

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

May 30, 2017
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 8:10 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Jim Tolbert, Emma Acosta, Carl L. Robinson, and Lilia Limón. Late arrivals: Claudia Ordaz at 8:30 a.m., and Cortney Niland at 9:36 a.m. Representative Michiel Noe requested to be excused. The invocation was given by Rabbi Levi Greenberg followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY RABBI LEVI GREENBERG

PLEDGE OF ALLEGIANCE

Bill Childress Elementary- Student Council

Fernanda Cervera
Arizbe Lopez
Abigail Mendez
Angel Renteria
Samantha Hernandez
Karla Banuelos
Evelyn Osuna
Joanna Grier
Ciena Alvarez
Evelen Gomez
Aida Hipolito
Elias Navarrete
Michael Solis

NOTICE TO THE PUBLIC

Motion made by Alternate Mayor Pro Tempore Robinson, seconded by Representative Limón, 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: Svarzbein, Tolbert, Acosta, Robinson, and Limón
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Ordaz and Niland
ABSENT: Representative Noe

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CONSENT AGENDA - APPROVAL OF MINUTES:
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1. Goal 6: Set the Standard for Sound Governance and Fiscal Management

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1.1. *Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of May 16, 2017, the Legislative Review Meeting of the Whole of May 15, 2017, and the City Council Work Session of May 15, 2017.
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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:

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED**, Mayor Pro Tempore Michiel Noe from the Regular City Council Meeting of May 30, 2017.
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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. ***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, upon expiration of the Public Comment period on June 7, 2017, be authorized to file Passenger Facility Charge (PFC) Application No.17-08-C-00 ELP in the amount of \$51,554,779 with the Federal Aviation Administration (FAA) authorizing (i) the continued use of a \$4.50 PFC per eligible enplaned passenger, (ii) the submission of all and related documentation contained in the application or requested by the FAA, (iii) the expenditure of revenues from the PFC at EPIA, in accordance with the Airport's Capital Improvement Program, and (iv) the designation of the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the application.

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4. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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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 Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and **Sites Southwest, ltd. co..**, for a project known as "**NORTHEAST REGIONAL PARK- PHASE II LIGHTED FLAT FIELDS AND DOG PARK**" for an amount not to exceed Three Hundred Sixteen Thousand Eight Hundred Six and 60/100 Dollars (\$316,806.60); and that the City Engineer be authorized to approve up to \$50,000.00 in increased basic services and up to \$50,000.00 in Additional Services for a total contract amount not to exceed Four Hundred Sixteen Thousand and 60/100 Dollars (\$416,806.60); 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 the Agreement.

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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 Council declares that the expenditure of District 4 discretionary funds serves the municipal purpose of providing recreational and cultural activities to the residents of the City of El Paso, which benefit the community and is authorized in an amount not to exceed \$12,000.00 to support the "Needs Assessment Scholarship" program established by the City's Parks and Recreation department to pay for the following:

- (1) \$2,000.00 for the use of the Multipurpose Recreation Aquatics Center to serve the disable youth.
- (2) \$3,000.00 for the use of the Veterans Aquatics Center for access to swimming for the youth.
- (3) \$5,000.00 for the use of the Veterans Recreation Center for access to the Club Rec summer camp program.
- (4) \$2,000.00 for the use of the Veterans Aquatics Center for access to swimming by the seniors.

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose.

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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 Council declares that the expenditure of District 4 discretionary funds in an amount not to exceed \$8,800.00 to support the "Music in the Parks" events, which will pay for four (4) Music in the Parks events at the Veterans Park, serves the municipal purpose of providing recreational and cultural activities to the residents of and visitors of the City of El Paso, which benefits the community and is authorized; and

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose.

5.3.

***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 Council declares that the expenditure of District 4 discretionary funds in an amount not to exceed \$3,600.00 to support the Parks and Recreation Department for the cost of providing a portable bathroom at Barron Park serves the municipal purpose of providing and enhancing recreational City spaces for recreational activities, which benefit the community and is authorized; and

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose.

5.4.

***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 Council declares that the expenditure of District 4 discretionary funds in an amount not to exceed \$5,000.00 to support the Parks and Recreation Department for the maintenance cost of the "Desert Downs BMX Racetrack" serves the municipal purpose of providing safe recreational and cultural activities to the residents of and visitors of the City of El Paso, which benefit the community and is authorized; and

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose.

5.5.

***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 Council declares that the expenditure of District 4 discretionary funds in an amount not to exceed \$10,000.00 to support the El Paso Municipal Police Officers Association Chuck Heinrich Memorial funds for the restoration and rebuild of the Fallen Police Officers Memorial serves the municipal purpose of honoring the fallen heroes of the City of El Paso and fostering community pride, which benefit the community and is authorized; and

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose.

5.6.

***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 declares that the expenditure of District 4 discretionary funds in an amount not to exceed \$12,900.00 to support the Street and Maintenance Department for the installment of street lights on McCombs street between Railroad and Dyer and other areas in District 4 as deemed reasonable necessary by the Director of Street and Maintenance Department, serves the municipal purpose of providing safe streets which benefit the community and is authorized; and

That the City Manager be authorized to effectuate any budget transfers

necessary to ensure that the funds are properly expended for such purpose.

5.7.

***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 declares that the expenditure of District 4 discretionary funds in an amount not to exceed \$1,681.00 to support the Destination El Paso Department for the cost of Northeast Regional Command Center's "Annual Community Health and Safety Fair" serves the municipal purpose of encouraging a health community, which benefit the community and is authorized; and

That the City Manager be authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose.

5.8.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Bank of America Tax Service Corporation through Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on December 10, 2012 in the amount of \$336.06 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Bank of America Tax Service Corporation through Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$336.06 is approved.

5.9.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on October 29, 2013 in the amount of \$296.66 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$296.66 is approved.

5.10.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on December 30, 2013 in the amount of \$240.82 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$240.82 is approved.

5.11.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on December 30, 2013 in the amount of \$426.08 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$426.08 is approved.

5.12.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Olivia Quezada through WFG Lender Services LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on June 30, 2013 in the amount of \$145.55 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Olivia Quezada through WFG Lender Services LLC showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$145.55 is approved.

5.13.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Pamela A. Tarin ("Taxpayer") has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on March 29, 2012 in the amount of \$2,555.35 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Pamela A. Tarin showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$2,555.35 is approved.

5.14.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Rosa and Filiberto Lopez through Wells Fargo Home Mortgage ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on December 28, 2012 in the amount of \$7,846.01 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Rosa and Filiberto Lopez through Wells Fargo Home Mortgage showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$7,846.01 is approved.

5.15.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Netco Title Company ("Taxpayer") has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on

November 30, 2011 in the amount of \$54.38 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Netco Title Company showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$54.38 is approved.

5.16.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Uncle Bao's Restaurant through Pei Heng (Paul) Liu ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on January 31, 2014 in the amount of \$441.18 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Uncle Bao's Restaurant through Pei Heng (Paul) Liu showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$441.18 is approved.

5.17.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Bank of America through Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were

overpaid on December 10, 2012 in the amount of \$238.61 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Bank of America through Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$238.61 is approved.

5.18.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on December 30, 2013 in the amount of \$887.70 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$887.70 is approved.

5.19.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Bank of America Tax Service Corporation through Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on November 29, 2013 in the amount of \$426.56 for

all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Bank of America Tax Service Corporation through Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$426.56 is approved.

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5.20.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on December 30, 2013 in the amount of \$499.59 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$499.59 is approved.

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5.21.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on July 31, 2013 in the

amount of \$15.94 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$15.94 is approved.

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

6.1. *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 Multiple Use Agreement between the **CITY OF EL PASO** on behalf of the **EL PASO WATER UTILITIES PUBLIC SERVICE BOARD** and the **STATE OF TEXAS** on behalf of **THE TEXAS DEPARTMENT OF TRANSPORTATION**, to permit the construction, operation and maintenance of a 36" storm sewer line and the operation and maintenance of an existing box culvert within an identified section of TxDOT right of way at State Highway 20 (Mesa St.) as part of the plans for Retention Pond and Storm Sewer Improvements for The Montecillo Unit 5A subdivision.

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 a Multiple Use Agreement between the **CITY OF EL PASO**, on behalf of the **EL PASO WATER UTILITIES PUBLIC SERVICE BOARD**, and the **STATE OF TEXAS**, on behalf of **THE TEXAS DEPARTMENT OF TRANSPORTATION**, to permit the removal and replacement of a portion of a TxDOT sound barrier wall and the construction, maintenance and operation of a concrete box culvert in the TxDOT right of way at Loop 375 West (Cesar E. Chavez Border Hwy) near Val Verde Street.

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

7.1. *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 Mayor be authorized to sign a First Amendment to Interlocal Agreement between the City of El Paso (the "City") and Texas Tech University Health Sciences Center at El Paso ("TTUHSC EP"), to extend the ending date to January 31, 2019, to develop a regional human dental tissue and fluid bank, to conduct the

research entitled “Oral Health El Paso 1115 Waiver Program Project” and analyze factors which may contribute to dental disease and chronic health conditions, with the results to be disseminated to stakeholders to improve the health status of underserved populations in El Paso, with no change to the original payment amount (up to \$958,058) that the City shall pay TTUHSC EP, with funding from the Texas Healthcare and Quality Improvement Program 1115 Demonstration Waiver Program to support Medicaid Waiver projects.

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:
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8. Goal 8: Nurture and Promote a Healthy, Sustainable Community

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8.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Alice Rosas to the Community Development Steering Committee by Representative Michiel Noe, District 5.
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CONSENT AGENDA - BOARD APPOINTMENTS:
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9. Goal 8: Nurture and Promote a Healthy, Sustainable Community

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9.1. *Motion made, seconded, and unanimously carried to **APPOINT** Kimberly Cook-McDaniel to the Fair Housing Task Force by Representative Michiel Noe, District 5.
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9.2. *Motion made, seconded, and unanimously carried to **APPOINT** Romaree Friedman to the Parks and Recreation Advisory Board by Representative Peter Svarzbein, District 1.
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9.3. *Motion made, seconded, and unanimously carried to **APPOINT** Hector H. Galicia to the Community Development Steering Committee by Representative Peter Svarzbein, District 1.
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9.4. *Motion made, seconded, and unanimously carried to **APPOINT** Arlene Alarcon to the Fair Housing Task Force by Representative Peter Svarzbein, District 1.
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CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:
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10. Goal 6: Set the Standard for Sound Governance and Fiscal Management

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10.1. *Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**, subject to auditor approval:

1. Corelogic Tax Services in the amount of \$4,691.21 overpayment on December 21, 2016 of 2016 taxes. (Geo. # S814-999-0010-3300)
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CONSENT AGENDA - BEST VALUE PROCUREMENTS:
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11. Goal 3: Promote the Visual Image of El Paso

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11.1. *Motion made, seconded, and unanimously carried to **REJECT** all bids received for

Solicitation No. 2017-862 Security Guard Services for Parks Facilities – Parks and Recreation Department as recommended by the Purchasing & Strategic Sourcing Department and Parks and Recreation Department, due to bids exceeding budget.

Department: Parks and Recreation
Districts(s): All

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

12.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2017-483 Payment Processing Lockbox to Technique Data Systems, Inc. for an initial five (5) year term estimated award of \$ 146,665.00.

Department:	Tax Office
Award to:	Technique Data Systems, Inc. (Alternate Bid) Rockwall, TX
Item(s):	All
Initial Term:	5 years
1st Year:	
Equipment/Hardware Cost:	\$ 24,065.00
Software / Licensing Cost:	\$ 37,500.00
Implementation/Training Cost:	\$ 13,750.00
Support/Maintenance:	\$ 14,270.00
Total Estimated Award:	\$ 89,585.00
2nd – 5th Years:	
Annual Support/Maintenance:	\$ 14,270.00
Total Estimated Award:	\$ 57,080.00 (4 years)
Total Estimated Award:	\$146,665.00 (1-5 years)
Account No.:	206 – 3700 – 580100 – 19040 - P1920
Funding Source:	Enterprise Funds – Data Processing Equipment
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Tax Office recommend award as indicated to Technique Data Systems, 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.

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.

CONSENT AGENDA - BIDS:

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

- 13.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2017-853 Solar Charging Tables (Re Bid) Parks and Recreation Department to MRI Enterprises for an initial one (1) year term estimated award of \$103,638.00.

Department: Parks and Recreation
Award to: MRI Enterprises
El Paso, TX
Item(s): All
Initial Term: 1 year
Initial Term Estimated Award: \$103,638.00 (1 year)
Total Estimated Award: \$103,638.00 (1 year)
Accounts: 190-29010-580040-4800-PCP13PRKE02
Fund Source Name: 2012 Quality of Life Bonds
District(s): All Districts

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Parks and Recreation Department recommend award to MRI Enterprises, the bidder offering the lowest, responsive and responsible bid.

The Purchasing & Strategic Sourcing and Parks and Recreation Department recommend that Carrier Class Green Infrastructure LLC. be deemed non-responsive due to bidder not agreeing to payment terms.

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

- 14.1. *Motion made, seconded, and unanimously carried to **REJECT** all bids received for Solicitation No. 2017-825 Hydraulic, Brake and A/C Hose Line and Fittings, Hose Machines Rental and Field Service due to both vendors failing to complete the accurate Bid Form, as requested by the Purchasing and Strategic Sourcing Department and Streets and Maintenance Department.

MAYOR'S PROCLAMATIONS

1. **Hepatitis C Awareness Month**
2. **Heat Awareness Month**
3. **International Promotoras Awareness Month**
4. **El Paso County Coliseum's 75th Anniversary Celebration Day**

RECOGNITIONS

City Employees

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

The following members of the public commented:

1. Mr. Leo Duran, Workforce Solutions representative
2. Mr. George Zavala
3. Ms. Mary Alice Gary
4. Mr. Mike Palomar
5. Mr. Manny Corral
6. Ms. Lori Vugteveen
7. Mr. Pierre Andre Euzarraga
8. Ms. Wally Cech
9. Mr. George Heredia
10. Mr. Jose Lara

.....
The City Council Meeting was **RECESSED** at 9:47 a.m.

The City Council Meeting was **RECONVENED** at 9:58 a.m.

.....
REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Representative Niland, seconded by Representative Limón, 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 Ordaz

ABSENT: Representative Noe

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

-
- 15.1.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection (H) Exceptions to add Paragraph 19 exempting bicycle racks placed on City right-of-way pursuant to an Interlocal agreement. The penalty is as provided for in Section 15.08.125 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

-
- 15.2.** An Ordinance amending the Final Project Plan and the Final Reinvestment Zone Financing Plan for the Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; Adopting Said Amendments as required by Section 311.011(E) Texas Tax Code; also providing a severability clause.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

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

-
- 16.1.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.030 (Cruising Prohibited) to allow for posting of ambulances where not a safety hazard; Subsection 9.85.040 (Definitions) to update the terminology; Section 9.85.050 (Franchise Required) to correct a

grammatical error; Section 9.85.060 (Franchise Application – contents) to allow for a license from New Mexico; Section 9.85.080 (Insurance) to update the insurance amounts; and Section 9.85.090 (Attendants and Drivers – requirements) to update certain requirements and to allow for a license from New Mexico; Section 9.85.100 (Ambulance Operations) to clarify how private ambulances should be marked in order to distinguish them from the City’s ambulances; Section 9.85.110 (Personnel; Vehicles and Equipment – Standards and Requirements; Inspection) to clarify the vehicle and equipment standards and inspection requirements; and Section 9.85.120 (Private Emergency Service Regulations) to update the terminology; the penalty as provided in section 9.85.130 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

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

17.1. An Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article IV (On Premise Sign Regulations), Section 20.18.400 (General) to amend Regulations for Changeable Electronic Variable Message (CEVM) Signs, Section 20.10.410 (R-F, R-1, R-2, R2-A, R-3, R-3A, R-4, R-5, RMH, PMD, and NOS Districts) to reclassify school and church signs as monument signs, Section 20.18.420 (A-1, A-2, A-3, A-4, A-M, PR-I, PR-II and SRR Districts), and 20.18.430 (A-O, A-3/0 and S-D Districts) to permit monument signs in apartment and certain special purpose Districts, and 20.18.490 (Additional On-Premises Signs) to allow for awning and canopy signs in all of the Commercial Zoning Districts.

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2017

17.2. An Ordinance granting Special Permit No. PZST17-00007, to allow for a ballroom on the property described as a portion of Lot 1, Block 2, Sunland Business Center, 1057 Doniphan Park Circle, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1057 Doniphan Park Circle. Property Owner: Sunland Business Center Partners, L.P. PZST17-00007

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2017

17.3. An Ordinance granting Special Permit No. PZST17-00006 to allow for infill development with a reduction in lot width requirements on the property described as Tracts 1-E-1-A and 1-F-1-H, Block 5, Ascarate Grant, 7746 ½ Adobe 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. Property Owner: Miguel Rivera. PZST17-00006

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2017

17.4. An Ordinance granting Special Permit No. PZST16-00027, to allow for infill development with a reduction in side yard setback, side-street yard setback and cumulative side and side-street yard setback requirements on the property described as the East third of the North half of Tract 3, Country Club Acres, 400 Lindbergh Avenue, 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. Property Owner: Frederick Brightly. PZST16-00027

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2017

- 17.5. An Ordinance granting Special Permit No. PZST16-00026, to allow for a ground-mounted 56'-10" Personal Wireless Service Facility on the property described as a portion of Lot 27, Block 2, Bassett Commercial Complex Unit One, 6440 Gateway Boulevard East, 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: 6440 Gateway Boulevard East. Property Owner: Gregg Michael Seltzer and Julie Paris Seltzer Trust. PZST16-00026

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2017

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

- 18.1. An Ordinance approving a project and financing plan for Tax Increment Reinvestment Zone Number Nine, City of El Paso, Texas; making various findings related to such plan; providing for severability; and providing an effective date.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

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

- 19.1. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV – Speed Limits) to amend by deleting Country Club Road from Doniphan Drive to the west city limits from Subsection (G) and adding the same location to Subsection (F). The penalty being provided in Chapter 1.08 (General Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

- 19.2. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No stopping or standing - Tow-away zone), Paragraph A, Subparagraph 114, to add a location, Kansas Street from Yandell Drive to Montana Avenue, the penalty being as provided in section 12.84.010 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

- 19.3. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.1580 (Schedule XIV – Speed Limits), to amend by deleting Subsection (F), Subparagraph (35), Murchison Drive from Medical Center Street to Magnolia Street. The penalty being provided in Chapter 1.08 (General Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2017

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

20.1. 1ST MOTION

Motion made by Representative Limón, seconded by Representative Ordaz, and carried to **DENY** Solicitation No. 2017-1060 (Janitorial Services - El Paso Museum of Art & Museums of History and Archeology) to Francisco Corral dba Eagle Janitorial Service for an initial term estimated award of \$361,158.48. The award is to include a two (2) year optional amount of \$240,772.32 for a total five (5) year award of \$601,930.80. **THE MOTION FAILS.**

AYES: Representatives Ordaz and Limón
NAYS: Representatives Svarzbein, Tolbert, Acosta, Robinson
NOT PRESENT FOR THE VOTE: Representative Niland
ABSENT: Representative Noe

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Robinson, and carried to **AWARD** Solicitation No. 2017-1060 (Janitorial Services - El Paso Museum of Art & Museums of History and Archeology) to Francisco Corral dba Eagle Janitorial Service for an initial term estimated award of \$361,158.48. The award is to include a two (2) year optional amount of \$240,772.32 for a total five (5) year award of \$601,930.80.

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

Department:	Museums and Cultural Affairs
Vendor:	Francisco Corral dba Eagle Janitorial Service El Paso, TX
Item(s):	All
Annual Estimated Amount:	\$120,386.16
Initial Term Estimated Award:	\$361,158.48 (3 year)
Total Estimated Award:	\$601,930.80 (5 years)
Account No.:	454-1000-54000-522060 532-1000-31040-522060-P3120
Funding Source:	Art General Fund; Street & Maintenance General Fund - Janitorial
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing, Museums and Cultural Affairs, and Streets and Maintenance Departments recommend that the contract be awarded to Francisco Corral dba Eagle Janitorial Service, the vendor offering the best value bid.

Mr. Terry Freiburg, Purchasing Agent, commented.

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

21.1. 1ST MOTION

Motion made by Representative Niland, seconded by Representative Tolbert, and unanimously carried to **AWARD** Solicitation No. 2017-881 Herbicide Spraying to Delta Unlimited, Inc. dba Delta Pest Control & Lawn Service for an initial term estimated award of \$1,484,985.03.

2ND MOTION

Motion made by Representative Ordaz, seconded by Representative Acosta, and unanimously carried to **RECONSIDER** the item.

ABSENT: Representative Noe

3RD AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Ordaz, and unanimously carried to **AWARD** Solicitation No. 2017-881 Herbicide Spraying to Delta Unlimited, Inc. dba Delta Pest Control & Lawn Service for an initial term estimated award of \$1,484,985.03.

ABSENT: Representative Noe

Department:	Streets and Maintenance
Award to:	Delta Unlimited, Inc. dba Delta Pest Control & Lawn Service El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Award:	\$494,995.01
Initial Term Estimated Award:	\$1,484,985.03 (3 years)
Total Estimated Award:	\$1,484,985.03 (3 years)
Account No.:	532 – 32120 – 522040 – 2305 - P3215
Funding Source:	Environmental Fee
District(s):	All

This is a Best Value, unit price contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to Delta Unlimited, Inc. dba Delta Pest Control & Lawn Service, the bidder offering the best value bid and that Emerald Mechanical Contractors, LLC be deemed non-responsive for its failure to submit a complete bid.

Mayor Leeser and Representatives Robinson and Niland commented.

Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing, commented.

Mr. Luis Sarinana, citizen, commented.

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

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

22.1. ORDINANCE 018682

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO EL PASO SHOPPING DISTRICT, LLC FOR THE PLACEMENT AND USE OF ONE (1) NON-MOTORIZED CORN ROASTER AND ONE (1) VENDING TABLE WITHIN PORTIONS OF CITY RIGHT-OF-WAY ALONG FOURTH STREET ADJACENT TO THE PROPERTY LOCATED AT 620 SOUTH EL PASO STREET ON FRIDAY, SATURDAY AND SUNDAY YEAR-ROUND FROM 8:00 AM TO 8:00 PM AND PERMITTING THE EXCLUSIVE USE OF CITY PARKING METER SPACE E4-101 FOR OPERATION OF THE ROASTER DURING SAID HOURS.**

Representative Niland commented.

Ms. Elizabeth Triggs, Project Manager, Planning and Inspections, 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, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland
- NAYS: None
- ABSENT: Representative Noe

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

.....
22.2. ORDINANCE 018683

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO 101 EL PASO STREET, LP, A DELAWARE LIMITED PARTNERSHIP, FOR THE MAINTENANCE, USE, AND REPAIR OF ONE (1) EXISTING SUBTERRANEAN BASEMENT AND ONE (1) EXISTING SUBTERRANEAN PARKING AREA UNDER PORTIONS OF CITY RIGHT-OF-WAY ALONG SAN FRANCISCO STREET, EL PASO STREET, SAN ANTONIO AVENUE AND THEIR INTERSECTIONS ADJACENT TO THE PROPERTY LOCATED AT 101 SOUTH EL PASO STREET, EL PASO, TEXAS; SETTING THE LICENSE TERM FOR EACH OF THESE ENCROACHMENTS; AND WAIVING THE ASSOCIATED ANNUAL FEE DURING SAID TERMS.**

Motion duly made by Representative Niland, 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 Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Svarzbein
ABSENT: Representative Noe

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

ITEMS 22.3 AND 22.4 TAKEN TOGETHER

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22.3.

ORDINANCE 018684

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LICENSE TO UNITED STATES GENERAL SERVICES ADMINISTRATION (LICENSEE) FOR CONSTRUCTION AND OPERATION OF SECURITY ENHANCEMENTS AND OTHER STRUCTURES ON A PORTION OF CITY RIGHT OF WAY LOCATED ON CITY-OWNED IMPROVEMENTS ABUTTING THE YSLETA LAND PORT OF ENTRY (YSLETA LPOE) THAT ARE NECESSARY TO SUPPORT THE DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION'S (DHS-CBP) INSPECTION OF INBOUND VEHICULAR TRAFFIC, AT NO COST TO THE CITY.**

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

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland
NAYS: None
ABSENT: Representative Noe

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

.....
22.4.

ORDINANCE 018685

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LICENSE TO UNITED STATES GENERAL SERVICES ADMINISTRATION (LICENSEE) FOR CONSTRUCTION AND OPERATION OF SECURITY ENHANCEMENTS AND OTHER STRUCTURES ON A PORTION OF CITY RIGHT OF WAY LOCATED ON CITY-OWNED IMPROVEMENTS ABUTTING THE PASO DEL NORTE PORT OF ENTRY ("PDN LPOE") THAT ARE NECESSARY TO SUPPORT THE DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION'S (DHS-CBP) INSPECTION OF INBOUND VEHICULAR TRAFFIC, AT NO COST TO THE CITY.**

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

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland
NAYS: None

ABSENT: Representative Noe

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

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

23.1. ORDINANCE 018686

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE REAL PROPERTY KNOWN AS A PORTION OF TRACT 1B4, S.J. LARKIN SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A (RESIDENTIAL) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE TO ALLOW FOR PROFESSIONAL OFFICE. THE PROPOSED USE IS CURRENTLY NOT PERMITTED IN AN R-3A (RESIDENTIAL) DISTRICT, THEREFORE NECESSITATING THE CHANGE OF ZONING TO C-2 (COMMERCIAL). THE PENALTIES FOR VIOLATING THE STANDARDS IMPOSED THROUGH THIS REZONING ORDINANCE ARE FOUND IN SECTION 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: CORNER OF HELEN OF TROY AND ROSENBAUM; OWNER: HUNT COMMUNITIES GP, LLC; PZRZ16-00026 (DISTRICT 1)**

Mr. Alex Hoffman, Lead Planner, Planning and Inspections, commented.

Motion duly made by Representative Svarzbein, seconded by Representative Tolbert, 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, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representative Noe

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

23.2. ORDINANCE 018687

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II (DEFINITIONS) TO MODIFY DEFINITIONS FOR TYPES OF SHOPPING CENTERS, AND CHAPTER 20.18 (SIGN REGULATIONS) ARTICLE IV (ON-PREMISES SIGN REGULATIONS) SECTION 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 AND M-3 DISTRICTS) TO MODIFY MONUMENT SIGN REGULATIONS FOR SHOPPING CENTERS; THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Noe

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

23.3.

ORDINANCE 018688

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) TO ADD NEW DEFINITIONS FOR VARIOUS INFILL DEVELOPMENT TYPES, AND CHAPTER 20.10.280 (INFILL DEVELOPMENT) OF THE EL PASO CITY CODE TO AMEND THE REQUIREMENTS FOR APPLICATIONS FOR INFILL DEVELOPMENT, AND THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE CITY OF EL PASO CITY CODE. [POSTPONED FROM 05-16-2017]**

Mr. Alex Hoffman, Lead Planner, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representatives Svarzbein, Tolbert and Acosta commented.

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

NAYS: None

ABSENT: Representative Noe

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

23.4.

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 of El Paso Infill Incentive Policy attached hereto is hereby adopted and that the previous Infill Incentive Policy be repealed, all items with the effective date of May 30, 2017.

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

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representative Noe

23.5.

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 of El Paso Transit Oriented Development Incentive Policy attached hereto be adopted and that the Sustainable Cities Center Incentive Policy and Downtown Sustainable Cities Center Incentive Policies be repealed; all items with the effective date of May 30, 2017.

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

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representative Noe

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

24.1. Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **CLOSE** a public hearing regarding the proposed El Paso Public Improvement District No. 2, Eastside Sports Complex and the improvements to be undertaken within the district, including: the advisability of the improvements; the nature of the improvements; the estimated cost of the improvements; the boundaries of the public improvement district; the method of assessment; and the apportionment of costs between the district and the City of El Paso as a whole.

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representative Noe

Mr. Mathew McElroy, International Bridges Director, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Ordaz commented.

REGULAR AGENDA - OTHER BUSINESS

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

25.1.

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 execute a Chapter 380 Economic Development Incentive Agreement between the City of El Paso and EP Riverbend Development Company, LLC, a Texas Limited Liability Company, for the development of a Mixed Use Project combining Retail and Office space to be located at the

northwest corner of Resler Drive and Paseo Del Norte, El Paso, TX.

Ms. Jessica Herrera, Interim Director for Economic and International Development, presented PowerPoint presentation (copy on file in City Clerk's Office).

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

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representative Noe

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- 25.2.** *Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign, on behalf of the City of El Paso, a Chapter 380 Economic Development Program Agreement between the City of El Paso and FULLBEAUTY BRANDS, LLC, ("Applicant"), a Texas Limited Liability Company, in order to retain the customer contract and fulfillment center located in El Paso, Texas.

NOT PRESENT FOR THE VOTE: Representatives Ordaz and Niland

ABSENT: Representative Noe

26. MAYOR AND COUNCIL

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- 26.1.** Motion made Representative Acosta, seconded by Representative Limón, and unanimously carried to **POSTPONE** two weeks the item regarding discussion and action on reaffirming the authorizing of the expenditure, as per the Resolution approved on October 18, 2016, by City Council and requesting that the Finance Department authorize the issuing of a check for the amount indicated of \$10,000 to the El Paso Community Foundation, the fiscal agent for the Welcome Home Vietnam Veterans Committee, to defray the cost of publishing the book, "El Paso Vietnam Veterans, Our Heroes, Their Stories". As per the resolution, the "Welcome Home Vietnam Veteran Committee" will also provide copies of the book, once published, to all local libraries.

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None

ABSENT: Representative Noe

ITEMS 26.2 AND 26.3 TAKEN TOGETHER

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- 26.2.** Motion made by Representative Acosta, seconded by Representative Limón, and unanimously carried to **POSTPONE** two weeks the item regarding discussion and action on the status of longevity pay for City employees previously discussed during the January 10, 2017 City Council meeting. The motion included the City Manager to come back to Council with a longevity pay increase for employees upon the second year of service and to update that longevity pay every two years.

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland

NAYS: None
ABSENT: Representative Noe

Mayor Leeser and Representatives Acosta and Limón commented.

Ms. Linda Thomas, Human Resources Director, commented.

Ms. Elizabeth Ruhmann and Ms. Karla Nieman, Assistant City Attorneys, gave legal advice.

Mr. David Guzman and Mr. Hector Montes, citizens, commented.

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- 26.3.** Motion made by Representative Acosta, seconded by Representative Limón, and unanimously carried to **POSTPONE** two weeks the item regarding discussion and action on the status of the City Council approval of “Ordinance amending Ordinance 8064, Section 3.6 (Longevity Pay) to comport with the legislative intent of the City Council to pay longevity pursuant to the City’s Budget Resolution”. The motion was made on January 10, 2017 during the regular City Council meeting.

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, Limón and Niland
NAYS: None
ABSENT: Representative Noe

Mayor Leeser and Representatives Acosta and Limón commented.

Ms. Linda Thomas, Human Resources Director, commented.

Ms. Elizabeth Ruhmann and Ms. Karla Nieman, Assistant City Attorneys, gave legal advice.

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- 26.4.** Discussion and action on the status of allowing employee representation at the investigatory stage of the disciplinary process as discussed on January 10, 2017 on employee representation at the investigatory stage of the disciplinary process. City Council made a motion to direct staff to create employee focus groups and to bring back recommendations to Council.

Ms. Linda Thomas, Human Resources Director, commented.

NO ACTION was taken on this item

EXECUTIVE SESSION

Motion made by Representative Limón, seconded by Alternate Mayor Pro Tempore Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:04 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:

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

Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried to adjourn the Executive Session at 11:33 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Niland
ABSENT: Representative Noe

EX1. Claim of Damien Carranza, Matter No. 17-1006-793.

Motion made by Alternate Mayor Pro Tempore Robinson, seconded by Representative Ordaz, and unanimously carried that the City Attorney’s Office be authorized to reject the settlement demand in the claim of Damien Carranza in Matter No. 17-1006-793.

NOT PRESENT FOR THE VOTE: Representative Niland
ABSENT: Representative Noe

EX2. Class Action claim by City Employees regarding Longevity Pay, Matter NO. 17-1043-410.

Motion made by Alternate Mayor Pro Tempore Robinson, seconded by Representative Ordaz, and carried that the City Attorney’s Office be authorized to reject the settlement demand in the Class Action claim by City Employees regarding Longevity Pay in Matter No. 17-1043-410.

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz
NAYES: Representative Limón
NOT PRESENT FOR THE VOTE: Representative Niland
ABSENT: Representative Noe

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ADJOURN

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried to **ADJOURN** this meeting at 11:49 a.m.

NOT PRESENT FOR THE VOTE: Representative Niland
ABSENT: Representative Noe

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk