

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

**LEGISLATIVE REVIEW MEETING OF THE WHOLE MINUTES
MAIN CONFERENCE ROOM
CITY HALL, 300 N. CAMPBELL
April 30, 2018
9:00 A.M.**

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The City Council met at the above place and date. Meeting was called to order at 9:06 a.m. Mayor Margo present and presiding and the following Council Members answered roll call: Alexsandra Annello, Cassandra Hernandez-Brown, Michiel Noe, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. Late arrivals: Sam Morgan at 9:09 a.m. and Peter Svarzbein at 9:11 a.m.

The agenda items for the Regular City Council meeting of May 1, 2018 were reviewed.

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3.1. CONSENT AGENDA - RESOLUTIONS

A Resolution of the City Council of El Paso nominating Hunt Companies, Inc. to the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("BANK") for designation as a Qualified Business and Enterprise Project ("PROJECT") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("ACT").

Mayor Margo questioned the following City staff member:

- Ms. Jessica Herrera, Economic and International Development Director

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3.2. CONSENT AGENDA - RESOLUTIONS

Resolution that the City Manager be authorized to sign a Southern Industrial Site Lease by and between the City of El Paso ("Lessor") and Las Cruces 3Key, LLC ("Lessee") for the premises described as follows:

A parcel of land being a portion of Morehouse Survey No. 12, a portion of Section 40, Block 80, TSP 2, Texas and Pacific Railway Company Surveys, and a portion of Lot 2, Block 1, Hawkins Plaza, El Paso County, Texas, containing approximately 90,200.722 square feet, and municipally known and numbered as 8836 Montana Avenue, El Paso, Texas.

Lease terms:

- Ten (10 Years) with four (4) additional ten year terms
 - \$0.5188 sq. ft.
 - Annual amount \$46,796.13
- o For the first year annual rent will be \$23,398.07 (50%) while in construction
 - o For second year annual rent will be \$70,194.20 (150%)
 - o After the second year annual rent will be \$46,796.13, with increases based on CPI, every 5 years

Mayor Margo questioned the following City staff member:

- Mr. Jeff Schultes, Assistant Director of Aviation

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4.2. CONSENT AGENDA - RESOLUTIONS

A Resolution approving a detailed site development plan for portion of Lots 14 and 16 and a portion of a 40 foot wide abandoned road and Lot 15, Steven's Subdivision No. 1, City of El Paso, El Paso County, Texas Pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Americas and West of Alameda Property Owner: Alameda Palms, LTD. PZDS17-00048

Mayor Margo and Representative Ordaz Perez questioned the following City staff member:

- Ms. Kimberly Forsyth, Planning and Inspections Program Manager

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5.1. CONSENT AGENDA - RESOLUTIONS

That the City Manager be authorized to sign an Agreement for Professional Services with Amec Foster Wheeler Environment & Infrastructure, Inc., for the project known as Tom Lea Upper Park Slope Stabilization for an amount not to exceed Four Hundred Eleven Thousand Two Hundred Seventy Six and no/100 dollars (\$411,276.00); to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and no/100 dollars (\$50,000.00) and to approve Additional Services not to exceed Fifty Thousand and no/100 dollars (\$50,000.00).

Mayor Margo and Representatives Annello, Hernandez-Brown, Noe and Lizarraga, questioned the following City staff member:

- Mr. Sam Rodriguez, City Engineer

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5.2. CONSENT AGENDA – RESOLUTIONS

Approve a Resolution to name NE Regional Park, located at 11270 McCombs, El Paso, Texas 79934, to "Joey Barraza and Vino Memorial Park".

Mayor Margo and Representatives Margo questioned the following City staff member:

- Mr. Joel McKnight, Parks and Recreation Assistant Director

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7.1. CONSENT AGENDA - RESOLUTIONS

That the City Manager be authorized to sign a Local Transportation Project Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation for the Montana RTS Pedestrian Enhancements project for the design, construction, installation of sidewalks and landscaping for the Montana Rapid Transit System, for the estimated total project cost of \$3,255,534.00 and an estimated City participation amount of \$240,476.00.

Mayor Margo and Representatives Hernandez-Brown and Lizarraga questioned the following City staff members:

- Mr. Omar Moreno, Director of Grant Funded Programs
- Mr. Sam Rodriguez, City Engineer

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7.2. CONSENT AGENDA – RESOLUTIONS

That the City Manager be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to the UPS Facility located on Airport property, said easement more particularly described as a portion of Lot 9, Block 13, Butterfield Trail Industrial Park Unit Three, Replat B, City of El Paso, El Paso County, Texas.

Mayor Margo questioned the following City staff members:

- Mr. Sam Rodriguez, City Engineer
- Ms. Jessica Herrera, Economic and International Development Director

10.2 CONSENT AGENDA - BOARD APPOINTMENTS:

Fred Morales to the Historic Landmark Commission by Representative Henry Rivera, District 7

Representative Annello commented.

13.1. CONSENT AGENDA – BIDS

The award of Solicitation No. 2018-1159 E. L. Williams Park Improvements (Re-Bid) to GLOBE BUILDERS, LLC for an estimated total award of \$ 476,446.71. The project will provide improvements to the exiting park which include a new asphalt parking lot, accessible sidewalks and ramps, new playground amenities, new landscaping and irrigation, new park area lighting, as well as a portable restroom enclosure.

Department:	Capital Improvement
Award to:	GLOBE BUILDERS, LLC
	El Paso, TX
Item(s):	Base Bid, Option 1 and Option 2
Term:	180 Consecutive Calendar Days
Base Bid:	\$426,511.93
Option 1:	\$15,771.59
Option 2:	\$34,163.19
Total Estimated Award:	\$476,446.71
Account No.:	471 – 71240 – 580270 – 2400 – G7142CD15
Funding Source:	Community Development Block Grant Project 42nd Year
District:	7

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to GLOBE BUILDERS, LLC, the lowest responsive, responsible bidder.

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

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Mayor Margo and Representative Rivera questioned the following City staff member:

- Mr. Victor Caraveo, Purchasing Analyst

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14.1. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance changing the zoning of the property of the following Parcels: Parcel 1: A portion of Lot 1, Wells Park Addition First Replat; and a portion of Tracts 20-A, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3/c (Commercial/condition); and, Parcel 2: all of Lots 2 thru 7, 59 thru 61, 108 thru 119, a 20 feet alley, portions of Sharon Drive & Michael Drive, Wells Park Addition first Replat; and a portion of Tracts 20-H, 20-J, & 20-T, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3/c (Commercial/condition). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Montana Avenue and West of Joe Battle Boulevard. Property Owners: Linda Mohr & Robert Melton, John G. Switzer, John & Cathy B. Warner, Floyd N. Bartlett, BM Tierra L.P., Jose L. & Elvira Etchart, William A Loewenstein, Allan Mills, Lois G. Fox, Lorenzo T. & Tomas W. Arenas, John H. Trien, Amador Valdez, TCA Investments Corporation, Omar D. Alvarez, Mary W. Sachs, The Brothers Four Investments, LLC, Paul Janis L. Robertson, and Richard & Lobelia G. Yetter. PZRZ17-00019

Mayor Margo and Representative Noe questioned the following City staff member:

- Ms. Kimberly Forsyth, Planning and Inspections Program Manager

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THE FOLLOWING ITEMS WERE DISCUSSED TOGETHER

14.2. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance changing the zoning of a portion of Lot 1, Block 1, Cielo Vista Replat A, City of El Paso, El Paso County, Texas from C-3/c (Commercial/condition) District to S-D/c (Special-Development/condition) District. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Edgemere and East of Airway. Property Owner: Landstar Hotels I, LLC. PZRZ18-00001

14.3. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance granting Special Permit No. PZST18-00001, to allow for a hotel on the property described as a portion of Lot 1, Block 1, Cielo Vista Replat A, City of El Paso, El Paso County, pursuant to 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Edgemere and East of Airway. Property Owner: Landstar Hotels I, LLC. PZST18-00001

Mayor Margo and Representative Hernandez-Brown questioned the following City staff member:

- Ms. Kimberly Forsyth, Planning and Inspections Program Manager

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14.4. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance changing the zoning of Lot 2, Arroyo Seco, City of El Paso, El Paso County, Texas - 1035 Vinton Avenue, City of El Paso, El Paso County, Texas from R-3 (Residential) District to C-3

(Commercial) District and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1035 Vinton Avenue. Property Owner: Robert H. and Nancy E Brown PZRZ18-00002

Mayor Margo and Representative Svarzbein questioned the following City staff member:

- Ms. Kimberly Forsyth, Planning and Inspections Program Manager

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14.5. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions) Section 20.02.230 (Commercial Fueling Station) of the El Paso City Code to amend the definition for Commercial Fueling Station. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Mayor Margo and Representative Rivera questioned the following City staff member:

- Ms. Kimberly Forsyth, Planning and Inspections Program Manager

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15.1. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance authorizing the City Manager to sign a Contract of Sale, a Special Warranty Deed, and any other documents necessary to convey to the City of Socorro, Texas, a 10.327 acre parcel of land being all of Tracts 1B and 13, Block 23, and all of Tracts 4A-1, 4B and 7, Block 24, Socorro Grant, El Paso County, Texas, located at 10664 Socorro Road in El Paso County, Texas.

Mayor Margo and Representatives Noe, Ordaz Perez and Lizarraga questioned the following City staff members:

- Ms. Cynthia Osborn, Legal Counsel, El Paso Water
- Ms. Terry Cullen, Deputy City Attorney

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17.1. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on the award of Solicitation No. 2018-792R 12-Lead Field Cardiac Monitors/Defibrillators to ZOLL Medical Corporation, for a total estimated award of \$1,016,765.00. The Zoll cardiac monitor is a portable cardiac monitor with the following capabilities: continuous cardiac monitoring, acquiring interpreting and transmitting 12-lead EKGs, defibrillator/external pacemaker, SpO2, SpCO, CO2, temperature and non-invasive blood pressure monitoring in adult/pediatric. City has a cost match in the amount of \$107,345 of non-federal funds or 10%.

Contract Variance:

Previous purchase of defibrillators was in 2010. This is a new and different model with new accessories. The cost per unit increased \$6,473.81 compared to the purchase in 2010.

Department: Fire
Award to: ZOLL Medical Corporation
Chelmsford, MA
Item(s): All
Estimated Award: \$1,339,765.00

- \$323,000.00 (less trade-in allowance)
 Total Estimated Award: \$1,016,765.00
 Account No.: 322 – 22130 – 580070 – 2720 – EMW2016FO
 322 – 22090 – 560000 – 1000 – P2217
 Funding Source: Assistance to Firefighters, Public Safety Equipment and City Grant Match
 District(s): All

This is a Request for Proposal, unit price contract.

The Purchasing & Strategic Sourcing Department and Fire Department recommend award as indicated to ZOLL Medical Corporation, the highest ranked proposer based on evaluation factors established for this procurement.

Mayor Margo questioned the following City staff member:

- Ms. Paula Salas, Procurement Analyst

17.2. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on a resolution that the City Manager be authorized to sign an agreement between the City and El Paso Healthcare Systems, Ltd., dba Las Palmas Del Sol Healthcare to provide baseline physical exams services (Solicitation 2018-555R) for a term of 36 months beginning on May 18, 2018 and estimated amount of \$1,159,039.68 for physical exams and \$156.00 per rehabilitation session as needed. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

Contract Variance:

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

Part A: Average within this group increased by \$5.11 per item resulting in an increase of \$46,790.22 annually for Baseline Screening - Level I.

Part B: Average within this group increased by \$62.88 per item resulting in an increase of \$18,195.79 annually for Comprehensive Examinations - Level II. There were two (2) additional exams added under this group.

Part C: Average within this group increased by \$8.10 per item, the number of tests required was reduced resulting in a decrease of \$9,370.82 annually for General Fitness - Level III.

Part D: There was an increase of \$28.00 per Rehabilitation Sessions as needed.

Resulting in a total annual increase of \$55,615.19 and an increase of \$166,845.57 for an initial three (3) year term.

Mayor Margo questioned the following City staff member:

- Ms. Paula Salas, Procurement Analyst

18.1. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action to award Solicitation 2018-1158, Geiger, Cardis, Malaga Street and Drainage Improvements to Horizone Construction I, Ltd, for an estimated total award of \$576,940.65. This project entails street reconstruction, new curb and gutter, new sidewalks, providing ADA accessibility, new HMA roadways, traffic signage and striping.

Department:	Capital Improvement
Award to:	Horizone Construction I, Ltd El Paso, TX
Item(s):	All
Term:	Two hundred ten (210) consecutive calendar days
Base Bid I:	\$467,503.15
Base Bid II:	\$ 43,530.00
Base Bid III:	\$ 65,907.50
Total Estimated Award:	\$576,940.65
Account No.:	190-4740-28900-580270-PCP13ST003Y1F
Funding Source:	Street Infrastructure Capital Plan FY 2013-2019
District:	3

This is a Low bid, unit price contract.

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

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

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Mayor Margo and Representative Hernandez-Brown questioned the following City staff member:

- Ms. Rachel , Purchasing Analyst

19.1. REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

Discussion and action on the award of Solicitation No. 2018-1038 Collection Services – Various City Facilities to Heist Disposal, Inc. for an initial term estimated award of \$844,725.00. The award is to include a two (2) year optional amount of \$563,150.00 for a total five (5) year award of \$1,407,875.00. The services provided for the Environmental Services Department is to continue the waste collections to various city facilities.

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 cost for four (4) cubic yard container decreased by \$0.12 with an annual estimated quantity decrease of 44 units, resulting in an annual decrease of \$1,737.28.

Item 2: The cost for six (6) cubic yard container decreased by \$0.18 with an annual estimated quantity increase of 184 units, resulting in an annual increase of \$495.12.

Item 3: The cost per eight (8) cubic yard container is \$16.00 with an annual estimated quantity of 4500 units, resulting in an annual increase of \$72,000.00. This is a new option not previously bid.

Item 4: The cost for unscheduled pickup for four (4) cubic yard container increase by \$5.00 with an increase annual estimated quantity of 4 units, resulting in an annual increase of \$190.00.

Item 5: The increase annual estimated quantity of six (6) cubic yard containers is four (4) containers at \$50.00, resulting in an annual increase of \$200.00.

Item 6: The cost for unscheduled pickup for eight (8) cubic yard container is \$55.00 with an increase annual estimated quantity of 4 units, resulting in an annual increase of \$275.00. This is a new option not previously bid.

The total annual cost increased by \$71,422.84, and for the initial three (3) years by \$214,268.52.

Department:	Environmental Services
Award to:	Heist Disposal, Inc.
	El Paso
Item(s):	Group 1
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$281,575.00
Initial Term Estimated Award:	\$844,725.00 (3 Years)
Total Estimated Award:	\$1,407,875.00 (5 Years)
Account No.:	334-2305-34340-522150
Funding Source:	Environmental Fee
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Environmental Services recommend award as indicated to Heist Disposal, 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.

No Bids were received for Group 2 – Recyclable Material Collection.

Mayor Margo and Representatives Hernandez-Brown and Noe questioned the following City staff members:

- Ms. Virginia Venegas, Procurement Analyst
- Ms. Ellen Smyth, Environmental Services Director

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THE FOLLOWING ITEMS WERE REVIEWED TOGETHER

20.1. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES / OTHER BUSINESS

An Ordinance amending Title 15 (Public Services) to amend Chapter 15.08 (Street Rentals) to add a definition for the Cincinnati Commercial District in Section 15.08.011 (Definitions); to add regulations for the use of Outdoor Patio Cafes throughout the City; and to add regulations for the use of Outdoor Patio Cafes in the Cincinnati Commercial District in Section 15.08.120 (Special Privilege Licenses and Permits); the penalty being as provided for in Section 15.08.070 and 15.08.125 of the El Paso City Code.

20.2. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES / OTHER BUSINESS

Discussion and action on a Resolution that Schedule C, attached to the FY 2018 Budget Resolution and effective September 1st, 2017, shall be amended effective May 1st, 2018 to specify the revised fee associated with the use of the sidewalk cafés within the Cincinnati Commercial District and associated with Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code.

Representative Svarzbein questioned the following City staff member:

- Ms. Elizabeth Triggs, Economic and International Development Assistant Director

21.1. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES / OTHER BUSINESS

An Ordinance vacating a portion of city right-of-way over a portion of the 20 foot wide alley North of Block 4, a portion of the 50 foot wide right-of way of El Paso Street between Block 3 and Block 4, and a portion of the 20 foot wide alley South of Block 3, Harris Tract, City of El Paso, El Paso County, Texas. SURW17-00009 Subject Property: North of Alameda and West of Zaragoza Applicant: Ysleta Independent School District

Representative Ordaz Perez questioned the following City staff member:

- Ms. Kimberly Forsyth, Planning and Inspections Program Manager

22.1. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES / OTHER BUSINESS

An Ordinance amending Ordinance No. 013629 which created the Fair Housing Task Force to extend the membership terms to three years; to allow for the appointment of alternate members, and to eliminate the appointment of ex-officio members.

Mayor Margo questioned the following City staff member:

- Mr. Art Rubio, Housing Program Manager

23.1. REGULAR AGENDA – OTHER BUSINESS

Discussion and action that the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement in a form substantially similar to the attached document by and between CITY OF EL PASO, TEXAS ("City") and GREAT RIVER COMMERCIAL, LLC ("Applicant") in support of the redevelopment of the property located at 1101 TEXAS AVENUE, EL PASO, TEXAS 79901.

The developer is proposing to rehabilitate the interior and exterior of the property located at 1101 Texas Avenue, 79901. The rehabilitation project will revitalize the property located at 1101 Texas to activate a two-story open-air structure with food court services as well as permanently enclosed small food and arts vendor spaces.

The applicant will be investing a total of \$625,000 and the total proposed incentive is not to exceed \$40,848.48. The incentive consists of a one-time construction materials sales tax rebate, a one-time building and planning fee rebate, and a 5-year city portion property tax rebate.

Representatives Annello and Lizarraga questioned the following City staff members:

- Ms. Jessica Herrera, Economic and International Development Director
- Mr. Tommy Gonzalez, City Manager
- Ms. Terry Cullen, Deputy City Attorney
- Mr. Cary Westin, Deputy City Manager

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24.1. REGULAR AGENDA – MAYOR AND COUNCIL

Discussion and action on maintaining game and practice fields for the City of El Paso parks.

Mayor Margo and Representatives Hernandez and Ordaz Perez commented.

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1.1. ADDITION TO THE AGENDA – FIRST READING OF ORDINANCES

An Ordinance amending City Code Title 2 (Administration and Personnel), Chapter 2.72 (Border Relations) and Ordinance No. 17208 in its entirety, establishing the standing Committee on Border Relations; to update the Membership Section 2.72.010 (Established – Membership) and the terms in Section 2.72.020 (Terms); to reference The Binational Task Force in Section 2.72.040 (Duties); and to delete Section 2.72.050 (International Bridge Safety).

Mayor Margo and Representative Lizarraga commented

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Motion made by Mayor Pro Tempore Noe, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** this meeting at 9:41 a.m.

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk