

**DEE MARGO**  
MAYOR

**TOMMY GONZALEZ**  
CITY MANAGER



**CITY COUNCIL**

PETER SVARZBEIN, DISTRICT 1  
ALEXSANDRA ANNELLO, DISTRICT 2  
CASSANDRA HERNANDEZ, DISTRICT 3  
SAM MORGAN, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
CLAUDIA ORDAZ PEREZ, DISTRICT 6  
HENRY RIVERA, DISTRICT 7  
CISSY LIZARRAGA, DISTRICT 8

## **MINUTES FOR REGULAR COUNCIL MEETING**

**December 18, 2018**  
**COUNCIL CHAMBERS, CITY HALL**  
**9:00 AM**

### **ROLL CALL**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:12 a.m. Mayor Pro Tempore Michiel Noe present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Sam Morgan, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. Mayor Dee Margo and Representative Cassandra Hernandez 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**

**Students from Sun Country Montessori School**

**George Duenas**  
**Jacob Guillen**  
**Gigi Johnson**  
**Liam Johnson**  
**Alyson Kelso**  
**Braeden Killian**  
**Egbert Lin**  
**Amari Mckalpain**  
**Brooklyn Mckalpain**  
**Isabella Wall**  
**Emiliano Zepeda**

### **MAYOR'S PROCLAMATIONS**

#### **1. Hyundai Sun Bowl Week**

2. **L&F Distributors 40th Anniversary Week**
3. **Greater El Paso Football Showcase Day**
4. **EPCC Cross Country and Half Marathon Champions Day**
5. **Entravision and Telemundo Emmy Award Winners Day**

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**RECOGNITIONS BY MAYOR**

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**NOTICE TO THE PUBLIC**

Motion made by Representative Ordaz Perez, seconded by Representative Svarzbein, 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 Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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**CONSENT AGENDA - APPROVAL OF MINUTES:**

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**1. Goal 6: Set the Standard for Sound Governance and Fiscal Management**

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- 1.1.** \*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 11, 2018, the Special Meeting of December 11, 2018, and the Agenda Review Meeting of December 10, 2018.
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**CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Dee Margo and Representative Cassandra Hernandez from the December 17, 2018 City Council meeting.

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**CONSENT AGENDA - RESOLUTIONS:**

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**3. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**

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**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 Council approves a Change Order to the EPIA- Checked Baggage Inspection System Project, Contract No. 2016-963 with Hensel Phelps Construction Co. ('Contractor') in the amount of TWO hundred THIRTEEN thousand SEVEN hundred EIGHTY FOUR AND NO/100 DOLLARS (\$213,784.00) for the additional construction cost of the permanent airline baggage service offices which were temporarily relocated during the construction of the Checked Baggage Inspection System; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers.

3.2.

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

**WHEREAS**, the City of El Paso (the "City") and Mills Plaza Properties II, LP ("MPP II") entered into a Special Warranty Deed dated May 18, 2017 pursuant to which MPP II sold the land (but not the improvements) underneath the Convention Center Hotel known as the Plaza Hotel to the City; and

**WHEREAS**, subsequently, the City and MPP II entered into a Chapter 380 Economic Development Program Agreement approved by Resolution on February 20, 2018 wherein the City provided certain economic incentives to MPP II in support of the redevelopment, construction and operation of the Plaza Hotel; and

**WHEREAS**, simultaneously with the Chapter 380 Economic Development Program Agreement, the City and MPP II entered into a Ground Lease approved by Resolution on February 20, 2018 whereby the City of El Paso leased the land under the Plaza Hotel (the "Property") to MPP II; and

**WHEREAS**, simultaneously with the Chapter 380 Economic Development Program Agreement, the City and MPP II entered into a Chapter 312 Abatement Agreement approved by Resolution on February 20, 2018 whereby the City agreed to provide MPP II with a one hundred percent incremental tax abatement during a specified abatement period; and

**WHEREAS**, pursuant to the Ground Lease between the City and MPP II, MPP II retained the right to sublease all or any part of the Property to a MPP II affiliate associated with the redevelopment of the Property and the Plaza Hotel and associated with the Federal Rehabilitation Tax Credits associated therewith; and

**WHEREAS**, pursuant to the Ground Lease, the City acknowledged that on December 13, 2018, MPP II master leased the Property to Mills Plaza Properties II MT, LLC, an affiliate of MPP II associated with the redevelopment of the Property and the Plaza Hotel and associated with the Federal Rehabilitation Tax Credits associated therewith (the "Master Lease"); and

**WHEREAS**, in connection with the redevelopment of Plaza Hotel and financing involving Federal Rehabilitation Tax Credits, MPP II and Mills Plaza Properties II MT, LLC entered into an Operating Agreement; and

**WHEREAS**, as part of the Federal Rehabilitation Tax Credit Financing, Bank of America is being added as an investor member of Mills Plaza Properties II MT, LLC; and

**WHEREAS**, adding the investor requires the execution of an amended and restated operating agreement between FML Acquisitions GP LLC (an affiliate of MPP II and Mills Plaza Properties II MT, LLC) and Bank of America; and

**WHEREAS**, adding the investor requires the execution of an amended and restated Master Lease between MPP II and Mills Plaza Properties II MT, LLC; and

**WHEREAS**, the City's consent and acknowledgment are necessary in regards to the amendment and restatement of the Master Lease; and

**WHEREAS**, certain estoppel statements are required from the City for the benefit of Mills Plaza Properties II MT, LLC and the investor (Bank of America).

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

**THAT** the City Manager is authorized to sign the Consent Agreement and Estoppel by and among the City of El Paso, Mills Plaza Properties II LP, Mills Plaza Properties II MT, LLC, and Bank of America, N.A. in connection with financing involving Federal Rehabilitation Tax Credits for the Convention Center Hotel currently known as the Plaza Hotel.

Representatives Annello and Noe commented.

Mr. Tommy Gonzalez, City Manager, commented.

**1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **MOVE** item to the regular agenda.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Ordaz Perez, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** the Resolution

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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**4. Goal 2: Set the Standard for a Safe and Secure City**

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**4.1. RESOLUTION**

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

That the City Manager or designee be authorized to sign the Interlocal Agreement between the City of El Paso, Texas; County of El Paso, Texas; the City of Anthony, Texas; Town of Horizon City, Texas; the City of Socorro, Texas; the City of San Elizario, Texas; Constable Precinct 6, and the Texas Department of Public Safety. For the submittal of the Stonegarden joint grant application to the Office of the Governor,

Homeland Security Division 2018, in the total amount of \$2,400,000.00. The amount of \$1,213,156.31 for the City of El Paso covers equipment and overtime wages used for law enforcement operations.

That the City Manager or designee be authorized to sign any grant- related paperwork, including all understanding and assurances contained therein , and accept, reject, alter or terminate the resulting grant, authorize budget transfers, and submit necessary revisions to the operational plan.

That the acceptance of the grant award is in the public interest, and will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

No cash match or in-kind match is required for this grant.

That in the event of loss or misuse of grant funds, the governing body will return all funds to the Office of the Governor.

#### **1<sup>ST</sup> MOTION**

Motion made, seconded, and unanimously carried to **MOVE** item to the regular agenda.

ABSENT: Representative Hernandez

#### **2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Ordaz Perez, seconded by Representative Annello, and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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#### **4.2.**

#### **\*RESOLUTION**

**WHEREAS**, the City of El Paso's Fire Department provides nonemergency and emergency patient transports; and

**WHEREAS**, the City of El Paso (the "City") is eligible to participate in the Texas Ambulance Supplemental Payment Program (TASPP) administered by the Texas Health and Human Services Commission; and

**WHEREAS**, the City upon submission of an annual written application for the TASPP may receive reimbursement for uncompensated care costs associated with providing medical services to uninsured and under-insured patients; and

**WHEREAS**, the TASPP application requires a signed letter documenting a governmental ambulance provider's voluntary contribution of non-federal funds to reassure the Centers for Medicaid/Medicare Services that the City is willing to participate in the Ambulance Supplemental Payment Program without coercion by the State; and

**WHEREAS**, in 2017, the City of El Paso, by and through the Fire Department, submitted a TASPP application which has since been accepted by the Texas Health and Human Services Commission and resulted in the reimbursement of \$2,407,771.26 dollars; and

**WHEREAS**, City Council accepts the TASPP reimbursement of \$2,407,771.26 dollars; and

**WHEREAS**, the City desires to continue to participate in the TASPP through the submission of an annual application for the same; and

**WHEREAS**, City Council desires to authorize the City Manager or designee to sign and submit all documents necessary for TASPP applications; and

**WHEREAS**, City Council desires to authorize the City Manager to accept any future TASPP reimbursements, establish funding sources and make any necessary budget transfers to allocate the reimbursed funds for capital and facility replacement for the El Paso Fire Department.

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

- (1) That the City Manager be authorized to accept TASPP reimbursements, including the 2017 TASPP reimbursement in the amount of \$2,407,771.26 dollars, establish funding sources and make any necessary budget transfers to allocate the reimbursed funds for capital and facility replacement for the El Paso Fire Department; and
- (2) That the City Manager or designee be authorized to sign and submit future TASPP applications and supporting documents to the Texas Health and Human Services Commission; and that all actions related to the submission of the 2017 TASPP application are hereby ratified.

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4.3.

**\*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 Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso County 911 District relating to the City's use of the District's facilities at 6055 Threadgill Avenue, El Paso Texas 79924, for the City's police and fire communications, emergency operations functions and related operations.

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5.     **Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments**

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5.1.

**\*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 Underground Electrical and Transformer Pad Easement granting two easements to the El Paso Electric Company ("Company") for the Company to provide electrical power to the City's Chihuahuan Desert project and the El Paso Zoo, said easements more particularly described as a portion of Washington Park, City of El Paso, El Paso County, Texas.

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**6. Goal 5: Promote Transparent and Consistent Communication Among All Members of the Community**

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**6.1. \*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 Second Amendment to Contract 2011-149R PeopleSoft Re-Implementation Project ("Contract") by and between the City of El Paso and CherryRoad Technologies Inc. , by which the parties agree to conclude the Contract and that the parties mutually release each other of any and all claims and obligations under Contract.

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**7. Goal 7: Enhance and Sustain El Paso's Infrastructure Network**

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**7.1. \*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 two year On-Call Agreement for Professional Services to perform environmental engineering consulting services on a task by task basis by and between the by City of El Paso and each of the following two (2) consultants:

1. Arcadis U.S. Inc.
2. Wood Environment & Infrastructure Solutions, Inc.

Each On Call Agreement will be for an amount not to exceed Three Hundred Thousand and No/00 Dollars (\$300,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

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**7.2. \*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 an Underground Electrical and Transformer Pad Easement granting an easement to the El Paso Electric Company ("Company") for the Company to provide electrical power to the City's Eastside Regional park, said easement more particularly described as a portion of Tracts 1C, 20 and 21, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

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**8. Goal 8: Nurture and Promote a Healthy, Sustainable Community**

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**8.1. \*R E S O L U T I O N**

**WHEREAS**, on March 9, 2010 the City accepted Transportation Energy Efficiency Alternative Fuels and Technology Stimulus Grant in the amount of \$256,000.00 originating from American Recovery and Reinvestment Act of 2009 (ARRA) grant funds ("Grant") to purchase thirty-two (32) electric vehicle charging stations; and

**WHEREAS**, on December 21, 2010 the City entered into Contract No. 2010-209R Electric Vehicle Charging Stations with ECOtality, North America for the purchase and installation of 32 electric vehicle charging stations and five (5) years of support and maintenance services using the Grant funds; and

**WHEREAS**, on or about September 17, 2013 ECOtality, North America filed for bankruptcy and on October 2013, the Blink-related assets of ECOtality were purchased by Blink Network, LLC; and

**WHEREAS**, the City purchased six (6) additional vehicle chargers from Blink Network, LLC; and

**WHEREAS**, on September 4, 2018, the City Council authorized the City Manager to sign an Electrical Charging Services and Hosting Agreement with Blink Network, LLC ("Agreement"); and

**WHEREAS**, prior to execution of the Agreement, Blink Network, LLC informed the City that Blink Network, LLC is doing business in the State of Texas through its affiliate BLINK EV LLC ("Blink"), a Texas limited liability corporation; and

**WHEREAS**, Blink continues to be the sole service provider for the support and maintenance of the 38 electric vehicle chargers; and

**WHEREAS**, the City desires to transfer ownership of all the vehicle chargers to Blink, in exchange of Blink providing the services and maintenance to the vehicle chargers during the term of the Agreement; and

**WHEREAS**, the agreement is consistent with the Texas Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016, and any applicable regulations promulgated thereunder by the Public Utility Commission of Texas; and

**WHEREAS**, the City also desires to grant Blink a license to enter the City property to allow Blink to service and maintain the City charging stations during the term of the agreement.



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

That the City Manager be authorized to sign an Electric Vehicle Charging Services and Hosting Agreement by and between the **CITY OF EL PASO** and **BLINK EV LLC ("BLINK")** a Texas limited liability company, for the transfer of ownership of the thirty eight (38) vehicle charging stations to Blink in consideration of the services and maintenance of the vehicle charging station located on City property for a term of seven (7) years and an automatic renewal term of three (3) years, and that the City grants a license to allow Blink EV, LLC to retain, service and maintain the vehicle charging stations on City property identified in the Agreement for the term of the Agreement; Blink will reimburse the City for electricity by providing 20% of the net profits minus taxes and fees; and that the authority granted to the City Manager on September 4, 2018 to sign an Electrical Charging Services and Hosting Agreement with Blink Network, LLC is hereby null and void.

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**CONSENT AGENDA - BOARD RE-APPOINTMENTS:**

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**9. Goal 7: Enhance and Sustain El Paso's Infrastructure Network**

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**9.1.** \*Motion made, seconded, and unanimously carried to **APPROVE** the re-appointment Ivan Lopez to the Historic Landmark Commission by Representative Henry Rivera, District 7.  
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**CONSENT AGENDA - BIDS:**

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**10. Goal 7: Enhance and Sustain El Paso's Infrastructure Network**

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**10.1.** \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2019-153 Greater El Paso Landfill Groundwater Monitoring Wells and Gas Monitoring Probes to Cascade Environmental Holdings, LLC dba Cascade Drilling, LP for an estimated total award of \$196,381.00. The project consists of the installation of two (2) groundwater monitoring wells and four (4) gas monitoring probes required to be in place before waste can be placed in new cells.  
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Department:	Capital Improvement
Award to:	Cascade Environmental Holdings, LLC dba Cascade Drilling, LP
	Bothell, WA
Item(s):	All Items
Initial Term:	30 Consecutive Calendar Days
Base Bid:	\$196,381.00
Total Estimated Award:	\$196,381.00
Account No.:	334-3150-34130-580270-PESD00170S
Funding Source:	Environmental Services
Districts:	All

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments

recommend award as indicated to Cascade Environmental Holdings, LLC dba Cascade Drilling, LP the lowest responsive, responsible bidder.

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.

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### **REGULAR AGENDA - FIRST READING OF ORDINANCES**

Motion made by Representative Ordaz Perez, seconded by Representative Rivera, 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:

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraaga

NAYS: None

ABSENT: Representative Hernandez

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#### **11. Goal 2: Set the Standard for a Safe and Secure City:**

- 11.1. An Ordinance amending Title 6 of the El Paso City Code (Transportation for Hire); revising Section 6.04.090 (Operating Authority Permit-Application) to add Subsection 5 (Color Scheme); revising Section 6.04.110 (Driver's Qualifications) to add Subsection B; adding Section 6.04.210 (Conduct of Drivers); adding Section 6.04.330 (Vehicle Requirements and Inspections); adding Section 6.04.340 (Vehicle Color Scheme and Distinctive Markings); revising Section 6.04.410 to add verbiage requiring by appointment only vehicle for hire services to keep logbook of their pick-ups; adding Section 6.04.420 (Vehicle Identification Requirements); correcting typographical errors throughout; the penalty being as provided in Sections 1.08.010, 1.08.020, and 1.08.030 of the El Paso City Code.

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#### **12. Goal 3: Promote the Visual Image of El Paso:**

- 12.1. An Ordinance changing the zoning of all of Lots 1 thru 12 of Block 8, Eastwood Section 1, an Addition to the City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 in the El Paso City Code. Subject Property: the entire block located at the southeast corner of the intersection of Bois D'Arc and Boxwood. Property Owner: El Paso Healthcare Systems, LTD., A Texas Limited Partnership

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**13. Goal 6: Set the Standard for Sound Governance and Fiscal Management:**

- 13.1.** An Ordinance pursuant to Article III, Section 3.11 (Initiative) of the El Paso City Charter, that the City of El Paso will take all steps necessary pursuant to Chapter 311 of the Texas Tax Code to immediately terminate "Reinvestment Zone Number Twelve, City of El Paso" created by Ordinance No. 018790 and "Reinvestment Zone Number 10 expanded 10a" created by Ordinance No. 018791.

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**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

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**14. MANAGEMENT UPDATES**

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**14.1.** Budget Update.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representatives Svarzbein, Morgan, and Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried to reconsider the item.

ABSENT: Representative Hernandez

**NO ACTION** was taken on this item.

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**CALL TO THE PUBLIC – PUBLIC COMMENT**

The following members of the public commented:

1. Mr. Steven Strumer
2. Mr. Michael Castro
3. Ms. Wally Cech

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**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

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**15. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**

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**15.1. ORDINANCE 018887**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A FIRST AMENDMENT TO LEASE BETWEEN THE CITY OF EL PASO ("LESSOR") AND SUN CITY COMMUNITY DEVELOPMENT**

**CORPORATION (“LESSEE”) FOR THE ASSIGNMENT OF THE LEASE OF PROPERTY AT 9135 STAHALA DRIVE, EL PASO, TEXAS (“PREMISES”) AND REVISING THE USES PERMITTED ON THE PREMISES AND TO ALLOW LESSEE TO GRANT LICENSES TO USE THE PREMISES.**

Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done results as follows:

The following City staff members commented:

1. Mr. Richard Bristol, Streets and Maintenance Director
2. Mr. Russell Abeln, Assistant City Attorney, read amendment into the record

Ms. Sylvia Acosta, CEO for the YWCA, commented.

Motion duly made by Representative Ordaz Perez, seconded by Representative Rivera, that the Ordinance be **ADOPTED, AS REVISED**.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS REVISED**.

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**16. Goal 3: Promote the Visual Image of El Paso**

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**16.1. ITEMS 16.1 THROUGH 16.4 WERE TAKEN TOGETHER**

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**ORDINANCE 018888**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN “PLAN EL PASO” FOR THE PROPERTIES LEGALLY DESCRIBED AS:**

**PARCEL 1: LOT 3 AND THE EASTERN 120 FEET OF LOT 2, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7606 BOEING, AND;**

**PARCEL 2: LOTS 4-6, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7610 BOEING, AND;**

**PARCEL 3: LOTS 7 AND 8, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7618 BOEING, AND;**

**PARCEL 4: LOTS 1 AND 11, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 8001 LOCKHEED, AND;**

**PARCEL 5: LOTS 2-4 AND LOTS 8-10, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 8037 LOCKHEED, AND;**

**PARCEL 6: LOTS 5 AND 6 AND 17 AND 18, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 8108 LOCKHEED, AND;**

**PARCEL 7: LOTS 5 AND 6, BLOCK 7, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7328 BOEING, AND;**

**PARCEL 8: LOT 1 AND THE WESTERN 34 FEET OF LOT 2, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7600 BOEING, AND;**

**PARCEL 9: LOTS 7 AND 12-16, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, 8201 LOCKHEED, AND;**

**PARCEL 10: LOTS 1-3 AND THE WESTERLY 86.5 FEET OF LOT 4, BLOCK 10, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, 8400 BOEING, AND;**

**PARCEL 11: NORTHERLY 205.5 FEET OF EASTERLY 54 FEET OF LOT 4, BLOCK 10, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, 8412 BOEING, AND;**

**PARCEL 12: NORTHERLY 205.5 FEET OF LOT 5, BLOCK 10, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, 8500 BOEING, AND;**

**PARCEL 13: NORTHERLY 205.5 FEET OF LOT 6, BLOCK 10, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, 8550 BOEING, AND;**

**PARCEL 14: NORTHERLY 181 FEET OF LOT 1, BLOCK 11, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, 8600 BOEING, AND;**

**PARCEL 15: NORTHERLY 181 FEET OF LOTS 2-4, BLOCK 11, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, 8630 BOEING, AND;**

**PARCEL 16: LOTS 1 AND 6 AND THE NORTHERLY 78 FEET OF LOT 2, AND NORTHERLY 78 FEET OF LOT 5, BLOCK 12, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, 1625 HAWKINS, AND;**

**PARCEL 17: LOT 1, BLOCK 14, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 1701 HAWKINS, AND;**

**PARCEL 18: LOT 1, BLOCK 15, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 8601 STINSON, AND;**

**PARCEL 19: LOT 2, BLOCK 15, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, AND;**

**PARCEL 20: LOT 1, BLOCK 16, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 8401 BOEING, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM G3, POST-WAR TO G7, INDUSTRIAL.**

**PROPERTY OWNER: CITY OF EL PASO. PLCP18-00002.**

**16.2.**

**ORDINANCE 018889**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING A REGULATING PLAN TO MODIFY THE BOUNDARIES OF THE REGULATING PLAN TO REMOVE ALL AIRPORT PROPERTIES EAST OF SIKORSKY STREET FROM THE REGULATING PLAN AREA.**

**OWNER: CITY OF EL PASO PLRP18-00005**

**16.3.**

**ORDINANCE 018890**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:**

**PARCEL 1: THE WESTERN 54 FEET OF LOT 10 AND EASTERN 68 FEET OF LOT 11, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7727 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 2: THE EASTERN 100 FEET OF LOT 10, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7729 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 3: THE NORTH PART OF LOT 9, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 1605 BEECH, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 4: THE SOUTH PART OF LOT 9, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7741 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 5: LOTS 13 AND 14 AND THE WESTERN 20 FEET OF LOT 12, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7701 LOCKHEED, AND;**

**PARCEL 6: THE WESTERN 86 FEET OF LOT 11 AND EASTERN 134 FEET OF LOT 12, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7717 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 7: LOTS 1-4 AND 9-12, BLOCK 7, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7201 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 8: LOT 7, BLOCK 7, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7505 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 9: LOT 8, BLOCK 7, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7501 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 10: THE WESTERN 34 FEET OF LOT 15, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 11: THE EASTERN 120 FEET OF LOT 15, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7619 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 12: LOT 16, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7601 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 13: PORTIONS OF LOTS 4, 5 AND 6, BLOCK 10, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, AS FILED IN BOOK 24, PAGE 11 OF THE PLAT RECORDS OF EL PASO COUNTY, 8515 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 14: A PORTION OF LOTS 1, 2, 3 AND 4 AND ALL OF LOT 5, BLOCK 11, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, AS FILED IN BOOK 56, PAGE 54 OF THE PLAT RECORDS OF EL PASO COUNTY, 8601 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 15: ALL OF LOTS 3 AND 4 AND PORTIONS OF LOTS 2 AND 5, BLOCK 12, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, AS FILED IN BOOK 56, PAGE 54 OF THE PLAT RECORDS OF EL PASO COUNTY, 8701 MONTANA, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 16: LOTS 1-7, BLOCK 13, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, 1600 HAWKINS, 1612 HAWKINS, 1624 HAWKINS, 1636 HAWKINS, 1700 HAWKINS, 1712 HAWKINS, 1724 HAWKINS, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE) TO C-2 (COMMERCIAL) AND;**

**PARCEL 17: ALL OF LOT 1 AND A PORTION OF LOT 2 , BLOCK 1, HAWKINS PLAZA, AS FILED IN BOOK 18, PAGE 66 OF THE PLAT RECORDS OF EL PASO COUNTY, A PORTION OF W.A. MOREHOUSE SURVEY NUMBER 12 AND A PORTION OF SECTION 40, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 1550 HAWKINS AND 8836 MONTANA, FROM SCZ (SMARTCODE ZONE) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**OWNER: CITY OF EL PASO PZRZ18-00018**

**16.4.**

**ORDINANCE 018891**

**The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:**

**PARCEL 1: LOT 3 AND THE EASTERN 120 FEET OF LOT 2, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7606 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 2: LOTS 4-6, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7610 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 3: LOTS 7 AND 8, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 7618 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 4: LOTS 1 AND 11, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 8001 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 5: LOTS 2-4 AND LOTS 8-10, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 8037 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 6: LOTS 5 AND 6 AND 17 AND 18, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 1, 8108 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 7: LOTS 5 AND 6, BLOCK 7, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7328 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 8: LOT 1 AND THE WESTERN 34 FEET OF LOT 2, BLOCK 8, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 2, 7600 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 9: LOTS 7 AND 12-16, BLOCK 9, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, 8201 LOCKHEED, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 10: LOTS 1, 2, AND 3 AND PORTIONS OF LOTS 4, 5, AND 6, BLOCK 10, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 7, AS FILED IN BOOK 24, PAGE 11 OF THE PLAT RECORDS OF EL PASO COUNTY, 8400 BOEING, 8412 BOEING, 8500 BOEING, 8550 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;**

**PARCEL 11: LOTS 1, 2, 3, AND 4 , BLOCK 11 , EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, AS FILED IN BOOK 56, PAGE 54 OF THE PLAT RECORDS OF EL PASO COUNTY, 8600 BOEING, 8630 BOEING, CITY OF**



EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;

PARCEL 12: LOTS 1 AND 6 AND THE NORTHERLY 78 FEET OF LOT 2, AND THE NORTHERLY 78 FEET OF LOT 5, BLOCK 12, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 8 REPLAT A, 1625 HAWKINS, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;

PARCEL 13: LOT 1, BLOCK 14, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 1701 HAWKINS, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;

PARCEL 14: LOT 1, BLOCK 15, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 8601 STINSON, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;

PARCEL 15: LOT 2, BLOCK 15, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 8601 STINSON CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING) AND;

PARCEL 16: LOT 1, BLOCK 16, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, 8401 BOEING, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SCZ (SMARTCODE ZONE) TO M-1 (MANUFACTURING).

THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

**OWNER: CITY OF EL PASO PZRZ18-00018**

Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done results as follows:

Motion duly made by Representative Ordaz Perez, seconded by Representative Rivera, that the Ordinance be **ADOPTED**.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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

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- 16.5.** \*Motion made, seconded, and unanimously carried to **POSTPONE FIVE WEEKS** An Ordinance granting Special Permit No. PZST17-00013, to allow for a helistop on the property described as Lots 1 to 15 & Closed Alley and Adjacent Street, Block 91, Alexander Addition, 1800 Oregon Street., City of El Paso, El Paso County, Texas, pursuant to Section 20.10.240 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1800 Oregon Street. Property Owner: HCA Health Systems of Texas, Independent Mortgage

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**16.6.** \*Motion made, seconded, and unanimously carried to **POSTPONE FIVE WEEKS** An Ordinance Granting Special Permit No. PZST17-00013, to allow for a parking reduction on the property described as Lots 1 to 15 & closed alley and adjacent street, Block 91, Alexander Addition, City of El Paso, El Paso County, Texas, 1800 Oregon; Lots 1 to 20 & Closed Alley, Block 90, Alexander Addition, 1801 Oregon Street, City of El Paso, El Paso County, Texas; Lots 16 to 20, Block 91, Alexander Addition, 101 Rim Road, City of El Paso, El Paso County, Texas; Lots 11 to 20, Block 77, Alexander Addition, 1700 Oregon Street, City of El Paso, El Paso County, Texas; Lots 4 to 8 and the north 18 feet of Lot 3 and the south Subject Property: 1800 Oregon Street, 1801 Oregon Street, 101 Rim Road, 1700 Oregon Street. Property Owner: HCA Health Systems of Texas, Independent Mortgage Company, El Paso Electric Company. PZST17-00013

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**16.7.** \*Motion made, seconded, and unanimously carried to **POSTPONE FIVE WEEKS** An Ordinance Granting Special Permit No. PZST17-00013, to allow for off-street parking serving another property in accordance with Section 20.10.410 on the property described as Lots 1 to 10, Block 78, Alexander Addition, 1711 Oregon Street, City of El Paso, El Paso County, Texas; Lots 11 to 20, Block 46, Alexander Addition, 1500 Oregon Street, City of El Paso, El Paso County, Texas; Lots 9 to 12, Block 70, and Lots 9 to 12, Block 80, and the adjoining alley and a portion of vacated Los Angeles Street, Alexander Addition, SW corner of El Paso & Rim Road, City of El Paso, El Paso County, Texas; Lots 9 to 12 Block 81, Alexander Addition, SE corner of Randolph and Rim Road, City of El Paso, El Paso County, Texas, Lots 1 to 8 and a portion of the adjoining alley, Block 79, Alexander Addition, 1717 El Paso & 201 Schuster Ave., City of El Paso, El Paso County, Texas, pursuant to Section 20.10.410 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1711 Oregon Street, 1500 Oregon Street, the SW corner of El Paso & Rim Road, the SE corner of Randolph and Rim Road, 1717 El Paso Street & 201 Schuster Ave. Property Owner: HCA Health Systems of Texas, Independent Mortgage Company, and El Paso Electric Company. PZST17-00013

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**REGULAR AGENDA - OTHER BUSINESS**

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**17. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**

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**17.1.** Presentation by The Hub of Human Innovation on their mid-year (September 1, 2017 – March 31, 2018) and Annual Report, on their progress with respect to the FY 2018 performance measures, as described under the reporting metrics in the Chapter 380 grant agreement.

Mr. Carlos Martinez-Vela, CEO for the Hub of Human Innovation, presented a PowerPoint presentation (copy on file in the City Clerk's office)

Representatives Svarzbein and Noe commented.

Ms. Denisse Carter, Economic Development Contract Compliance Coordinator, commented.

NO ACTION was taken on this item.

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**18. Goal 7: Enhance and Sustain El Paso's Infrastructure Network**

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**18.1. RESOLUTION**

**WHEREAS**, Chapter 395 (Impact Fee Statute) of the Texas Local Government Code provides for the establishment and collection of impact fees; and,

**WHEREAS**, on March 24, 2009, in accordance with the Impact Fee Statute, the City of El Paso adopted the land use assumptions and capital improvements plan under which an impact fee for water and waste water was imposed; and,

**WHEREAS**, Texas Local Government Code Section 395.052 states that a political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years; and

**WHEREAS**, the City of El Paso last updated the land use assumptions and capital improvements plan on February 18, 2014; and

**WHEREAS**, on December 17, 2018, the City Council of the City of El Paso received an update of the land use assumptions and the capital improvements plan; and

**WHEREAS**, the Impact Fee Statute requires that within 60 days following an update on the land use assumptions and the capital improvement plan, the governing body of a political subdivision determine whether to amend the plan and adopt an order setting a public hearing to discuss and review the update; and

**WHEREAS**, the Impact Fee Statute also requires the governing body of a political subdivision to hold a public hearing to discuss the proposed ordinance amending land use assumptions, the capital improvements plan, or the impact fee.

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

1. That the City Council determines that it is necessary to amend the capital improvements plan, such amendments to be discussed and finally approved after a public meeting as set below.
2. The City Council of the City of El Paso, Texas hereby sets a public hearing date for January 22, 2019 at 9:00 am in the City Council Chambers on the 1<sup>st</sup> floor of City Hall, 300 North Campbell Street, El Paso, El Paso County, Texas to discuss and review the update of the land use assumptions and capital improvements plan and to discuss the proposed ordinance amending the land use assumptions, the capital improvements plan, and/or the impact fees.

Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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**19. Goal 8: Nurture and Promote a Healthy, Sustainable Community**

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**19.1. RESOLUTION**

**WHEREAS**, on July 10, 2018, the City Council for the City of El Paso adopted the Final Action Plan for 2018-2019 for the Consolidated Plan 2015-2020, including the 44th Year (2018-2019) Community Development Block Grant (CDBG) Program, and on that date Authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2018-2019 Annual Action Plan to include all certifications contained therein; and

**WHEREAS**, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2018-2019 Annual Action Plan of the 2015-2020 Consolidated Plan and 2018-2019 CDBG Program Budget by deleting two public facility activities and reallocating the funds for those activities to another existing public facility activity; and

**WHEREAS**, on November 16, 2018, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the 2018-2019 Annual Action Plan and 44th Year CDBG Program Budget and City Council has duly considered public comment, if any.

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

1. That the 2018-2019 Annual Action Plan and 44th Year CDBG Program Budget is hereby amended as follows:
  - a. The Leona Ford Washington Recreation Center Improvements, 3400 E. Missouri Ave., 79903 project is removed from the 2018-2019 Annual Action Plan. The \$569,600 allocated to this project will be allocated to the Trowbridge Drive Improvements project, Between Pershing Dr. and Chelsea St.
  - b. The Memorial Park Library Teen Room Expansion, 3200 Copper Ave., 79930 project is removed from the 2018-2019 Annual Action Plan. The \$220,800 allocated to this project will be allocated to the Trowbridge Drive Improvements project, Between Pershing Dr. and Chelsea St.
  - c. The project funds allocations for the Trowbridge Drive Improvements project, Between Pershing Dr. and Chelsea St. shall be increased from \$214,640 to \$1,005,050.
2. That the Department of Community and Human Development be authorized to

make the above changes to the 2018-2019 Annual Action Plan in the United States Department of Housing and Urban Development's program system.

3. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.
4. Except as herein amended, the 2018-2019 Annual Action Plan and 44th Year CDBG Program Budget remain in full force and effect.

Representatives Annello and Ordaz Perez commented.

Ms. Nicole Ferrini, Community and Human Development Director, commented.

Mr. Steven Strumer, citizen, commented.

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

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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- 19.2.** Presentation on the City of El Paso's process for formulating recommendations to issue Resolutions of Support and/or Resolutions of No Objection for 2019 Low Income Housing Tax Credit proposals.

Ms. Nicole Ferrini, Community and Human Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Svarzbein commented.

**NO ACTION** was taken on this item.

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The City Council Meeting was **RECESSED** at 10:55 a.m. in order to convene the Mass Transit Board meeting.

The City Council Meeting was **RECONVENED** at 11:02 a.m.

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## **20. MAYOR AND COUNCIL**

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- 20.1.** Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** and **DIRECT** the City Attorney to provide the Council legal advice, a process and existing policy or laws related to Mayor and City Representatives leaking, disclosing and dissemination of confidential documents and contracts under review that has not been provided to the public.

Representatives Noe, Rivera, and Lizarraga commented.

Ms. Karla Nieman, City Attorney, commented.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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### **EXECUTIVE SESSION**

Motion made by Representative Ordaz Perez, seconded by Representative Annello, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:23 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATIONS 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
Section 551.089	DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS, CLOSED MEETING

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to adjourn the Executive Session at 12:12 p.m. and **RECONVENE** the meeting of the City Council, during which time the following motions were made.

AYES: Representative Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

**EX1.** Public Utility Commission Docket No. 48181, SOAH Docket No. 473-18-5084; Application of El Paso Electric Company to Expand Solar Generation Capacity and Change Rates for the Community Solar Pilot Program; Matter No. 18-1008-108 (551.071)

**NO ACTION** was taken on this item.

**EX2.** Texas Gas Service, a division of ONE Gas, Inc.'s application to approve rate schedule EDIT Rider, refund of excess deferred income taxes. (551.071)

**WHEREAS**, Texas Gas Service Company, a division of ONE Gas, Inc., distributes natural gas within the City Limits of the City of El Paso pursuant to a franchise granted to Southern Union Company dated as of February 22, 2000, and assigned to ONEOK, Inc and subsequently assigned to ONE Gas, Inc., and is a gas utility, and

**WHEREAS**, on November 15, 2018, Texas Gas Service Company its proposed Excess Deferred Income Tax Credit Rider Tariff for Rates within the City of El Paso specifying that the rate change should be effective in 35 days from that

date, and

**WHEREAS**, pursuant to the Gas Utility Regulatory Act, Texas Utilities Code Section 103.001, the City of El Paso has exclusive original jurisdiction over the rates, operations, and services of the Texas Gas Service Company within the City of El Paso, and

**WHEREAS**, the City Council has determined that additional time is needed for it to study the proposed change, and

**WHEREAS**, pursuant to the Gas Utility Regulatory Act, Texas Utilities Code Section 104.107, the City of El Paso, as regulatory Authority, has the right to suspend the proposed rate change for a period of 90 days after the proposed date the change would otherwise be effective, and

**WHEREAS**, the City Council has determined that it is in the best interest of its citizens and ratepayers to suspend the rate change.

**NOW, THEREFORE**, motion made by Representative Ordaz Perez, seconded by Representative Morgan and unanimously carried;

1. That the proposed tariff rider Excess Deferred Income Tax Credit filed by Texas Gas Service Company a division of ONE Gas, Inc., on November 15, 2018, be and is hereby suspended for 90 days after the effective date specified in the Statement of Intent.
2. That the City Manager shall so notify Texas Gas Service Company of this suspension by having a copy of this Motion delivered or mailed to Texas Gas Service Company.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

**EX3.** Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried that the Office of the City Attorney reject the offer made by **SuperLodge Motel** to pay the Hotel Occupancy Tax, penalty and interest owed by **SuperLodge Motel** under Matter Number 18-1063-127.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

**EX4.** Guadalupe Ramirez, et al vs. The City of El Paso; Cause No. 2007-2568; Matter No. 07-1005-001 (551.071)

**NO ACTION** was taken on this item.

- EX5.** Mesa Executive Park, LP vs. City of El Paso through The El Paso Water Utilities Public Service Board and Ana Ruelas d/b/a Ruga Trucking; Cause No. 2017DCV1101; Matter No. 17-1009-533.001 (551.071)

**NO ACTION** was taken on this item.

- EX6.** Motion made by Representative Ordaz Perez, seconded by Representative Rivera and unanimously carried that the City Attorney be authorized to retain the law firm of Modrall Sperling as outside counsel to defend the City's interest and position in the lawsuit styled *Ysleta Del Sur Pueblo, a federally recognized Indian Tribe v. City of El Paso*, pending in the United States District Court, Western District of Texas, under Cause No. 3:17-CV-00162-DCG.

That the City Attorney is authorized to take any and all action necessary, both affirmative and defensive, retain experts and/or consultants, as necessary, in connection with this lawsuit through outside counsel. This Motion is intended to grant broad authority to City Attorney to take action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints, appeals, and any other administrative or judicial proceedings or process, under Matter No. 17-1009-561.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

- EX7.** Max Grossman v. City Clerk Laura D. Prine and Mayor Dee Margo, City Representative Peter Svarzbein, City Representative Michiel R. Noe, City Representative Sam Morgan, City Representative Cassandra Hernandez-Brown, City Representative Henry Rivera, City Representative Claudia Ordaz Perez, and City Representative Cissy Lizarraga; 171st District Court No. 2018DCV2172; Matter No. 18-1019-204 (551.071)

**NO ACTION** was taken on this item.

- EX8.** Ex Parte: City of El Paso; Third Court of Appeals; Travis County, TX #03-17-00566-CV; Matter No. 17-1001-171.002 (551.071)

**NO ACTION** was taken on this item.

- EX9.** Max Grossman v. City of El Paso; 384th District Court; #2017DCV2528; Matter No. 17-1001-171.001 (551.071)

**NO ACTION** was taken on this item.

- EX10.** Max Grossman v. Mark Wolfe, Executive Director, Texas Historical Commission and City of El Paso (Defendant and Intervenor); 261st District Court; Travis County; Cause No. D-1-GN-18-006433; Matter No. 18-1001-224 (551.071)

**NO ACTION** was taken on this item.



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**ADJOURN**

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to **ADJOURN** this meeting at 12:26 p.m.

AYES: Representatives Svarzbein, Annello, Morgan, Noe, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk