

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
SAM MORGAN, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

March 17, 2020
COUNCIL CHAMBERS, CITY HALL
9:00 AM

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ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 9:11 a.m. Mayor Dee Margo present and presiding and the following Council members answered roll call: Aleksandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Peter Svarzbein participated via videoconference. The invocation was given by Dr. Mark Rotramel.

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RECOGNITIONS BY MAYOR

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NOTICE TO THE PUBLIC

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Salcido, 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, Morgan, Salcido, Rodriguez, 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 the Minutes of the Regular City Council Meeting of March 3, 2020, the Agenda Review Meeting of March 2, 2020, the Work Session of June 10, 2019, the Work Session of July 22, 2019, the Work Session of July 29, 2019, and the Special Meeting of August 13, 2019.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION was taken on this item.

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CONSENT AGENDA - RESOLUTIONS:
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3. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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3.1. *R E S O L U T I O N
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager or designee is authorized to sign a close out letter to the Transportation Security Administration (“TSA” or “Government”), allowing the City to receive final retainage in the amount of \$2,017,644.62, to remise, release and forever discharge Government from liability related to its funding for the project, and to sign any all documents that do not affect the City’s approved budget, to complete the project resulting from the Other Transaction Agreement (“OTA”) between the TSA and the City of El Paso, Texas relating to the El Paso International Airport Main Terminal, being Agreement Number OTA-HSTS04-16-H-CT1160, which was approved by City Council on September 6, 2016.

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4. Goal 2: Set the Standard for a Safe and Secure City
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4.1. *Motion made, seconded, and unanimously carried to **DELETE** a Resolution that the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso ("The City") and the Texas Department of Transportation ("TXDOT") for the El Paso Police Department (EPPD) to provide uniformed officers and equipment necessary for law enforcement, general surveillance, and traffic control at and around sites for which TXDOT is providing maintenance, repair, construction and other services to State maintained roads and highways. Such services are to promote safety of construction zone workers and the traveling public. In lieu, TXDOT will pay up to \$110,414.64 for this service on a reimbursement basis for actual salary and vehicle costs for a twenty-four month period beginning upon the execution of the agreement by both parties and ending two years from that date.

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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. *Motion made, seconded, and unanimously carried to **DELETE** a Resolution that the closure of rights-of-way within the City of El Paso for the Sun City CRIT El Paso from 6:00 p.m. Friday, March 27, 2020, to 5:00 a.m. on Sunday, March 29, 2020, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street(s) in excess of four hours for portions of Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20)

between Kansas St. and Oregon St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV20-00016)

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- 5.2. *Motion made, seconded, and unanimously carried to **DELETE** a Resolution that the closure of rights-of-way within the City of El Paso for ESD's Earth Day Celebration from 6:00 a.m. to 4:00 p.m. Saturday, April 18, 2020, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street(s) in excess of four hours for portions of Mesa St. (SH 20) between Franklin Ave. and Texas Ave. (SH20) upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV20-00022)

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

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

WHEREAS, on July 30, 2008, the City entered into the Original Performance Contract, Phase I with Johnson Controls, Inc. ("JCI") for facility upgrades, including HVAC Equipment, Control Upgrades, lighting and mechanical equipment, indoor pool solar heating and traffic/pedestrian and flasher upgrades;

WHEREAS, on May 17, 2010, the City entered into a Professional Services Contract with JCI to act as the City's Energy Services Company for a City-wide Energy Operational Savings Program ("Project");

WHEREAS, on February 11, 2011 the City entered into the First Amendment, Phase II, for facility upgrades including lighting improvements, solar photovoltaic (PV) power generation panels, and HV AC equipment and control upgrades at 44 separate City facilities;

WHEREAS, on October 25, 2011 the City entered into the Second Amendment, Phase IIIA, for the conversion of 2,600 streetlights to energy-efficient light-emitting diode standards;

WHEREAS, on October 25, 2011 the City entered into the Third Amendment, Phase IIIB for the conversion of 4,700 streetlights to energy-efficient light-emitting diode standards;

WHEREAS, on January 10, 2012 the City entered into the Fourth Amendment, Phase IV, for the installation of solar PV power generation panels at the Municipal Service Center funded through a stimulus grant received from the State Energy Conservation Office;

WHEREAS, from January 22, 2013 the City entered into the Fifth Amendment for additional facility improvement measures on eleven El Paso International airport buildings, and terminated this amendment on December 12, 2017 as the City and JCI

concluded that it was in their respective best interest to terminate the services and not exercise the option to implement M&V services;

WHEREAS, from January 22, 2013 to November 11, 2014, the City entered into the Sixth through Tenth Amendments, all obligations of which have been completed; and

WHEREAS, the City has determined that the goals of the Project have been met or exceeded and that any services remaining on the original Contract and Amendments 1 through 4 are not necessary, and parties have concluded that it is in their respective best interests to terminate all remaining services and obligations under all remaining contracts.

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

That the City Council terminates the Original Professional Services Contract, and Amendments 1, 2, 3, and 4 with Johnson Controls, Inc. effective March 1, 2020, and that the City Manager is authorized to sign the Contract Cancellation agreements for the Original Professional Services and Amendments 1, 2, 3 and 4, and is authorized to exercise any right or obligation conferred therein that does not affect the City's approved budget.

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

7.1. RESOLUTION

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

That the City Manager be authorized to sign a Memorandum of Agreement between the Texas Commission on Environmental Quality and the City of El Paso to implement rules for controlling air pollution from motor vehicles, delegating enforcement to the City for motor vehicle idling limitations under 30 Texas Administrative Code Chapter 114, Subchapter J.

Mr. Karl Rimkus, Solid Waste Operations Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representatives Hernandez, Rivera, and Lizarraga commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the Regular Agenda.

2ND AND FINAL MOTION

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

7.2.

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

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (the "City") and the University of Texas at El Paso ("UTEP"), for the period of March 1, 2020 through February 28, 2021, pursuant to which UTEP researchers shall conduct health research and make recommendations for policy and programs to improve the health status of underserved populations in El Paso; and for which the City shall pay UTEP an amount not to exceed \$100,000.00 with funding from the Texas Healthcare and Quality Improvement Program 1115 Demonstration Waiver Program to support Medicaid Waiver projects.

7.3.

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

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (the "City") and the University of Texas Health Science Center at Houston ("UTHSC-H"), for the period of March 1, 2020 through February 28, 2021, regarding a project through which UTHSC-H researchers shall conduct health research and make recommendations for policy and programs to improve the health status of underserved populations in El Paso, and for which the City shall pay UTHSC-H an amount not to exceed \$100,000.00 with funding from the Texas Healthcare and Quality Improvement Program 1115 Demonstration Waiver Program to support Medicaid Waiver projects.

7.4.

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

WHEREAS, on June 5, 2017, the City and the Borrower entered into an Empowerment Zone Revolving Loan Fund Program Loan Agreement (the "**Original Agreement**") for the loan of funds from the Empowerment Zone Revolving Loan Fund Program; and

WHEREAS, on August 7, 2017, the City and the Borrower entered into a First Amendment to Empowerment Zone Revolving Loan Fund Program Loan Agreement and Promissory Note (the "**First Amendment**"), amending the Original Agreement to modify the term of the agreement and payment schedule; and

WHEREAS, on January 23, 2018, the City and the Borrower entered into a Second Amendment to Empowerment Zone Revolving Loan Fund Program Loan Agreement (the "**Second Amendment**") amending the Original Agreement as previously amended by the First Amendment, to modify the loan disbursement period; and

WHEREAS, the parties wish to enter into this Third Amendment to modify the collateral requirements of the loan.

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

That the City Manager, or designee, is authorized to execute a Third Amendment to Empowerment Zone Revolving Loan Fund Program Loan Agreement, between the City of El Paso, Texas and PB KP, Limited Liability Corporation, a Texas Limited Liability

Corporation, for modification of the collateral requirements of the Empowerment Zone Loan granted to PB KP, Limited Liability Corporation on June 5, 2017.

Further, that the City Manager, or designee, is authorized to execute an Escrow Agreement, a Release of Lien, and Partial Release of Continuing Limited Guaranty.

Further, that the City Manager, or designee, is authorized to exercise all rights within the documents authorized and execute any other documents necessary to protect the City's security interest.

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:
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8. Goal 3: Promote the Visual Image of El Paso

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8.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Vicki Hamilton to the Historic Landmark Commission by Representative Aleksandra Anello, District 2.
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8.2. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Patrick Hernandez-Cigarruista to the City Plan Commission by Representative Sam Morgan, District 4.
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9. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

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9.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Ivan Nino to the Museums and Cultural Affairs Advisory Board by Representative Isabel Salcido, District 5.
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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 **RE-APPOINT** Sam Morgan to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Dee Margo.
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10.2. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Isabel Salcido to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Dee Margo.
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11. Goal 8: Nurture and Promote a Healthy, Sustainable Community

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11.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Christopher Nazario to the Regional Renewable Energy Advisory Council by Representative Henry Rivera, District 7.
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CONSENT AGENDA - BOARD APPOINTMENTS:
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12. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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12.1. *Motion made, seconded, and unanimously carried to **APPOINT** Marianne Rosas-Ayoub to the Committee on Border Relations by Representative Isabel Salcido, District 5.
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13. Goal 3: Promote the Visual Image of El Paso

13.1. Stephen Tures to the Open Space Advisory Board by Representative Peter Svarzbein, District 1.

Representatives Svarzbein and Lizarraga commented.

Ms. Laura Prine, City Clerk, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the Regular Agenda.

2ND AND FINAL MOTION

Motion made by Representative Lizarraga, seconded by Representative Hernandez, and unanimously carried to **APPOINT** Stephen Tures to the Open Space Advisory Board by Representative Peter Svarzbein, District 1.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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

14.1. *Motion made, seconded, and unanimously carried to **APPOINT** Harry Kirk to the Ethics Review Commission by Representative Henry Rivera, District 7.

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

15.1. *Motion made, seconded, and unanimously carried to **APPOINT** Duane E. Murphy to the Capital Improvements Advisory Committee by Representative Cissy Lizarraga, District 8.

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

16.1. *Motion made, seconded, and unanimously carried to **APPOINT** Justin Rotti to the Veterans Affairs Advisory Committee by Representative Henry Rivera, District 7.

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

17.1. *Motion made, seconded, and unanimously carried to **APPROVE** the refunds of tax overpayments greater than \$2,500.00 listed below:

1. Ahern Rentals Inc., in the amount of \$16,741.23, made an overpayment on January 31, 2020 of 2019 taxes.
2. Ryan, LLC, in the amount of \$4,194.94, made an overpayment on January 10, 2020 of 2019 taxes.

3. Mostafa Rifai, in the amount of \$3,312.26, made an overpayment on January 31, 2020 of 2019 taxes.

17.2.

***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, Esperanza M. Harmon, PHD, MSS, MA, CME and Barry Lewis Harmon (“Taxpayer”) have applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on December 17, 2016 in the amount of \$200.00 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2016 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 Esperanza M. Harmon, PHD, MSS, MA, CME and Barry Lewis Harmon showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$200.00 is approved.

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

- 18.1. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contributions by Representative Annello: \$30 from Caleb Mattheison, \$100 from Marilyn Guida, \$500 from Rosario Halpern, \$50 from Alyssa Goldman, \$30 from David Beebe, \$100 from Kristina Heimer, \$100 from Buck Johnston, \$75 from Christen Hong, \$100 from Erin Corrigan, \$200 from Kathleen Staudt.

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES:

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

- 19.1. Budget Update and Chime In! Kick-off.

Ms. Nicole Cote, Office of Management and Budget Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representative Lizarraga commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

The Regular City Council meeting was **RECESSED** at 11:48 a.m. in order to convene the Emergency City Council meeting.

The Regular City Council meeting was **RECONVENED** at 12:00 p.m.

CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Ms. Patricia Robinson
2. Ms. Lisa Turner
3. Mr. Max Grossman
4. Mr. Jose Gaston Barriga
5. Mr. David Jerome
6. Mr. V. J. Smith
7. Mr. Colt DeMorris

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

- 20.1.** An Ordinance amending Ordinance no. 018746 codified as El Paso City Code Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.020 (Timely Submission) to align with current practice and scheduling; Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.040 (Summary and Explanation of Backup Materials) to clarify deadlines; Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.060 (Special Meetings and Informal Work Sessions) regarding recurring Monday Work Sessions; Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.070 (Timely Submission of Proposed Legal Documents) to clarify requirement of City Attorney approval; and Title 2 (Administration and Personnel) Chapter 2.06 (Procedures for Placing Matters on the Agenda of the City Council) Section 2.06.110 (Placement of Items on the Agenda by City Council Members) to provide a more efficient, transparent and effective process for members of City Council to present topics for the Council to discuss.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager

2. Ms. Karla Nieman, City Attorney
3. Mr. Cary Westin, Senior Deputy City Manager of Economic Development and Tourism

The following members of the public commented:

1. Ms. Judy Ackerman
2. Ms. Lisa Turner
3. Mr. Max Grossman
4. Ms. Teresa Caballero

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez to **DELETE** the introduction of the Ordinance.

AYES: Representatives Svarzbein, Hernandez, Rivera, and Lizarraga

NAYS: Mayor Margo and Representatives Annello, Morgan, Salcido, and Rodriguez
 Mayor Margo broke the tie by voting “Nay”. **THE MOTION FAILED.**

2ND MOTION

Motion made by Representative Morgan, seconded by Representative Lizarraga and carried to **RECONSIDER** the item.

AYES: Mayor Margo and Representatives Svarzbein, Hernandez, Rivera, and Lizarraga

NAYS: Representatives Annello, Morgan, Salcido, and Rodriguez

Mayor Margo broke the tie by voting “Aye”.

3RD AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Rivera and carried to **DELETE** the item.

AYES: Representatives Svarzbein, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representatives Annello and Morgan

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

- 21.1.** Motion made by Representative Rivera, seconded by Representative Hernandez 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:

An Ordinance amending Title 12, Chapter 12.88 (Schedules), Section 12.88.180 (No stopping or standing - Tow-away zone) of the El Paso City Code to add parking restrictions on Glenwood Street from El Paso Drive to Alameda Avenue, both sides.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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22. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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22.1. Motion made by Representative Morgan, seconded by Representative Anello, and unanimously carried to **AWARD** Solicitation No. 2020-487R Financial and Planning Services to Garver, LLC and Ricondo & Associates, Inc., for an initial three (3) year estimated award of \$1,500,000.00. The award is to include two (2) additional terms of one (1) year each for an estimated amount of \$1,000,000.00 for a total five (5) year estimated amount of \$2,500,000.00 The consultants will perform planning and financial consulting services in connection with the El Paso International Airport.

Contract Variance:
The difference based on the comparison to the previous contract is an annual increase of 100%. Said increase is due to contract being awarded to two (2) vendors. The annual allocation remains \$250,000.00 per year.

Department: Aviation
Award to Vendor 1: Garver, LLC
North Little Rock, AR
Initial Term: 3 years
Option: One (1) additional term of two (2) years
Annual Estimated Award: \$250,000.00
Initial Term Estimated Award: \$750,000.00 (3 years)
Option Total: \$500,000.00 (2 years)
Total Estimated Award: \$1,250,000.00 (5 years)
Account No.: 562-3000-62030-521160
District(s): All

Department: El Paso International Airport
Award to Vendor 2: Ricondo & Associates, Inc.
Chicago, IL
Initial Term: 3 years
Option: One (1) additional term of two (2) years
Annual Estimated Award: \$250,000.00
Initial Term Estimated Award: \$750,000.00 (3 years)
Option Total: \$500,000.00 (2 years)
Total Estimated Award: \$1,250,000.00 (5 years)
Account No.: 562-3000-62030-521160
District(s): All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and the Aviation departments recommend award as indicated to Garver, LLC and Ricondo & Associates, Inc., the highest ranked proposers based on evaluation factors established for this procurement.

In addition, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents necessary to

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

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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

23.1. Motion made by Representative Hernandez, seconded by Representative Morgan, and unanimously carried to **AUTHORIZE** that the Director of the Purchasing and Strategic Sourcing Department issue a Purchase Order to Morpho USA, Inc. dba Idemia Identity & Security USA LLC. Morpho USA, Inc. dba Idemia Identity & Security USA LLC is the sole source provider of the automated fingerprint identification system (AFIS) Livescan machines licenses for these systems. This software supports and stores the data necessary to analyze, match and retrieve fingerprint images.

Department:	Police
Award to:	Morpho USA, Inc. dba Idemia Identity & Security USA LLC Billerica, MA
Total Estimated Award:	\$1,300,000.00
Account No.:	321-4930-21000-580100-PIF20PD010
Funding Source:	Police Capital – IT Equipment
Districts:	All
Reference No.:	2020-617

This is a Sole Source, requirements contract.

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.

Mayor Margo and Representative Annelo commented.

Police Assistant Chief Patrick Maloney commented.

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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

24.1. Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **AWARD** Solicitation No. 2020-586 Lowd Avenue Reconstruction to LESNA CONSTRUCTION, INC. for an estimated total award of \$1,812,484.70. The scope of work includes but is not limited to the demolition of existing sidewalk, driveways, curb and gutter, header curb, removal of existing sanitary sewer line and manholes, landscape, drainage inlets, chainlink fence, wooden bollards, traffic signs and existing pavement structure. Roadway improvements shall consist of new

pavement structure consisting of Hot Mix Asphaltic Concrete (HMAC), with crushed stone base course type A, Grade 2 and combination of cement/lime stabilized subgrade materials. Improvements will also include new ADA/TAS compliant sidewalks and driveways, wheelchairs concrete ramps, reinforced concrete driveways and sidewalks. Finally, the reconstruction project will include drainage improvements, storm water system, re-grading of an existing pond, and installation of rock rip rap on one side of the pond, inlet grates, and water and sewer improvements.

Department:	Capital Improvement
Award to:	LESNA CONSTRUCTION, INC. El Paso, TX
Item(s):	All
Base Bid I:	\$864,665.03
Base Bid II:	\$243,311.25
Base Bid III:	\$217,949.97
Base Bid IV:	\$486,558.45
Total Estimated Award:	\$1,812,484.70
Term:	270 Consecutive Calendar Days
Account No.:	580270 – 28900 – 4740 – 190 – PCP19ST011
Funding Source:	2013 Street Infrastructure
District:	7

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to LESNA CONSTRUCTION, INC. 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, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

**REGULAR AGENDA - OTHER BUSINESS / PUBLIC HEARINGS AND SECOND
READING OF ORDINANCES:**

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

25.1. **ORDINANCE 019037**

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, AMENDING ORDINANCE NO. 017793 CONCERNING TAX INCREMENT REINVESTMENT ZONE NUMBER SIX, CITY OF EL PASO, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO SET THE CITY PARTICIPATION RATE AND AMEND THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER SIX, CITY OF EL PASO, TEXAS.**

Representatives Annelo and Hernandez commented.

The following City staff members commented:

1. Ms. Elizabeth Triggs, Economic and International Development Assistant Director
2. Mr. Tommy Gonzalez, City Manager

Mr. David Pettit, consultant, commented.

1ST MOTION

Motion made by Representative Annelo, seconded by Representative Hernandez and unanimously carried to **AMEND** section 4 to designate City Council as Board members.

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

2ND AND FINAL MOTION

Motion duly made by Representative Annelo, seconded by Representative Morgan, and carried that the Ordinance be **ADOPTED AS REVISED**.

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 Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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

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

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

That the City Manager be authorized to sign a Memorandum of Understanding in a form substantially similar to the attached document, between the City of El Paso

("City") and the El Paso Water Utilities-Public Service Board ("EPWU-PSB"), collectively the "Parties," amending and reinstating the Memorandum of Understanding approved on October 30, 2018 by which EPWU-PSB will sell and transfer approximately 2,3 13 acres of land to the City for \$ 1 8,600,000.00 payment of which will be accomplished through the City's "Impact Fund" (created by Ordinance No. 0 17460, as amended by Ordinance No. 018772) to allow the City to pursue certain economic development projects.

Ms. Elizabeth Triggs, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annelo, Morgan, Rodriguez, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Philip Etiwe, Planning and Inspections Director

Motion made by Representative Morgan, seconded by Representative Rivera and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Annelo

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25.3.

ORDINANCE 019038

The City Clerk read an Ordinance entitled: **AN ORDINANCE PARTIALLY AMENDING THE MASTER ZONING PLAN APPROVED ON AUGUST 12, 2008 BY ORDINANCE NO. 016959, AS AMENDED BY ORDINANCE NO. 017825 APPROVED ON JULY 17, 2012, PERTAINING TO THE APPROVAL OF A REZONING OF PORTIONS OF SECTIONS 9, 10, 15, 16, 17 AND 18, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS; PORTIONS OF SECTIONS 11, 14, AND 19, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS; PORTIONS OF SECTIONS 11, 12, 13, 14, 19, 20 AND 21 BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS; AND PORTIONS OF SECTIONS 7, 17, 18, 19, 20, AND 30 BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS TO GENERAL MIXED USE AND PERTAINING TO THE APPROVAL, AND AMENDMENT, OF A MASTER ZONING PLAN. THE PARTIAL AMENDMENT TO THE MASTER ZONING PLAN UNDER THIS ORDINANCE ONLY APPLIES TO THE FOLLOWING TRACTS OF LAND REZONED UNDER ORDINANCE 016959:**

TRACT 1: A PORTION OF SECTION 14, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 5418, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN THE DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1242, PAGE 231 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS;

TRACT 2: A PORTION OF SECTION 14, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 5418, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN THE DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1242, PAGE 231 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS;

TRACT 3: A PORTION OF SECTION 13, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2158, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF A CALLED 640 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1242, PAGE 231 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS;

TRACT 4: A PORTION OF SECTION 7, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2405, SECTIONS 17, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2399, SECTION 18, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NOS. 9866, 9940, 10055 AND 10009, SECTIONS 19, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2400, AND SECTION 20, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT 5423, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1186, PAGE 178 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1186, PAGE 183 OF SAID DEED RECORDS, AND BEING PART OF A CALLED 44.65 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1360, PAGE 610 OF SAID DEED RECORDS, AND BEING PART OF THE TRACT OF LAND DESCRIBED AS "PARCELL III" IN WARRANTY DEED TO EL PASO WATER UTILITIES PUBLIC SERVICE BOARD RECORDED IN VOLUME 4352, PAGE 569 OF SAID DEED RECORDS;

TRACT 5: A PORTION OF SECTION 19, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2161, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1186, PAGE 183 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS;

TRACT 6: A PORTION OF SECTION 19, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2161, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1186, PAGE 183 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS;

TRACT 7: A PORTION OF SECTION 20, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 5419 AND SECTION 21, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 2162, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO

RECORDED IN VOLUME 1186, PAGE 183 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS;

TRACT 8: A PORTION OF SECTION 19, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO., CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND BEING PART OF THE TRACTS OF LAND DESCRIBED IN DEED TO THE CITY OF EL PASO RECORDED IN VOLUME 1186, PAGE 183 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS.

THE PROPOSED MASTER ZONING PLAN AMENDMENT MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN. SUBJECT PROPERTY: EAST OF US HIGHWAY 54 AND NORTH OF LOMA REAL AVE. OWNER: CITY OF EL PASO PZRZ19-00032

The following members of the public commented:

1. Ms. Marilyn Guida
2. Ms. Judy Ackerman
3. Ms. Lois Balin

Motion duly made by Representative Rivera, seconded by Representative Lizarraga, and carried 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 Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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

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25.4.

ORDINANCE 019039

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, AMENDING ORDINANCE NO. 018849 CONCERNING TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF EL PASO, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO AMEND THE BOUNDARIES, EXTEND THE TERM, AND INCREASE THE CITY PARTICIPATION RATE OF TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF EL PASO, TEXAS.**

Representatives Annelo, Hernandez, Morgan and Rodriguez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Chief Financial Officer

The following members of the public commented:

1. Ms. Marilyn Guida
2. Mr. Max Grossman
3. Mr. Joe Molinar
4. Ms. Teresa Caballero

Motion duly made by Representative Morgan, seconded by Representative Rivera, and carried 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 Svarzbein, Hernandez, Morgan, Salcido, Rivera, and Lizarraga

NAYS: Representatives Annello and Rodriguez

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

The Regular City Council meeting was **RECESSED** at 12:57 p.m. in order to convene the Tax Increment and Reinvestment Zone No. 13 Board of Directors meeting.

The Regular City Council meeting was **RECONVENED** at 1:02 p.m.

25.5. ORDINANCE 019040

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING AN AMENDED PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF EL PASO, TEXAS; MAKING VARIOUS FINDINGS RELATED TO SUCH PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Marilyn Guida, citizen, commented.

Motion duly made by Representative Lizarraga, seconded by Representative Hernandez, and carried 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 Svarzbein, Hernandez, Morgan, Salcido, Rivera, and Lizarraga

NAYS: Representatives Annello and Rodriguez

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

25.6. RESOLUTION

WHEREAS, FSW Investments, L.P. ("Owner") owns 2,313 acres within the municipal boundaries of the City of El Paso, Texas (the "Property"), and

WHEREAS, on November 13, 2018, the City Council of the City of El Paso (the “City”) passed and approved Ordinance No. 018871 authorizing the City to enter into a Land Exchange with Owner, with the requirement that the parties execute an Entitlement Agreement (the “Agreement”) regarding the Property; and

WHEREAS, the parties desire that the Property be developed as a master planned community, with open space and other public amenities to benefit the residents of the master planned community as well as other residents of the City; and

WHEREAS, the Property is located within a Municipal Management District created in accordance with Section 59, Article XVI, Texas Constitution (the “MMD”); and

WHEREAS, the Property is located within Tax Increment Reinvestment Zone Number 13, City of El Paso, Texas (the “TIRZ”), created pursuant to Chapter 311, Texas Tax Code (the “TIRZ Act”); and

WHEREAS, development of the Property will require the planning, engineering, design, construction, installation, operation and maintenance of public improvements and public amenities (collectively, “MMD Improvements”); and

WHEREAS, the planning, engineering, design, construction, installation, operation and maintenance of the MMD Improvements will facilitate and encourage development within the Property that will significantly enhance economic growth and tax revenues to the City and other taxing jurisdictions; and

WHEREAS, pursuant to the Agreement, the Owner shall be responsible for the planning, engineering, design, construction and installation of specified MMD Improvements; and

WHEREAS, pursuant to the TIRZ Act, the City may enter into the Agreement to implement the TIRZ Project and Financing Plans (the “Final TIRZ Plan”); and

WHEREAS, the City by Ordinance No. 019040 adopted by the City Council on March 17, 2020 amended the Final TIRZ Plan to include the MMD Improvements and further resolved on that same day to pledge TIRZ revenue to reimburse the MMD for the planning, engineering, design, construction and installation of the MMD Improvements in accordance with the terms of this Agreement; and

WHEREAS, the City has determined that the Agreement will ensure that the City grows in an orderly manner in order to protect the health, safety and welfare of the City’s present and future citizens; preserve the environment; enhance property values; and provide for the expansion of the City’s tax base; and

WHEREAS, pursuant to Sections 311.010 of the TIRZ Act, the City Council of the City has the authority to dedicate, pledge, or otherwise provide for the use of TIRZ revenue, to pay any project cost identified in the Final TIRZ Plan, including costs related to MMD Improvement costs which have been identified as project costs in the Final TIRZ Plan; and

WHEREAS, pursuant to Section 375.201, Texas Local Government Code, the MMD may issue bonds payable from and secured by ad valorem taxes, assessments, contracts, and other sources, including revenues under a contract; and

WHEREAS, pursuant to Section 375.203, Texas Local Government Code, the MMD is authorized to pledge to the payment of its bonds income from improvement projects or from any other source, including all or any part of any revenues received from any public or private source; and

WHEREAS, the parties are authorized to enter into this Agreement under Applicable Law, including but not limited to the TIRZ Act;

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

That the City Manager is authorized to sign an Entitlement Agreement between the City and FSW INVESTMENTS I, LP, a Texas limited partnership, FSW INVESTMENTS II, LP, a Texas limited partnership, FSW INVESTMENTS, III, LP, a Texas limited partnership, FSW INVESTMENTS IV, LP, a Texas limited partnership, FSW INVESTMENTS V, LP, a Texas limited partnership, FSW INVESTMENTS VI, LP, a Texas limited partnership , FSW INVESTMENTS VII, LP, a Texas limited partnership, FSW INVESTMENTS VIII, LP, a Texas limited partnership, FSW INVESTMENTS, IX, LP, a Texas limited partnership; FSW INVESTMENTS, X, LP, a Texas limited partnership, and SCARBOROUGH ELP DEVELOPMENT, LLC a Texas limited liability company, in a form substantially similar to the attached document, setting forth the rights and responsibilities of the parties to allow for the development of a proposed master planned community to be located on the 2,313 acres owned by FSW Investment, L.P. in northeast El Paso, Texas.

Motion duly made by Representative Morgan, seconded by Representative Rivera, and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Rivera, and Lizarraga
NAYS: Representatives Annello and Rodriguez

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25.7. RESOLUTION

WHEREAS, on November 13, 2018, the City Council of the City of El Paso (the “City”) passed and approved Ordinance No. 018871 authorizing the City to enter into a Land Exchange Agreement with and FSW Investment, LP (“FSW”) wherein the City agreed to exchange 2,313 acres of City-owned property in northeast El Paso (the “NE Property”) for 44 acres owned by FSW in northwest El Paso (the “NW Property”); and

WHEREAS, as part of the Land Exchange Agreement, the parties agreed to cooperate in the creation of a Municipal Management District over the NE Property (the “MMD”); and

WHEREAS, Texas House Bill No. 4730, 86th Session of the Texas Legislature, Regular Session, created the MMD effective January 1, 2020; and

WHEREAS, the City supported the introduction and passage of the legislation creating the MMD but has not yet consented to the creation of the MMD; and

WHEREAS, on March 17, 2020, as a condition of the Land Exchange Agreement, the parties entered into an Entitlement Agreement (the "Agreement") for the development of a master planned community on the NE Property; and

WHEREAS, pursuant to the Agreement, the MMD must join and enter as a party to the Agreement and de-annex MMD land that is not included in the NE Property boundaries by December 31, 2020; and

WHEREAS, in order to activate the MMD and thereby permit the MMD to proceed with joining and entering as a party to the Entitlement Agreement and de-annexing the MMD land that is not included in the NE Property boundaries, the City desires to consent to the creation of the District.

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

That the City Council of the City of El Paso hereby consents to the creation of the City of El Paso Municipal Management District No. 1 located within the boundaries of the City of El Paso, Texas.

Motion duly made by Representative Morgan, seconded by Representative Rivera, and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Rivera, and Lizarraga
NAYS: Representatives Annello and Rodriguez

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The Regular City Council Meeting was **RECESSED** at 1:07 p.m. to reconvene the Emergency Meeting.

The Regular City Council Meeting was **RECONVENED** at 2:40 p.m.

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

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26.1. ORDINANCE 019041

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A TWENTY-FOOT UTILITY EASEMENT OUT OF BLOCK 22, IN MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: 500 N. MESA; APPLICANT: MESA FRANKLIN VENTURE, LLC; SUET19-00005.**

Motion duly made by Representative Hernandez, seconded by Representative Rivera, and carried 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 Svarzbein, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Annello

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

26.2. ORDINANCE 019042

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO MILLS PLAZA PARKING II, LP TO PERMIT THE CONSTRUCTION, INSTALLATION, MAINTENANCE, USE, AND REPAIR OF AN AERIAL ENCROACHMENT OF A VEHICULAR CROSSING OVER PORTIONS OF CITY RIGHT-OF-WAY ALONG SAN ANTONIO AVENUE ADJACENT TO THE PROPERTY LOCATED AT 104 S. EL PASO STREET, EL PASO, TEXAS; SETTING THE LICENSE TERM FOR A TERM OF FIFTEEN YEARS (15) WITH ONE (1) RENEWABLE FIFTEEN (15) YEAR TERM. NESV2019-00005**

Motion duly made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and carried 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 Svarzbein, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Annello

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

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

27.1. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** an Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying to MJ Real Properties, Inc., all of the right, title and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property: North Portion of Lot 9 and the East 1/2 of Lot 10, (37.5 ft. on the North, 28.84 ft. on the East, 44.03 ft. on the South, 49.26 ft. on the West), Block 12, Sunset Heights, an addition to the City of El Paso, El Paso County, Texas.

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

ITEMS 28.1. AND 28.2. WERE TAKEN TOGETHER

ORDINANCE 019043

28.1. The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.36 (AIR POLLUTION) OF THE EL PASO CITY CODE TO RENAME THE CHAPTER AS AIR QUALITY, AND TO AMEND THE**

CHAPTER IN ITS ENTIRETY TO COMPLY WITH APPLICABLE STATE AIR QUALITY REGULATIONS; THE PENALTY BEING AS PROVIDED IN SECTION 9.36.100 (VIOLATIONS) OF THE EL PASO CITY CODE.

ORDINANCE 019044

- 28.2.** The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.38 (WOOD BURNING) OF THE EL PASO CITY CODE TO DELETE AND RESERVE THE CHAPTER IN ITS ENTIRETY.**

Mr. Karl Rimkus, Solid Waste Operations Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Motion duly made by Representative Rivera, seconded by Representative Lizarraga, and carried that the Ordinances 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 Svarzbein, Annelo, Hernandez, Morgan, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

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

.....
REGULAR AGENDA - OTHER BUSINESS
.....

- 29. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**
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29.1. RESOLUTION

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

That the Director of Aviation be authorized to sign and submit a grant application and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP) Project No. 3-48-0077-040-2020;

That upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, any related grant modifications, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney's Office, and that such authorization will include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements;

That the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant, and

That the total grant amount shall include a federal estimated share of \$5,267,243.00 and an estimated match of \$2,779,788.00 to be paid for with Airport Enterprise Funds for the following projects:

- Relocation of Taxiway Mike (Design)
- Realignment & Extension of Taxiway Victor
- RWY 8 APCH / 5-Node Intersection Remediation (Design)
- Mill & Replace Runway 8R-26L (Design)
- Reconstruct TWY “K2” & “J” North of TWY “K”, Remove K1, & New Connectors from Ramp to TWY “J” (Design)

Motion made by Representative Hernandez, seconded by Representative Morgan, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

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

30.1. Discussion and action on recommendations made by the City Plan Commission as directed by City Council on January 7th, 2020 regarding ITEM #17.1 on the City Council agenda.

Mayor Margo and Representatives Annello, Hernandez, Morgan, Rodriguez, and Rivera commented.

The following City staff members commented:

1. Mr. Cary Westin, Senior Deputy City Manager of Economic Development and Tourism
2. Mr. Philip Etiwe, Planning and Inspections Director

The following members of the public commented;

1. Ms. Michelle Luevano
2. Ms. Andrea Dominguez
3. Mr. Max Grossman

1ST MOTION

Motion made by Representative Annello, seconded by Representative Hernandez, to **POSTPONE** the item **INDEFINETELY**.

AYES: Representatives Annello, Hernandez, Rodriguez, and Lizarraga

NAYS: Mayor Margo and Representatives Svarzbein, Morgan, Salcido, and Rivera

Mayor Margo broke the tie by voting “Nay”. **THE MOTION FAILED.**

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Morgan, and carried to **REINTRODUCE** the Ordinance on item 17.1 from January 7th, 2020 on the City Council agenda regarding the proposed amendments to Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code.

AYES: Mayor Margo and Representatives Svarzbein, Morgan, Salcido, and Rivera
NAYS: Representatives Annello, Hernandez, Rodriguez, and Lizarraga

Mayor Margo broke the tie by voting “Aye”.

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

31.1. RESOLUTION

WHEREAS, on October 1, 2019, the City Council directed staff to bring recommendations to Council for establishment of a Joint Housing Task Force (hereinafter referred to as “Task Force”) to provide guidance to City Council and City staff on implementation of the El Paso Regional Housing Plan; and

WHEREAS, the purpose of the Task Force is to ensure that all residents of El Paso County have access to affordable housing choices by providing input and formulating recommendations for implementation of the El Paso Regional Housing Plan, a strategic housing plan for the City of El Paso and surrounding region, that addresses long term housing affordability, development, rehabilitation and reconstruction.

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

- 1. CREATION
 - a. That a Joint Housing Task Force is created for the purpose and duties specified below.
- 2. PURPOSE AND DUTIES

- a. The Joint Housing Task Force will provide advice to the Department of Community and Human Development (DCHD) on matters pertaining to the implementation of the El Paso Regional Housing Plan with particular focus on priority areas as established by City Council.
- b. DCHD will determine which items or questions will be presented to the Joint Housing Task Force for advice.

3. ASSIGNED DEPARTMENT

- a. That the City Manager assigns the City of El Paso, Department of Community and Human Development (DCHD) to administer the Joint Housing Task Force.

4. COMPOSITION OF THE JOINT HOUSING TASK FORCE

- a. That the Joint Housing Task Force will consist of twenty (20) members. Members shall be recommended by the DCHD Director to the Mayor. The Mayor will appoint members from the list provided by the DCHD Director. Members shall be selected to represent the following agencies/organizations/professions in the quantities indicated below:

- i. The City of El Paso, Texas (1 member)
- ii. County of El Paso (1 member)
- iii. Public Service Board (1 Member)
- iv. Canutillo Independent School District (1 member)
- v. El Paso Independent School District (1 member)
- vi. Socorro Independent School District (1 member)
- vii. Ysleta Independent School District (1 member)
- viii. Housing Authority of the City of El Paso (1 member)
- ix. County of El Paso Housing Authority (1 member)
- x. Single Family Development (1 member)
- xi. Property Management (1 member)
- xii. Commercial Property Development (1 member)
- xiii. Multi-Family Residential Development (1 member)
- xiv. Community Advocates (5 members)

5. CHAIR AND VICE-CHAIR

- a. The board will elect a Chair and a Vice-Chair to conduct the meeting. If the Chair and Vice-Chair are absent the Joint Housing Task Force members may elect a temporary chair.

6. CONDUCTING THE MEETING

- a. The Chair will be responsible for running all meetings of the Joint Housing Task Force including deciding on the rules of order, provided that all votes of the Joint Housing Task Force must be clear and on the record.

7. QUORUM

- a. A quorum of the Joint Housing Task Force is established by a simple majority of the members appointed. A quorum is not affected if a member abstains or is ineligible to vote.

8. VOTING

- a. Provided a quorum is established, an item is considered approved by the Joint Housing Task Force if approved by a majority of the members present and eligible to vote.

9. REMOVAL

- a. That the appointment of any member may be revoked under the following process:
 - i. Recommendation of revocation of an appointed member shall be issued upon a majority vote of a quorum of the Task Force, at a meeting of the Task Force for which at least ten (10) days' written notice of the intent to entertain a vote for recommendation of revocation of a member is issued to all members and the Mayor of El Paso;
 - ii. Revocation of appointment of a member is made official and complete via written statement of revocation signed by the Mayor of El Paso.

10. SUNSET.

- a. That the Task Force will sunset 24 months from the date of adoption of this resolution, with an option of extending up to 12 additional months at the discretion of the Mayor of El Paso. However, the Task Force may be disbanded at any time via resolution by City Council.

Representatives Svarzbein and Annello commented.

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

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried that to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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31.2.

R E S O L U T I O N

WHEREAS, on July 9, 2019, the City Council for the City of El Paso adopted the Final Action Plan for 2019-2020 and on that date Authorized the City Manager to sign

and submit to the United States Department of Housing and Urban Development (HUD) the 2019-2020 Annual Action Plan to include all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2019-2020 Annual Action Plan to add a new project for the installation of a metal canopy over an existing playground located at 11824 Vitex Circle, El Paso, TX 79936; and

WHEREAS, on February 16, 2020, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the 2019-2020 Annual Action Plan and 45th Year CDBG Program Budget and City Council has duly considered public comment, if any.

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

1. That the 2019-2020 Annual Action Plan and 45th Year CDBG Program Budget is hereby amended as follows:
 - a. To add Hueco Mountain Park Improvements, 11824 Vitex Circle, 79936 – \$139,400. This public facility project is proposed to be added to the 45th Year (2019-2020) CDBG program. Scope of work will include installation of a metal canopy over the existing playground.
2. That the Department of Community and Human Development be authorized to make the above changes to the 2019-2020 Annual Action Plan in the United States Department of Housing and Urban Development’s program system.
3. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney’s Office and Director of Community and Human Development Department.
4. Except as herein amended, the 2019-2020 Annual Action Plan and 45th Year CDBG Program Budget remain in full force and effect.

Representative Rodriguez commented.

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

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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32. MAYOR AND COUNCIL

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32.1. RESOLUTION

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

That the City Council declares that the expenditure of District 1 discretionary funds in an amount not to exceed \$5,000.00 to support the maintenance and operation of a bike share station installed by the Camino Real Regional Mobility Authority at the City park located at the City's Mission Hills Park serves the municipal purpose of enhancing and supporting El Paso's Infrastructure Network and is authorized; and

That the City Manager be authorized to effectuate any budget transfers and payments necessary to ensure that the funds are properly expended for such purpose and to execute any related agreements with the Camino Real Regional Mobility Authority and amendments to such agreements.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

32.2. Discussion and action to request that the City Manager provide an update on the implementation of the Cite and Release Program as approved by City Council on November 12, 2019.

Representative Annello commented.

Assistant Police Chief Patrick Maloney commented.

The following members of the public commented:

1. Mr. Michael Castro
2. Mr. Colt DeMorris

Motion made by Representative Annello, seconded by Representative Morgan, and unanimously carried to **DIRECT** the City Manager to provide an update on the implementation of the Cite and Release Program as approved by City Council on November 12, 2019 at the April 27, 2020 Work Session.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

32.3. Discussion and action to request that the City Manager provide an update on the creation of a conservation easement on the Knapp Land Purchase Agreement, as approved by City Council on June 11, 2019.

Representatives Svarzbein, Annello, and Morgan commented.

Ms. Roberta Brito, Assistant City Attorney, commented.

The following members of the public commented:

1. Ms. Judy Ackerman

2. Ms. Marilyn Guida
3. Ms. Janaé Reneaud, Executive Director for Frontera Land Alliance

Motion made Representative Morgan, seconded by Representative Annello, and unanimously carried to **DIRECT** the City Manager to provide an update on the creation of a conservation easement on the Knapp Land Purchase Agreement, as approved by City Council on June 11, 2019 at the June 9, 2020 Regular City Council Meeting.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
 NAYS: None

- 32.4.** Update, discussion and action on water and wastewater impact fees, to consider the process to adopt the water and wastewater maximum impact fee, to consider the amendment of land use assumptions and a capital improvement plan and the imposition of an impact fee, and to discuss the proposed ordinance amending land use assumptions, the capital improvements plan, and/or the impact fee.

Discussion and action to review Chapter 15.22- Water and Wastewater Impact fee- Section: 15.22.180 - Updates to plans and revision of fees:

A. The city shall update the land use assumptions and capital improvements plan at least every five years, commencing from the date of adoption of such plans, and shall, if necessary, recalculate the impact fees based thereon in accordance with the procedures of V.T.C.A. Local Government Code Chapter 395 or in any successor statute.

B. The city may review its land use assumptions, impact fees, capital improvements plan and other factors more frequently than provided in Subsection A above to determine whether the land use assumptions and capital improvements plan should be updated and the impact fees recalculated accordingly.

C. After conducting the review required in Subsection A above, the city council determines that no change to the land use assumptions, capital improvements plan or impact fee is needed at the time of an update under Subsection A above, the city council may dispense with the update in accordance with V.T.C.A. Local Government Code § 395.0575.

Mayor Margo and Representative Hernandez commented.

The following City staff members commented:

1. Ms. Karla Nieman, City Attorney
2. Mr. Cary Westin, Senior Deputy City Manager for Economic Development and Tourism
3. Mr. Philip Etiwe, Planning and Inspections Director
4. Ms. Marcela Navarrete, Vice President of Strategic, Financial and Management Services for El Paso Water

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Ray Aauto

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **DIRECT** the City Manager and City Attorney to work with stakeholders including El Paso Water and come back to City Council with recommendations in accordance with Chapter 15 and in compliance to State Law.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None Representative

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ADJOURN

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** the Regular City Council meeting at 4:01 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk