

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ-BROWN, 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

January 23, 2018
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 8:09 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Cassandra Hernandez-Brown, Sam Morgan, Claudia Ordaz Perez, Henry Rivera and Cissy Lizarraga. Late arrivals: Alexsandra Annello at 8:13 a.m. and Michiel Noe at 8:31 a.m. 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 Boy Scout Troop 27, at the invitation of the Mayor

RECOGNITIONS BY MAYOR

RECOGNITIONS

City Employees

NOTICE TO THE PUBLIC

Motion made by Representative Ordaz Perez, seconded by Representative Rivera, 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, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: None

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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** Minutes for the Regular City Council Meeting of January 9, 2018, the Legislative Review Meeting of the Whole of January 8, 2018, the City Council Work Session of January 8, 2018.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. REQUEST TO EXCUSE ABSENT COUNCIL MEMBERS:
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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. ***RESOLUTION**
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a First Amendment to Lease between the City and La Posada Home, Inc. for the property at 1926-1930 Bassett Avenue, El Paso, El Paso Texas, to provide affordable housing for rapid rehousing clients and to extend the term of the lease.

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4. Goal 3: Promote the Visual Image of El Paso
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4.1. ***RESOLUTION**
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WHEREAS, on July 8, 2014 the City of El Paso ("City") awarded Contract No. 2014-391 Ramos Court, Little Flower and Manning Way Street Improvements ("Contract") to MGB Group, Inc.; and

WHEREAS, Contractor provided a Performance Bond through Westchester Fire Insurance Company ("Surety") in favor of the City to secure the performance obligations of Contractor; and

WHEREAS, on or about July 15, 2016 Contractor abandoned the City's project; and

WHEREAS, the City contacted the Surety to secure the performance of Contract for the completion of the Contract pursuant to the obligations of the Performance Bond; and

WHEREAS, the Surety agrees to undertake the completion of Contract No. 2014-391, by subcontracting the performance of the work under the Contract to Venegas Engineering Management and Construction, Inc. ("Completion Contractor"); and

WHEREAS, the Surety is willing to undertake the completion of the Contract in accordance with the terms of the Contract, Performance Bond and the proposed Takeover Agreement for the remaining contract balance of \$257,433.34; and

WHEREAS, the City and Surety desires to enter into a Takeover Agreement for the Surety to undertake the completion of Contract No. 2014-391 by subcontracting the Completion Contractor which will perform for the remaining term of the contract.

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

The City Manager is authorized to sign the Takeover Agreement between the City and Westchester Fire Insurance Company (“Surety”), for the Surety to complete the Ramos Court, Little Flower and Manning Way Street Improvement project services through the Completion Contractor, Venegas Engineering Management and Construction, Inc., pursuant to the terms of Contract No. 2014-391 and the responsibilities of the Performance Bond for the remaining contract amount of \$257,433.34.

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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. *RESOLUTION

WHEREAS, on July 20, 2004, the El Paso City Council adopted a resolution approving the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2269 of the Texas Government Code) that provides the best value to the City; and

WHEREAS, on Sept. 18, 2012, the El Paso City Council approved the addition of the Construction Manager-at-Risk as an alternate project delivery method for construction projects and adopted the City of El Paso Construction Manager-at-Risk Procurement Policy; and

WHEREAS, the City’s Construction Manager-at-Risk Procurement Policy states that the City Engineer will determine, before advertising, which alternative project delivery method for construction provides the best value to the City and that the El Paso City Council shall approve the issuance of a solicitation for any Construction Manager-at-Risk project prior to its issuance; and

WHEREAS, the City Engineer and the Director of Purchasing and Strategic Sourcing have determined that the Construction Manager-at-Risk alternative project delivery method will provide the best value to the City for the construction of the Aquatic Centers: District #1 and District #4 project and requests that the El Paso City Council approve of the issuance of a solicitation using Construction Manager-at-Risk delivery method for the construction of the Aquatic Centers: District #1 and District #4 project.

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

THAT the El Paso City Council approves the issuance of a solicitation using the Construction Manager-at-Risk delivery method for the construction of the Aquatic Centers: District #1 and District #4 project.

5.2.

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

WHEREAS, on July 20, 2004, the City Council adopted a resolution approving the use of design-build as an alternative procurement method for construction projects, as permitted by Section 271.113 of the Texas Local Government Code (now Section 2269 of the Texas Government Code);

WHEREAS, on July 17, 2012, the City Council adopted the City of El Paso Design-Build Procurement Policy for City facilities and City civil works projects, setting forth the criteria for determining when the design-build method would be the appropriate method of procurement and delegating authority to the City Engineer, to determine, before advertising, which of the approved alternative procurement methods for construction provide the best value to the City;

WHEREAS, the Director of Capital Improvement Department and the Director of Purchasing & Strategic Sourcing Department have determined that Design-Build is the alternative procurement method that would provide the best value to the City for the Eastside Regional Park- Phase II construction project and requests the Council's approval of the issuance of a solicitation using the Design-Build method for the Eastside Regional Park-Phase II construction project.

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

THAT the use of the Design-Build alternative project delivery method for the Eastside Regional Park- Phase II construction project is approved and the Director of the Purchasing Department is authorized to issue a solicitation using the Design-Build method for the Eastside Regional Park- Phase II construction project.

5.3.

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

WHEREAS, on May 22, 2007, the City Council of the City of El Paso adopted a policy for naming spaces at the El Paso Museum of History ("Museum"); and

WHEREAS, on July 25, 2017 the City Council approved an amendment to the Naming Policy for the Museum reducing the donation amounts required to name spaces with the Museum; and

WHEREAS, the naming policy provides that a space in the Museum may be named for a donor if the donor's gift meets or exceeds the giving guidelines for that space and the space has not been previously named: and

WHEREAS, an endowment gift from the family of Frank W. Gorman, Jr. in the amount of \$50,000.00 has been received by the Museum, and such gift satisfies the guidelines for naming the upstairs lobby at the Museum of History; and

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

That the upstairs lobby of the Museum of History is hereby named “The Frank W. Gorman, Jr., Lobby” in honor of the Gorman’s and in recognition of their donation to its endowment.

5.4.

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

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

That the City of El Paso accepts, with gratitude, the donation from the Rio Grande Cancer Foundation (“RGCF”), of the following:

Sunscreen and Sunscreen Dispensers to be used in the City’s Parks and Recreational Facilities.

That the City Council also authorizes the City Manager to sign a Donation Agreement to provide for the installation and maintenance of the Sunscreen Dispensers, as well as any necessary documentation and agreements required for this donation.

5.5.

***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 begin termination proceedings for the Lease Agreement between the City of El Paso and Teens in Action for a Healthy Community, a non-profit corporation, as Tenant, for the following property: a portion of 43 Ysleta, Tract 1C, El Paso, Texas, more commonly known and numbered 9068 Socorro Road, El Paso, Texas, and to authorized the City Manager to take any and all actions to effectuate the termination and the vacation of the premises.

Mayor Margo and Representatives Annello and Ordaz Perez commented.

The following member of the public commented:

1. Ms. Barbara Rios, Coordinator of Teens in Action

The following City staff members commented:

1. Mr. Jose Carlos Villalva, Real Estate Manager
2. Mr. Tracy Novak, Director of Parks and Recreation

6.

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

6.1.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Stuart C. Cox, Trustee (“Taxpayer”) has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on December 31, 2013 in the amount of \$9.41 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Stuart C. Cox, Trustee showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$9.41 is approved.

6.2.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Stuart C. Cox, Trustee (“Taxpayer”) has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on February 28, 2014 in the amount of \$42.78 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Stuart C. Cox, Trustee showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$42.78 is approved.

7.

Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

7.1.

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

WHEREAS, the State of Texas, on behalf of its Department of Transportation (“TxDOT”), has contracted with Abrams-Kiewit Joint Venture to design and construct the

Border Highway West Expansion Project, and that upon completion, the Border Highway West Expansion Project will become a State highway;

WHEREAS, the construction of the Border Highway West Expansion Project will benefit the community;

WHEREAS, the Border Highway West Expansion Project will incorporate a parcel of land owned by the City of El Paso (“City”) into the project, and TxDOT is negotiating with the City for the acquisition of the identified parcel;

WHEREAS, on Nov. 3, 1998, the City granted a license agreement to Eller Media Company for the display of outdoor advertising signs on the identified City-owned property, and that license agreement has expired;

WHEREAS, Clear Channel Outdoors, a Delaware Corporation (“Clear Channel”), claims it is a successor in interest to Eller Media Company under the expired license agreement with the City; and

WHEREAS, TxDOT has requested that the City release any interest it may have in the expired 1998 License Agreement, and TxDOT will negotiate directly with Clear Channel on the relocation of the billboards;

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

That the City Manager be authorized to sign a Release of License Agreement for the State of Texas, acting through its Texas Department of Transportation, in which the City releases its interest, if any, in the expired Nov. 3, 1998 License Agreement with Clear Channel Outdoors, a Delaware Corporation, successor in interest to Eller Media Company, for the following described property which parcel is needed for the Border Highway West Expansion Project:

Lots 1-33, Block 24, Mundy Heights and a portion of the Commercial Street abutting Lots 23-32, Block 24, M, Mundy Heights, Second Revised Map, an addition to the City of El Paso, El Paso County, Texas.

7.2.

***RESOLUTION**

WHEREAS, the State of Texas, on behalf of its Department of Transportation (TxDOT), has contracted with Abrams-Kiewit Joint Venture (“AKJV”) to design and construct the Border Highway West Expansion Project, and that upon completion, the Border Highway West Expansion Project will become a State highway; and

WHEREAS, the construction of the Border Highway West Expansion Project will benefit the community; and

WHEREAS, the City of El Paso (“City”) has an undivided one-half interest in Parcel 27, and the City also has an undivided one-half interest in Parcel 27 for its own use and benefit of identified taxing entities; and

WHEREAS, AKJV acknowledges that it began construction on Parcel 27 without permission from the City to enter onto its property, and it now requesting permission for a temporary right-of-entry to complete the Project while TxDOT negotiates for the acquisition of Parcel 27; and

WHEREAS, City and AKJV desire to enter into an agreement wherein the City will grant to AKJV a right of entry for construction of the Border Highway West Expansion Project.

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

That the City Manager is authorized to sign a Temporary Right of Entry Agreement by and between the City of El Paso and Abrams-Kiewit Joint Venture to allow for the construction of the infrastructure for the Border Highway West Expansion Project on a 1.315 acre parcel, more or less, being all of Lots 3 through 28 and part of Lots 29 through 31, Block 24 of the Second Revised Map of Mundy Heights Addition, to the 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. *RESOLUTION

WHEREAS, Housing Authority of the City of El Paso (HACEP) has proposed a development for affordable rental housing of 330 units that Sun Plaza Apartments, 1221 E. San Antonio St., El Paso, Texas 79901, in the City of El Paso; and

WHEREAS, HACEP has submitted an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2017, 4% Tax-Exempt Bond Housing Tax Credits for Sun Plaza Apartments.

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

1. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:
 - i. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
 - ii. The Governing Body has had sufficient opportunity to obtain a response from HACEP regarding any questions or concerns about the proposed Development; and
 - iii. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
 - iv. After due consideration of the information provided by HACEP and public comment, the Governing Body **does not object** to the proposed Application.

2. That for and on behalf of the Governing Body, Laura D. Prine, Interim City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

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- 9.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Blanca Gadney-Moss to the Regional Renewable Energy Advisory Council by Representative Sam Morgan, District 4
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CONSENT AGENDA - BOARD APPOINTMENTS:

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

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- 10.1. *Motion made, seconded, and unanimously carried to **APPOINT** Leticia Arreola to the Civil Service Commission by City Representative Cassandra Hernandez-Brown, District 3
 - 10.2. *Motion made, seconded, and unanimously carried to **APPOINT** Nicholas Costanzo to the City Employees' Pension Fund Board of Trustees by Mayor Dee Margo
 - 10.3. *Motion made, seconded, and unanimously carried to **APPOINT** Representative Sam Morgan to the City Employees' Pension Fund Board of Trustees by Mayor Dee Margo
 - 10.4. *Motion made, seconded, and unanimously carried to **APPOINT** Representative Cassandra Hernandez-Brown to the City Employees' Pension Fund Board of Trustees by Mayor Dee Margo
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11. Goal 7: Enhance and Sustain El Paso's Infrastructure Network

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- 11.1. *Motion made, seconded, and unanimously carried to **APPOINT** Patrick Hernandez-Cigarruista to the City Plan Commission by Representative Sam Morgan, District 4
 - 11.2. *Motion made, seconded, and unanimously carried to **APPOINT** Chris Cummings to the City Plan Commission by City Representative Peter Svarzbein, District 1
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CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

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- 12.1. *Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**, pending auditor approval.
 1. Commercial Escrow, in the amount of \$7,980.75, made an overpayment on December 26, 2017 of 2017 taxes.
(Geo. #S07500003300901)

2. Cheng C. Yen, in the amount of \$6,290.00, made an overpayment on December 27, 2017 of 2017 taxes.
(Geo. #S70099900201300)
3. Mark Cossentino , in the amount of \$7,000.00, made an overpayment on December 21, 2017 of 2017 taxes.
(Geo. #C80299900201700)
4. Planet Home Lending, in the amount of \$3,418.91, made an overpayment on December 28, 2016 of 2016 taxes.
(Geo. #H54099901601700)
5. Las Mansiones Apartment, in the amount of \$53,079.72, made an overpayment on January 4, 2018 of 2017 taxes.

This action would allow us to comply with state law which requires approval by the legislative body, of refunds of tax overpayments, greater than \$2,500.00.

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CONSENT AGENDA - REQUEST FOR PROPOSAL:

13. Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments

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13.1. Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Director to exercise the City’s option to extend current Solicitation No. 2012-306R (PC Time and Management System) to Comprise Technologies, Inc. for one (1) additional a year pursuant to the provisions of an award approved by the City Council on December 11, 2012. The extended contract period will be from January 23, 2018 to January 22, 2019. Libraries use this software for services that allow sharing of public-use computer services, minimal monitoring by staff, Internet access for patrons and recovery of cost of printed materials. The previous annual licensing and support was \$11,071.00. Filter subscription and coin & bill tower licensing and support increased this year’s annual licensing and support cost to \$15,227.16. This is an increase of \$4,156.16.

Department:	Library
Award to:	Comprise Technologies, Inc.
Vendor Location:	Navesink, NJ
Item(s):	All
Option:	One year
Annual Estimated Amount:	\$ 15,227.16
Total Estimated Award:	\$ 15,227.16
Account No.:	999-1000-15240-522020-P1506
Funding Source:	FY Library General Fund
District(s):	All

This is a Request for Proposal, Software contract.

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CONSENT AGENDA - BIDS:

14. Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments

14.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2018-697 Happiness Senior Center Improvements to VonanZa Construction, LLC for a total award of \$488,183.00. The exterior improvements will include new landscaping, irrigation system a new accessible ramp and renovation of the front patio. The interior improvements will include new plumbing, installation of a new accessible stage, a new HVAC system, installation of alarm system and upgrading of electrical and IT systems, as well as the construction of a new multipurpose room.

Department: Capital Improvement
Award to: VonanZa Construction, LLC
El Paso, TX
Item(s): All
Term: 120 Consecutive Calendar Days
Total Award: \$488,183.00
Account No.: 471 – 71240 - 580270 – 2400 – G7142CD16
Funding Source: Community Development Block Grant Project 42nd Year

This is a Low Bid, Lump Sum Contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement recommend award as indicated to VonanZa Construction, LLC the sole 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.

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.

15. Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments

15.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2018-623 Neighborhood Improvement Program (NIP) – III Coach Jack D. Quarles Park to PRIME IRRIGATION & LANDSCAPE, INC., for an estimated total award of \$160,853.43. The project consists of the installation of a new irrigation system, Bermuda hydro seeding, 3-inch caliper trees, screening, and boulders.

Department: Capital Improvement
Award to: PRIME IRRIGATION & LANDSCAPE, INC.
El Paso, TX
Item(s): All
Initial Term: 120 Consecutive Calendar Days
Base Bid I: \$156,007.68

Option 1: \$4,845.75
Total Estimated Award:\$160,853.43
Account No.: 190-29010-580270-4800-PCP16NIPD84
Funding Source: 2012 Quality of Life Bond

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing and the Capital Improvement Departments recommend award as indicated to PRIME IRRIGATION & LANDSCAPE, INC., the lowest responsive, responsible bidder and that Martinez Irrigation & landscapes, Inc., be deemed non-responsive for its failure to submit a complete bid.

It is requested that the City Manager be authorized to establish the funding sources, 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.

Representative Lizarraga commented.

The following member of the public commented:

1. Mr. Abelardo Martinez

CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Jud Burgess
3. Mr. Nicolas Vasquez
4. Mr. Eric Stolz
5. Mr. Pierre Andre Euzarraga
6. Mr. Rene Fierro

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

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

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

NAYS: None

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16.1. An Ordinance changing the zoning of A Portion of Tract 1X, Block 1, Ascarate Grant, 2210 Trawood Dr., City of El Paso, El Paso County, Texas from R-F (Ranch-farm) to P-R1 (Planned Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2210 Trawood Dr. Owner: Vista Hills Country Club. PZRZ17-00021

PUBLIC HEARING WILL BE HELD ON FEBRUARY 20, 2018

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16.2. An Ordinance amending the Future Land Use Map contained in "Plan El Paso" for certain properties located South of Trawood Drive and West of Lee Trevino Drive, as identified in Exhibit "A", from O1, Preserve, to G4, Suburban. Property Owner: Vista Hills Country Club. PLCP17-00007

PUBLIC HEARING WILL BE HELD ON FEBRUARY 20, 2018

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16.3. An Ordinance granting Special Permit No. PZST17-00026, to allow for a Lubricant and Fuel Storage & Distribution Facility, classified as Storage & dispensing of Liquefied petroleum gas on the property described as A Portion of Lot 4, Block 300, Vista del Sol Unit 62 Replat A, 11535 Cedar Oak Dr., 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 for in chapter 20.24 of the El Paso City Code. Subject Property: 11535 Cedar Oak Dr. Property Owner: El Paso Bulk Plant Property, LLC. PZST17-00026

PUBLIC HEARING WILL BE HELD ON FEBRUARY 20, 2018

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16.4. An Ordinance changing the zoning of Lots 13, 14, and 15, Block 4, Collins Worth Subdivision Supplemental Map, 6110 Alameda Ave. an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) & C-4 (Commercial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6110 Alameda Ave. Property Owner: Armando & Juan Olivas PZRZ17-00023

PUBLIC HEARING WILL BE HELD ON FEBRUARY 20, 2018

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

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17.1. Motion made by Representative Annello, seconded by Svarzbein, and carried to **DELETE** an Ordinance amending Ordinance No. 018746 regarding deadlines and procedures for placing matters on the Agenda for City Council Meetings to require concurrence of one additional City Council Members in order for a Council Member to place an item on the City Council Agenda.

AYES: Representatives Svarzbein, Annello, Hernandez-Brown, Morgan, Ordaz Perez, Rivera and Lizarraga
NAYS: Representative Noe

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

18.1. Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue purchase order(s) to The Revenue Markets Inc. dba TRMI Systems Integration, the sole source provider for the Toll Collection System (TCS) software and hardware. International Bridges is 1) requesting that Revenue Markets, Inc. (TRMI) create an API into the Toll Collection System so that the One Stop Shop can develop an application that will be used to create accounts and issue tags for El Paso Toll Collection System (TCS) customers, and 2) purchasing a 4-port reader/antenna to read Radio Frequency I.D. (RFID) Tags for the pre-paid Automated Vehicle Identification (AVI) program. Use of AVI tags contribute to faster throughput and reduced wait times at the International Bridges. Marketing of this program is ongoing through use of the Department’s web page and use of dynamic messaging at the Bridges; programmed marketing includes use of targeted ads in local newspapers & the University of Texas at El Paso (UTEP) Prospecter, as well as use of fliers at the Bridges, Airport & UTEP and Mayor & Council newsletters, and informational videos on City TV.

Department:	International Bridges
Award to:	The Revenue Markets, Inc. dba TRMI Systems
Integration	
Total Estimated Award:	Accord, NY \$55,748.40
Account No.:	190-3350-32000-580100-PCP18IB001 (\$39,546.00) 564-3300-64830 532060 (\$16,202.40)
Funding Source:	Data Processing Equipment Office Equipment – Maintenance & Repairs
Sole Source No:	2018-970

Additionally, it is requested that the City Attorney’s Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

19. Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments

19.1. RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services with **Parkhill, Smith & Cooper, Inc.**, for the project known as “**REGIONAL AQUATIC FACILITIES**”, for an amount not to exceed One Million Five Hundred Seventeen Thousand Six Hundred Sixty Nine and No/100 Dollars (**\$1,517,669.00**); to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of One Million Six Hundred Seventeen Thousand Six Hundred Sixty Nine and No/100 Dollars (\$1,617,669.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

AYES: Representatives: Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga
NAYS: None

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

20.1. Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a purchase order to Accela, Inc., the sole source provider of technical support and maintenance for all Accela software products licensed to the City of El Paso, Texas. This is for annual maintenance and support of the Accela software system used by multiple City Departments for Licensing, Permit, and Code Enforcement.

Department:	Information Technology Services
Award to:	Accela, Inc. San Ramon, CA
Total Estimated Award:	\$491,826.82 (1 year)
Account No.:	999-1000-15240-P1506-522020
Funding Source:	Data Processing Services Contracts
District(s):	All
Sole Source No:	2018-969

This is a Sole Source purchase.

Additionally, it is requested that the City Attorney’s Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

21. Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

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21.1. Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AWARD** Solicitation 2018-615 Street Resurfacing 2018 to J.A.R. CONCRETE, INC. DBA JAR Construction, Inc. for an estimated award of \$31,902,137.50. This contract consists of paving selected streets, updating pedestrian elements, and replacing damaged parkways. This contract consists of the implementation of the resurfacing component of the 2012 Street Infrastructure Plan and resurfacing of selected segments of the Top 25 Most Traveled Arterials as approved by the City Council on October 16, 2017.

Department: Capital Improvement
Award to: J.A.R. CONCRETE, INC. DBA JAR Construction, Inc.
El Paso, TX
Item(s): All
Term: 730 Consecutive Calendar Days
Base Bid I: \$ 17,353,250.00
Base Bid II: \$ 14,548,887.50
Total Estimated Award: \$31,902,137.50
Account No.: PCP18ST007 – 532030 – 190 – 4740 – 28900
PCP13ST002RSY7 – 532030 – 190 – 4740 – 28900
PCP13ST002RSY6 – 532030 – 190 – 4740 – 28900
Funding Source: 2013 Street Infrastructure

This is a Competitive Seal Proposal, Unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to J.A.R. CONCRETE, INC. DBA JAR Construction, Inc. the bidder offering the best value bid.

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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21.2.

RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services with **Data Transfer Solutions, LLC.**, for the project known as **“PAVEMENT**

CONDITIONS INDEX ASSESSMENT”, for an amount not to exceed Seven Hundred Thirty Eight Thousand Nine Hundred Twenty Five and No/100 Dollars (**\$738,925.00**); to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of Eight Hundred Thirty Eight Thousand Nine Hundred Twenty Five and No/100 Dollars (\$838,925.00); and

That the City Engineer is authorized to issue a Notice to Proceed for the optional Scope of Services in 2020, 2021, and 2022 for an amount not to exceed Seven Hundred Fifty Seven Thousand Five Hundred Fifty Seven and No/100 Dollars (\$757,557.00) pursuant to the rates established in the Agreement if the amounts are within the appropriate budgets of the project; and

That the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

AYES: Representatives: Svarzbein, Annelo, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: None

Mr. Sam Rodriguez, City Engineer of Capital Improvement presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Mayor Margo and Representative Hernandez-Brown commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager

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21.3. Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation No. 2018-712 City Wide New Median Maintenance to Abescape Landscaping, LLC, Border TM Industries Inc. dba Xceed Resources, and MG Evergreen, LLC for an initial term estimated award of \$3,369,400.95. The award is to include a two (2) year optional amount of \$2,010,267.26 for a total five (5) year award of \$5,379,668.21. This contract will supplant current contract for the maintenance of City Right of Way Medians located throughout the City, including additional right of way medians that have been added as a result of City projects.

Contract Variance:

The difference in cost, based on the comparison to the annual usage from previous contract, is as follows:

Group I decreased by \$153,636.28, Group II decreased by \$232,796.74, Group VI decreased by \$62,000, resulting in a total annual savings of \$448,433.02.

Group III, IV, V, and VII are new additions to the contract, no prior contract available.

Department:	Streets and Maintenance
Award to: (Vendor #1)	Abescape Landscaping, LLC El Paso, TX
Item(s):	Group VI and VII
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$173,000.00
Initial Term Estimated Award:	\$519,000.00 (3 years)
Option Total:	\$346,000.00 (2 years)
Total Estimated Award:	\$865,000.00 (5 years)
Award to: (Vendor #2)	Border TM Industries Inc. dba Xceed Resources El Paso, TX
Item(s):	Group III and IV
Initial Term:	3 years
Option to Extend:	none
Annual Estimated Award:	\$118,000.02
Initial Term Estimated Award:	\$354,000.06 (3 years)
Total Estimated Award:	\$354,000.06 (3 years)
Award to: (Vendor #3)	MG Evergreen, LLC El Paso, TX
Item(s):	Group I, II, and V
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$832,133.63
Initial Term Estimated Award:	\$2,496,400.89 (3 years)
Option Total:	\$1,664,267.26 (2 years)
Total Estimated Award:	\$4,160,668.15 (5 years)
Total Annual Estimated Award:	\$1,123,133.65
Initial Term Estimated Award:	\$3,369,400.95 (3 years)
Option Total:	\$2,010,267.26 (2 years)
Total Estimated Award:	\$5,379,668.21 (5 years)
Account No.:	532 – 32120 - 532020 – 2305 – P3215
Funding Source:	Streets and Maintenance – General Funds
District(s):	All

This is a Best Value, unit price type contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Abescape Landscaping, LLC, Border TM Industries Inc. dba Xceed Resources, and MG Evergreen, LLC, the bidders offering the best value bids.

In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

AYES: Representatives: Svarzbein, Annello, Hernandez-Brown, Morgan, Ordaz
Perez, Rivera and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Noe

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22. Goal 8: Nurture and Promote a Healthy, Sustainable Community
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22.1. Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation No. 2018-704 Blackie Cheshier Park Improvements to Horizone Construction I, Ltd for a total award of \$573,488.35. The project consist of new amenities and connectivity for the park, the local school and surrounding neighborhoods. The improvements consist of demolition, earthwork, concrete accessible pathway from Geranium Drive to Escobar Drive, lighting, retaining walls, trees, shrubs and irrigation systems, the installation of park benches, trash receptacles and pet waste dispensers.

Department: Capital Improvement
Award to: Horizone Construction I, Ltd
El Paso, TX
Item(s): All
Total Award: \$573,488.35
Account No.: 471 – 71240 - 580270 – 2400 – G7142CD19
Funding Source: Community Development Block Grant 42nd Year

This is a Low Bid, Unit Price Contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement recommend award as indicated to Horizone Construction I, Ltd, 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.

AYES: Representatives: Svarzbein, Annello, Hernandez-Brown, Morgan, Ordaz Perez,
Rivera and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Noe

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES
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23. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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23.1. *Motion made, seconded, and unanimously carried to **DELETE** an Ordinance that the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Weststar Bank, a Texas banking corporation, for the purchase described as a portion of Lots 14 and 15, Block 12, Womble addition El Paso, El Paso County, Texas, and any other documents necessary to complete the sale to Weststar Bank. On August 30, 2011 the City of El Paso entered into a five year lease agreement with Weststar Bank for the use of property located on 5604 Paisano Dr. Pursuant to the lease agreement Weststar Bank has exercised its option to purchase the property. The sale price is \$15,300. [POSTPONED FROM 12-19-2017]
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24. Goal 3: Promote the Visual Image of El Paso

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24.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks an Ordinance granting Special Permit No. PZST16-00038, to allow for infill development with reductions in rear yard setback, side yard setback, street side yard setback, and for a one hundred percent reduction in the number of required parking spaces for a proposed commercial addition in the C-1/SP/NCO (Commercial/Special Permit/Neighborhood Conservancy Overlay) district and acceptance of the detailed site development plan on the property described as Lot 10 and North 20 feet of Lot 9, Alexander Addition, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development and Section 20.14.070 Parking Reductions of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 2419 Stanton St. Property owner: Gabriel Gonzalez/Quality Company Investments PZST16-00038 [POSTPONED FROM 12-12-2017]
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REGULAR AGENDA - OTHER BUSINESS
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25. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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25.1. RESOLUTION

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

That the El Paso City Council approves the list of projects on Exhibit "A" attached hereto, totaling approximately \$103,767,461.00, which updates the document known as the "El Paso International Airport Proposed Five Year Capital Improvement Plan," as the established list of Airport Capital Improvement Program projects for FY 2018 through FY 2022 and the use of the identified funding sources and that the City Manager be authorized to make all necessary budget transfers prior to the execution of the projects.

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

AYES: Representatives: Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga
NAYS: None

Ms. Monica Lombraña, Managing Director of Aviation and International Bridges, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Annello and Ordaz Perez commented.

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26. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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26.1. *Motion made, seconded, and unanimously carried to **POSTPONE** four weeks a Resolution establishing the Scattered Fields Plan based on 2012 Quality of Life Bond funding.(POSTPONED FROM 12-19-2017)
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27. Goal 6: Set the Standard for Sound Governance and Fiscal Management
.....

27.1. Discussion and action on the effect of the Tax Cuts and Jobs Act of 2017 (PL 115-97) on Electric and Gas rates within the City of El Paso.

Mr. Norman Gordon, Outside Counsel and Ms. Stacey McTaggart, Texas Gas Service presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representative Hernandez-Brown commented.

The following City staff member commented:

1. Ms. Sylvia Borunda Firth, City Attorney

NO ACTION was taken on this item
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28. Goal 8: Nurture and Promote a Healthy, Sustainable Community
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28.1. RESOLUTION

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

That the City Manager is hereby authorized to sign a Memorandum of Understanding (MOU) with Workforce Solutions Borderplex to certify a Child Care Local Match Contribution.

The match is a certification of services provided in the amount of \$60,998.00 These Services will be provided as a part of the 43rdYr. Community Development Block

Grant Funds (CDBG) awarded to the City of El Paso Parks and Recreation Department. There is no cash match associated with this agreement.

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

AYES: Representatives: Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga
NAYS: None

Representative Annello commented.

The following City staff member commented:

1. Ms. Nicole Ferrini, Director of Community & Human Development

29. MAYOR AND COUNCIL

29.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the discussion and action item to create a special projects City account/fund to accept public monetary donations to help defray the cost of body worn cameras for the El Paso Police Department.

29.2. Discussion and action on the Multipurpose Performing Art & Entertainment Center and the proposed Memorandum of Understanding with the State Historic Preservation Office.

Mayor Margo and Representatives Svarzbein, Hernandez-Brown and Noe commented.

The following City staff member commented:

1. Ms. Sylvia Borunda Firth, City Attorney

NO ACTION was taken on this item

**29.3. RESOLUTION AMENDING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE JANUARY 23, 2018**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular or special meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. RULES OF ORDER

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council which is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 4. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 5. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 6. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 7. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 8. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay,

cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk: (a) upon the announcement of the City Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 9. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 10. ORDER OF PRECEDENCE OF MOTIONS

The order of procedure of motions is set forth in Exhibit "A" attached hereto and fully incorporated by reference.

SECTION 10. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken.

SECTION 11. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the question under consideration.

SECTION 12. RIGHT OF CITIZENS TO BE HEARD

Any citizen of the City of El Paso shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

A maximum of sixty (60) minutes will be allotted for a public comment portion of each regular City Council meeting. Members of the public will have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting either online or by using the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment. If the speaker is a lobbyist, he or she must indicate that fact on the audience participation sheet and prior to commencing his/her comments. Members of the public may not grant their time to another nor may they purport to speak for another who is not present at the meeting. If someone would like a letter to become a part of the record, they may do so by providing the City Clerk with copies of the letter which will be distributed to the Council. It shall not be necessary to read the letter into the record. Interpretation services are only to be provided by the certified interpreter provided by the City.

Any group of five (5) or more wishing to speak on the same topic will be asked to select one (1) representative to speak for the group and that individual will have three (3) minutes to address Council.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than three (3) minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment

from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action.

The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted sixty (60) minutes will otherwise be taken up by the others making comment.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak to an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place.

Members of the public who do not desire to speak but want to register support or opposition to an item on the agenda may do so by indicating their position on the audience participation form. The City Clerk will notify the Council of the number of position statements received and the tally when the agenda item is announced.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 13. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached Exhibit "B".

The public comment (call to the public) portion of the agenda will follow, not to exceed sixty (60) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 14. PARLIAMENTARIAN

The City Attorney and the Deputy City Attorney are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 15. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council shall not use any electronic devices other than the desk top computers provided by the City of El Paso located at their seats during any City Council meeting or City Council work sessions. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during

City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff. During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

SECTION 16. TIME AND LOCATION OF MEETINGS

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

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

AYES: Representatives: Svarzbein, Anello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: None

Representatives Svarzbein, Hernandez-Brown, and Lizarraga commented.

The following City staff member commented:

Ms. Sylvia Borunda Firth, City Attorney

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30. MANAGEMENT UPDATES
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30.1. Report by the Chair of the Bond Overview Advisory Committee on the status of the 2012 Quality of Life Projects.

Mr. Bernie Sargent, Bond Overview Advisory Committee Chairman presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo commented.

NO ACTION was taken on this item

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30.2. *Motion made, seconded, and unanimously carried to **DELETE** the Project Arriba Annual Report
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30.3. Budget Update – Major Revenues

Mr. Robert Cortinas, Interim Director of Municipal Finance presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo commented.

The following City staff member commented:
Mr. Tommy Gonzalez, City Manager

NO ACTION was taken on this item

30.4. Streetcar Transition Update

Mr. Jay Banasiak, Director of Sun Metro presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein and Hernandez-Brown commented.

NO ACTION was taken on this item

EXECUTIVE SESSION

Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and carried that the City Council retire into **EXECUTIVE SESSION** at 11:25 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

NOT PRESENT FOR THE VOTE: Representative Noe

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

Motion made by Mayor Pro Tempore Noe, seconded by Representative Hernandez-Brown and unanimously carried to adjourn the Executive Session at 12:24 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

EX1. Application of El Paso Electric Company for Approval to Revise Its Energy Efficiency Cost Recovery Factor and request to establish Revised Cost Cap. For 2018, Public Utility Commission of Texas Docket No. 47125, SOAH Docket No. 473-17-3896 (551.071).

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and unanimously carried that the City Attorney is authorized on behalf of the City to agree to the Settlement Agreement in SOAH Docket 473-17-3896, Public Utility Commission of Texas Docket No. 47125, Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap, which resolves issues in the case for this year.

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

NAYS: None

EX2. Multipurpose Performing Art and Entertainment Center Project (551.071)
NO ACTION was taken on this item

EX3. In Re Max Grossman, Relator; Second Court of Appeals, Fort Worth, TX; No. 02-17-00383-CV; Matter No. 17-1001-171.005 (551.071)

NO ACTION was taken on this item

EX4. City of El Paso v. Max Grossman; Second Court of Appeals, Fort Worth, TX; No. 02-17-00384-CV; Matter No. 17-1001-171.006 (551.071)

NO ACTION was taken on this item

EX5. 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

EX6. Max Grossman v. City of El Paso; 384th District Court, El Paso, TX; Cause No. 2017-DCV-2528; Matter No. 17-1001-171.001 (551.071)

NO ACTION was taken on this item

EX7. Claim of Joanna Cangialosi, Jose Aguilar, Raymundo Aguilar, Fidel Aguilar and Eric Aguilar, Beneficiaries of Annette Martinez, Deceased (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried that the City Attorney's Office be authorized to deny the claim of Joanna Cangialosi, Jose Aguilar, Raymundo Aguilar, Fidel Aguilar and Eric Aguilar, Beneficiaries of Annette Martinez, Deceased, in its entirety.

AYES: Representatives: Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga
NAYS: None

ADDITION TO THE AGENDA

MANAGEMENT UPDATES

1.1 Resiliency Program Update

Ms. Nicole Ferrini, Director of Community & Human Development presented a PowerPoint presentation (copy on file in City Clerk's Office).

NO ACTION was taken on this item

RESOLUTION

WHEREAS, on August 7, 2017, the City of El Paso's City Council ("City") approved the list of projects referenced as the 2017 Capital Funding Plan ("CIP") to be funded through the issuance of certificates of obligation ; and

WHEREAS, as part of the CIP the City approved the issuance \$4.8 million in certificates of obligation for the Sun City Lights Paseo de las Luces project to be paid back with Saturday parking meter revenue and other identified sources; and

WHEREAS, the City desires to allocate additional funding to the Sun City Lights Paseo de las Luces project in the amount of \$1,566,230.00 to include additional public infrastructure improvements.

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

That the City of El Paso authorizes the allocation of additional funding in the amount of \$1,566,230.00 to the Sun City Lights Paseo de las Luces project, and that the City Manager be authorized to make any and all necessary budget transfers.

Mr. Sam Rodriguez, City Engineer of Capital Improvement presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Mayor Margo and Representatives Svarzbein, Annelo, Hernandez-Brown and Lizarraga commented.

The following City staff member commented:

- 1. Mr. Tommy Gonzalez, City Manager
- 2. Mr. Robert Cortinas, Office of Management and Budget Director

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

AYES: Representatives Svarzbein, Annelo, Morgan, Ordaz Perez, Rivera and Lizarraga
NAYS: Representative Hernandez-Brown
NOT PRESENT FOR THE VOTE: Representative Noe

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ADJOURN

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried to **ADJOURN** this meeting 12:27 p.m.

AYES: Representatives: Svarzbein, Annelo, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga
NAYS: None
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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk