

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

December 2, 2014
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 8:03 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Michiel R. Noe, Claudia Ordaz, and Lilia Limón. Late arrivals: Carl Robinson at 8:07 a.m., Cortney Niland at 8:14 a.m., and Ann Morgan Lilly at 8:21 a.m. The invocation was given by David Marcus, Join Us For Justice, The El Paso Chapter of Americans United for Separation of Church and State, followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY DAVID MARCUS, JOIN US FOR JUSTICE, THE EL PASO CHAPTER OF AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE

PLEDGE OF ALLEGIANCE

Alicia R. Chacón International School

Susana Rivera
Halie Chavira
Paola Huynh
Chloe Bencomo

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

The following members of the public commented:

1. Mr. Larry Tucker
2. Mr. Xochitl R. Montes de Oca
3. Mr. Gustavo Alvarado
4. Ms. Wally Cech
5. Ms. Lisa Turner

6. Mr. Timothy West
7. Ms. Sandra A. Attaguile

Mayor Leeson and Representative Niland commented.

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

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MAYOR'S PROCLAMATIONS

1. **evolve Federal Credit Union Celebration of Lights Day**
2. **GIVING TUESDAY**
3. **NAVIDAD DE LA FE LUMINARIAS DAY**

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NOTICE TO THE PUBLIC

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative 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

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1. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to **APPROVE** minutes for the Regular City Council Meeting of November 18, 2014, the Legislative Review Meeting of the Whole of November 17, 2014, and the Special City Council Meetings of November 17, 2014 and November 20, 2014.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION taken on this item.

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3. RESOLUTIONS:

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3.1. RESOLUTION

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

That the Compromise and Settlement Agreement in lieu of condemnation between the City of El Paso and River Oaks Properties, LTD is hereby approved, whereby the City accepts approximately 2,611 square feet, more or less, by special warranty deed, for the property described as a Portion of Tract 1 n/k/a Tract 1D, out of

Section 39, Block 79, Township 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, El Paso, El Paso County, Texas, and that the City Attorney is authorized to sign all documents to complete this transaction.

Representative Noe commented.

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice and read revision into the record.
2. Ms. Karla Nieman, Assistant City Attorney, gave legal advice.

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 unanimously carried to **APPROVE** the Resolution.

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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 Council declares that the expenditure of District 7 discretionary funds in an amount not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) to pay towards the costs of the "Colors of the Valley" event, which instills community pride, and encourages civic engagement of the residents of and visitors of the City of El Paso, and constitutes an important municipal purpose that is a benefit to the City and citizens of El Paso, is authorized; and

That the City Manager be authorized to accept donations for sponsorship of the event, to negotiate and sign contracts as approved by the City Attorney, and to appropriate and ensure that the funds are properly expended for the municipal purpose.

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4. BOARD RE-APPOINTMENTS:

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4.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Manuel Feliberti to the El Paso Bond Overview Advisory Committee by Representative Michiel Noe, District 5.

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4.2. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Bernard Sargent to the El Paso Bond Overview Advisory Committee by Mayor Oscar Leeser.

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5. BOARD APPOINTMENTS:

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5.1. *Motion made, seconded, and unanimously carried to **APPOINT** Joyce Palmer to the Civil Service Commission by Representative Carl L. Robinson, District 4.

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5.2. *Motion made, seconded, and unanimously carried to **APPOINT** Brett Goldberg to the Tax Increment Reinvestment Zone 5 Board by Mayor Oscar Leeser.

6. **BIDS:**

- 6.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2015-008 for Santa Fe Pedestrian Improvements to J.A.R. CONCRETE, INC. dba JAR Construction, Inc., for an estimated total amount of \$244,224.80.

Department:	Engineering and Construction Management
Award to:	J.A.R. CONCRETE, INC. dba JAR Construction, Inc. El Paso, TX
Base Bid I:	\$ 244,224.80
Total Estimated Award:	\$ 244,224.80
Time for Completion:	90 Consecutive Calendar Days
Accounts:	190-4510-28320-580270-PCP14TRAN02 190-4950-38170-580270-PCP14TRAN02
Funding Source:	FHWA-(CAT 9 Enhancement) \$204,741.00 2010 Transportation Certificates of Obligation \$68,247.00

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 to the lowest responsive and responsible bidder and that Chuco Construction be deemed non-responsive for their failure to meet the minimum requirements found in the solicitation package.

REGULAR AGENDA - INTRODUCTIONS

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

Motion made by Mayor Pro Tempore Niland, 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, AS REVISED** for public hearing:

- 7.1. An Ordinance designating a certain contiguous geographic area in the City of El Paso, Texas as a tax increment reinvestment zone; describing the boundaries of the zone;

providing for an effective date and a termination date for the zone; naming the zone, "Reinvestment Zone Number Seven, City of El Paso, Texas"; creating a board of directors; establishing a tax increment fund; and containing other provisions related thereto.

PUBLIC HEARING WILL BE HELD ON DECEMBER 9, 2014

- 7.2. An Ordinance granting a Special Privilege License to the Central Business Association of El Paso, Inc., to permit sidewalk retail vending by participating merchants within certain public rights-of-way in downtown El Paso for a term of five years with two renewable five year terms. NESV14-00015

PUBLIC HEARING WILL BE HELD ON DECEMBER 9, 2014

- 7.3. An Ordinance changing the zoning of Tract 19-B, Block 48, Ysleta Grant, 9255 Socorro Road, City of El Paso, El Paso County, Texas from R-4 (Residential) and R-4/H (Residential/historic) to A-O (Apartment-Office) and A-O/H (Apartment-Office/historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9255 Socorro Road. Property Owner: Jose Luis Anguiano. PZRZ14-00046

PUBLIC HEARING WILL BE HELD ON DECEMBER 30, 2014

- 7.4. An Ordinance granting Special Permit No. PZST14-00028, to allow for infill development with a reduction in lot area and width and a 50% parking reduction on the property described as Lot 226, Singh Addition Third Section, 634 Casa Grande Place, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 634 Casa Grande Place. Property Owner: Juan Alderete, Jr. PZST14-00028

PUBLIC HEARING WILL BE HELD ON DECEMBER 30, 2014

REGULAR AGENDA - PUBLIC HEARING

8. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES:

8.1. ORDINANCE 018283

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2015," AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

Mr. George Williford, First Southwest Company, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leaser and Representatives Acosta and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager

2. Ms. Marcela Navarrete, El Paso Water Utilities, Vice President

The following member of the public commented:

1. Ms. Maria Urbina, First Southwest Company
2. Mr. Paul Braden, outside bond counsel
3. Mr. Richard Schechter
4. Ms. Lisa Turner

1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Limón, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:54 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 Romero, and unanimously carried to adjourn the Executive Session at 9:14 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

3rd AND FINAL MOTION

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 – PUBLIC HEARINGS

9. CITY DEVELOPMENT:

9.1. ORDINANCE 018284

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00026, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE YARD SETBACK ON THE PROPERTY DESCRIBED AS LOT 48 AND A PORTION OF LOT 49, BLOCK 6, STILES GARDENS, 7207 DALE ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION**

20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7207 DALE ROAD. PROPERTY OWNER: DEBBIE MARTINEZ. PZST14-00026

Mr. Carlos Gallinar, Deputy Director of Planning Division, 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 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**.

10. POLICE DEPARTMENT:

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 Council has determined that applicant Jesus M. Perez, d/b/a United Independent Cab Company, is fit, willing and able to operate the proposed taxicab service in the City of El Paso; that public convenience and necessity require the proposed taxicab service; and that the applicant has submitted all required information and fees. The City Council now hereby directs that the Chief of Police issue a written permit to applicant permitting operation of a taxicab service with thirty (30) taxicabs.

Representative Acosta commented.

Mr. Tommy Gonzalez, City Manager, commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Leo Mendoza

1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **CLOSE** the public hearing per Municipal Code Chapter 6.16, Section 6.16.080, regarding the permit application submitted by applicant Jesus M. Perez, d/b/a United Independent Cab Company, to certify that public convenience and necessity require the proposed taxicab service; that the applicant is fit, willing and able to operate the proposed taxicab service in the City of El Paso; and that the

applicant has submitted all required information and fees. Upon such certification, the Chief of Police shall be instructed to issue a permit authorizing operation of a taxicab service with thirty (30) taxicabs.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried to **APPROVE** the Resolution that applicant Jesus M. Perez, d/b/a United Independent Cab Company, to certify that public convenience and necessity require the proposed taxicab service; that the applicant is fit, willing and able to operate the proposed taxicab service in the City of El Paso; and that the applicant has submitted all required information and fees. Upon such certification, the Chief of Police shall be instructed to issue a permit authorizing operation of a taxicab service with thirty (30) taxicabs.

REGULAR AGENDA - OTHER BUSINESS

11. CITY DEVELOPMENT:

- 11.1.** Motion made by Representative Noe, second by Mayor Pro Tempore Niland, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from River Oaks-HD2, LLC, Adam Frank, President, on behalf of Ariel Arredondo, Tacos Don Cuco Restaurant, for the property located at 12430 Edgemere Boulevard, Suites 203 and 204 and legally described as Lot 4, Block 11, El Dorado Unit 11 Replat A , City of El Paso, El Paso County, Texas.

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the healthy, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

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

NAYS: Representative Limón

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Acosta

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

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

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- 11.2.** Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from Nicjack Investments LLC, Gabriela Hanson, Member, on behalf of Alfresco

Restaurant LLC, for the property located at 150 Sunset Road and legally described as Tract 1G1 and Tract 5A, J.M. Jett Survey No. 155, City of El Paso, El Paso County, Texas.

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the healthy, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

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

NAYS: Representative Limón

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Acosta

ITEMS 11.3 AND 11.4 TAKEN TOGETHER

11.3.

R E S O L U T I O N

WHEREAS, the City desires to support revitalization activities on the approximate 30.802 acre greyfield site, formerly known as Northgate Mall located at Wren at Diana and Dyer in the City of El Paso; and

WHEREAS, the greyfield site is located on the forthcoming Sun Metro Bus Rapid Transit Dyer Route and will serve to house the future Sun Metro Northgate Transfer Center; and

WHEREAS, the City desires to encourage community revitalization and infrastructure improvements on the property and throughout the area through Transit-Oriented Development; and

WHEREAS, transit-oriented development creates access to jobs and housing for a range of household types and may reduce household transportation costs and increase household affordability through added mobility options; and

WHEREAS, transit-oriented development serves as a development tool to provide the density required to support increased transit ridership and fare revenue and creates the potential for a high return on public investment in transit infrastructure through maintained and/or increased property values, private investment and reduced municipal infrastructure costs; and

WHEREAS, the proposed improvements include the construction of new facilities, the demolition, alteration and restoration of existing facilities, possible environmental remediation, and innovative approaches to the mixed-use development of the site as a transit-oriented development for residential (market and affordable housing), recreational, commercial, retail, office, parking and public transit facilities and infrastructure uses; and

WHEREAS, in accordance with Solicitation #2013-077, the City has evaluated

responses to its Request for Qualifications for the phased design, development, financing, construction and management of a proposed SmartCode transit-oriented development on the project site; and

WHEREAS, the City has selected Hunt Metro 31, LLC's development proposal for the project as the most qualified response to the solicitation; and

WHEREAS, the City Council of the City of El Paso wishes to designate Hunt Metro 31, LLC as the developer of the project and authorize the City to enter into a Development Agreement for the development of the project site; and

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

That the City Manager or Designee be authorized to sign a Development Agreement and subsequent amendments or extensions by and between **THE CITY EL PASO, TEXAS**, a Texas home rule municipal corporation, **THE EL PASO WATER UTILITIES – PUBLIC SERVICE BOARD**, a component unit of the City of El Paso, and **HUNT METRO 31, LLC**, a Delaware limited liability company, to set forth the rights and responsibilities among the parties to allow for the development of a proposed SmartCode transit-oriented development on approximately 30.802 acres owned by the City of El Paso and located at Wren at Diana and Dyer in the City of El Paso and being a portion of Lot 1A and all of Lot 7, Block 6, Northgate Replat "C" and all of Lot 4, Block 6, Northgate Subdivision in the City of El Paso, Texas.

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

NOT PRESENT FOR THE VOTE: Representative Ordaz

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

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

The following members of the public commented:

1. Mr. Gary Sapp, President of the Southwest Division at Hunt Development Group
2. Vanak Barney
3. Mr. Richard Schechter
4. Ms. Lisa Turner
5. Mr. Leo Mendoza

11.4.

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 execute a Chapter 380 Economic Development Program Agreement by and between the **CITY OF EL PASO, TEXAS**, a Texas home rule municipal corporation, and **HUNT METRO 31, LLC**, a Delaware limited liability company, for the development of a proposed SmartCode transit-oriented development on approximately 30.802 acres owned by the City and located

at Wren at Diana and Dyer in the City of El Paso and being a portion of Lot 1A and all of Lot 7, Block 6, Northgate Replat "C" and all of Lot 4, Block 6, Northgate Subdivision in the City of El Paso, Texas.

The following members of the public commented:

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

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

NOT PRESENT FOR THE VOTE: Representative Ordaz

12. COMMUNITY AND HUMAN DEVELOPMENT:

12.1.

R E S O L U T I O N

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

1. That the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to Foam Applications LLC and Dome Services LLC, in the amount of \$220,000.00 for building construction, as recommended by the Director of Community and Human Development; and
2. That the City Manager be authorized to execute any and all loan related documents by and among the City of El Paso, Foam Applications LLC, Dome Services LLC, and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

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

12.2.

R E S O L U T I O N

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

3. That the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to CESAR-SCOTT, INC., in the amount of \$350,000.00 for Building Renovations, as recommended by the Director of Community and Human Development; and
4. That the City Manager be authorized to execute any and all loan related documents by and among the City of El Paso, CESAR-SCOTT, INC., and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

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

and unanimously carried to **APPROVE** the Resolution.

13. MAYOR AND COUNCIL:

13.1. Financial Audit and Oversight Committee Report:

1. For Notation Only: Formal Report of the Financial Audit and Oversight Committee meeting held on October 27, 2014.
 - a. Discussion on Audit Plan Updates.
 - b. Discussion and Action on the City of El Paso Internal Audit Charter.
 - c. Discussion and Action on the FY 2015 Annual Internal Audit Plan.
 - d. Discussion and Action on HOT Audits Update.
 - e. Discussion on PeopleSoft update.
 - f. Discussion and Action on the City's Investment Policy for FY 2015.
 - g. Discussion and Action on the City Debt Management Policy for FY 2015.
 - h. Discussion on update of development of City Fund Balance Policy.

Representatives Acosta and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Mark Sutter, Chief Financial Officer
3. Mr. Edmundo Calderon, Internal Auditor

NO ACTION taken on this item.

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- 13.2.** *Motion made, seconded, and unanimously carried to **DELETE** the item for discussion and action on amending the Municipal Drainage Utility System Ordinance to allocate for the next two Public Service Board Fiscal Years, the ten percent (10%) "Green Projects" fund of the System's annual drainage utility fee revenues to construction projects which will address flood control drainage projects.
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- 13.3.** Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried to **DIRECT** staff to submit a letter of acknowledgement and provide payment for the membership fee in the amount of \$8,133.00.

Representatives Romero and Robinson commented.

Ms. Brie Franco, Assistant City Attorney, gave legal advice.

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- 13.4.** Discussion and action on the Extension of the Street Reconstruction Contract Number 2014-035.

Representative Noe commented.

The following members of the public commented:

1. Mr. Jim Martinez
2. Mr. Joe Rosales

3. Mr. Leo Mendoza

NO ACTION taken on this item.

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- 13.5.** Discussion to provide information to Council on the 2014 NALEO National Institute for Newly Elected Officials held November 20 – 23, 2014 in Washington, DC.

Mayor Leaser and Representative Limón commented.

NO ACTION taken on this item.

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EXECUTIVE SESSION

Motion made by Representative Noe, seconded by Mayor Pro Tempore Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:42 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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 12:43 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

- EX1.** Contract No. 2014-035 for Street Resurfacing 2014 between the City of El Paso and JAR Concrete, Inc. dba JAR Construction Inc. (551.071)

NO ACTION taken on this item.

- EX2.** Harold Collins and Catherine Teague-Collins, Individually and Next Friends of Jade Collins, A Minor and Jasmine Collins, A Minor vs. EP ChildCare Group, LLC dba Children's Place Daycare and The City of El Paso, Texas, Cause No. 2009-2736; Matter No. 10-1049-001 (551.071)

Motion made by Representative Acosta, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized to file an appeal and take any and all defensive action in the case entitled Harold Collins vs. City of El Paso, et. al., Cause No. 2009-2736, as recommended by the City Attorney.

- EX3.** Matthew A. Thomas v. The City of El Paso, Texas, Cause No. EP-14-CV-00047; United States District Court for the Western District of Texas; Matter No. 14-1006-211.001.001 (551.071)

Motion made by Representative Acosta, seconded by Representative Romero and unanimously carried that the City Attorney be authorized settlement authority to negotiate a settlement agreement to resolve the lawsuit entitled Matthew Thomas v

City of El Paso, Cause No. EP-14-CV-00047, our File No. 14-1006-211.001.001.
The City Attorney is authorized to sign all documents to effectuate this authority
under File No. 14-1006-211.001.001 as recommended by the City Attorney.

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ADJOURN

Motion made by Mayor Pro Tempore Niland, seconded by Representative Limón, and
unanimously carried to **ADJOURN** this meeting at 12:46 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk