

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

March 17, 2015
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 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Carl Robinson, and Lilia Limón. Late arrivals: Cortney Niland at 8:03 a.m., Michiel R. Noe at 8:06 a.m., Ann Morgan Lilly at 8:08 a.m., and Claudia Ordaz at 8:12 a.m. Emma Acosta left early at 9:10 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

Sageland MicroSociety Elementary School

Executive Board Officers

Jadden Moya-Rivera, President
Bellani Fernandez, Vice-President
Alvaro Hernandez, Jr., Treasurer
Santiago Dominguez, Secretary
Fabiola Perez, Sgt. at Arms

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

The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Leo Mendoza
3. Mr. Jorge Artalejo

Representative Limón commented.

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MAYOR’S PROCLAMATIONS

1. Sun Metro Employee Appreciation Week
2. Mathew Cordero Day
3. EPYSO Band for Peace Tour Month

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RECOGNITIONS

Dr. Michael Tomor – Star on the Mountain Award

International Women’s Day 2015

*Motion made, seconded, and unanimously carried to **POSTPONED** one week.

Andress High School - Boys Varsity Basketball Team

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NOTICE TO THE PUBLIC – CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

NAYS: None

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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 March 10, 2015.

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2. CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY 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

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 the Industrial Site Lease by and between the City of El Paso and Airport Park-A-Lot El

Paso LLC, for the following described property:

Lots 2, 3 and 4, Block 1A, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, commonly known and numbered as 6440 Airport Road, El Paso, Texas.

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

4.1. *RESOLUTION

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

That the Mayor be authorized to sign an amendment to an Interlocal Agreement between the City of El Paso and Socorro Independent School District to remove and replace two of the six existing basketball courts with two additional regulation tennis courts. The location of the remaining four regulation basketball courts and the eight regulation tennis courts and an activity field together with necessary fences, nets and adjacent parking at Montwood High School, El Paso, Texas are identified on the revised site plan. In addition, the District will resurface the existing four regulation basketball courts and the existing six regulation tennis courts. All costs associated with removal, replacement, and resurfacing of the basketball courts and tennis courts shall be borne solely by the District and shall be completed by September 30, 2015. The District will provide the City and its representative(s) the opportunity to inspect the removal, replacement, and resurfacing of the basketball courts and the regulation tennis courts.

4.2. *RESOLUTION

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

That the City Council declares that the expenditure of discretionary funds totaling up to \$2,850.00 to be used towards costs of clinics providing education on fitness leading up to the Mighty Mujer Triathlon to be held on Saturday, April 18, 2015, which provides women in El Paso the opportunity to participate in the all female triathlon and serves the municipal purpose of providing recreational activities to residents and visitors of El Paso and is authorized; and that the City Manager be authorized to negotiate and sign a contract as approved by the City Attorney to ensure that the funds are properly expended for the municipal purpose and to appropriate funds to effectuate the purposes of this Resolution. The specific expenditures are as follows:

- District 1 an amount not to exceed \$500
- District 2 an amount not to exceed \$1000
- District 3 an amount not to exceed \$100
- District 4 an amount not to exceed \$500
- District 7 an amount not to exceed \$250
- District 8 an amount not to exceed \$500

Mayor Leeser commented.

Mr. Leo Mendoza, citizen, commented.

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5. Goal 5: Promote Transparent and Consistent Communication Among All Members of the Community
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5.1. *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 Television Sub-Channel Lease and Premises License Agreement with El Paso Public Television Foundation d/b/a KCOS-TV for shared use of KCOS studio facilities and equipment on their leased space at 9050 Viscount, Building A (EPCC Administration Building) and lease of sub-channel 13.4 for simultaneous broadcasting of City Cable 15, and be further authorized to execute any related documents necessary to effectuate this agreement, including the Landlord Consent to License Agreement with the El Paso Community College District. In lieu of rental payments, KCOS may use City production and studio equipment and furnishings and fiber optic cable connections to City fiber network acquired and installed for the primary purpose of broadcasting City Cable 15.

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6. Goal 8: Nurture and Promote a Healthy, Sustainable Community
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6.1. *RESOLUTION
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Interlocal Agreement, by and between the City of El Paso ("City") and San Elizario Independent School District ("SAN ELIZARIO ISD") whereby SAN ELIZARIO ISD will provide assistance to the City in the event of a public health emergency by making SAN ELIZARIO ISD personnel and facilities available for purposes of mass immunization or treatment of the public, and the City will provide personnel, equipment, immunizations, and medicine for the same purposes.

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CONSENT AGENDA - BOARD APPOINTMENTS:
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7. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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7.1. *Motion made, seconded, and unanimously carried to **APPOINT** Jaime Esparza to the Hispanic Cultural Center Subcommittee by Representative Lily Limón, District 7.

7.2. *Motion made, seconded, and unanimously carried to **APPOINT** Enrique Moreno to the Hispanic Cultural Center Subcommittee by Representative Lily Limón, District 7.

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8. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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8.1. *Motion made, seconded, and unanimously carried to **APPOINT** James Montoya to the AD HOC Charter Advisory Committee by Representative Claudia Ordaz, District 6.
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9. Goal 8: Nurture and Promote a Healthy, Sustainable Community

- 9.1. *Motion made, seconded, and unanimously carried to **APPOINT** Jaime G. Macias to the Fair Housing Task Force by Representative Ann Morgan Lilly, District 1.

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

- 10.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to exercise City's option to extend current Contract 2010-110R Comprehensive Loss Control Program with HUB International Insurance Services, Inc. for two (2) additional years pursuant to the provisions of an award approved by the City Council on May 11, 2010. The extended contract period will be from May 11, 2015 to May 11, 2017.

Department:	Human Resources
Award to:	HUB International Insurance Services Inc. El Paso, Texas
Option:	One of Two
Annual Estimated Amount:	\$81,000.00
Total Estimated Amount:	\$162,000.00 (2 years)
Account No.:	209 – 522150 – 3500 – 14070 – P1417
Funding Source:	Self-Insured Fund – Outside Contracts – Worker Compensation Services

This is a Request for Proposal, service contract

CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

- 11.1. *Motion made, seconded, and unanimously carried **REJECT** all bids received for Solicitation No. 2015-424 (Vending Machine Services) as recommended by the Purchasing & Strategic Sourcing Department and Facilities and Fleet Management Department, projected revenue quantities were overstated. Solicitation will be re-bid.

REGULAR AGENDA – INTRODUCTIONS

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

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

- 12.1. *Motion made, seconded, and unanimously carried to **DELETE** the introduction on an Ordinance granting a Special Privilege license to the El Paso Downtown

Management District for the installation, maintenance, use, and repair of three (3) custom bike racks within a portion of City right-of-way at (1) the intersection of East Sixth Avenue and South El Paso Street, (2) 813 South El Paso Street, and (3) 562 East San Antonio Avenue, penalty as provided in City Code 15.08.125. (NESV2015-00002)

Representative Niland commented.

Ms. Elizabeth Gibson, Program Manager, Planning and Inspections, commented.

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12.2. Motion made by Mayor Pro Tempore Niland, seconded by Representative Ordaz, 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:

NOT PRESENT FOR THE VOTE: Representatives Acosta and Robinson

- 12.2.** An Ordinance granting Special Permit No. PZST14-00031, to allow for a 44 percent parking reduction on the property described as a portion of Lot 1, Block 2, Yarbrough Village, 544 Yarbrough Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 parking reductions of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property Owner: Alejandro Reyes-Torres, Location: 544 Yarbrough Drive, PZST14-00031

PUBLIC HEARING WILL BE HELD ON APRIL 7, 2015

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS
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- 13. Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments**

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13.1. Motion made by Representative Ordaz, seconded by Representative Noe, and unanimously carried to **AWARD** Solicitation No. 2015-482 for Irving Schwartz Branch Library Improvements to VonanZa Construction, LLC, for an estimated total amount of \$1,522,820.30.

NOT PRESENT FOR THE VOTE: Representative Acosta

Department: Engineering and Construction Management
Award to: VonanZa Construction, LLC
El Paso, TX
Item(s): Base Bid
Initial Term: 270 Consecutive Calendar Days
Base Bid: \$1,522,820.30
Total Estimated Award: \$1,522,820.30
Account No.: 580270-190-4800-29040-PCP13LIBA07
Funding Source: 2012 Quality of Life Bonds

This is a Competitive Sealed Proposal, lump sum contract.

The Purchasing & Strategic Sourcing Department and Engineering and Construction Management Department recommend award as indicated to VonanZa Construction, LLC 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.

As 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.

Mr. Daniel Garcia, Project Manager, Engineering and Construction Management, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Ordaz commented.

REGULAR AGENDA – PUBLIC HEARINGS

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

14.1. ORDINANCE 018323

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND A SPECIAL WARRANTY DEED CONVEYING A 1.656 ACRE PARCEL OF LAND BEING A PORTION OF BLOCK 7, CELINA PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE TO EL PASO ELECTRIC COMPANY.**

Motion duly made by Representative Romero, seconded by Mayor Pro Tempore Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

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

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

15.1. ORDINANCE 018324

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 6C, SECTION 16 AND PORTIONS OF TRACTS 1D AND 1E, SECTION 17, BLOCK 80, TOWNSHIP 1, TEXAS AND**

PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) AND C-1 (COMMERCIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: WEST OF MESQUITE HILL DRIVE, SOUTH OF PATRIOT FREEWAY. PROPERTY OWNER: NEWMAN RANCH PARTNERS L.P. PZRZ14-00053

Representative Robinson commented.

Mr. Conrad Conde, Conde Inc., commented.

Motion duly made by Representative Robinson, seconded by Representative Romero, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Romero, Robinson, Noe, and Limón

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, Ordaz and Niland

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

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15.2.

ORDINANCE 018325

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE SOUTH 50 FEET OF THE NORTH 85 FEET OF LOT 3, BLOCK 16A, SCOTSDALE UNIT 2A, 3358 WEDGEWOOD DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1(COMMERCIAL) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 3358 WEDGEWOOD DRIVE. PROPERTY OWNER: ORLANDO GARZA, JR. PZRZ14-00058**

Motion duly made by Representative Romero, seconded by Mayor Pro Tempore Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

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

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15.3.

ORDINANCE 018326

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 15 AND 16, BLOCK 21, HIGHLAND PARK SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO R-MU (RESIDENTIAL MIXED-USE) AND APPROVING A MASTER ZONING PLAN, SUCH LAND USES ALLOWED AS BEING REFLECTED IN THE MASTER**

ZONING PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 2101 MURCHISON DRIVE. PROPERTY OWNER: ARCHITECTURAL SOLUTIONS BY DESIGN PLLC. PZRZ14-00057

Motion duly made by Representative Romero, seconded by Mayor Pro Tempore Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

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

ITEMS 15.4 AND 20.5 TAKEN INTO EXECUTIVE SESSION

- 15.4.** Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **POSTPONE** four weeks an Ordinance approving a detailed site development plan for Kern View Estates Unit Two, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of San Mateo Lane and East of Las Vegas Drive. Property Owner: Piedmont Group LLC. PZDS14-00004

NOT PRESENT FOR THE VOTE: Representative Acosta

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

16.1. 1ST MOTION

Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code, to provide that Alterations, Repairs, and Additions made for the purpose of ADA Compliance shall not require compliance with Non-ADA Code requirements, the penalty being as provided by Section 18.02.111 (Violations and Penalties) of the El Paso City Code

2ND MOTION

Motion made by Representative Romero, seconded by Representative Noe, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code, to provide that Alterations, Repairs, and Additions made for the purpose of ADA Compliance shall not require compliance with Non-ADA Code requirements, the penalty being as provided by Section 18.02.111 (Violations and Penalties) of the El Paso City Code

Mayor Leeser and Representative Niland commented.

Mr. Jose G. Barriga, citizen, commented.

REGULAR AGENDA - OTHER BUSINESS

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

17.1. RESOLUTION

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

That the City Manager be authorized to execute a Second Amendment to Chapter 380 Economic Development Agreement between the City and **Joe Battle Partners, L.P.** (Applicant) regarding Applicant's construction of a large-scale multi-family housing development in El Paso, Texas which extends the deadline to obtain a certificate of occupancy for the development and provides additional consideration to the City for the agreed upon extension.

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

TAKEN TOGETHER ITEMS 17.2.1 AND 17.2.2

17.2.1. RESOLUTION

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Aber Construction LLC, a limited liability corporation, pursuant to the City's Infill Development Incentive Policy for the construction an apartment housing complex on the vacant lot located at 2227 Pacheco Drive, El Paso, Texas 79935.

Representative Limón commented.

Ms. Jessica Herrera, Redevelopment Manager, commented.

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Acosta

17.2.2. RESOLUTION

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

That the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Aber Construction LLC, a Texas limited liability

company, pursuant to the City's Infill Development Incentive Policy, for the construction of an apartment housing complex on the vacant lot located at 2227 Pacheco Drive, El Paso, Texas, 79935.

Representative Limón commented.

Ms. Jessica Herrera, Redevelopment Manager, commented.

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Acosta

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

- 18.1.** Motion made by Mayor Pro Tempore Niland, seconded by Representative Limón, and unanimously carried to **APPROVE** budget transfers to increase the FY2015 Confiscated Funds appropriations as follows: State Confiscated Funds Budget by \$885,792; Federal Confiscated Funds Budget by \$237,835; and Treasury Confiscated Funds Budget by \$55,618.

NOT PRESENT FOR THE VOTE: Representative Acosta

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

- 19.1.** Presentation on status of Capital Projects:

a. Grandview Senior Center HVAC Upgrades, District 2, Daniel Garcia, (915) 212-1832

Mr. Daniel Garcia, Project Manager, Engineering and Construction Management, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representative Romero commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

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- 19.2.** Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **POSTPONE** one week the presentation on status of Capital Projects:

NOT PRESENT FOR THE VOTE: Representative Acosta

a. Manor Place and Barker Road Street & Drainage, District 3, Ivan Hernandez, 212-1854

b. Vocational Pond, District 3, George Pinal, 212-1856

19.3. Presentation on status of Capital projects:

a. TxDot Projects Updates, All Districts, Bob Bielek, TxDot

Mr. Bob Bielek, TxDot, El Paso District Engineer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Noe, Niland, Ordaz, Robinson, Limón, and Lilly commented.

Mr. Tommy Gonzalez, City Manager, commented.

The following members of the public commented:

1. Mr. Miguel Juarez
2. Mr. Leo Mendoza

NO ACTION taken on this item.

19.4. Presentation on status of Capital projects:

a. El Paso Water Utilities Capital Improvement Program Report, All Districts, Alan Shubert and Gilbert Trejo, (915) 594-5644.

Mr. Gilbert Trejo, El Paso Water Utilities, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Juliet Hart, citizen, commented.

NO ACTION taken on this item.

20. MAYOR AND COUNCIL

20.1. RESOLUTION

WHEREAS, on November 6, 2012, the voters of the City of El Paso, Texas approved the issuance of general obligation bonds for the purposes of constructing new and improved amenities for parks and recreation facilities, open space improvements, libraries, museums, the Zoo, neighborhood improvements, and cultural and performing arts facilities;

WHEREAS, on December 18, 2014, the City Council approved a resolution based upon a finding that it is in the best interest of the citizens of El Paso to establish a Bond Overview Advisory Committee to review the progress of the 2012 Bond Issue Projects and to provide oversight and feedback to City staff with regard to project expenditures and implementation; and

WHEREAS, on February 24, 2015, the City Council created a subcommittee of the Bond Overview Advisory Committee to advise the City Council and the Bond Overview Advisory Committee on matters related to the Hispanic Cultural Center; and

WHEREAS, the City Council would like to amend the February 24, 2015 resolution as specified herein.

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

That the December 18, 2012 resolution which established the 2012 El Paso Bond Overview Advisory Committee (BOAC) is hereby amended to create a subcommittee which will advise the El Paso City Council and the BOAC on matters regarding the Hispanic Cultural Center. The amendments are as follows:

1. Paragraph 3. Duties., of the December 18, 2012 resolution creating the BOAC is amended to include an additional duty which will read as follows:

D. The BOAC will receive reports from The Hispanic Cultural Center Subcommittee.

2. The December 18, 2012 resolution creating the BOAC is amended to include a new Paragraph 8., The Hispanic Cultural Center Subcommittee, which shall read as follow:

8. The Hispanic Cultural Center Subcommittee.

A. Committee Established – Membership

1. The Hispanic Cultural Center Subcommittee shall consist of nineteen members. One member of the BOAC, selected by the BOAC will be a member of the subcommittee. The other eighteen members of the subcommittee will composed of two members nominated by each district representative and the mayor.

2. The city manager shall designate a city department to provide staff to serve as the recording secretary and shall provide administrative and technical staff support to the subcommittee.

B. Terms

1. Each member of the City Council shall nominate two members to The Hispanic Cultural Center Subcommittee. All terms shall expire on December 31, 2015. Appointments to vacancies that occur other than by expiration of a member's term of office shall be filled by appointment by the Mayor and City Council for the remainder of the unexpired term.

2. The Hispanic Cultural Center Subcommittee shall select from among its appointed members a Chair and Vice-chair. The subcommittee shall comply with the Texas Open Meetings Act and shall adopt such rules and regulations for the government of its proceedings as may be deemed proper, not inconsistent with the ordinances

and the Charter of the City and the laws of the State of Texas. All meetings of the subcommittee shall be held in facilities which will allow for the meetings to be recorded and broadcast.

3. A quorum of The Hispanic Cultural Center Subcommittee shall be nine (9) members. The chair shall have a vote in all matters. No final action shall be taken on any matter except pursuant to a simple majority vote of members present.

C. Duties - The Hispanic Cultural Center Subcommittee shall assist with the development of the Hispanic Cultural Center by advising the City Council and BOAC on the following:

1. The size of the Hispanic Cultural Center
2. An appropriate budget for the construction of the Hispanic Cultural Center
3. Resources for enhancing existing budget
4. Facility program and amenities
5. The types of services to be offered within the Hispanic Cultural Center
6. Recommendations regarding funding opportunities
7. Recommendations regarding public/private partnerships
8. Means for fundraising

D. Reporting Period – The Hispanic Cultural Center Subcommittee shall present a report of their findings and recommendations no later than April 28, 2015.

E. Sunset – The Hispanic Cultural Center Subcommittee shall sunset on December 31, 2015, unless expressly extended by action of the City Council. The terms of all Hispanic Cultural Center Subcommittee members shall automatically expire on the sunset date or the date specified by City Council upon extending the Hispanic Cultural Center Subcommittee.

3. Except as herein amended, the December 18, 2012 resolution creating the BOAC shall remain in full force and effect.

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Abel Rodriguez
2. Mr. Miguel Juarez
3. Mr. Hector Mones
4. Mr. Leo Mendoza

5. Ms. Georgina Perez
6. Mr. Aaron Burciaga
7. Ms. Nestor Valencia

1st MOTION

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

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative Acosta

20.2. *Motion made, seconded, and unanimously carried to **DELETE** the item for discussion and action to direct staff to initiate the following:

1. Review and update the current 380 Agreement Policy to include the following:
 - a. Include a 380 Agreement status work-sheet each time that council meets in executive session and as a backup item with each proposed 380 agreement on the Council agenda.
 - b. Worksheet should include : agreement date, year to date number of employees hired, wages, job retention, last date of 380 agreement verification by staff, funding source, impact to funding source, i.e. General fund, HOT fund, Impact Fund, etc.
 - c. Include an automatic review process to be updated at least every two years that addresses county median wages, etc.
 - d. Provide an Announcement Policy/Process.
2. Develop a 380 policy and incentives policy to determine the type of new industry that El Paso is striving to attract. Industries such as: biomedical engineering, engineering services, health sciences, computer science development, etc.
3. Develop a 380 policy and necessary processes to incentivize local business to increase job creation, wage pay, develop employee job skills, & sustain job retention.
4. Communicate with the County of El Paso our future 380 goals for possible inclusion in the development of 380 agreements and incentive packages for new industry and existing industry.
5. Include Borderplex and other higher education industry cluster studies to develop academia that will enhance the industry that El Paso wishes to attract.

20.3. Motion made by Mayor Pro Tempore Niland, seconded by Representative Ordaz, and unanimously carried to **DIRECT** the City Manager to work with Sun Metro to establish a pilot summer public transit program for youth participating in programs and

services from non-profit organizations in El Paso. To research similar programs in other cities and to **COME BACK** with a plan as to how our program can work and to broaden the program to allow free admission to pools and the zoo for students who receive straight A's on their report cards.

NOT PRESENT FOR THE VOTE: Representative Acosta

Mayor Leeser and Representatives Niland, Noe, Robinson, Limón, Lilly, and Romero.

Mr. Tommy Gonzalez, City Manager
Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Bill Coon, YMCA, CEO
2. Dr. Joseph Viescas, Boys and Girls Club

20.4.

RESOLUTION

A RESOLUTION OF THE CITY OF EL PASO, TEXAS, OPPOSING SENATE BILL 343 AND ANY OTHER LEGISLATION WHICH WOULD ERODE THE AUTHORITY OF A HOME RULE MUNICIPALITY.

WHEREAS, the people of Texas decided in 1912 that centralized, big government is not the way to go and they adopted a constitutional amendment affirming Texas' commitment to local decision making;

WHEREAS, the Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government;

WHEREAS, home rule cities can regulate however they choose, so long as they are not preempted by state or federal law and a home rule charter grants the citizens of the city the power of self-government and local control;

WHEREAS, the people of the City of El Paso adopted its Home Rule Charter in 1984;

WHEREAS, Senate Bill 343 by Senator Don Huffines (84th Texas Legislative Session) would upend the relationship between Texas cities and state government by causing the voters and elected officials of the City of El Paso to get the Texas state legislature's permission to enact any local ordinance;

WHEREAS, Senate Bill 343 would affect many current home rule regulations and ordinances of the City of El Paso including sex offender residency restrictions, texting while driving limitations, no smoking ordinances, and payday lender regulations; and

WHEREAS, current law balances cities' authority to enact reasonable regulations to protect health, safety, quality of life, and property values while ensuring that the will of local voters is heard and that our state's economy remains vibrant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF EL PASO:

That the City of El Paso supports the citizens of El Paso's constitutional right for self-government and local control and strongly opposes Senate Bill 343 and any legislation that would erode the authority of a home rule municipality during any regular or special session of the 84th Session of the Texas Legislature.

Mayor Leeser and Representatives Niland, Noe, Lilly, and Robinson commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Acosta

ITEMS 15.4 AND 20.5 TAKEN INTO EXECUTIVE SESSION

20.5.

RESOLUTION

A RESOLUTION OF THE CITY OF EL PASO, TEXAS, OPPOSING HOUSE BILL 1535 AND SENATE BILL 841 AND ANY OTHER LEGISLATION WHICH WOULD ALLOW FOR AUTOMATIC INCREASES TO EL PASO RATEPAYERS AND DIMINISH THE CITY OF EL PASO'S ORIGINAL JURISDICTION OVER RATE MAKING

WHEREAS, El Paso Electric Company is a regulated monopoly and the citizens and businesses of El Paso have no other options for electric service;

WHEREAS, El Paso Electric Company will file in July or August 2015 for a significant rate increase;

WHEREAS, El Paso Electric Company is expected to file cases in future years as it builds more generation,

WHEREAS, as currently drafted House Bill 1535 and Senate Bill 841 would allow for rate increases to El Paso residents and businesses substantially sooner than the law has permitted for 40 years, with little or no opportunity for a regulatory body to review the basis for the increase;

WHEREAS, House Bill 1535 and Senate Bill 841, by imposing rate increases sooner with limited regulator review, will allow for increase in income and substantial benefit to El Paso Electric with no benefit to ratepayers.;

WHEREAS, House Bill 1535 and Senate Bill 841 would interfere with the City of El Paso's original jurisdiction over the rates of utilities within the city by making it easier to bypass full rate case reviews;

WHEREAS, the City of El Paso's participation in El Paso Electric Company's last rate increase request resulted in the savings of millions of dollars for El Paso residents and businesses;

WHEREAS, El Paso Electric's last two rate cases did not come at a cost to the taxpayer, and the cost of a case with the ability of evaluation of the claim is far

less expensive than the additional cost to taxpayers of an automatic increase.

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

1. Strongly opposes House Bill 1535 and Senate Bill 841 and any other legislation that would automatically increase electric rates for El Paso residents and business and erode the City of El Paso's original jurisdiction over rate making during any regular or special session of the 84th Session of the Texas Legislature; and
2. Requests that the El Paso legislative delegation work to protect the residents and businesses of the City of El Paso from higher electric rates by ensuring that House Bill 1535 and Senate Bill 841 do not include El Paso Electric Company and take actions to protect the original jurisdiction of the City of El Paso in ratemaking.

Mayor Leeser and Representative Niland commented.

Ms. Marybeth Stevens, El Paso Electric Company, commented.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Acosta

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- 20.6.** Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **DIRECT** staff to stick to the policy that we have in place for the best use of the luxury suite in the baseball stadium for the 2015 season.

NOT PRESENT FOR THE VOTE: Representative Acosta

Mayor Leeser and Representatives Limón, Lilly, Noe, Niland, Robinson, and Ordaz commented.

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

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EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:09 p.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 Acosta

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 4:24 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Romero, Acosta, and Ordaz

EX1. EP Vida, LLC Hotel Site Lease at the El Paso International Airport and the Chapter 380 Economic Development Program Agreement and Hotel and Convention Services Agreement by and between the City of El Paso and EP Vida, LLC. (551.071, 551.072, and 551.087)

NO ACTION taken on this item.

EX2. Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **POSTPONE** one week the monthly update from Legal Department regarding pending litigation, claims, real estate transactions and contract negotiations. (Sections 551.071, 551.072, 551.074 and 551.087)

NOT PRESENT FOR THE VOTE: Representative Acosta

EX3. Fire Collective Bargaining (551.071)

NO ACTION taken on this item.

EX4. Project Lego (551.071 and 551.087)

NO ACTION taken on this item.

EX5. Personnel matters involving David R. Almonte (551.074 and 551.071.)

NO ACTION taken on this item.

EX6. 211 N. Mesa, El Paso, Texas 79912 (551.071 and 551.072)

NO ACTION taken on this item.

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ADDITIONS TO THE AGENDA
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CONSENT AGENDA – BOARD APPOINTMENTS:
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Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments
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ADD1.1. *Motion made, seconded, and unanimously carried to **APPOINT** Mayor Maya Sanchez to the Hispanic Cultural Center Subcommittee by Representative Claudia Ordaz, District 6.
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ADD1.2. *Motion made, seconded, and unanimously carried to **APPOINT** Armando Jimarez
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to the Building and Standards Commission, as a regular member, by Representative Emma Acosta, District 3.

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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ADD2.1. Motion made by Representative Romero, seconded by Representative Limon, and carried to **APPROVE** a Resolution amending the City Council Rules of Order, to revise Section 13: Calling and Order of Agenda Items - to revise Exhibit A. **THE MOTION FAILS.**

AYES: Representatives Romero, Ordaz, and Limón

NAYS: Mayor Leeser and Representatives Lilly, Noe, and Niland

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Acosta

Mayor Leeser broke the tie, voting Nay.

Mayor Leeser and Representatives Robinson, Noe, Ordaz, and Niland commented.

Mr. Tommy Gonzalez, City Manager, commented.

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ADJOURN
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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 4:33 p.m.

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APPROVED AS TO CONTENT:
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Richarda Duffy Momsen, City Clerk