to ACE Government Services, LLC for an initial three (3) year term in the estimated amount of \$230,018.04. The award is to include a two (2) year optional amount of \$153,345.36 for a total five (5) year award of \$383,363.40.

Department:	Department of Public Health
Award to:	ACE Government Services, LLC
	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$76,672.68
Initial Term Estimated Award:	\$230,018.04 (3 Years)
Total Estimated Award:	\$383,363.40 (5 Years)
Account No.:	341-1000-41170-522060-P4103
	341-2140-41240-522060-G4114AD-P4111
Funding Source:	General Fund- Maintenance Services Contract
	– Janitorial

This is Best Value service contract.

The Purchasing & Strategic Sourcing Department and Department of Public Health recommends award as indicated to ACE Government Services, LLC, the bidder offering the best value bid. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

- 7.2. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director for Purchasing & Strategic Sourcing Department to exercise the City's option to purchase up to 100% of the original contract quantities under Contract No. 2014-309 Marked Vehicles – Police Department (Re-Bid) with Dick Poe Dodge, LP pursuant to the provisions of the solicitation and the award approved by the City Council on May 13, 2014.

Department:	General Services – Fleet Division
Award to:	Dick Poe Dodge, LP
	El Paso, TX
Option:	One [of One]
Total Estimated Amount:	\$387,373.00 (7 units)

Account No.: 231- 37010 – 580540 – 4700 - PIF14GS010
Funding Source: Vehicle Replacement Fund

This is a Best Value, unit price contract.

REGULAR AGENDA - INTRODUCTIONS

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

Motion made by Representative Noe, seconded by Representative Romero, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

ABSENT: Representative Niland

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- 8.1.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.020.E (Infill Development), of the El Paso City Code to reduce park dedication fees by 50% for non-residential infill development of up to five acres. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2014

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- 8.2.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.050 (Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities) of the El Paso City Code to amend subparagraph A, to allow for the waiver of the dedication and improvements of adjacent substandard roads when specific criteria are met. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2014

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- 8.3.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.50 (Public and Workplace Smoking Restrictions) in its entirety relating to all provisions including clarification of definitions; clarification of in which public places smoking is prohibited and where smoking is not regulated; clarification regarding enforcement, violations and penalties; the penalty as provided in Section 9.50.130 of the City of El Paso Code.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2014

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- 8.4.** An Ordinance authorizing the City Manager to execute a quitclaim (Tax Resale) deed conveying all right, title, and interest to Miguel Rivera in accordance with Section 34.05 (h) of the Texas Property Tax Code to the following described parcel: Tract 1-F-1-H (0.074 acre) & Tract 1-E-1-A (0.079 acre), Block 5 Ascarate Grant, in El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2014

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 9.1. Motion made by Representative Lilly, seconded by Representative Romero, and unanimously carried to **AUTHORIZE** the City Manager to enter into a Job Order Contract for City owned facilities (El Paso Zoo) with Pride General Contractors, LLC, a Texas Limited Liability Company, in the amount not to exceed six hundred thirteen thousand dollars and zero cents (\$613,000.00) over a one year period. This is a “job order contract” as allowed pursuant to Texas Government Code Section 2267.404. Pride General Contractors, LLC competitively bid for job order contracting services and was selected by the Education Service Center Region 19. The Contractor is entitled to perform only the work issued by the individual project work orders.

ABSENT: Representative Niland

Department: Zoo
Award to: Pride General Contractors, LLC
El Paso, TX
Total Estimated Award: \$613,000.00
Accounts: 29020-580270-4800-PCP13ZOOD11
Funding Source: 2012 Quality of Life Bond

Reference No. 13-6973

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

Representative Noe commented.

10. PURCHASING AND STRATEGIC SOURCING:

- 10.1. Motion made by Representative Romero, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2014-202 (Accessories and Duty Gear) to Premier Uniforms and Tactical Gear for an initial (3) term estimated in the amount of \$150,000.00. The award is to include a (1) year optional amount of \$50,000.00 for a total four year award of \$200,000.00.

ABSENT: Representative Niland

Department: Police
Award to: Premier Uniforms and Tactical Gear
El Paso, Texas
Item(s): All
Initial Term: 3 years
Option to Extend: 1 year
Annual Estimated Award: \$50,000.00
Initial Term Estimated Award: \$150,000.00 (3 years)
Total Estimated Award: \$200,000.00 (4 years)
Account No.: 321 – 21100 – 522150 – 1000 – P2103
Funding Source: Outside Contract – Not otherwise classified (NOC)

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Police Department recommend

award as indicated to Premier Uniforms and Tactical Gear the lowest responsive and responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

Mr. Bruce Collins, Purchasing and Strategic Sourcing, commented.

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- 10.2.** Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2014-214 (Police Uniforms) to Bazaar Uniforms and Men's Store for an initial three year term in the estimated amount of \$ 510,000.00. This award is to include a two year option amount of \$ 340,000.00 for a total five year award of \$ 850,000.00.

The award of Solicitation No. 2014-214 (Police Uniforms) to Bazaar Uniforms & Men's Store for an initial term estimated award of \$510,000.00.

ABSENT: Representative Niland

Department:	Police
Award to:	Bazaar Uniforms & Men's Store.
	El Paso, Texas
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$170,000.00
Initial Term Estimated Award:	\$510,000.00 (3 years)
Total Estimated Award:	\$850,000.00 (5 years)
Account No.:	321 – 21100 – 522150 – 1000 – P2103
Funding Source:	Outside Contract – Not otherwise classified (NOC)

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Police recommend award as indicated to Bazaar Uniforms & Men's Store. The lowest responsive and responsible bidder. In accordance with this award the City Manager or Designee is authorized to exercise.

Recommend that the following bidder be deemed non-responsive:

Failure to submit complete financial statements for the City to verify capacity.
- International Laundry Services, Inc.

Mr. Bruce Collins, Purchasing and Strategic Sourcing, commented.

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- 10.3.** Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **AWARD initial term only** for Solicitation No. 2014-200 (Ammunition) to G.T. Distributors Inc. for an initial three year term in the estimated amount of \$1,500,000.00.

The award of Solicitation No. 2014-200 (Ammunition) to G.T. Distributors, Inc. for an initial term estimated award of \$1,500,000.00.

ABSENT: Representative Niland

Department:	Police
Award to:	G.T. Distributors, Inc. El Paso, Texas
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$500,000.00
Initial Term Estimated Award:	\$1,500,000.00 (3 years)
Total Estimated Award:	\$2,500,000.00 (5 years)
Account No.:	321 – 21100 – 522150 – 1000 – P2103
Funding Source:	Outside Contract – Not otherwise classified (NOC)

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Police recommend award as indicated to G.T. Distributors, Inc. the lowest responsive and responsible bidder. In accordance with this award the City Manager or Designee is authorized to exercise.

Representative Noe commented.

Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing

Ms. Lisa Turner, citizen, commented.

REGULAR AGENDA - OTHER BUSINESS

11. CITY ATTORNEY:

11.1.

RESOLUTION

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

That the Mayor be authorized to sign a Third Amendment to Employment Agreement by and between the City of El Paso ("City") and Joyce A. Wilson ("Employee") to clarify Employee's role as a consultant for the City for the remainder of her contract and to permit Employee to accept the position of Chief Executive Officer of the Upper Rio Grande Workforce Development Board, Inc. d/b/a Workforce Solutions Upper Rio Grande.

Mayor Leeser and Representatives Limón, Acosta, Robinson, Romero, Noe, Lilly, and Holguin commented.

The following City staff members commented:

1. Mr. Sean McGlynn, Interim City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Charlie McNabb

2. Ms. Joyce Wilson
3. Ms. Lisa Turner
4. Mr. Leo Mendoza

1ST MOTION

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

AYES: Representatives Lilly, Romero, Acosta and Noe

NAYS: Representatives Robinson, Holguin and Limón

ABSENT: Representative Niland

12. MAYOR AND COUNCIL:

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- 12.1.** Motion made by Representative Limón, seconded by Representative Robinson, and unanimously carried to **REQUEST** a full and complete LRC to discuss the use of the City's luxury suite at the baseball stadium as soon as possible and to use historical data, policies and procedures to determine how the use will be determined in the future.

AYES: Representatives Acosta, Robinson, Noe, Holguin and Limón

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and Romero

ABSENT: Representative Niland

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

The following City staff members commented:

1. Mr. Sean McGlynn, Interim City Manager
2. Mr. Edmundo Calderon, Chief Internal Auditor
3. Ms. Sylvia Firth, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

The City Council Meeting was **RECESSED** at 11:40 a.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 12:46 p.m.

EXECUTIVE SESSION

Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at

12:47 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

NOT PRESENT FOR THE VOTE: Representatives Lilly and Romero
ABSENT: Representative Niland

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

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

Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried to adjourn the Executive Session at 1:01 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Romero
ABSENT: Representative Niland

EX1. State of Texas v. State of New Mexico and State of Colorado, No. 220141 Original, United States Supreme Court. (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Acosta and unanimously carried that the City of El Paso authorizes the filing of an Amicus Curiae Brief on its behalf in the lawsuit entitled *State of Texas v. State of New Mexico and State of Colorado*, currently pending in the United States Supreme Court, Number 220141.

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

Mayor Leeser and Representatives Noe, Lilly, and Romero commented.

Mr. Robert Andron, EPWU General Counsel, gave legal advice.

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ADDITION TO THE AGENDA

1. RESOLUTION:

1.1

R E S O L U T I O N

WHEREAS, the City is the owner of a parcel of land located near Transmountain Road and Resler Drive, El Paso, Texas, more fully described in the attached agreement, that it currently desires to build a fire station on to service the

needs of the expanding Far West Side of El Paso; and

WHEREAS, the City may currently build on the existing site a two bay fire station, but lacks the space necessary to build a three bay fire station located on that site that will more fully address the needs of the area; and

WHEREAS, Tenet intends to build a one hundred eight (108) bed teaching hospital and medical office building to be located on the adjacent property to the City Parcel located at the intersection of Transmountain Road and Resler Drive, El Paso, Texas, that is more particularly described in the attached agreement; and

WHEREAS, the City and Tenet entered into a Chapter 380 Economic Development Program Agreement to help facilitate the development of the medical facilities located at the Hospital Site; and

WHEREAS, for access to the Hospital Site from Resler Drive Tenet intended to utilize the median cut located on Resler Drive that is across from the City Parcel, which is currently blocking access by Tenet to the median cut; and

WHEREAS, for safer and more efficient traffic flow and public safety for the use of the City Parcel to be able to control access for emergency vehicles the City believes a single median cut in Resler Drive to serve both the Hospital Site and the City Parcel is in the best interest of the City and the proposed use of the City Parcel as fire station/emergency services station; and

WHEREAS, it is in the City's and Tenet's best interest to have access to the median cut at this location both for access by the fire department to the fire station to be built on the City Parcel and for access by emergency vehicles to access the facilities on the Hospital Site; and

WHEREAS, the City believes it is in the best interest of the public to have direct access to and from Resler Drive to the Hospital Site to have access to the medical facilities to be constructed thereon;

WHEREAS, Tenet has requested that the City grant to Tenet an easement to use a portion of the City Parcel for public access to and from Resler Drive to the Hospital Parcel; and

WHEREAS, the size of the City Parcel will accommodate a two bay fire station with direct access to Resler Drive but the City desires additional land to build a three bay fire station with pull through bays for better ingress and egress from the fire station and in order to meet the growing needs of the Far West Side of El Paso; and

WHEREAS, the City and Tenet propose that Tenet should build and maintain a driveway between Resler Drive and the Hospital Site on the City Parcel, more fully described in the attached agreement, in order to facilitate the development of and access to the medical facilities and to provide access to the proposed fire station to be built by the City on the City Parcel; and

WHEREAS, in consideration for this Easement, Tenet shall convey to the City Tenet's fee interest in the surface estate of the property adjacent to the City Parcel that is more particularly described in the attached agreement, so that the City may build a three bay fire station with pull through bays; and

WHEREAS, the City is the owner of the City Parcel and has the legal right and authority to grant this Easement upon the terms and conditions hereinafter set

forth.

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

That the City Manager is hereby authorized to sign the attached Easement Agreement between the City of El Paso and Tenet Hospitals Limited, a Texas Limited Partnership, which will allow access across City property from Resler Drive to the proposed hospital site at the intersection of Transmountain Road and Resler Drive.

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Holguin and Limón

NAYS: NONE

ABSTAIN: Representative Noe

ABSENT: Representative Niland

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2. BOARD APPOINTMENTS:

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2.1 *Motion made, seconded, and unanimously carried to APPOINT Sofia Ordonez to the Retired and Senior Volunteer Program Advisory Council by Representative Lily Limón, District 7.
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ADJOURN

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 1:07 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk