

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 30, 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 8:04 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Carl Robinson, Claudia Ordaz, and Lilia Limón. Late arrivals: Michiel R. Noe at 8:05 a.m. and Ann Morgan Lilly at 8:07 a.m. Cortney Niland 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.

INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

**Sophia Leilani Soto
Emma Lucille Soto
James Levi Soto**

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

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Ms. Wally Cech
3. Ms. Lisa Turner

RECOGNITIONS

Nolan Richardson – Star on the Mountain Award

NOTICE TO THE PUBLIC

CONSENT AGENDA

Motion made by Alternate Mayor Pro Tempore Acosta, 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, and Limón

NAYS: None

ABSENT: Representative Niland

1. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to **APPROVE** minutes for the Regular City Council Meeting of December 15, 2014, and the Special City Council Meetings of December 15, 2014 and December 16, 2014.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Pro Tempore Cortney Carlisle Niland from the Regular Council Meeting of December 30, 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 a Contract of Sale between FLOYD T. ANDERSON AND CAROL F. ANDERSON and CITY OF EL PASO, TEXAS, a Texas municipal corporation, for the purchase of the property located on and about a portion of Tracts 3-D-2 and 4-E-10, Block 55, Ysleta Grant, City of El Paso, El Paso County, Texas.

And that the City Manager, or his designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

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 and submit HHSC Contract No. 529-11-0001-00024I, which is Amendment Nine to HHSC Contract No. 529-11-0001-00024, and other related documents for the Texas Health and Human Services Commission, raising the total contract amount to \$1,125,545.90, to allow for the hiring of part-time staff who will work during peak call hours on weekdays to influence the number of rollover calls and increase service level percentages across the statewide 2-1-1 Texas system and to compensate the City for the resulting data reports that the City is required to submit to the Commission, with the amendment affecting the period from September 1, 2014 through August 31, 2015.

4. BOARD RE-APPOINTMENTS:

4.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Everett Barnett to

the Retired and Senior Volunteer Program by Representative Ann Morgan Lilly, District 1.

5. BOARD APPOINTMENTS:

5.1. *Motion made, seconded, and unanimously carried to **APPOINT** Stefanie Uribarri to the Building and Standards Commission, as a regular member, by Representative Cortney Niland, District 8.

5.2. *Motion made, seconded, and unanimously carried to **APPOINT** Casey Antonio Williams to the Civil Service Commission by Representative Lily Limón, District 7.

5.3. *Motion made, seconded, and unanimously carried to **APPOINT** Paul Gilcrease to the Historic Landmark Commission by Representative Cortney Niland, District 7.

6. APPLICATIONS FOR TAX REFUNDS:

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

1. Ron Ray in the amount of \$5,000.00 overpayment on September 24, 2013 of 2012 taxes. (Geo. # A765-999-005C-0102)
2. CoreLogic in the amount of \$2,762.15 overpayment on September 30, 2013 of 2012 taxes. (Geo. # A794-999-0090-0100)
3. Brenda Vidal in the amount of \$5,369.26 overpayment on December 31, 2011 of 2011 taxes. (Geo. # H010-000-0380-0070)
4. Texas Title Company in the amount of \$2,834.31 overpayment on May 30, 2012 of 2011 taxes. (Geo. # L521-999-001B-6100)
5. CoreLogic c/o HSBC in the amount of \$2,700.00 overpayment on June 30, 2014 of 2013 taxes. (Geo. # S814-999-0190-1400)
6. Peggy Hart Revocable Living Trust in the amount of \$2,800.00 overpayment on December 31, 2012 of 2012 taxes. (Geo. # T172-999-0130-2700)
7. CoreLogic in the amount of \$4,261.13 overpayment on December 17, 2012 of 2012 taxes. (Geo. # T287-999-0600-1600)
8. TSI Title Company of Texas, Inc. in the amount of \$10,030.24 overpayment on April 18, 2012 of 2011 taxes. (Geo. # V893-999-2380-3200)
9. Tierra Del Sol Housing Corporation in the amount of \$3,054.43 overpayment on June 30, 2013 of 2012 taxes. (Geo. # V893-999-5100-2000)
10. CoreLogic in the amount of \$3,023.63 overpayment on December 30, 2013 of 2013 taxes. (Geo. # X606-000-010F-2050)

7. BEST VALUE PROCUREMENTS:

7.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2015-330 (Library – Security Guard Services) to Ruiz Protective Service, Inc. for an initial three (3) year term in the estimated amount of \$206,759.16. The award is to include a

two (2) year optional amount of \$137,839.44 for a total five (5) year award of \$344,598.60.

Department:	Library
Award to:	Ruiz Protective Service, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$68,919.72
Initial Term Estimated Award:	\$206,759.16 (3 Years)
Total Estimated Award:	\$344,598.60 (5 Years)
Account No.:	453 – 53140 – 1000 – 522120 454 – 54020 – 1000 – 522120 454 – 54030 – 1000 – 522120
Funding Source:	Library – Security Contracts MCAD – Security Contracts

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Library recommends award as indicated to Ruiz Protective Service, Inc., 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.

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- 7.2.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2015-411 (Security Guard Services-Landfills) to Ruiz Protective Service, Inc. for an initial three (3) year term in the estimated amount of \$256,830.00. The award is to include a two (2) year optional amount of \$171,220.00 for a total five (5) year award of \$428,050.00.

Department:	Environmental Services
Award to:	Ruiz Protective Service, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$85,610.00
Initial Term Estimated Award:	\$256,830.00 (3 Years)
Total Estimated Award:	\$428,050.00 (5 Years)
Account No.:	334-522120-3100-34130-P3470
Funding Source:	Environmental Services

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Environmental Services recommends award as indicated to Ruiz Protective Service, Inc., 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.

8. BIDS:

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- 8.1.** *Motion made, seconded, and unanimously carried to **AWARD** 2015-334 for Yucca Park Basketball Court to J.A.R. CONCRETE, INC. dba JAR Construction, Inc., for an estimated total amount of \$141,085.80.

Department: Engineering and Construction Management
Award to: J.A.R. CONCRETE, INC. dba JAR Construction, Inc.
El Paso, TX
Base Bid I: \$ 141,085.80
Total Estimated Award: \$ 141,085.80
Time for Completion: 120 Consecutive Calendar Days
Accounts: 580270-4800-190-29010- PCP13PRKA32
Funding Source: 2012 Quality of Life Bonds

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

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REGULAR AGENDA - INTRODUCTIONS

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

Motion made by Alternate Mayor Pro Tempore Acosta, 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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- 9.1.** 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.

PUBLIC HEARING WILL BE HELD ON JANUARY 6, 2015

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- 9.2. An Ordinance changing the zoning of Tract 1C, Section 39, Block 79, Township 2, Texas and Pacific Company Surveys, El Paso County, Texas and a portion of Zaragoza Road from R-F (Ranch and Farm) to C-3/c (Commercial/conditions), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Zaragoza Road at Pebble Hills Boulevard. Property Owner: Tomly Corporation. PZRZ13-00039

PUBLIC HEARING WILL BE HELD ON JANUARY 20, 2015

- 9.3. An Ordinance approving a detailed site development plan for Lots 1-9, 13, 16-18, 25-29, 31-36, 39-42, 50-51, 59, 64-68, 81-86, and 88, Block 1, Barcelona Estates Replat "A", City of El Paso, El Paso County, Texas, to allow for the reduction of all lot requirements and setbacks, and imposing a condition, Pursuant to Sections 20.10.360 and 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Zaragoza Road and East of Joe Battle Boulevard. Property Owner: Laguna Meadows, LP., Mountain Vista Builders, Inc., RAKUSA Construction, LLC, William D. Thomas, William L. and Deanne Isaac, Thomas Dula, Ray W. and Carole Williams, and Harvey D. Joseph. PZDS14-00031

PUBLIC HEARING WILL BE HELD ON JANUARY 20, 2015

- 9.4. An Ordinance amending the Master Zoning Plan approved on October 30, 2012, by Ordinance No. 17895 for the rezoning to General Mixed Use (GMU) of Lots 1 through 20 and 16 foot alley, Block 209, Alexander Addition, 2501 & 2525 N. Mesa Street and 2508 Oregon Street, City of El Paso, El Paso County, Texas, and the northwesterly half of that vacated portion of Boston Street. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2501 & 2525 N. Mesa Street and 2508 Oregon Street. Property Owner: EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. PZRZ14-00019

PUBLIC HEARING WILL BE HELD ON JANUARY 20, 2015

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

10. PURCHASING AND STRATEGIC SOURCING:

- 10.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks Solicitation No. 2015-355R Property Insurance for an initial three (3) year term in the estimated amount of \$1,554,510.00. The award is to include a two (2) year optional amount of \$1,036,340.00 for a total five (5) year award of \$2,590,850.00. Initial contract period will begin January 3, 2015 through January 2, 2018.

Department:	Human Resources
Award to:	USI Southwest, Inc.
	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$518,170.00
Initial Term Estimated Award:	\$1,554,510.00 (3 Years)

Total Estimated Award: \$2,590,850.00 (5 Years)
Account No.: 999 – 99999 – 1000 – 544090
Funding Source: Non-departmental – Property Insurance Expense

This is a RFP contract.

The Purchasing & Strategic Sourcing Department and Human Resources recommends award as indicated to USI Southwest the highest rank proposer. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

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- 10.2.** Motion made by Representative Romero, seconded by Alternate Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Director for Purchasing and Strategic Sourcing Department to exercise the City's option to extend current Contract 2012-171 Cummins Proprietary Parts and Service with Rush Truck Centers of Texas, LP dba Rush Truck Center of El Paso for two (2) additional years pursuant to the provisions of an award approved by the City Council on April 24, 2012. The extended contract period will be from April 24, 2015 to April 23, 2017.

ABSENT: Representative Niland

Department: Facilities and Fleet Maintenance
Award to: Rush Truck Centers of Texas, LP dba Rush
Truck Center of El Paso
El Paso, TX
Option: One [of One]
Annual Estimated Amount: \$275,000.00
Total Estimated Amount: \$550,000.00 (2 years)
Account No.: 231- 37020 – 531210 -3600 - P3711
231- 37020 – 531250 -3600 - P3701
Funding Source: Inventory Purchases Materials and Supplies
Equipment Outside Repair Services

This is a low bid, service contract.

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- 10.3.** Motion made by Representative Romero, seconded by Alternate Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Director for Purchasing & Strategic Sourcing Department to issue Purchase Order(s) to Bridgeport Truck Mfg, Inc, the sole provider and authorized distributor for Bridgeport refuse truck parts for the purchase of refuse equipment and parts, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

ABSENT: Representative Niland

Department: Facilities and Fleet Maintenance – Fleet Division
Award to: Bridgeport Truck Mfg, Inc.
Bridgeport, TX
Annual Estimated Amount: \$180,000.00
Total Estimated Award: \$540,000.00 (3 years)
Account No.: 231-37020-531210-3600-P3711
Funding Source: Facilities and Fleet Maint. Dept. – Internal

Sole Source No.: Service Fund – Inventory Purchases
2015-553

This is a sole source, supplies contract.

REGULAR AGENDA – PUBLIC HEARINGS

ITEMS 11.1 – 11.7 TAKEN TOGETHER

11. ENVIRONMENTAL SERVICES:

11.1. ORDINANCE 018293

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO “AMERICAN DISPOSAL SERVICE” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1st MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

11.2.

ORDINANCE 018294

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO “CEMEX CONSTRUCTION MATERIALS SOUTH, LLC” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1st MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

11.3.

ORDINANCE 018295

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO “EL PASO DISPOSAL, LP” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1st MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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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11.4.

ORDINANCE 018296

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO “HEIST DISPOSAL, INC.” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1st MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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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11.5.

ORDINANCE 018297

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO “JOSE ROMAN GONZALEZ, JR. DBA JRG DISPOSAL SERVICE” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1st MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **RECONSIDER**.

3RD AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón

NAYS: None

ABSENT: Representative Niland

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

11.6.

ORDINANCE 018298

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO "MOORE SERVICE, INC." TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón

NAYS: None

ABSENT: Representative Niland

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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11.7.

ORDINANCE 018299

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 2016, A NON-EXCLUSIVE FRANCHISE TO “SANDOVAL CAPITAL, INC. DBA BRONCO DISPOSAL” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE.**

Mayor Leeser and Representative Noe commented.

Ms. Ellen Smyth, Director of Environmental Services commented.

Ms. Lisa Turner, citizen, commented.

1st MOTION

Motion duly made by Representative Noe, seconded by Representative Robinson, 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, and Limón,

NAYS: None

ABSENT: Representative Niland

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

2ND MOTION

Motion made by Representative Noe, seconded by Representative Robinson, and

unanimously carried to **RECONSIDER**.

3rd AND FINAL MOTION

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Acosta, 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, and Limón

NAYS: None

ABSENT: Representative Niland

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

12. PLANNING AND INSPECTIONS:

12.1.

ORDINANCE 018300

The City Clerk read an Ordinance entitled: **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**

Motion duly made by Representative Ordaz, 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, Romero, Acosta, Robinson, Noe, Ordaz, and Limón,

NAYS: None

ABSENT: Representative Niland

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

12.2.

ORDINANCE 018301

The City Clerk read an Ordinance entitled: **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**

Mr. David Coronado, City Development Program Manager, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Ordaz, Limón, Acosta, Robinson, and Noe commented.

Mr. Jonathan Robertson, citizen, commented.

Motion duly made by Representative Ordaz, 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, Romero, Noe, and Ordaz

NAYS: Representatives Acosta, Robinson and Limón

ABSENT: Representative Niland

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

REGULAR AGENDA - OTHER BUSINESS

13. PLANNING AND INSPECTIONS:

13.1. RESOLUTION

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

That the City Council hereby waives the two factor requirement to designate a property with an infill development overlay pursuant to Municipal Code 20.10.280A for the following property legally described as Lot 5, Block 15, Mesquite Trails Unit 3, 1340 Fito Hernandez Drive, City of El Paso, El Paso County, Texas.

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

ABSENT: Representative Niland

13.2.1. RESOLUTION

WHEREAS, EPT Land Mesa Development, L.P.; EPT Montecillo Development West, L.P.; and EPT Montecillo Development East, L.P., being a majority of value of the holders to title of land within Montecillo Municipal Management District No. 1 ("Petitioners"), such entity being hereinafter referred to as the "District," have petitioned the City of El Paso for its consent to the creation of the District; and

WHEREAS, Texas House Bill No. 3831 creating the District and providing authority to levy an assessment, impose a tax, and issue bonds was signed into law on June 17, 2011 during the 82nd Texas State Legislature; and

WHEREAS, the Petitioners are in agreement with the terms and conditions of

this consent by the City and certify they will comply with same;

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

That the City Council of the City of El Paso, Texas hereby consents to the creation of the Montecillo Municipal Management District No. 1 for certain lands encompassing approximately 306.2 +/- acres located within the boundaries of the City of El Paso, Texas subject to the conditions set forth in **Exhibit "A."**

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

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

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

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Ms. Lisa Turner

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

ABSENT: Representative Niland

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13.2.2.

R E S O L U T I O N

WHEREAS, the City is a home rule municipal corporation of the State of Texas, duly organized and validly existing under the laws of the State, and located wholly within El Paso County, Texas; and

WHEREAS, the Montecillo Municipal Management District No. 1 (the "District") is a conservation and reclamation district, political subdivision and body politic of the State of Texas created by House Bill No. 3831, Acts of the 82nd Texas Legislature, Regular Session, 2011 (Chapter 856), which legislation was codified at Chapter 3900, Texas Special District Local Laws Code (the "District Act"); and

WHEREAS, the District is located wholly within the corporate limits of the City, and the District's boundaries are described in **Exhibit "A"** hereto and incorporated herein; and

WHEREAS, the District was created under Article III, Sections 52 and 52-a, and Article XVI, Section 59, of the Texas Constitution, and operates under the District Act; and, pursuant to the District Act, the District may also exercise certain powers granted under, among other provisions, Chapters 372, 375, 380 and 505, Texas Local Government Code; Chapters 49 and 54, Texas Water Code; and Chapters 365 and 441, Texas Transportation Code; and

WHEREAS, the owners of land within the District have indicated their intention to develop the developable land within the District (the "Project Site") for mixed uses, including various commercial uses along with single-family and multi-family residential uses; and

WHEREAS, pursuant to the authority granted under the District Act, the District has certain powers with respect to the financing of improvement projects within the District, including the issuance of bonds; and

WHEREAS, pursuant to an election held on November 6, 2012 (the "Bond Election"), District voters have approved the issuance of bonds by the District in the total aggregate principal amount of \$14,000,000 for utility facilities, \$53,500,000 for road facilities and \$2,500,000 for recreational facilities; and

WHEREAS, Section 3900.208 of the District Act requires that before the District may issue bonds, impose taxes, impose assessments or borrow money, the District and the City must enter into a project development agreement regarding the development plans and rules for (i) the development and operation of the District and (ii) the financing of improvement projects; and

WHEREAS, Section 3900.202 of the District Act provides that the District may not issue bonds until the governing body of the City approves a bond issuance plan authorizing and setting forth the limitations on the issuance of the bonds; and

WHEREAS, the City entered into a Chapter 380 Economic Development Program Agreement with EPT Mesa Development L.P.; EPT Montecillo Development West, L.P.; and EPT Montecillo Development East, L.P. on April 26th, 2011 (the "380 Agreement") regarding development within the District and incentives to be paid by the City in consideration of construction of certain infrastructure set out in such agreement (the "380 Improvements"); and

WHEREAS, the County of El Paso, Texas (the "County") entered into a Chapter 381 Economic Development Program Agreement with EPT Mesa Development L.P.; EPT Montecillo Development West, L.P.; and EPT Montecillo Development East, L.P. effective September 19, 2011 (the "381 Agreement") regarding development within the District and incentives to be paid by the County in consideration of construction of certain infrastructure set out in such agreement (the "381 Improvements"); and

WHEREAS, the City has consented to the creation of the District by the Resolution of the City of El Paso consenting to the creation of Montecillo Municipal Management District No. 1 for certain lands located within the boundaries of the City of El Paso, Texas dated December 30, 2014, setting forth certain conditions to such consent by which the District must abide (the "Consent Resolution"); and

WHEREAS, the Parties have determined to enter into this Agreement, and it is the express intent of the Parties in entering into this Agreement, to address herein the requirements of the District Act with respect to such project development agreement and bond issuance plan, and the Parties agree that the development and financing of the Project can best proceed pursuant to a development agreement such as this Agreement; and

WHEREAS, the Parties have the authority to enter into this Agreement pursuant to, but not limited to, the authority granted by the District Act, Section 402.014, Texas Local Government Code, Chapter 791, Texas Government Code, and Chapters 49 and 54, Texas Water Code.

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 Project

Development Agreement by and between **THE CITY EL PASO, TEXAS**, a Texas home rule municipal corporation located in El Paso County, Texas and **MONTECILLO MUNICIPAL MANAGEMENT DISTRICT NO. 1**, a political subdivision and body politic of the State of Texas, also located in El Paso County, Texas, to set forth the rights and responsibilities among the parties to allow for the development of a mixed-use development on approximately 306.2 acres owned by EPT Mesa Development L.P., EPT Montecillo Development West, L.P., and EPT Montecillo Development East, L.P. and generally located north of Executive Blvd. at Mesa St. and east of Interstate Highway 10 in the City of El Paso, Texas.

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

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

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

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Ms. Lisa Turner

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

ABSENT: Representative Niland

14. ENGINEERING AND CONSTRUCTION MANAGEMENT:

14.1. Presentation on status of Capital Projects:

- a. Neighborhood Improvement Program (All Districts)
[Engineering and Construction Management, Javier Reyes (915) 212-1830]
- b. Pendale Street & Drainage Improvements (District 7)
[Engineering and Construction Management, Ivan Hernandez (915) 212-1854]

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

Ms. Monica Castrejon, Architectural Intern, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

Mr. Ivan Hernandez presented a PowerPoint presentation (copy on file in City Clerk's Office).

The following City staff members commented:

1. Mr. Gilbert Andujo, Engineering Division Manager

2. Mr. Ismael Galvez, Engineering Associate
3. Mr. Ismael Cepeda, Project Manager
4. Mr. Larry Nichols, Interim Director of Facilities/Fleet Maintenance

NO ACTION taken on this item.

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ADJOURN

Motion made by Representative Romero, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 9:44 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk