

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

April 5, 2016
COUNCIL CHAMBERS, CITY HALL
8:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:26 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Michiel Noe, and Lilia Limón. Late arrivals: Claudia Ordaz at 8:16 a.m., Cortney Niland at 8:16 a.m., Peter Svarzbein at 8:17 a.m., and Carl L. Robinson at 8:17 a.m. Larry Romero and Emma Acosta requested to be excused. The invocation was given by Police, Fire And CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America

INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

Sageland MicroSociety's Executive Board Officers

Katherine Quintana, Executive Board President
Robi Hernandez, Executive Board Vice-President
Rebekah Gutierrez, Executive Board Treasurer
Zoe Rivas, Executive Board Secretary
Caleb Miranda, Executive Board Sergeant-at-Arms

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and 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, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

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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 carried to **APPROVE** Minutes for the Regular City Council Meeting of March 22, 2016, the Legislative Review Meeting of the Whole of March 21, 2016, and the City Council Work Session of March 21, 2016.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

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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:
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2.1. *Motion made, seconded, and carried to **EXCUSE, AS REVISED** Representatives Larry Romero and Emma Acosta from the Regular Council Meeting of APRIL 5, 2016.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

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ACTION ON THE FOLLOWING RESOLUTIONS:
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CONSENT AGENDA - RESOLUTIONS:
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3. Goal 2: Set the Standard for a Safe and Secure City
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3.1. ***RESOLUTION**

WHEREAS, the City of El Paso (the City) is eligible to apply for grants through the FY 2016 Criminal Justice Division of the Texas Governor’s Office; and

WHEREAS, the City Council finds that the Texas Anti-Gang Program (TAG) will assist in combating gang violence in the community.

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

- 1. That the City Manager or designee is authorized to submit an application for grant funding for the Texas Anti-Gang Program (TAG), through the Criminal Justice Division of the Texas Governor’s Office, in the amount of \$2,000,000.00 for the period April 1, 2016 through August 31, 2017, with no cash or in-kind match required, including all understandings and assurances contained therein, and to reject, alter and/or terminate the grant, whereby the City is the fiduciary agent working in partnership with multiple local, state and

federal agencies to combat gang activity through prevention and enforcement efforts. In addition, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan. Further, the City Manager or designee is authorized to execute any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds.

2. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
3. That the City of El Paso's Chief Financial Officer, or designee, is designated as the Financial Officer for this grant.
4. That the City Council agrees that in the event of loss or misuse of the TAG grant funds, the City of El Paso assures that the grant funds will be returned in full to the Criminal Justice Division of the Texas Governor's Office.

3.2.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Local Border Security FY 17 program be operated for the time period of September 1, 2016 to August 31, 2017; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Homeland Security Grants Division funds, the El Paso City Council assures that the funds will be returned to the Office of the Governor's, Homeland Security Grants Division in full; and

WHEREAS, the El Paso City Council designates the City Manager Tomás González or his designee as the grantee's authorized official.

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

1. That the City Manager or designee is authorized to submit the grant application for the Local Border Security FY 17 to the Office of the Governor's, Homeland Security Grants Division including all understandings and assurances contained therein, and to accept, reject, alter and/or alter a modified award amount, for the purpose of sustaining interagency operations and enhancing local law enforcement patrols to interdict criminal activity.
2. That the City Manager or designee be authorized to sign any grant related paperwork, authorize budget transfer and submit any necessary revisions to operational plan.
3. That there is no cash match required from the City of El Paso.
4. That the El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to the Police Department at or after the time the grant is awarded.

3.3.

***RESOLUTION**

WHEREAS, on March 8, 2016, the City of El Paso awarded Contract No. 2015-1161 (Janitorial Services – City Hall 1, 2, 3, 4, and UPTT) to Arturo Rubio d/b/a Star-Clean Maintenance for Streets and Maintenance-Facilities Maintenance; and

WHEREAS, the City finds that the Company is in default of the provisions of the Contract because the vendor failed to provide the services pursuant to the Scope of Work set forth in the Contract for the bid prices awarded and to provide the required performance bonds; and

WHEREAS, pursuant to Section C, Paragraph 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract for default; and

WHEREAS, the City desires to terminate this Contract for Default.

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

That the Purchasing & Strategic Sourcing Director is authorized to notify Arturo Rubio d/b/a Star-Clean Maintenance, that the City is terminating Contract No. 2015-1161 for default effective April 5, 2016, pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor's failure to provide the services pursuant to the Scope of Work set forth in the Contract for the bid prices awarded and to provide the required performance bonds.

Mr. Arturo Rubio, applicant, commented.

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 Full Court Enterprise Amendment Two to Contract No. 2013-211R Municipal Court Software Rebid Municipal Court between the City of El Paso ("City") and Justice Systems to revise the services for software customizations to the implementation of the Municipal Court software Full Court Enterprise for a total additional cost of SEVENTY SIX THOUSAND EIGHT HUNDRED FIVE DOLLARS AND 00/100 (\$76, 805.00).

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**

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

That the City of El Paso Museums and Cultural Affairs Department Cultural Funding Guidelines (attached as Exhibit "A") be approved, as recommended by the Cultural Affairs Advisory Board and Museums and Cultural Affairs Staff.

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 KickstArt Downtown Funding Guidelines (attached hereto as Exhibit "A") be approved, as recommended by the Museums and Cultural Affairs Advisory Board and Museums and Cultural Affairs Staff.

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5. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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5.1. *R E S O L U T I O N

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

That the City Manager be authorized to sign a Records Management, Storage, Retrieval, File Validation and Document, Media and Hardware Destruction Services Contract (“Contract”) entered into by and between the City of El Paso (“City”) and both TIBH Industries, Inc., a private non-profit corporation and the certifying party, and ReadyOne Industries, Inc., the performing party, to provide records management, storage, retrieval, file validation and secure document destruction services for the City, as managed by the City’s Department of Information Technology Services, by and through its Records Management Division, for a three-year term beginning on April 24, 2016 and continuing through April 23, 2019; and to authorize the City Manager to exercise a future one-year option to extend, if needed. This is a service requirements contract with an estimated cost to the City of \$293,763.06 for the three-year term; and, if exercised, an estimated additional amount of \$97,921.02 for the one-year option.

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5.2. *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 First Amendment to the Employment Agreement between the City of El Paso and Sylvia Borunda Firth.

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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

A RESOLUTION IN SUPPORT OF THE SCHOOL ZONE PEDESTRIAN ENHANCEMENT TRANSPORTATION ALTERNATIVE PROGRAM PROJECT.

WHEREAS, the Transportation Policy Board, comprised primarily of local elected officials, is the regional transportation policy board associated with the El Paso Metropolitan Planning Organization and the regional forum for cooperative decisions on transportation; and

WHEREAS, the El Paso Metropolitan Planning Organization has available approximately \$1.1 million for the current Transportation Alternatives Program call for projects for Fiscal Year (FY) 2017; and

WHEREAS, the City of El Paso intends to submit a transportation alternative project application for the School Zone Pedestrian Enhancement project to the El Paso Metropolitan Planning Organization (EPMPO); and

WHEREAS, the Transportation Policy Board requires the submittal of a resolution as part of the Transportation Alternatives Call for Project submission.

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

THAT the City of El Paso supports the School Zone Pedestrian Enhancement project as applied for in the 2017-2020 Transportation Alternative Program Call for Projects application, which has an estimated project cost of \$1,356,261.00.

THAT the City of El Paso will serve as the public sponsor and lead project contact and is requesting federal funding assistance in the amount of \$1,043,731.00 as part of its alternative project application for the for the School Zone Pedestrian Enhancement project.

THAT upon the award of the City of El Paso's application for the School Zone Pedestrian Enhancement project by El Paso Metropolitan Planning Organization, the City of El Paso commits to fund and take appropriate steps to appropriate an estimated local contribution in the amount of \$51,597.00 and a local match contribution estimated at \$260,933.00, which is 20% of the estimated project cost minus the City of El Paso's local contribution amount.

6.2.

***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 Agreement to Contribute Right of Way Funds by and between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"), whereby the City shall contribute 2.7% of the actual cost of right-of-way acquisition for the State's project to construct highway improvements on Highway 659 at the Loop 375/Montwood/Zaragoza intersection. The City's fixed contribution is \$141,676.00. Total budget for right-of-way acquisition is estimated to be \$5,247,249.79.

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

7.1.

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

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

1. That the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to Star's Boutique Inc. d/b/a Bella's Boutique, in the amount of \$90,000.00 for inventory purchase, as recommended by the Director of Community and Human Development; and
2. That the City Manager be authorized to execute any and all loan related documents by and among the City of El Paso, Star's Boutique Inc. dba Bella's Boutique, and loan guarantors, required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

8.1. *Motion made, seconded, and carried to **RE-APPOINT** Stephen Nordberg to the Community Development Steering Committee by Representative Peter Svarzbein, District 1.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

CONSENT AGENDA - BOARD APPOINTMENTS:

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

- 9.1. *Motion made, seconded, and carried to **APPOINT** Dalia De Los Santos to the Civil Service Commission by Representative Cortney Niland, District 8.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

- 9.2. *Motion made, seconded, and carried to **APPOINT** Michael DeVine to the Civil Service Commission by Representative Carl L. Robinson, District 4.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

- 9.3. *Motion made, seconded, and carried to **APPOINT** Robert Warach to Ethics Review Commission by Representative Peter Svarzbein, District 1.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

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

- 10.1. *Motion made, seconded, and carried to **APPOINT** Tony Benitez to the City Plan Commission by Representative Carl L. Robinson, District 4.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

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

- 11.1. *Motion made, seconded, and carried to **APPOINT** Lori L. Vugteveen to the City Accessibility Advisory Committee by Representative Carl L. Robinson, District 4.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

- 12.1. *Motion made, seconded, and carried to **APPROVE** the tax refunds listed on the attachment posted with this agenda be approved.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

1. IHS ELP, LLC in the amount of \$9,275.10 overpayment on February 29, 2016 of 2015 taxes. (Geo. # 0827-999-2364-0042)
2. United Access of El Paso, LLC in the amount of \$4,416.99 overpayment on December 9, 2015 of 2015 taxes. (Geo. # 13SS-999-1240-2334)
3. Permian Machinery Movers, Inc. in the amount of \$2,746.04 overpayment on January 26, 2016 of 2015 taxes. (Geo. # 1998-000-0266-0059)
4. Accumatch in the amount of \$3,268.21 overpayment on December 14, 2015 of 2015 taxes. (Geo. # C730-999-000C-2800)
5. Rio Bravo Title in the amount of \$2,649.84 overpayment on December 31, 2014 of 2014 taxes. (Geo. # M771-999-0050-0400)
6. Rio Bravo Title in the amount of \$3,227.80 overpayment on September 8, 2015 of 2014 taxes. (Geo. # P654-999-0610-2500)
7. Georges Halloul in the amount of \$5,742.34 overpayment on January 27, 2016 of 2015 taxes. (Geo. # S330-999-0030-0100)
8. Sierra Title Company in the amount of \$6,000.00 overpayment on March 3, 2016 of 2015 taxes. (Geo. # X146-000-0000-0036)

CONSENT AGENDA - NOTICE FOR NOTATION:

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

- 13.1.** *Motion made, seconded, and carried to **APPROVE** the Municipal Court monthly activity report and Office of Court Administration report for February 2016.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

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

- 14.1.** *Motion made, seconded, and carried to **ACCEPT** the donation of \$2,500.00 from Tropicana Building II, LLC for the Familiarization Tours.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz

ABSENT: Representatives Romero and Acosta

- 14.2.** *Motion made, seconded, and carried to **ACCEPT** the donation of \$500 from El Paso Electric and \$500.00 from AEG, LLC Mechanical Engineers for District 3 – 6th Annual Movies Under the Stars.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland

NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

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14.3. *Motion made, seconded, and carried to **ACCEPT** the donation of \$500 from Jobe Materials, L.P. for District 5 "Movies in the Park".

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

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14.4. *Motion made, seconded, and carried to **ACCEPT** the donation of \$2,500.00 from Bowling Construction LLC for the Familiarization Tours.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

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CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

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15.1. 1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR.**

2ND MOTION

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:35 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representatives Romero and Acosta

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 NEGOTIATIC

3RD MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to adjourn the Executive Session at 2:14 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Robinson
ABSENT: Representatives Romero and Acosta

4TH AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **REJECT** of all proposals received for Solicitation No. 2016-474R (Program Management Services for Certificates of Obligation) as recommended

by the Purchasing & Strategic Sourcing Department and Capital Improvement Department.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Ordaz

ABSENT: Representatives Romero and Acosta

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CONSENT AGENDA - BIDS:
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16. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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16.1. 1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR.**

2ND MOTION

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:35 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representatives Romero and Acosta

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 NEGOTIATIC

3RD MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to adjourn the Executive Session at 2:14 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Robinson

ABSENT: Representatives Romero and Acosta

4TH AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **REJECT** all bids received for Solicitation No. 2016-257R, Program Management Services for 2012 Quality of Life Bond Program.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Ordaz

ABSENT: Representatives Romero and Acosta

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17. Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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17.1. *Motion made, seconded, and carried to **AWARD** Solicitation 2016-499 Stanton, Santa Fe International Bridge Improvements to Jordan Foster Construction, LLC, for an estimated total amount of \$300,434.00.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

Department: Capital Improvement
Award to: Jordan Foster Construction, LLC
El Paso, TX
Base Bid: \$184,544.00
Option: \$115,890.00
Total Estimated Award: \$300,434.00
Account No.: 580380-564-3305-64840-BMF0010
580380-564-3305-64830-P6408-PCP15IB003
Funding Source: Bridge Maintenance Fund

This is a Competitive Sealed Proposal, unit price contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to Jordan Foster Construction, LLC, the bidder offering the best value bid.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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.

MAYOR'S PROCLAMATIONS

- 1. National Community College Month**
- 2. Month of the Military Child**
- 3. Child Abuse Prevention Month**
- 4. Mayors Day of Recognition for National Service**

RECOGNITIONS

Star on the Mountain Award – George Robert (Bob) Snead

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

The following members of the public commented:

1. Mr. Henk Van den Bogaard
2. Mr. Robert McGillian

3. Mr. Pierre Andre Euzarraga
4. Mr. Charles Stapler
5. Ms. Wally Cech
6. Mr. Rodolfo Alarcon
7. Ms. Legorreta
8. Ms. Marilyn Guida
9. Ms. Melissa Kirkham
10. Mr. Eddie Chavez
11. Ms. Judy Ackerman
12. Ms. Sylvia Richards
13. Ms. Christi De Bates
14. Ms. Candy Aguirre
15. Ms. Melina Palios

Representatives Niland and Robinson commented.

The following City staff members commented:

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

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

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REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Representative Niland, 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:

NOT PRESENT FOR THE VOTE: Representative Svarzbein
 ABSENT: Representatives Romero and Acosta

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

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18.1. An Ordinance amending Title 14 (Aircraft and Airports) of the El Paso City Code, to add a new Subsection 14.16.161 E to Section 14.16.161 (Customer Facility Charge) to set forth expenses which may be paid with Customer Facility Charges.

PUBLIC HEARING WILL BE HELD ON APRIL 19, 2016

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18.2. An ordinance granting a special privilege license to CC Restaurant LP d/b/a Cafe Central permitting a surface encroachment of a License Area onto a portion of public right-of-way fronting property at 109 North Oregon Street. (NESV2015-00005)

PUBLIC HEARING WILL BE HELD ON APRIL 19, 2016

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

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- 19.1.** An Ordinance amending Ordinance No. 016895 to allow public vehicular use on an identified portion of Mills Avenue, Anson Mills Map, City of El Paso, El Paso County, Texas. Subject Property: South of San Jacinto Plaza.

PUBLIC HEARING WILL BE HELD ON APRIL 19, 2016

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- 19.2.** An Ordinance amending Title 20 (Zoning), Chapter 20.14 (Off-Street Parking, Loading and Storage Standards), Article I. Vehicular Parking; Section 20.14.050 (Parking Requirements and Standards), Appendix C (Table of Parking Requirements and Standards) to reduce the minimum parking requirements for vehicular parking. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MAY 3, 2016

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- 19.3.** An Ordinance granting Special Permit No. PZST15-00022, to allow for infill development with a reduction in side yard setback, on the property described as Tract 10B5, Block 17, Ysleta Grant, 7756 Wenda Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7756 Wenda Drive. Property Owners: Miguel F. Quinones & Lazara M. Quinones. PZST15-00022

PUBLIC HEARING WILL BE HELD ON MAY 3, 2016

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- 19.4.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.220 (Schedule XIX - Restriction on Parking in Downtown Parking Districts) to change the boundary of Parking Zone A to include an area in the vicinity of the El Paso Ballpark and the Old San Francisco District and to realign the boundaries of the existing Downtown Parking Districts; the penalty being as provided in Chapters 12.84 (Violation - Penalty) and 12.85 (Parking Violations) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 19, 2016

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- 19.5.** An Ordinance amending the future land use map contained in "Plan El Paso" for the Northwest Upper Valley Plan to modify the land use designation from very low density residential to mixed use for the property legally described as a portion of Lot 9, Block 1, Country Place Estates, North of Country Club Road and East of Hunters Glenn Lane, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON MAY 3, 2016

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- 19.6.** An Ordinance releasing all conditions placed on property by Special Contract approved on October 23, 1956 which changed the zoning of a Portion of Lots 93 to 96, Block 7 Eastside Industrial District Unit Two, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1031 Hawkins Boulevard. Property Owner: MAST Partners LP. PZCR15-00008

PUBLIC HEARING WILL BE HELD ON MAY 3, 2016

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- 19.7.** An Ordinance granting Special Permit No. PZST15-00042, to allow for infill development with a reduced lot width, lot area, and cumulative front and rear yard setback on the property described as A Portion of Tracts 357 and 358, Sunrise Acres No. 1, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3805, 3809, 3813 Moonlight Drive. Property Owner: Casas Diamantina, LLC. PZST15-00042. THIS IS A 211 ON APPEAL.

PUBLIC HEARING WILL BE HELD ON MAY 3, 2016

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REGULAR AGENDA - FIRST READING AND SECOND READING OF ORDINANCES

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

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20.1. ORDINANCE 018485

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016" IN AN AMOUNT NOT TO EXCEED \$150,000,000 FOR DEBT SERVICE SAVINGS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE; INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICIAL WITHIN CERTAIN SPECIFIED PARAMETERS.**

Dr. Mark Sutter, Chief Financial Officer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser commented.

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Maria Urbina, First Southwest Company, commented.

1ST MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **CLOSE** the Public Hearing on an Ordinance authorizing the issuance of "City of El Paso, Texas, General Obligation Refunding Bonds, Series 2016" in an amount not to exceed \$150,000,000 for debt service savings; levying a continuing direct annual ad valorem tax for the payment of said Bonds; and resolving other matters which are necessary to effectuate said issuance; including the delegation of matters relating to the sale and issuance of the Bonds to an authorized City official within certain specified parameters.

ABSENT: Representatives Romero and Acosta

2ND AND FINAL MOTION

Motion duly made by Representative Niland, 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, Robinson, Noe, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representatives Romero and Acosta

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

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

21.1. RESOLUTION

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

That the City Manager be authorized to sign that certain Agreement for Airport Master Plan Services between the City of El Paso and RS&H, Inc., a Florida corporation (the "Consultant"), for the Consultant to perform consulting services in connection with the El Paso International Airport in an amount not to exceed \$2,000,006 over a primary term of eighteen (18) months.

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

ABSENT: Representatives Romero and Acosta

21.2. RESOLUTION

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

That the City Manager be authorized to sign that certain Agreement for Airport Financial & Planning Services between the City of El Paso and RS&H, Inc., a Florida corporation (the "Consultant"), for the Consultant to perform consulting services in connection with the El Paso International Airport on a project-by-project basis as set forth therein in an amount not to exceed \$750,000 over a primary term of thirty-six (36) months, with a one-year option period with an amount not to exceed \$250,000.

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

ABSENT: Representatives Romero and Acosta

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

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22.1.

R E S O L U T I O N

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and PECKHAM GUYTON ALBERS & VIETS, INC., a Missouri company, for a project known as “**EL PASO ZOO ASIA GATEWAY**”, for an amount not to exceed One Hundred Eleven Thousand and 00/100 Dollars (\$111,200.00); and that the City Manager be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed One Hundred Sixty One Thousand Two Hundred and 00/100 Dollars (\$161,200.00); 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.

Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the Resolution.

ABSENT: Representatives Romero and Acosta

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

.....
23.1.

R E S O L U T I O N

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

That the City Council approves a Change Order to add 365 additional consecutive calendar days to the Street Resurfacing 2015 Project, Contract No. 2015-433 with ZTEX Construction, Inc. effective on April 6, 2016 and that Contract No. 2015-433 may be amended to provide for an automatic mutual termination for convenience if the parties do not reach an agreement on a potential reimbursement claim related to mobilization costs within thirty (30) days of the effective date of this Change Order.

Ms. Sol Cortez, Assistant City Attorney, read floor amendment and gave legal advice.

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

ABSENT: Representatives Romero and Acosta

.....
23.2.

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 Citywide Litter Control Contract by and between the city of El Paso and both TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso. This is a service

requirement contract at a currently estimated cost to the City of \$1,099,204.96 for the three-year term of the contract.

Representatives Robinson, Noe, Ordaz, Limón, and Niland commented.

The following City staff members commented:

1. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
2. Ms. Rebecca Torres, Purchasing and Strategic Sourcing

Mr. Eddie Sanchez, Border TM commented.

Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the Resolution.

ABSENT: Representatives Romero and Acosta

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

24.1. ORDINANCE 018486

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST15-00045 TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN REAR SETBACK, PARKING REDUCTION, AND DENSITY BONUS ON THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, NORTH LOOP APARTMENTS, 9522 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 9522 NORTH LOOP DRIVE. PROPERTY OWNER: NORTH LOOP APARTMENTS, LLC. PZST15-00045**

Motion duly made by Representative Ordaz, seconded by Representative Limón, 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, Robinson, Noe, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representatives Romero and Acosta

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

24.2. ORDINANCE 018487

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY SPECIAL CONTRACT NO. 82825 APPROVED ON MARCH 17, 1983 AND CORRECTED BY CONTRACT NO. 33164**

ON SEPTEMBER 29, 1985 WHICH WERE IMPOSED BY THE REZONING OF PORTION OF LOT 1, BLOCK 2, MESA HILLS WEST, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 310 MESA HILLS DRIVE. PROPERTY OWNER: AHTX 1, LLC. PZCR15-00006

Ms. Jacqueline Guevara, citizen, commented.

Motion duly made by Representative Niland, seconded by Representative Ordaz, 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, Robinson, Noe, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representatives Romero and Acosta

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

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24.3.

ORDINANCE 018488

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING PARCELS: WEST 89.8 FEET OF LOT 44, CINECUE PARK SUBDIVISION, 8125 STARR AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8125 STARR AVENUE. PROPERTY OWNERS: MICHELLE GICELDA ZUMUDIO MARTINEZ.; JORGE & RAMONA MOTA PZRZ15-00030 THIS IS A 211. [POSTPONED FROM 03-08-2016 AND 03-22-2016]**

Representatives Noe and Limón commented.

Mr. Arturo Rubio, Senior Planner, commented.

Motion duly made by Representative Limón, seconded by Representative Ordaz, 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, Robinson, Noe, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representatives Romero and Acosta

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

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25.

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

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25.1. 1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT**.

2ND MOTION

Motion made by Representative Ordaz, seconded by Representative Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:51 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representatives Romero and Acosta

3RD MOTION

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 10:57 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representatives Romero and Acosta

4TH AND FINAL MOTION

Motion made by Representative Ordaz, seconded by Representative Limón, and unanimously carried to **POSTPONE** four weeks an Ordinance authorizing the City Manager to sign a Contract of Sale and Special Warranty Deed and any other documents necessary to convey to Rose Rock/Partners Fourth Quarter Capital II, LLC, a 9.240 acre parcel of land in a portion of tracts 7A and 8C, Block 55, Ysleta Grant, City of El Paso, El Paso County, Texas, located at I-10 and Zaragoza in Mission Valley [POSTPONED FROM 03-08-2016 AND 03-22-2016]

ABSENT: Representatives Romero and Acosta

Representative Ordaz commented.

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REGULAR AGENDA - OTHER BUSINESS
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26. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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26.1. RESOLUTION
.....

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

That the City Manager be authorized to execute a Restated and Amended Chapter 380 Economic Development Incentive Agreement between the City of El Paso and CSM Realty Holdings, LTD. for the development of a Mixed-Use Property located at 100 Pitt Street, and 6801 and 6851 N. Mesa Street, El Paso, Texas.

Mayor Leeser and Representative Niland commented.

Mr. Tommy Gonzalez, City Manager, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT.**

2ND MOTION

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

ABSENT: Representatives Romero and Acosta

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

27.1. RESOLUTION

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

That the City Manager be authorized to sign a City Parks and Facilities Litter Control Contract by and between the city of El Paso and both TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified cleaning and maintenance services for certain properties managed by the City of El Paso's Parks and Recreation Department. This is a service requirement contract at a currently estimated cost to the City of \$2,177,062.56 for the three-year term of the contract.

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

ABSENT: Representatives Romero and Acosta

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

28.1. Presentation and discussion on the project status for the following: a. Spray Parks (Citywide)

Ms. Paula Powell, Assistant Director for Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Robinson, Noe, Ordaz, Limón, and Niland commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

28.2. Motion made by Representative Ordaz, seconded by Representative Svarzbein, and unanimously carried to **DELETE the item for discussion and action that the use of the Design-Build alternative project delivery method for the Spray Parks Phase II construction project is approved and the Director of the Capital Improvement Department is authorized to issue a bid using the Design-Build method for the Spray Parks Phase II construction project.**

ABSENT: Representatives Romero and Acosta

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

29.1.

RESOLUTION

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

WHEREAS, on March 30, 2016, Texas Gas Service Company filed a Statement of Intent to Change Rates within the City of El Paso specifying that the rate change should be effective in 35 days from that date, and

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

WHEREAS, the City Council has determined that additional time is needed for it to study and to have its Public Utility Regulation Board study the proposed increase and the reasons therefor, and

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

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

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

1. That the rate change identified in the Statement of Intent to Change Rates filed by Texas Gas Service Company a division of ONE Gas, Inc., on March 30, 2016, be and is hereby suspended for 90 days after the effective date specified in the Statement of Intent; and
2. That the City Manager shall so notify Texas Gas Service Company of this suspension by having a copy of this Resolution delivered or mailed to Texas Gas Service Company.

Motion made by Representative Niland, seconded by Representative Ordaz, and unanimously carried to **APPROVE** a Resolution to suspend the rate change proposed by Texas Gas Service Company, a division of ONE Gas, Inc. for 90 days beyond the proposed effective date.

ABSENT: Representatives Romero and Acosta

Mr. Norman Gordon, outside counsel, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Limón commented.

29.2. Presentation and discussion on the Strategic Plan goal team report for the following:

Goal 1 Team (Economic Development)
Economic Development, Cary Westin, (915) 212-1615

Mr. Bryan Crowe, Quality of Life Managing Director, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Cary Westin, Director of Economic and International Development, commented.

Mayor Leeser and Representatives Ordaz, Limón, and Niland commented.

Goal 3 Team (Visual Image)
Streets and Maintenance, Ted Marquez, (915) 212-7015

Mr. Richard Bristol, Deputy Director for Streets and Maintenance, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Limón, Noe, Svarzbein, and Ordaz commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Ellen Smyth, Director of Environmental Services
3. Mr. Tracy Novak, Director of Parks and Recreation
4. Mr. Larry Nichols, Director of Planning and Inspections

NO ACTION taken on this item.

29.3.

R E S O L U T I O N

A RESOLUTION approving and authorizing publication of notice of intention to issue certificates of obligation.

THE STATE OF TEXAS	§
	§
CITY OF EL PASO	§

WHEREAS, the City Council of the City of El Paso, Texas (the "City"), has determined that certificates of obligation should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, for the purpose of paying contractual obligations to be incurred for the construction of public works as specified below; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the City Council proposes to pay the certificates;

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

SECTION 1: The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in a principal amount not to exceed \$100,000,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) constructing, resurfacing and improving various streets, roads, bridges, overpasses, thoroughfares, tunnels, sidewalks, pathways and related municipal facilities within the City

including lane markings, street drainage, street lights, ADA accessibility, traffic signals, traffic surveillance and counting equipment, signal system synchronization, loop detectors, transit tunnel reconstruction, lighting, landscaping and other aesthetics related thereto and the acquisition of necessary rights-of-way and land in connection therewith; (b) design, acquisition, construction and improvements to municipal transportation and terminal facilities owned by the City, including maintenance and operational facilities, bus shelters, bike racks, rapid transit terminals and the acquisition of necessary rights of way and land therefor; (c) renovating, improving and equipping municipal fire and police stations and facilities; (d) renovation, rehabilitation, improving and equipping of existing City buildings and facilities, including improvements to fiber optic connectivity, roofing system rehabilitation and replacement HVAC; and the acquisition of necessary rights-of-way and land in connection therewith; (e) the purchase and installation of telecommunication and computer hardware and software for various City departments; (f) improvement and equipping of City parks, recreational and library facilities; and (g) acquisition, construction and improvement of municipally owned public works of art and projects; and (ii) professional services rendered in connection therewith, such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The City Clerk shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below.

EXHIBIT A
NOTICE OF INTENTION TO ISSUE CITY OF
EL PASO, TEXAS, CERTIFICATES OF OBLIGATION

TAKE NOTICE the City Council of the City of El Paso, Texas, shall convene at 8:00 o'clock A.M. on May 17, 2016, at its regular meeting place on the first floor of the Municipal Building, 300 N. Campbell, El Paso, Texas, and, during such meeting, the City Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation in one or more series in a principal amount not to exceed \$100,000,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) constructing, resurfacing and improving various streets, roads, bridges, overpasses, thoroughfares, tunnels, sidewalks, pathways and related municipal facilities within the City including lane markings, street drainage, street lights, ADA accessibility, traffic signals, traffic surveillance and counting equipment, signal system synchronization, loop detectors, transit tunnel reconstruction, lighting, landscaping and other aesthetics related thereto and the acquisition of necessary rights-of-way and land in connection therewith; (b) design, acquisition, construction and improvements to

municipal transportation and terminal facilities owned by the City, including maintenance and operational facilities, bus shelters, bike racks, rapid transit terminals and the acquisition of necessary rights of way and land therefor; (c) renovating, improving and equipping municipal fire and police stations and facilities; (d) renovation, rehabilitation, improving and equipping of existing City buildings and facilities, including improvements to fiber optic connectivity, roofing system rehabilitation and replacement HVAC; and the acquisition of necessary rights-of-way and land in connection therewith; (e) the purchase and installation of telecommunication and computer hardware and software for various City departments; (f) improvement and equipping of City parks, recreational and library facilities; and (g) acquisition, construction and improvement of municipally owned public works of art and projects; and (ii) professional services rendered in connection therewith, such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

Richarda Duffy Momsen
City Clerk
City of El Paso, Texas

Dr. Mark Sutter, Chief Financial Officer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Noe commented.

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **APPROVE** a Resolution approving and authorizing publication of notice of intention to issue certificates of obligation in an amount not to exceed \$100,000,000.

ABSENT: Representatives Romero and Acosta

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

30.1. Motion made by Representative Ordaz, seconded by Mayor Pro Tempore Noe, and unanimously carried to **DELETE** the item for discussion and action on the update presentation for the El Paso Neighborhood Traffic Management Program (NTMP) Capital Improvement Plan (CIP).

ABSENT: Representatives Romero and Acosta

31. MAYOR AND COUNCIL

31.1. Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** full participation and attendance the Mayor's Office, City Manager, El Paso International Bridges Director, or an official appointee in the following committees, alliances and organizations:

- 1) Border Trade Alliance
- 2) Border Trade Advisory Committee
- 3) U.S-Mexico Joint Working Committee on Transportation Planning
- 4) U.S. - Mexico Binational Bridges & Border Crossing Group

AYES: Representatives Svarzbein, Noe, Ordaz, Limón, and Niland
NAYS: Representative Robinson
ABSENT: Representatives Romero and Acosta

Representatives Svarzbein, Robinson, Noe, Limón, and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Mathew McElroy, Director of International Bridges

31.2. Financial Audit and Oversight Committee Report:

1. For Notation Only: Formal Report of the Financial Audit and Oversight Committee meeting held on March 23, 2016.
 - a. Selection of the FAOC Chairperson
 - b. Discussion and Action on the City of El Paso Internal Audit Charter
 - c. Discussion on Audit Plan Updates.
 - d. Discussion on EMS Billing Compliance Program Update.
 - e. Discussion on Client Surveys.
 - f. Discussion on Empowerment Zone Loans.
 - g. Discussion on Action Plan for Grants Compliance.

Representative Niland commented.

Mr. Edmundo Calderon, Chief Internal Auditor, commented.

NO ACTION taken on this item.

31.3. *Motion made, seconded, and carried to **DELETE** the item for discussion and action regarding construction and road closures on Mesa St. at Remcon St. and Osborne St.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

31.4. *Motion made, seconded, and carried to **POSTPONE** two weeks the item for discussion and action resolving to add to the City's Texas Legislative Agenda and direct consulting firm to advocate for increased economic incentives for the purpose of enhancing the film industry development in El Paso, in order to compete regionally and nationally as a television and film production location.

AYES: Representatives Svarzbein, Robinson, Noe, Limón, and Niland
NAYS: Representative Ordaz
ABSENT: Representatives Romero and Acosta

EXECUTIVE SESSION

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:32 p.m. pursuant to

Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representatives Romero and Acosta

Motion made by Representative Mayor Pro Tempore Noe, seconded by Representative Ordaz, and unanimously carried to **RECONSIDER** the item to add **Items 15.1 and 16.1** into Executive Session.

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:35 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representatives Romero and Acosta

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

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to adjourn the Executive Session at 2:14 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Robinson
ABSENT: Representatives Romero and Acosta

EX1. SOAH Docket No. 473-15-5159, PUC Docket N. 44800 Application of El Paso Electric Company to implement a Voluntary Community Solar Pilot Program in Texas (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to execute the Stipulation and Settlement Agreement in State Office of Administrative Hearings Docket No. 473-15-5159, Public Utility Commission Docket No. 44800, for approval of El Paso Electric Company’s Application to Implement a Voluntary Community Solar Power Pilot Program in Texas.

ABSENT: Representatives Romero and Acosta

EX2. SOAH Docket 473-15-5257 PUC Docket No. 44941 – Application of El Paso Electric Company to Change Rates and SOAH DOCKET NO. 473-16-1685 PUC DOCKET NO. 45475, Review of Rate Case Expenses Incurred by El Paso Electric Company and Municipalities in Docket 44941 (551.071)

NO ACTION taken on this item.

EX3. The application by Texas Gas Service Company, a division of ONE Gas, Inc. to

change the rates. (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention in GUD No. 10506 Texas Gas Service 2016 Rate Case.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any necessary consultants in connection with this matter.

ABSENT: Representatives Romero and Acosta

EX4. ZTEX Construction Inc., Contract No. 2015-433 Street Resurfacing 2015 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried that the City Attorney be authorized settlement authority to resolve the claim of ZTEX Construction, Inc., Contract No. 2015-433, Street Resurfacing 2015. The City Attorney is authorized to negotiate a settlement agreement and sign all documents necessary to effectuate this authority under Matter No. 14-1004-530 as recommended by the City Attorney.

ABSENT: Representatives Romero and Acosta

EX5. Charter provisions regarding removal of a City Council member for unexcused absences. (551.071)

NO ACTION taken on this item.

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ADJOURN

Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **ADJOURN** this meeting at 4:51 p.m.

ABSENT: Representatives Romero and Acosta

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk