

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL

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

MINUTES FOR REGULAR COUNCIL MEETING

April 3, 2018
COUNCIL CHAMBERS, CITY HALL
9:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Alexandra Annello, Cassandra Hernandez-Brown, Sam Morgan, Michiel R. Noe, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. Late arrival: Peter Svarzbein at 9:44 a.m. The invocation was given by Ms. Peggy Schuster followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY PEGGY SCHUSTER - MEMBER OF THE BAHÁ'Í FAITH

PLEDGE OF ALLEGIANCE

Students from Harmony School of Innovation

Adrian Hernandez
Joel Mariscal
Oliver Aguilar
Diego Morales
Fernando Larios
Christian Garcia

MAYOR'S PROCLAMATIONS

- 1. March Against Child Abuse Day**
- 2. Month of the Military Child**
- 3. National Community College Month**
- 4. Adult Education Week at the El Paso Public Library**

5. Fair Housing Month
6. Community Development Week
7. Earth Month

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RECOGNITIONS BY MAYOR

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Environmental Services Department “Recycle Right, El Paso” PSA Video Contest winners:

- **First Place – Montwood High School - Carlos Olivares and Crystal Saavedra**
- **Second Place – Montwood High School - Isabela Cardenas, Isaac Perea, and Noah Hernandez**
- **Third Place – Del Valle High School - Valerie H'luz-Pastrana and Eileen Matamoros**

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NOTICE TO THE PUBLIC

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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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

- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 20, 2018, the Legislative Review Meeting of the Whole of March 19, 2018, and the Work Session of March 19, 2018.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION taken on this item

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CONSENT AGENDA - RESOLUTIONS:

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

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

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

That the City Manager be authorized to sign a Second Amendment to Agreement for Professional Services by and between the City of El Paso and Mijares-Mora Architects, Inc., a Texas corporation, for a project known as "CHECKED BAGGAGE INSPECTION SCREENING SYSTEM" for additional services for the construction phase of the project, for an amount not to exceed Three Hundred Six Thousand Four Hundred Eighty Seven AND 00/100 DOLLARS (\$306,487.00), thereby extending the contract amount from \$990,728.00 to \$1,225,215.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

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

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

That the City Manager be authorized to sign an Assignment and Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"); Host Hotels & Resorts, L.P. ("Assignor"); and CP El Paso, Ltd., a Kentucky limited partnership ("Assignee") for the following described property:

A portion of Tract 4A25, Block 2, Ascarate Grant, El Paso County, Texas, containing approximately 376,586.841 square feet of land, and municipally known and numbered as 1600 Airway Blvd., El Paso Texas.

3.3. *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 City Manager be authorized to sign a Hotel Site Lease by and between the City of El Paso ("Lessor") and CP El Paso, Ltd., a Kentucky limited partnership, ("Lessee") for the following described property:

A portion of Tract 4A25, Block 2, Ascarate Grant, El Paso County, Texas, containing approximately 376,586.841 square feet of land, and municipally known and numbered as 1600 Airway Blvd., El Paso Texas.

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

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

That the City Manager be authorized to sign a Southern Industrial Park Site Lease by and between the City of El Paso (“Lessor”) and West El Paso Boeing TX, LLC (“Lessee”) for the property described as a portion of Lot 4, Block 2B, El Paso International Airport Tracts, Replat of Unit 4, consisting of approximately 112,341 square feet of land, City of El Paso, El Paso County, Texas, and commonly known and numbered as 6451 Boeing Dr., El Paso, Texas.

3.5.

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

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

That the City Manager be authorized to sign a Fuel Farm Lease by and between the City of El Paso (“Lessor”) and Franklin Mountain Aviation ELP, LLC (“Lessee”) for the premises described as follows:

A portion of Block 4, El Paso International Airport Tracts, Unit 1, El Paso, El Paso County, Texas (the “Premises”).

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

4.1.

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

WHEREAS, on September 5, 2017, authorized through resolution the use of construction manager-at risk project delivery method for the Lionel Forti and Chelsea Aquatic Facilities construction project and approved for the Director of the Capital Improvement to issue a solicitation for the Project; and

WHEREAS, the City of El Paso (“City”) issued a Request for Proposal as part of the construction manager-at risk project delivery method through Two Regional Aquatic Parks: Chelsea & Lionel Forti 2018-520R; and

WHEREAS, Arrow Building Corp. (“Contractor”), a Texas Corporation, submitted the proposal offering the best value for the City on the basis of the published selection criteria and on the ranking evaluations; and

WHEREAS, the City negotiated a contract with Contractor and desires to award the Two Regional Aquatic Parks: Chelsea & Lionel Forti 2018-520R for construction manager-at risk services to Contractor; and

WHEREAS, the initial contract award will commence the preconstruction services and the parties understand that an amendment to establish the Guaranteed Maximum Price for the project will be subject to City Council approval.

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

THAT the City Manager is authorized to execute the construction manager-at risk agreement (“Contract”) between the City of El Paso and Arrow Building Corp. (“Contractor”), a Texas Corporation, for the project known as the Two Regional

Aquatic Parks: Chelsea & Lionel Forti 2018-520R in an initial amount of Ten Thousand and No/100 Dollars (\$10,000.00) for preconstruction services for the Chelsea aquatic park and Ten Thousand and No/100 Dollars (\$10,000.00) for preconstruction services for the Lionel Forti aquatic center, for a total of Twenty Thousand and No/100 Dollars (\$20,000.00) for preconstruction services, and that the City Engineer is authorized to approve additional preconstruction services administratively, for an additional amount of Twenty Thousand and No/100 Dollars (\$20,000.00), if such services are necessary, for a total not to exceed preconstruction services contract amount not to exceed Forty Thousand and No/100 Dollars (\$40,000.00).

4.2.

***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 Manger is hereby authorized to sign, on behalf of the City of El Paso, a Second Amendment to Inter-Governmental Agreement between the City of El Paso (the "City") and the Ysleta Independent School District (the "District"), to enhance the quantity and quality of recreational and athletic facility uses available to the residents of the City, at no cost to the City with the exception of City activities outside of YISD normal facility operations, by modifying the scope of use of Thomas Manor Park, in accordance with the provisions of the Agreement.

4.3.

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

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

That the City Manager be authorized to sign a First Amendment to Agreement for Professional Services by and between the City of El Paso **and PARKHILL, SMITH & COOPER, INC.**, a Texas Corporation, for a project known as "**REGIONAL AQUATIC FACILITIES**", for Additional Services for theming concept design services for an additional amount not to exceed One Hundred Ninety Three Thousand Three Hundred Eighty and 00/100 Dollars (\$193,380.00), for an amended total contract amount not to exceed One Million Seven Hundred Eleven Thousand Forty Nine and 00/100 Dollars (\$1,711,049.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

4.4.

R E S O L U T I O N

WHEREAS, as part of the strategic goals for the City of El Paso, the City aims to promote the visual image of El Paso and enhance El Paso's quality of life through recreational, cultural, and educational environments.

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

1. That the expenditure of discretionary Funds from District 2 totaling an amount not to exceed \$1,000, to be used towards the costs of producing the Mighty Mujer Triathlon to be held on Saturday, April 21, 2018 (the "Event"), is authorized.

2. That the Event serves the municipal purpose of promoting the visual image of El Paso and provides recreational activities to residents and visitors of El Paso.

3. That the City Manager be authorized to negotiate and sign a contract, and contract amendments, with the producers of the Mighty Mujer Triathlon and to appropriate funds and make budget adjustments to effectuate the purposes of this Resolution.

Representatives Noe and Ordaz Perez commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Mayor Pro Tempore Noe

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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

5.1. *Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Engineer to approve a change order for Contract No. 2016-832 for the Dyer Corridor RTS project with Jordan Foster Construction, LLC., once the design work is complete, in the amount not to exceed \$325,000.00 for the increase of the cost of work for the construction of drill shaft foundations for pedestrian lighting for the Dyer Corridor RTS project, if the increased cost is justified and within the appropriate budget identified for the project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers.

5.2. *RESOLUTION

WHEREAS, on September 6, 2016, the City Council delegated authority previously delegated to the Director of the Capital Improvement Department to the City Engineer in the interest of making administrative governmental operations more efficient, to enter into and sign certain contracts on behalf of the City of El Paso ("City") that are routine in nature, for projects that have already been approved by City Council; and

WHEREAS, the delegation of authority includes the right for the City Engineer to use City property associated with approved capital projects for the City including but not limited to licenses, leases, easement and deeds; and

WHEREAS, the City desires to clarify that the City Engineer's right to use City property associated with approved capital project for the City include the right to enter into right of entry agreements with third parties in order for the third parties to gain access to inspect, repair, maintain or construct on City property, provided that the right

of entry agreement is reviewed and accepted as legally appropriate by the City Attorney's Office.

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

That the City Council hereby clarifies that the delegation of authority of the City Engineer includes the right to enter into right of entry agreements with third parties in order for the third parties to gain access to inspect, repair, maintain or construct on City property, provided that the right of entry agreement is reviewed and approved as form by the City Attorney's Office, and that the City Clerk shall file and maintain the originals of all agreement entered into and signed pursuant to this resolution in accordance with applicable records retention requirements; this delegation of authority to the City Engineer is effective as of April 4, 2018.

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:
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6. Goal 3: Promote the Visual Image of El Paso
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- 6.1.** Don Luciano to the Historic Landmark Commission by City Representative Michiel R. Noe, District 5

1ST MOTION

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

2ND AND FINAL MOTION

Motion made Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and carried to **REAPPOINT** Don Luciano to the Historic Landmark Commission by City Representative Michiel R. Noe, District 5.

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

NAYS: Representative Annello

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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CONSENT AGENDA - BOARD APPOINTMENTS:
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7. Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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- 7.1.** *Motion made, seconded, and unanimously carried to **APPOINT** Frank Hernandez to the Building and Standards Commission as an Alternate Member by City Representative Cassandra Hernandez Brown, District 3

- 7.2.** *Motion made, seconded, and unanimously carried to **APPOINT** Michael H. Bray to the Building and Standards Commission as an Alternate Member by City Representative Cissy Lizarraga, District 8.

- 7.3.** *Motion made, seconded, and unanimously carried to **APPOINT** Yvonne Rosales to the Zoning Board of Adjustment as an Alternate Member by City Representative Cissy

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CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:
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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 that the following tax refunds be **APPROVED**, pending auditor approval.

1. Corelogic Tax Service, LLC, in the amount of \$3,881.17, made an overpayment on December 18, 2017 of 2017 taxes.
(Geo. #E0789990MM00900)
2. Rocky Mountain Mortgage Co., in the amount of \$2,594.41, made an overpayment on December 7, 2017 of 2017 taxes.
(Geo. #T28799944402100)
3. GECU, in the amount of \$3,426.69, made an overpayment on December 21, 2017 of 2017 taxes. (Geo. #605047)
4. National Tax Search, LLC, in the amount of \$44,442.62, made an overpayment on January 30, 2017 of 2017 taxes.
(Geo.#EOS499905300500) **(Account number incorrect and will be submitted for approval on a future agenda)**

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

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CONSENT AGENDA - BEST VALUE PROCUREMENTS:
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9. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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9.1. Motion made, seconded and unanimously carried to **AWARD** Solicitation No. 2018-976 Heavy Duty Vehicle Radiator & Tank Repair Services to Frontera Radiator and Parts Inc. for an initial three (3) year term estimated award of \$186,759.15. The award is to include a two (2) year optional amount of \$124,506.10 for a total five (5) year award of \$311,265.25. This contract will allow radiator repairs and/or replacements for heavy-duty vehicles.

CONTRACT VARIANCE:

The difference in cost, based on the comparison to the previous three (3) year term contract is a decrease of \$113,240.85.

Department: Street and Maintenance
Award to: Frontera Radiators and Parts Inc.
El Paso, TX
Item(s): All

Initial Term: 3 years
Option to Extend: 2 years
Annual Estimated Award: \$62,253.05
Initial Term Estimated Award: \$186,759.15 (3 years)
Total Estimated Award: \$311,265.25 (5 years)
Account No.: 532-37020-531210-3600-P3711
532-37020-531250-3600-P3701
Funding Source: Fleet Internal Service Fund
District(s): All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to Frontera Radiators and Parts Inc., the bidder offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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CONSENT AGENDA - BIDS:
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10. Goal 2: Set the Standard for a Safe and Secure City
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10.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2018-1039 Oxygen Cylinders - Rental, Refill and Delivery to SYOXSA, Inc. for an initial three (3) year term estimated award of \$201,498.75. The award is to include a two (2) year optional amount of \$134,332.50 for a total five (5) year award of \$335,831.25. Medical Oxygen is administered by first responders on almost every medical call while on the scene and during transport.

CONTRACT VARIANCE:

Previous contract was awarded in 2013. The difference in cost, based on the comparison to the annual usage from the previous contract, is as follows:

Item 1: The per unit cost increased by \$24.00 with an annual estimated quantity of 840 units, resulting in an annual increase of \$20,160.00.

Item 1A: The per unit cost increased by \$0.44 with an annual estimated quantity of 5,000 refills, resulting in an annual increase of \$2,200.00.

Item 2: The per unit cost increased by \$54.75 with an annual estimated quantity of 55 units, resulting in an annual increase of \$3,011.25. The rental service of the 7,842 liter cylinder was added.

Item 2A: The per unit cost increased by \$12.00 with an annual estimated quantity of 600 refills, resulting in an annual increase of \$7,200.00. The refill service of this cylinder size was added.

Item 3: The per unit cost increased by \$18.80 with an annual estimated quantity of 55 units, resulting in an annual increase of \$1,034.00.

Item 3A: The per unit cost decreased by \$0.19 with an annual estimated quantity of 600 refills, resulting in an annual decrease of \$114.00.

The total annual cost increased by \$33,491.25 and for the initial three (3) years by \$100,473.75.

Department:	Fire Department
Award to:	SYOXSA, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$67,166.25
Initial Term Estimated Award:	\$201,498.75 (3 years)
Total Estimated Award:	\$335,831.25 (5 years)
Account No.:	322-22090-522250-1000-P2217
Funding Source:	General Funds – Public Safety Equipment Maintenance – Logistics Support
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Fire Department recommend award as indicated to SYOXSA, Inc., the lowest, responsive, responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

The Purchasing & Strategic Sourcing Department and Fire Department recommend Praxair Distribution, Inc., be deemed non-responsive for failure to provide the requested proof of medical license to refill medical grade oxygen and for submitting exemptions to the City's indemnification clauses.

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REGULAR AGENDA - FIRST READING OF ORDINANCES

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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

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11.1. An Ordinance to amend Title 12 (Vehicles & Traffic) Chapter 12.54 (Towing Regulations and Fees), Section 12.54.020, to amend the maximum fees that may be charged within the City for non-consent vehicle tows; and to amend Section 12.54.050 to limit requests for towing fee studies to once every three years, unless the towing fee company assumes the costs associated with the study.

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

- 12.1.** An Ordinance amending Chapter 2.64 (City of El Paso Employees' Retirement Trust) concerning the appointment of Trustees, changing the terms of office for certain Trustees, changing the fund name, defines termination date, changing the time to apply for a disability retirement, prescribing procedures for filling vacancies on the board, imposing educational requirements on Trustees, providing for the automatic removal of Trustees and clarifying the method for buying back service credit for members who are re-employed.
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13. Goal 7: Enhance and Sustain El Paso's Infrastructure Network:

- 13.1.** An Ordinance authorizing the City Manager to sign a deed and any other documents necessary to convey to the State Of Texas, acting by and through the Texas Transportation Commission, a 1.315 acre parcel of land situated in the J. Barker Survey, Number 9, Abstract Number 8, El Paso County, Texas and being all of Lots 3 Through 28 and part of Lots 29 Through 32, Block 24 of the second revised map of Mundy Heights Addition to the City Of El Paso, El Paso County, Texas, said parcel to be included in the Loop 375 Border West Highway Project.
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14. MANAGEMENT UPDATES

- 14.1.** Presentation for the International Bridges E-Fast Pass (Automatic Vehicle Identification) Marketing plan.

Ms. Cassandra Davisson, Marketing and Customer Relations Coordinator, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Hernandez-Brown, and Ordaz Perez commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item

- 14.2.** Presentation and discussion on the Strategic Plan Goal Team Reports for the following teams:

Goal 2 (Safe and Secure City)

Fire Chief Mario D'Agostino and Police Assistant Chief Patrick Maloney presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Hernandez-Brown, Morgan, Ordaz Perez, Rivera and Lizarraga commented.

The following City staff members commented:

1. Ms. Lilia Worrell, Municipal Court Clerk

2. Mr. Tommy Gonzalez, City Manager

Goal 8 (Healthy, Sustainable Community)

Ms. Ellen Smyth, Environmental Services Director, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Svarzbein commented

NO ACTION taken on this item

14.3. Budget Update - Budget Cost Drivers and Major Revenues

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

Mayor Margo and Representative Svarzbein commented

Mr. Tommy Gonzalez, City Manager, commented

NO ACTION taken on this item

14.4. Streetcar Transition Update

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

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

Mr. Richard Bristol, Streets and Maintenance Director, commented.

NO ACTION taken on this item

14.5. Presentation on the Westside Natatorium

Mr. Danny Garcia, Capital Improvement Project Manager, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo commented.

Mr. Tracy Novak, Parks and Recreation Director commented.

NO ACTION taken on this item

14.6. Presentation and discussion on convention and tourism development efforts

Mr. Bryan Crowe, Destination El Paso Director, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein and Noe commented.

Mr. Cary Westin, Deputy City Manager, commented.

NO ACTION taken on this item

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The City Council Meeting was **RECESSED** at 12:01 p.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 12:14 p.m.

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CALL TO THE PUBLIC – PUBLIC COMMENT

1. Ms. Wally Cech
2. Mr. Jud Burgess
3. Mr. Steven Strumer

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

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15.1. Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AWARD** Solicitation No. 2018-974R Executive Recruiting Services for on-call executive recruitment services. Services will be requested on a task order basis by and between the following two (2) firms:

1. Ralph Andersen & Associates; and
2. Springsted Waters Incorporated

Each consultant will perform the work on a task order basis pursuant to the rates established in Solicitation No. 2018-974R. Each on-call executive recruitment award will be for a total estimated amount not to exceed Four Hundred & Fifty Thousand and No/00 Dollars (\$450,000.00) for a term of three (3) years with the option to extend the term for two (2) additional one (1) year periods. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement. 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. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

This is a Request for Proposal, Service Contract.

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

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

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16.1. Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation No. 2018-1095 Barricade Rental

Service to Contractor's Barricade Service, Inc. dba Apache Barricade & Sign for an initial term estimated award of \$783,268.50. The award is to include a two (2) year optional amount of \$522,179.00 for a total five (5) year award of \$ 1,305,447.50. This service will ensure the City has safe and adequate traffic control.

CONTRACT VARIANCE:

Previous contract was awarded in 2014. The difference in cost, based on the comparison to the annual usage from the previous contract, is as follows:

Group A: The average cost increased by \$1.03 resulting in an increase of \$2,468.00.

Group B: The average cost decreased by (\$38.35) yet, nine (9) items were added to this group for holidays and specials events resulting in an increase of \$8,699.25.

Group C: The average cost increased by \$157.12 resulting in an increase of \$187,468.50. Seven (7) items were added to this group and usages were increased for holidays and special events.

Group D: Is a new addition to the contract for holidays and special events, no prior contract available.

Department:	Street and Maintenance
Award to:	Contractor's Barricade Service, Inc. dba Apache Barricade & Sign El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$261,089.50
Initial Term Estimated Award:	\$783,268.50 (3 years)
Total Estimated Award:	\$1,305,447.50 (5 years)
Account No.:	532 – 32120 - 524110 – 1000 – P3210
Funding Source:	General Fund – Leases NOC
District(s):	All

This is a Low Bid, services contract.

The Purchasing & Strategic Sourcing Department and Street and Maintenance Department recommend award as indicated to Contractor's Barricade Service, Inc. dba Apache Barricade & Sign, the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

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

NAYS: None

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

17.1. *Motion made, seconded, and unanimously carried to **DELETE** the item that the

Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Orders to Clear Channel Outdoor, Inc. the sole source for billboard advertising, with the stipulation that the vendor provides an updated sole source letter and affidavit each year. The approval of this contract will allow billboard advertising to our current outreach campaign for recycling and other Environmental Services promotions (Earth Day, Code Compliance, etc.).

Department: Environmental Services
Award to: Clear Channel Outdoor, Inc.
El Paso, TX
Annual Estimated Amount: \$115,000.00
Total Estimated Award: \$345,000.00 (3 Years)
Account No.: 334-34080-3100-P3485-521170
Funding Source: Enterprise Funds
District(s): All
Sole Source No.: 2018-1251

This is a Sole Source, service contract.

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

18.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks an Ordinance granting Special Permit No. PZST17-00035, to allow for a 60 ft. Ground-mounted Personal Wireless Service Facility on the property described as a portion of Lot 1, Block 1, Centre Court, 5901 Upper Valley Road, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 5901 Upper Valley Road. Property Owner: Rey De Reyes Evangelical Free Church. PZST17-00035 THIS IS AN APPEAL

18.2. * Motion made, seconded, and unanimously carried to **DELETE** an ordinance vacating a city right-of-way over an 18' alley between Lots 9 thru 15 and Lots 17 thru 23, Block 83, Bassett Addition, City of El Paso, El Paso County, Texas. SURW15-00005 Subject Property: South of Yandell and West of Piedras; Applicants: Hasan Abu-issa, Edward T. and Leticia A. Diamond, Richard and Betsy Nacim

18.3. ORDINANCE 018773

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A .1078 ACRE TRACT OF LAND SITUATED IN THE SIMEON HART SURVEY, ABSTRACT NUMBER 43, CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID TRACT BEING PART OF THAT UNNAMED AREA SHOWN AS PUBLIC ROAD 25 FOOT WIDE ACCORDING TO OLD FORT BLISS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND A .5070 ACRE TRACT OF LAND SITUATED IN THE SIMEON HART SURVEY, ABSTRACT NUMBER 43, CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID TRACT BEING PART OF THAT UNNAMED AREA**

SHOWN AS PUBLIC ROAD 25 FOOT WIDE ACCORDING TO OLD FORT BLISS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID TRACT ALSO BEING A PART OF RUHLEN COURT, A 25 FOOT WIDE RIGHT-OF-WAY ACCORDING TO GLOBE ADDITION (FORMERLY LOT 19 OLD FORT BLISS) AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND A .2217 ACRE PARCEL OF LAND SITUATED IN THE SIMEON HART SURVEY, ABSTRACT NUMBER 43, CITY OF EL PASO, EL PASO COUNTY, TEXAS, SAID PARCEL BEING PART OF THAT UNNAMED AREA SHOWN AS PUBLIC ROAD 25 FOOT WIDE ACCORDING TO OLD FORT BLISS PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW15-00004 SUBJECT PROPERTY: NORTH OF YANDELL AND EAST OF PAISANO

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

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

NAYS: Representative Hernandez-Brown

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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REGULAR AGENDA - OTHER BUSINESS
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19. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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19.1. RESOLUTION
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WHEREAS, El Paso Water Utilities staff has developed a plan to reconfigure and relocate the detention basin within Thomas Manor Park in support of the Thomas Manor Park Pond and Pump Station Improvements, a legal description of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, City staff recommends the reconfiguration and relocation of the detention basin because the proposed plan reduces the size of the current detention basin from 3.0 acres to 1.3 acres, allowing more parkland for park purpose, and El Paso Water Utilities will fund and construct the detention basin; and

WHEREAS, the City staff recommends that there is no feasible and prudent alternative to the proposed use of this identified area as a detention basin and that the proposed use as a detention basin includes all reasonable planning to minimize-harm to Thomas Manor Park, and

WHEREAS, the City has given notice to the public by publishing a notice once a week for three consecutive weeks in a newspaper of general circulation as required in the Texas Parks & Wildlife Code Section 26.002.

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

That in accordance with Chapter 26 of the Texas Parks and Wildlife Code, the City Council approves the use of 1.3 acres of Thomas Manor Park as a detention basin, and based upon its determination that there is no feasible and prudent alternative to the use of the identified parcel within Thomas Manor Park and that the proposed use as a detention basin includes all reasonable planning to minimize harm to Thomas Manor Park.

Motion made by Representative Rivera, seconded by Representative Ordaz Perez, and unanimously carried to **CLOSE** the Public Hearing at 1:06 p.m. and **APPROVE** the Resolution.

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

NAYS: None

19.2.

R E S O L U T I O N

WHEREAS, the City, Through the Museums and Cultural Affairs Department, wishes to establish a Local Filmmakers Program to encourage and promote tourism to the City of El Paso, enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments, and Promote the Visual Image of El Paso.

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

That the Local Filmmakers Program be established and the Local Filmmakers Program Guidelines attached as Attachment "A" be adopted.

That the City Manager or designee be authorized to execute any contracts and contract amendments to carry out the purpose of the Local Filmmakers Program as adopted herein.

1ST MOTION

Motion made by Representative Svarzbein, seconded by Representative Rivera, and unanimously carried to **MOVE TO FOREFRONT** of agenda.

2ND MOTION

Motion made by Representative Annello, seconded by Representative Svarzbein, and carried to **AMEND** the Resolution to require a 2:1 cash match by the City:Filmmaker for the grant. **MAYOR MARGO BROKE THE TIE.**

AYES: Mayor Margo and Representatives Svarzbein, Annello, Hernandez-Brown, and Morgan

NAYS: Representatives Noe, Ordaz Perez, Rivera and Lizarraga

3RD AND FINAL MOTION

Motion made by Representative Svarzbein, seconded by Representative Annello, and unanimously carried to **APPROVE, AS REVISED** a Resolution to establish the Local

Filmmakers Program and adopt Program Guidelines.

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

NAYS: Representative Rivera

Mr. Ben Fyffe, Assistant Director, Museums and Cultural Affairs, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Annello, Brown, Morgan and Noe commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

20.1. RESOLUTION

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

That the City Attorney be authorized to file a Texas Unclaimed Property Government Claim Form on behalf of the City of El Paso and a statement in lieu of the standard Indemnity Agreement required by the State of Texas agreeing to reimburse the State of Texas if the funds obtained in connection with the claims are subsequently found not to be the property of the City of El Paso.

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

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

NAYS: None

21. MAYOR AND COUNCIL

21.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item for the City Manager to develop a master plan for the Eastside of El Paso.

21.2. Discussion and action on activating the City of El Paso Ad Hoc Charter Advisory Committee for the purpose of a City Charter Amendment Special Election to be held in November 2018.

***1ST MOTION**

Motion made by Representative Brown-Hernandez, seconded by Representative Morgan, and unanimously carried to **MOVE THE ITEM TO THE FOREFRONT** of agenda.

2ND AND FINAL MOTION

Motion made by Representative Annello, seconded by Mayor Pro Tempore Noe, and

unanimously carried to **APPROVE** activating the City of El Paso Ad Hoc Charter Advisory Committee for the purpose of a City Charter Amendment Special Election to be held in November 2018.

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

NAYS: None

Representatives Svarzbein, Annello, Hernandez-Brown, and Noe commented.

Ms. Sylvia Firth, City Attorney, commented.

Mr. Mark Benitez, citizen, commented.

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21.3. *Motion made, seconded, and unanimously carried to **DELETE** the item for the City Manager to initiate an ordinance amendment for Title 12, Chapter 12.44, Section 12.44.170, Subsection F of the El Paso City Code which states that vehicles that display Disabled Veteran License Plates are exempt from payment of parking fees at any city facility where a parking fee is collected, to be amended to no longer require the vehicle be operated by or for the transportation of the person the Disabled Veteran Plates are registered to.

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21.4. Motion made by Mayor Pro Tempore Noe, seconded by Representative Lizarraga, and unanimously carried to **POSTPONE** two weeks the item for discussion and action on Call to the Public and Work Session procedures.

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

NAYS: None

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

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney,
2. Mr. Juli Lozano, Public Information and Marketing Corporate Manager
3. Mr. Tommy Gonzalez, City Manager

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EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Noe, seconded by Representative Rivera, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:39 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATIONS REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and carried to adjourn the Executive Session at 3:06 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

EX1. City of El Paso v. Max Grossman; Second Court of Appeals, Fort Worth, TX; No. 02-17-00384-CV; Matter No. 17-1001-171.006 (551.071)

NO ACTION was taken on this item

EX2. Ex Parte: City of El Paso; Third Court of Appeals; Travis County, TX #03-17-00566-CV; Matter No. 17-1001-171.002 (551.071)

NO ACTION was taken on this item

EX3. Max Grossman v. City of El Paso; 384th District Court, El Paso, TX; Cause No. 2017-DCV-2528; Matter No. 17-1001-171.001 (551.071)

NO ACTION was taken on this item

EX4. Economic Incentive (Fountains at Farah, LP) (11-1007-164) (551.071) (551.087)

NO ACTION was taken on this item

EX5. William David Abraham, Debtor; U.S. Bankruptcy Court; Petition No. 18-30184-hcm; Matter No. 18-1099-044 (551.071)

NO ACTION was taken on this item

EX6. Project Viking (18-1007-2138) (551.071, 551.072 and 551.087)

NO ACTION was taken on this item

EX7. Real estate acquisitions for the Multipurpose Performing Arts and Entertainment Center Project (551.071 and 551.072)

NO ACTION was taken on this item

EX8. El Paso Children's Museum (551.071 and 551.072)

NO ACTION was taken on this item

EX9. Guadalupe Ramirez, et al vs. The City of El Paso and The State of Texas; Cause No. 2007-2568; Matter No. 07-1005-001 (551.071)

NO ACTION was taken on this item

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ADDITION TO THE AGENDA

MANAGEMENT UPDATES

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1. Department of Animal Services Taskforce update on March key statistics.

Ms. Paula Powell, Animal Services Interim Director, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo commented.

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **ADJOURN** this meeting at 3:06 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk