

**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  
MICHEL R. NOE, DISTRICT 5  
CLAUDIA ORDAZ, DISTRICT 6  
LILY LIMÓN, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## **MINUTES FOR REGULAR COUNCIL MEETING**

**July 28, 2015**  
**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 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Larry Romero, Carl Robinson Michiel R. Noe, Claudia Ordaz, Lilia Limón, and Cortney Niland. Late arrivals: Emma Acosta at 8:05 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

### **INVOCATION BY POLICE CHAPLAIN CARLOS FLORES**

### **PLEDGE OF ALLEGIANCE**

**Juan Daniel Avila**  
**Leslie Arely Avila**

### **MAYOR'S PROCLAMATIONS**

- 1. El Paso Citizen Police Academy Alumni Association Week**

### **RECOGNITIONS**

**City Employees**

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

The following member of the public commented:

- 1. Mr. Angel Gomez**
- 2. Mr. Miguel Rico**

3. Mr. Luis Romo
4. Ms. Lisa Turner
5. Ms. Wally Cech
6. Ms. Suzy Graham
7. Mr. James Perry
8. Mr. Steven Strumer
9. Ms. Patricia Johnson
10. Ms. Miriam Guerrero
11. Mr. Leo Mendoza
12. Ms. Camille Castillo
13. Ms. Beatriz Jaquez
14. Ms. Mary Avila

Mayor Leeser and Representative Niland commented.

Mr. Tommy Gonzalez, City Manager, commented.

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**NOTICE TO THE PUBLIC – CONSENT AGENDA**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

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

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**CONSENT AGENDA - APPROVAL OF MINUTES:**

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

- 1.1. \*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 21, 2015, the Legislative Review Meeting of the Whole of July 20, 2015, the Special City Council Meetings - FY2016 Budget Hearings of July 8, 2015, July 9, 2015, and the Special City Council Meeting of July 20, 2015.

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**CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

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**2. CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**NO ACTION** taken on this item

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**CONSENT AGENDA - RESOLUTIONS:**

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

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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 be authorized to sign and accept on behalf of the City a Public Right-of-Way Dedication Deed from Elder Ramirez, dedicating to the City a 362.27 square-foot piece of land to be added to the abutting city right-of-way and be used as public right-of-way, described as *being a portion of Lot 1, Phelps Subdivision, City of El Paso, El Paso County, Texas* and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" attached hereto and made a part hereof so all pedestrian infrastructure is kept within the Schutz Drive right-of-way.

3.2.

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

**A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN PZDS15-00010 FOR A PORTION OF TRACT 3A, A.F. MILLER SURVEY NO. 210, WEST OF RESLER DRIVE AND NORTH OF INTERSTATE 10, 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**

**WHEREAS**, on October 27, 1987, City Council rezoned the property described as a portion of Tract 3A, A.F. Miller Survey No. 210, West of Resler Drive and North of Interstate 10, City of El Paso, El Paso County, Texas, from **R-3 (Residential)** to **C-3/sc (Commercial/special contract)** and as part of the rezoning imposed a condition that a detailed site development plan be submitted for review and approval by the City Plan Commission and City Council prior to issuance of a building permit; and,

**WHEREAS**, the property owner, **Camino Real Investments I, LTD** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

**WHEREAS**, the detailed site development plan is subject to the development standards in the **C-3/sc (Commercial/special contract)** District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

**WHEREAS**, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application; and,

**WHEREAS**, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS**, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed on the property described as a portion of Tract 3A, A.F. Miller Survey No. 210, West of Resler Drive and North of Interstate 10, City of El Paso, El Paso County, Texas, and as more

particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; the City Council hereby approves the detailed site development plan. The detailed site development plan is subject to the development standards in the **C-3/sc (Commercial/special contract)** District:

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.
3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-3/sc (Commercial/special contract)** District regulations.
4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-3/sc (Commercial/special contract)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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#### **4. Goal 6: Set the Standard for Sound Governance and Fiscal Management**

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##### **4.1. \*R E S O L U T I O N**

**WHEREAS**, on October 14, 2014, the City of El Paso awarded Contract No. 2014-393 (Police Motorcycles Parts, Service and Maintenance (RBII)) to MotoSage, Inc.

**WHEREAS**, the City finds that the Company is in default of the provisions of the Contract because the vendor failed to cure the performance of the motorcycle services and maintenance; 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 Director is authorized to notify MotoSage, Inc., that the City is terminating Contract No. 2014-393 Police Motorcycles Parts, Service and Maintenance (RBII) for default pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor's failure to cure performance and that the termination shall be as of July 28, 2015.

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

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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 approves a deductive Construction Change Order in the amount of Two Hundred Sixty Thousand Sixteen and 80/100 Dollars (\$260,016.80) to Arrow Building Corporation for the site lighting modifications to the Vehicle Storage Lot replacing forty-two photovoltaic, fixtures, poles and concrete bases with LED pole mounted flood lights for the Consolidated Rental Agency Complex, Solicitation No 2014-113. No additional days will be added to contract number 2014-113. The new contract sum, including this deductive construction change order is Thirty Seven Million Five Hundred Seventy Five Thousand Five Hundred Fifty One and 82/00 (\$37,575.551.82).

5.2.

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

**WHEREAS**, on March 11, 2014, the City Council for the City of El Paso ("City") approved a Local Transportation Project Advance Funding Agreement for a Congestion, Mitigation & Air Quality Improvement (CMAQ) (Off-State System) (the "LPAFA") for Bluetooth Wait System At El Paso Del Norte Port of Entry ("Paso Del Norte"); and

**WHEREAS**, the LPAFA for Paso Del Norte was executed by the State of Texas ("State") by and through the Texas Department of Transportation, on March 21, 2014; and

**WHEREAS**, after the execution of the LPAFA for Paso Del Norte by the City and the State, a new budget was established for the project and the nature of the project changed from a construction project to a non-construction and construction project; and

**WHEREAS**, pursuant to Section 3 of the Master Agreement Governing Local Transportation Project Advance Funding Agreement ("Master Agreement") the LPAFA for Paso Del Norte may be terminated in writing with the mutual consent of the parties; and

**WHEREAS**, the parties mutually desire to terminate the LPAFA.

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

That the City agrees with the State to mutually terminate the LPAFA for Paso Del Norte effective July 28, 2015.

5.3.

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

**WHEREAS**, on March 11, 2014, the City Council for the City of El Paso ("City") approved a Local Transportation Project Advance Funding Agreement for a Congestion, Mitigation & Air Quality Improvement (CMAQ) (Off-State System) (the "LPAFA") for Bluetooth Wait System At Stanton Bridge ("Stanton Bridge"); and

**WHEREAS**, the LPAFA for Stanton Bridge was executed by the State of Texas ("State") by and through the Texas Department of Transportation, on March 20, 2014; and

**WHEREAS**, after the execution of the LPAFA for Stanton Bridge by the City and the State, a new budget was established for the project and the nature of the project changed from a construction project to a non-construction and construction

project; and

**WHEREAS**, pursuant to Section 3 of the Master Agreement Governing Local Transportation Project Advance Funding Agreement ("Master Agreement") the LPAFA for Stanton Bridge may be terminated in writing with the mutual consent of the parties; and

**WHEREAS**, the parties mutually desire to terminate the LPAFA for the Stanton Bridge.

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

That the City agrees with the State to mutually terminate the LPAFA for Stanton Bridge effective July 28, 2015 .

5.4.

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

**A RESOLUTION TO CERTIFY SUPPORT AND LOCAL FUNDING FOR THE BLUETOOTH WAIT AT PASO DEL NORTE PORT OF ENTRY AND STANTON BRIDGE AND THAT THE CITY MANAGER BE AUTHORIZED TO SIGN A LOCAL TRANSPORTATION PROJECT CONSTRUCTION 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.**

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

**THAT** the City of El Paso supports the Bluetooth Wait at Paso Del Norte Port of Entry and Stanton Bridge project for the installation of a Bluetooth System to Measure the wait times at Paso del Norte Port of Entry and Stanton Bridge, which has a total project cost of \$112,891.60 dollars; and

**THAT** the City of El Paso commits funding for a local cash or in-kind match of \$23,496.32 dollars; and

**THAT** the City Manager is hereby authorized to execute a Local Transportation Project Construction Advance Funding Agreement between the City of El Paso and the State of Texas and all other necessary documents after review by the City Attorney.

5.5.

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

**A RESOLUTION TO CERTIFY SUPPORT AND LOCAL FUNDING FOR THE BLUETOOTH WAIT AT PASO DEL NORTE PORT OF ENTRY AND STANTON BRIDGE AND THAT THE CITY MANAGER BE AUTHORIZED TO SIGN A LOCAL TRANSPORTATION PROJECT NON-CONSTRUCTION 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.**

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

**THAT** the City of El Paso supports the Bluetooth Wait at Paso Del Norte Port of Entry and Stanton Bridge project for the installation of a Bluetooth System to Measure the wait times at Paso del Norte Port of Entry and Stanton Bridge, which

has a total project cost of \$146, 141.60 dollars; and

**THAT** the City of El Paso commits funding for a local cash or in-kind match of \$30, 146.92 dollars; and

**THAT** the City Manager is hereby authorized to execute a Local Transportation Project Non-Construction Advance Funding Agreement between the City of El Paso and the State of Texas and all other necessary documents after review by the City Attorney.

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**CONSENT AGENDA - BOARD RE-APPOINTMENTS:**  
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**6. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments**  
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- 6.1.** \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Teresa Hernandez to the Museums and Cultural Affairs Advisory Board by Representative Michiel Noe, District 5.  
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**CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:**  
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**7. Goal 8: Nurture and Promote a Healthy, Sustainable Community**  
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- 7.1.** \*Motion made, seconded and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order to Chastang Enterprises dba Chastang Ford, a contractor under Houston-Galveston Area Council Cooperative (HGAC), Contract #HT06-14 for the purchase of one (1) 2016 Ford F750 cab and chassis and to Texan Waste Equipment, Inc. dba Heil of Texas, under HGAC Contract #RH08-14 for the purchase of one (1) Petersen TL-3 Lighting Loader 24 yard bulk trash grapple body.

The participation by the City of El Paso in the Houston-Galveston Area Council Cooperative (HGAC) was approved by Mayor and City Council on May 8, 2007.

Department:	Streets & Maintenance – Fleet Division
Award to: Vendor 1	Chastang Enterprises dba Chastang Ford Houston, TX
Total Estimated Award:	\$68,200.00
Award to: Vendor 2	Texan Waste Equipment, Inc. dba Heil of Texas San Antonio, TX
Total Estimated Award:	\$69,800.00
Total Estimated Award:	\$138,000.00 (Vendor 1 and Vendor 2)
Account No.:	334-34100-580060-3150-PESD00150-P3412
Funding Source:	Environmental Services Dept – Capital – Vehicular Equipment
Reference No.:	2015-1165

This is a Cooperative, unit price contract.

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**CONSENT AGENDA - BIDS:**  
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**8. Goal 2: Set the Standard for a Safe and Secure City**  
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- 8.1.** \*Motion made, seconded and unanimously carried to **AWARD** Solicitation No. 2015-533 Personal Protective Equipment Clothing Repair to Lion Totalcare, Inc., for an initial three (3) year term estimated award of \$128,514.

Department:	Fire Department
Award to:	Lion Totalcare, Inc.
	Dallas, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$42,838
Initial Term Estimated Award:	\$128,514 (3 years)
Total Estimated Award:	\$214,190 (5 years)
Account No.:	322-22090-522250-1000-P2214
Funding Source:	General Fund – Public Safety Equipment Maintenance Contracts

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Fire Department recommend award as indicated to Lion Totalcare, Inc., the lowest, responsive and responsible bidder.

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**REGULAR AGENDA - FIRST READING OF ORDINANCES**  
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Motion made by Representative Niland, seconded by Representative Romero, 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:

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**9. Goal 3: Promote the Visual Image of El Paso:**  
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- 9.1.** An Ordinance changing the zoning of Lots 1 and 2, Block 11, Eastwood, 1141 Caper Road and 7827 Bois D' Arc Drive, City of El Paso, El Paso County, Texas, from R-3 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1141 Caper Road and 7827 Bois D' Arc Drive. Property Owner: Armando Beltran, MD. PZRZ15-00018

**PUBLIC HEARING WILL BE HELD ON AUGUST 18, 2015**  
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- 9.2.** An Ordinance changing the zoning of a Portion of Lot 1, Block 23, Vista Granada Unit Three, 1374 George Dieter Drive, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1374 George Dieter Drive. Property Owner: George R. Gonzalez & Textape, Inc. PZRZ15-00015



**PUBLIC HEARING WILL BE HELD ON AUGUST 18, 2015**

- 9.3. An Ordinance releasing a condition placed on property by Ordinance No. 9332 which changed the zoning of a Replat of All of Lots 1-5, Block 3, and All of Lots 1-17, Block 5, and all of Bir Court, and a portion of Duckett Road, and all of the PSB right-of-way, River Run Subdivision 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: North of Country Club Road and East of Upper Valley Road. Property Owner: Welch and Associates, Inc. PZCR15-00003

**PUBLIC HEARING WILL BE HELD ON AUGUST 18, 2015**

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

- 10.1. An Ordinance vacating the right-of-way over the property described as a portion of Cebada Street and alley out of Block 61, Supplemental Map No. 1 of East El Paso Addition, City of El Paso, El Paso County, Texas. Subject Property: West of Copia and North of I10; Applicant: El Paso Water Utilities / PSB SURW15-00008

**PUBLIC HEARING WILL BE HELD ON AUGUST 4, 2015**

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS**

**11. Goal 5: Promote Transparent and Consistent Communication Among All Members of the Community**

- 11.1. \*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2015-687R Customer Service Call Center – Staffing & Management Service Operations to DATAMARK, Inc. for an initial total estimated award of \$4,499,999.97 (3 Years). The award is to include option to extend for up to three (3) additional terms of one (1) year each of \$1,499,999.99 for a total six (6) year award of \$8,999,999.94.

Department:	FIRE
Award to:	DATAMARK, Inc.
Initial Term:	3 Years Option: 3 years
Annual Estimated Amount:	\$1,499,999.99
Initial Term Estimated Award:	\$4,499,999.97 (3 Years)
Total Estimated Award:	\$8,999,999.94 (6 Years)
Account No.:	Fire Department: 322-22080-1000- P2218- 520010 Environmental Services Department: 334-34100-3100-P3410-522150; 334-34030-3100-P3432-522150; 334-34030 -3100-P3434-522150; 334-34030-3100-P3438-522150; 334-34030-3100-P3440-522150; 334-34080-3100-P3480-522150; 334-34080-3100-P3486-522150;

Funding Source: 334-34080-3100-P3484-522150;  
334-34050-3120-P3450-522150  
Temporary Services Contracts (FD) and  
Outside Contracts – NOC (ESD)

This is a Request For Proposal, Service Contract.

Purchasing and Strategic Sourcing Department and Fire Department recommend award as indicated to DATAMARK, Inc., the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

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

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- 12.1.** Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried to **AWARD** Solicitation No. 2015-867 Vending Machine Services (Re-Bid) to El Paso Snax Company for an initial three (3 year) term. The estimated revenue to be generated during the initial term is \$303,186.24. The revenue generated during the two option years is \$202,124.16 for a total estimated revenue of \$505,310.40.

NOT PRESENT FOR THE VOTE: Representative Limón

Department:	Streets & Maintenance – Facilities Division
Award to:	El Paso Snax Company
	El Paso, TX
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$101,062.08
Initial Term Estimated Award:	\$303,186.24 (3 years)
Total Estimated Award:	\$505,310.40 (5 years)
Account No.:	Revenue Generating
Funding Source:	Revenue Generating

This is a Best Value, revenue generating contract.

The Purchasing & Strategic Sourcing Department and Streets & Maintenance Department – Facilities Division recommend award as indicated to El Paso Snax Company, 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.

The Purchasing & Strategic Sourcing Department recommends that Coca-Cola Refreshments – USA, Inc. be deemed non-responsive due to taking exceptions to the City's clauses.

The Purchasing & Strategic Sourcing Department recommends that MCliff Partners, LTD and Pepsi Bottling, LLC be deemed non-responsive due to not providing a Minimum Monthly Guarantee to the City of El Paso.

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

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- 13.1.** Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a Purchase Order(s) to Public Facilities & Services, the sole source provider for the purchase of upkeep, maintenance and monitoring of the automated public toilets located at the two downtown international bridges with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

NOT PRESENT FOR THE VOTE: Representative Limón

Department:	International Bridges
Award to:	Public Facilities & Services
	Roswell, GA
Annual Estimated Amount:	\$76,560.00
Total Estimated Award:	\$229,680.00 (3 years)
Account No.:	502206-564-3300-64830-P6408
Funding Source:	Bridge Operations
Reference No.:	2015-941

This is a Sole Source, service and maintenance contract.

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- 13.2.** \*Motion made, seconded, and unanimously carried to **DELETE** the request that the Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order(s) to Public Facilities & Services, the sole source provider for the purchase of upkeep, maintenance and monitoring of the automated public toilets located at the two downtown international bridges with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	International Bridges
Award to:	Public Facilities & Services
	Roswell, GA
Annual Estimated Amount:	\$76,560.00
Total Estimated Award:	\$229,680.00 (3 years)
Account No.:	502206-564-3300-64830-P6408
Funding Source:	Bridge Operations
Reference No.:	2015-941

This is a Sole Source, service and maintenance contract.

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**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

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

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**14.1. ORDINANCE 018391**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 – BUSINESS LICENSE AND PERMIT REGULATIONS – CHAPTER 5.12 – DEALERS IN SECONDHAND GOODS, DEALERS IN CRAFTED PRECIOUS METALS, COIN DEALERS AND PAWNBROKERS – IN ITS ENTIRETY**

RELATING TO ALL PROVISIONS INCLUDING CLARIFICATIONS AND REVISIONS OF DEFINITIONS AND EXCLUSIONS; CLARIFICATIONS AND REVISIONS OF ADMINISTRATION; CLARIFICATION AND REVISIONS REGARDING LICENSE APPLICATION, INVESTIGATION, ISSUANCE, DENIAL, APPEAL AND RESTRICTIONS; CLARIFICATION AND REVISIONS OF RECORDS REQUIREMENTS; CLARIFICATION AND REVISIONS OF INSPECTION AND RETAINMENT OF GOODS; AND CLARIFICATION AND REVISIONS REGARDING VIOLATIONS AND PENALTIES PURSUANT TO SECTIONS 5.12.220 AND 5.12.230 OF THE ORDINANCE.

Representatives Noe, 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.
3. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.
4. Assistant Police Chief Michelle Gardner

Ms. Bonnie Garcia, Director of Legislative Affairs, commented.

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

NAYS: Representative Noe

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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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**15. Goal 3: Promote the Visual Image of El Paso**

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**15.1. ORDINANCE 018392**

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The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF OREGON STREET AND MILLS AVENUE RIGHT-OF-WAYS, WITHIN MILLS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: SOUTH OF SAN JACINTO PLAZA; APPLICANT: MILLS PLAZA PROMENADE, LLC; SURW12-00020**

Mayor Leeser and Representatives Niland and Svarzbein commented.

Ms. Kimberly Forsyth, Lead Planner presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Scott White, citizen, commented.

Motion duly made by Representative Niland, seconded by Representative Romero,

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, Romero, Acosta, Robinson, Noe, Ordaz, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Limón

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

15.2.

**ORDINANCE 018393**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING AN EASEMENT LOCATED ON A PORTION OF LOT 5, BLOCK 10, SIERRA CREST REPLAT B, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: NORTH OF ROBINSON & EAST OF OKEEFE; APPLICANT: DOUGLAS CHAN SUET15-00001**

Ms. Kimberly Forsyth, Lead Planner presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

NAYS: None

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

15.3.

**ORDINANCE 018394**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.050 (COSTS AND FEES), TO DELETE SUBSECTIONS (E) AND (F) OF THE EL PASO MUNICIPAL CODE TO INCREASE PUBLIC ACCESSIBILITY TO AND EASE OF PARTICIPATION IN A FUNDING ASSISTANCE PROGRAM FOR ELIGIBLE PARADE EVENTS; THE PENALTY BEING AS PROVIDED FOR IN SECTION 13.36.100 (VIOLATION-PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Niland, seconded by Representative Romero, 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, Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland  
NAYS: None

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

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**16.1. 1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **MOVE THE ITEM TO THE FOREFRONT OF THE AGENDA**.

**2<sup>ND</sup> MOTION**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Limón, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:15 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:

**3<sup>RD</sup> MOTION**

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to adjourn the Executive Session at 10:48 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

**4<sup>TH</sup> MOTION**

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

**5<sup>TH</sup> MOTION**

Representative Limón, seconded by Representative Robinson **WITHDREW** second.

**6<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried to **DENY**, so as not to add permitting to the Ordinance, and **DIRECT** the City Attorney and City staff.

**7<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and carried to **EXPLORE** other ways to enforce the Wage Theft Ordinance that do not include permitting. **MOTION FAILED**

AYES: Representatives Noe and Niland

NAYS: Representatives Svarzbein, Romero, Acosta, Robinson, Ordaz, and Limón

**8<sup>TH</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative Romero, and carried to **DELETE** and **INSTRUCT** the City Manager to speak to various businesses and stakeholders and **COME BACK** to Council when ready.

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

Mayor Leaser and Representatives Limón, Noe, Ordaz, Niland, Acosta, and Robinson commented.

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice.
2. Ms. Sol Cortez, Assistant City Attorney, gave legal advice.
3. Ms. Elizabeth Cortez
4. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
5. Mr. Larry Nichols, Director of City Development

The following members of the public commented:

1. Ms. Malinda Markowitz
2. Mr. Eric Murillo
3. Mr. Richard Dayoub
4. Ms. Sylvia Searfoss
5. Mr. Kyle Reinert
6. Ms. Michelle Luevano, El Paso Hispanic Chamber of Commerce
7. Mr. Alex Casas
8. Ms. Elena Arevalo
9. Ms. Carolina Proutty
10. Ms. Lilia Cruz
11. Mr. Eloiso DeAvila
12. Mr. Daniel Lopez, Jr.
13. Mr. Hector Montes, Local 59

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## **REGULAR AGENDA - FIRST READING AND SECOND READING OF ORDINANCES**

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

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#### **17.1. ORDINANCE 018395**

The City Clerk read an Ordinance entitled **AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A CREDIT AGREEMENT WITH BANK OF AMERICA, N.A. AND OTHER RELATED AGREEMENTS WITH RESPECT TO THE CITY OF EL PASO, TEXAS, WATER AND SEWER COMMERCIAL PAPER NOTES, SERIES A, AMENDING THE ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH NOTES, REAUTHORIZING THE ISSUANCE OF SUCH NOTES AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

Mr. Paul Braden, Bond Counsel, gave legal advice.

Motion duly made by Representative Niland, seconded by Representative Limón, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done

resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Romero

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

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### **REGULAR AGENDA - OTHER BUSINESS**

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

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##### **ITEMS 18.1. AND 18.2. TAKEN TOGETHER**

#### **18.1. JOINT RESOLUTION REGARDING THE TERMINATION OF THE JOINT REVOLVING LOAN FUND BETWEEN THE COUNTY OF EL PASO AND THE CITY OF EL PASO, TEXAS.**

**WHEREAS**, on or about the 16<sup>th</sup> day of May 2000, the County of El Paso, Texas ("COUNTY") and the City of El Paso, Texas ("CITY") entered into an interlocal to establish and administer the Joint Revolving Loan Fund ("the Joint RLF").

**WHEREAS**, the COUNTY funded the Joint RLF by transferring funds from its revolving loan fund provided by the Texas Department of Housing and Community Affairs (TDHCA) and the Texas Department of Economic Development (TDED); and

**WHEREAS**, COUNTY transferred \$167,000.00 from its revolving loan fund to fund the COUNTY's portion of the Joint RLF; and

**WHEREAS**, the Joint RLF was funded by the CITY utilizing funds available through a grant from the U.S. Department of Commerce, Economic Development Administration ("EDA") Section 209 Economic Adjustment Program; and

**WHEREAS**, the CITY contributed \$586,000 to fund its portion of the Joint RLF; and

**WHEREAS**, the Parties amended the interlocal agreement on or about the 8<sup>th</sup> day of May 2001 (First Amendment), the 27<sup>th</sup> day of April 2004 (Second Amendment), and the 7<sup>th</sup> day of May 2013 (Third Amendment); and

**WHEREAS**, the Third Amendment SECTION 3. TERM AND TERMINATION Subsection B. Termination. requires a terminating party to give, "written notice to the other Party not less than ninety (90) days prior to the expiration of the initial term or prior to any subsequent anniversary of such date;" and

**WHEREAS**, the window to unilaterally terminate the Joint RLF during this year's year-to-year extension has passed; and

**WHEREAS**, the Parties agree that it is to their mutual benefit to terminate the Joint RLF; and

**WHEREAS**, SECTION 1. PURPOSE OF INTERLOCAL AGREEMENT



Subsection A. of the Third Amendment stipulated that CITY funding came from U.S. Department of Commerce Economic Development Administration (“EDA”) funds and COUNTY funding came from Texas Office of Rural Community Affairs (“ORCA”) funds; and

**WHEREAS**, SECTION 3. TERM AND TERMINATION Subsection (C) also provides that, “[u]pon termination of the Agreement, any funds remaining in the RLF shall be distributed in the following order of priority (i) the “fair share” of any funds due EDA and ORCA, and (ii) any remaining funds to be distributed between the Parties hereto on the basis of contributions made pursuant to Section 5 [of the Third Amendment to the Joint RLF] hereof;” and

**WHEREAS**, all loans made through the Joint RLF using COUNTY ORCA funds were repaid with interest;

**NOW THEREFORE BE IT JOINTLY RESOLVED AS FOLLOWS:**

1. The Joint RLF is disbanded and dissolved; and
2. The Parties will adhere to close-out procedures as determined by the Interlocal Agreement, as amended, between the Parties except to the extent inconsistent with this resolution; and
3. The COUNTY shall be reimbursed the amount of \$207,309.02 Termin in order to return the ORCA funds as required by the Third Amendment.
4. The Interlocal Agreement, as amended, between the Parties is hereby terminated.

Mr. Eduardo Garcia, Business Services Manager presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Mayor Leeser and Representative Acosta commented.

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Joint Resolution regarding the termination of the Joint Revolving Loan Fund between the County of El Paso and the City of El Paso, Texas.

NOT PRESENT FOR THE VOTE: Representatives Romero and Niland

.....  
**18.2. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF EL PASO AND LIFTFUND INC. TO TERMINATE THE 2004 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF EL PASO AND LIFT FUND (FORMERLY: ACCION TEXAS, INC.); TO FACILITATE A SUBSTITUTION OF GRANTEE REQUEST TO THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA), AND SUBSEQUENT TRANSFER OF FINANCIAL OVERSIGHT AND REPORTING REQUIREMENTS FOR A SMALL BUSINESS ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (RLF) FROM THE CITY OF EL PASO (CITY) TO LIFTFUND INCORPORATED (LF).**

**WHEREAS**, in 2004 the CITY and LF (then known as ACCION Texas, Inc.) entered into a MOU (“2004 CAIP MOU”), which awarded ACCION Texas, \$200,000 to operate a RLF. This RLF was funded by Community Adjustment and Investment Program (“CAIP”) funds. On June 22, 2012 the City of El Paso was notified by the

North American Development Bank that these funds were no longer encumbered by CAIP; and

**WHEREAS**, the Parties wish to terminate the 2004 CAIP MOU between the CITY and LF by mutual consent and in accordance with the terms of the original agreement between the parties; and

**WHEREAS**, the City of El Paso (CITY) was awarded (EDA Award Number 08-39-02411) on March 31, 2004, a \$586,000 grant from the Economic Development Administration ("EDA") to operate a revolving loan fund ("RLF") with a local matching fund from the County of El Paso ("COUNTY") in the amount of \$167,000; and,

**WHEREAS**, the total grant amount in the EDA RLF to be managed by the CITY was \$753,000, of which \$1,687,210 were leveraged and disbursed in loans since its inception and has an existing balance of \$690,454.19 as of 04/30/2015; and,

**WHEREAS**, the CITY has managed the EDA RLF since inception of the program; and,

**WHEREAS**, the CITY has full responsibility for the EDA RLF and had full operation and financial management of the EDA; and,

**WHEREAS**, the loan fund has two active loans with a combined outstanding principal balance of \$20,138.32; and,

**WHEREAS**, the CITY is responsible for all Federal EDA RLF program compliance and reporting; and,

**WHEREAS**, the City Council has agreed to facilitate and execute a Substitution of Grantee document to the EDA requesting assignment of the award and program oversight from the CITY to LiftFund Inc.; and,

**WHEREAS**, LF Inc. agrees to reactivate the EDA RLF program which has not been providing new loans recently; and,

**WHEREAS**, LF is willing to assume all Federal EDA RLF program compliance and reporting requirements of the grant as of the new Award date; and,

**WHEREAS**, the COUNTY does not wish to transfer its share of the funds to Lift Fund; and,

**WHEREAS**, the CITY will draw \$207,309.02 from the EDA RLF account to return to the COUNTY their share of the fund prior to the completion of the EDA RLF transfer; and,

**WHEREAS**, the CITY and LF will contribute back into the EDA RLF account the amount of \$207,309.02 to maintain the EDA RLF account whole and in compliance with EDA regulations; and,

**WHEREAS**, LF will contribute \$107,000 and the CITY will contribute \$100,309.02. each party will provide the funds in accordance with instructions from the EDA pertaining to the transfer of the EDA RLF to LF; and

**NOW THEREFORE**, in consideration of the foregoing, the CITY and LF enter this Memorandum of Understanding to lay out the terms agreed upon by the Parties as follows:

- a) The 2004 CAIP MOU is terminated, effective the date the last party signs this MOU.
- b) The CITY and LF will comply with the following terms of this MOU, specifically:
- c) The CITY and LF agree that this MOU will be the sole MOU between the CITY and LF. Any prior MOUs between the CITY and LF are terminated by mutual consent and in accordance with the terms of any previous MOU between the parties.
- d) The CITY will assign the EDA RLF loans to Lift Fund Inc.
- e) To ensure LF has the proper liens in place. The CITY will :
  - i. File amendments to add LF as lien holder on all collateral listed on these loans.
  - ii. Incur all preparation and filing costs of legal documents needed to effectuate the transfer of liens from the City to LF.
  - iii. Assist LF in notifying all customers via US mail that their loan will be transferred to LF on the effective date directed by the EDA in the Award. The letter will include the outstanding balance, amount due, and LF contact information. The CITY will provide a list of prior write-offs for which the obligation is still in effect.
  - iv. The CITY will deliver all original loan information to LF.
- f) The CITY will prepare a final EDA report prior to transfer, any revisions required, and a final EDA RLF Financial Report that accurately reconciles the balance of funds to be transferred.
- g) The CITY will withdraw \$207,309.02 from the EDA RLF account to give El Paso County their current share of the Joint Revolving Loan Fund.
- h) The CITY will use CAIP funds in the amount of \$100,309.02 to be deposited back into the EDA RLF to make up for a portion of the shortfall in the EDA RLF resulting from the reimbursement of the funds to the County.
- i) LF will contribute funds in the amount of \$107,000 to be part of the EDA RFL to make up for the shortfall in the EDA RLF resulting from the reimbursement of the funds to the County.
- j) The CITY will transfer the entire combined EDA RLF Funds including Money Market Account 1AB27770 balance \$108,214.24 and Loan Operating Account 8377034437 with a \$374,930.93 balance. These funds will be transferred to the LF's bank account within the timeframe directed in the Lift Fund Award.
- k) The CITY agrees to hold LF harmless for any conduct, act, omission, or event that occurred prior to the transfer date.
- l) LF agrees to hold the CITY harmless for any conduct, act, omission, or event that occurs on or after the transfer date.
- m) LF will prepare and submit a grant application to the EDA for financial assistance using Form ED-900 and completing all required attachments

within 2 months of the date of execution of this MOU.

- n) Once the EDA authorizes the transfer of the EDA RLF funds to LF, LF will acquire the City of El Paso Revolving Loan Fund .
- o) LF will open an interest bearing account for the EDA RLF operations.
- p) LF will administer and manage the Revolving Loan Fund according to EDA guidelines.
- q) LF will establish a Loan Application and Review Process and identify an eligible lending area.
- r) LF will make an effort to distribute the funds in the most distressed areas of the City of El Paso, including Historically Underutilized Business (HUB) Zone, The Empowerment Zone, and Low to Moderate Income areas,
- s) LF agrees to charge interest on the EDA RLF-funded portion of the loans at rate no higher than 7%.
- t) LF will organize events in the community to inform the business community about the new loan fund.
- u) LF will provide yearly reports to the City regarding the efforts undertaken to distribute the funds in the most distressed areas of the City, including HUB Zone, the Empowerment Zone, and Low to Moderate Income Areas, as well as provide reports of the events in the community to inform the business community about the new loan fund. These reports to THE CITY will continue until all of the money transferred to LF has revolved.
- v) LF will retain the right to any recoveries for the loans previously written off under the fund.
- w) The Principal recovered will be added to the EDA RLF minus direct and reasonable collection expenses, including but not limited to:
  - i. Direct legal and collection expenses incurred during any proceedings to collect on accounts plus
  - ii. LF Staff time cost.
  - iii. LF is entitled to deduct the expenses already incurred as part of this transfer process
- x) LF will send a letter to customers to coincide with said transfer date giving them notice of:
  - i. LF payment and collection policies and procedures (including the fact that it reports to credit bureaus and escalation processes)
  - ii. A six months' timeframe for the customer to make payment arrangements and bring account current and set up new payment plan.
- y) LF will develop an updated Revolving Loan Fund Plan and send it to the EDA no later than 30 days after the official transfer. The Fund plan must include the following:
  - i. Part I of the Plan shall be titled "Revolving Loan Fund Strategy" and will summarize the agency's economic development strategy, and will

incorporate policy and portfolio standards to include client targeting, job creation standards, and eligible uses of funds.

- ii. Part II of the Plan shall be titled "Operational Procedures" and will establish all internal marketing strategies, application processes, loan review functions, and closing activities to include Federal cross-cutting requirements, ongoing monitoring, loan servicing and financial management systems controls.
- z) The CITY and LF agree that this Memorandum of Agreement shall be signed by the Mayor for the City of El Paso and/or equivalent fiduciary officers of the City and by LiftFund's President & CEO.
- aa) The CITY and LF agree that upon final approval of the Substitution of Grantee by the EDA, all rights, title, and interest in assets, liabilities and responsibilities presently held by the CITY shall be conveyed to LF under this agreement; and that the Grantee designation is *permanently* reassigned for the Grant from the CITY to LF.

BOTH PARTIES AGREE THAT THIS MEMORANDUM OF UNDERSTANDING IS NOT A CONTRACT AND CREATES NO LEGAL REQUIREMENTS UNDER THE LAW AND IS NOT ENFORCEABLE AS SUCH. THE PURPOSE FOR THIS DOCUMENT IS TO STATE THE TERMS OF THE AGREEMENT AND FACILITATE

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Memorandum of Understanding (MOU) between the City of El Paso and LiftFund Inc. to terminate the 2004 Memorandum of Understanding between the City of El Paso and LiftFund (Formerly: Accion Texas, Inc.).

NOT PRESENT FOR THE VOTE: Representatives Romero and Niland

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**19. Goal 5: Promote Transparent and Consistent Communication Among All Members of the Community**

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**19.1.** Presentation on status and general overview of Capital Projects, including:

EPIA Reconstruction of Runway 8L-26R and Construction of New Parallel Taxiway, All Districts, Vikki Ruiz, 212-1826

Ms. Vikki Ruiz, Capital Improvement, presented a PowerPoint presentation (copy on file in City Clerk's Office).

**NO ACTION** taken on this item

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**19.2.** Presentation on status and general overview of Capital Projects, including:

Kernel Circle, District 6, Julian Rodriguez, 212-1802

Mr. Julian Rodriguez, Capital Improvement, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representative Ordaz commented.

**NO ACTION** taken on this item

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

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**20.1. Lean Six Sigma Project Presentation**

Mr. Joel McKnight, Deputy Director for Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Noe and Limón commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Nancy Bartlett, Chief Performance Officer

**NO ACTION** taken on this item

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**20.2. A RESOLUTION BY THE CITY OF EL PASO IN OPPOSITION TO  
REVENUE CAPS AND LEGISLATIVE INTERFERENCE  
WITH LOCAL SERVICES**

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**WHEREAS**, during the 84<sup>th</sup> Legislative Session bills were introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses; and

**WHEREAS**, currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase; and

**WHEREAS**, bills were introduced to replace that eight percent "rollback rate" with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief; and

**WHEREAS**, according to the state comptroller's latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by less than four percent from 2012 to 2013 and 37 percent of cities actually reduced their property taxes; and

**WHEREAS**, that means property owners in at least 669 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect; and

**WHEREAS**, while the savings to individual taxpayers are very small or even non-existent, a four percent cap could represent a loss in vital city services; and

**WHEREAS**, cities collect just 16 percent of the property taxes levied in Texas, and most of the property taxes paid by Texans (55 percent) go to school districts; and

**WHEREAS**, according to the comptroller's report, the total amount of

property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent; and

**WHEREAS**, school property taxes have been rising because the legislature continues to reduce the state's share of funding for schools, which forces districts to get more revenue from property taxes.

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

1. That the City Council of the City of El Paso is OPPOSED to the legislative imposition of a revenue cap and legislative interference with local services; and
2. That imposing a revenue cap on cities: (a) does not provide meaningful tax relief; (b) robs cities of the ability to meet local needs; and (c) diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding.

**RESOLUTION BY THE CITY OF EL PASO IN SUPPORT OF THE STATE OF  
TEXAS INVESTING IN INITIATIVES TO PROTECT, PRESERVE, AND ENHANCE  
THE MILITARY VALUE OF TEXAS INSTALLATIONS**

**WHEREAS**, Texas' military installations are vital to national and state security as Texas has specialized in mobilizing and deploying over 1 million troops in the past 12 years; and

**WHEREAS**, on July 9, 2015, the U.S. Army announced that three posts in Texas will lose almost 5,000 troops by 2017 under a cost-saving plan aimed at reducing the Army's active-duty forces; and

**WHEREAS**, some of the cuts will occur through attrition but some soldiers will be forced from service impacting the soldiers' families and their military communities; and

**WHEREAS**, if sequestration returns, the Army will be forced to cut an additional 30,000 soldiers by fall 2019 making Texas' military personnel and communities even more vulnerable; and

**WHEREAS**, the impact of these cuts will be felt statewide as Texas military installations provide approximately \$150 billion to the Texas economy per year and employ more than 255,000 military and civilian personnel representing 6 percent of the state's total economic activity; and

**WHEREAS**, the economic impact of Texas' military installations is the second largest economic driver in the state behind manufacturing, and the defense sector is an important partner of numerous other private sectors such as cyber technology, transportation, and aviation; and

**WHEREAS**, the 84<sup>th</sup> Texas Legislature appropriated \$30 million to the Defense Economic Assistance Adjustment Grant (DEAAG) to assist Texas military communities with enhancing the military value of their installations; and

**WHEREAS**, this appropriation represents the largest amount ever appropriated by the Texas Legislature to the DEAAG, the Texas Military Value Task

Force recommended an appropriation of \$150 million.

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

1. That Texas' military installations are vital to the Texas economy and their local military communities; and
2. That during the interim, the Texas Legislature continue to find resources and seek solutions to assist military communities impacted by the troop reductions announced by the U.S. Army and to improve the military value of all Texas military installations.

Representatives Acosta and Niland commented.

Ms. Brie Franco, Assistant City Attorney, gave legal advice.

Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried to **APPROVE** the Resolutions for the 2015 Texas Municipal League Annual Conference.

NOT PRESENT FOR THE VOTE: Representatives Romero, Robinson, and Ordaz

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**20.3.** Presentation and discussion on the 3rd Quarter Financial Report for FY 2015.

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **REVISIT** residential infill incentives and annexation incentives and adaptive reuse as a residential incentive.

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

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

Mayor Leeser and Representatives Niland, Noe, and Acosta commented.

The following City staff members commented:

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

**NO ACTION** taken on this item

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**20.4.** **TAKEN INTO EXECUTIVE SESSION WITH EXECUTIVE ITEMS**

Discussion and action regarding a Resolution on the rate adjustment sought by Texas Gas Service Company, a division of ONE Gas, Inc., in the El Paso Area Rate Review filing of March 31, 2015.

**NO ACTION** taken on this item

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

21.1. **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:**

That the City Manager is authorized to sign a Memorandum of Agreement between the City of El Paso, the Housing Authority for the City of El Paso, and the Texas State Historic Preservation Officer regarding HACEP's mitigation plan as required by the United States Housing and Urban Development Department due to loss of a historically significant property which will result from HACEP's redevelopment of the Tays Complex, which provides affordable housing, in a form substantially similar to the attached Exhibit "A", and any changes to this form shall be approved by the City Attorney's office.

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

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

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

**WHEREAS**, on September 11, 2007, the El Paso City Council adopted a resolution that established the City's Green Building Grant Program and approved the Program Guidelines, which City Council later amended on February 9, 2010 and April 10, 2012; and

**WHEREAS**, the City's Office of Resilience and Sustainability now recommends that the Program Guidelines be further amended to include grant awards for housing developments (LEED for Homes) that are environmentally responsible and provide citizens with healthy places to live; and to authorize the City Manager or his designee to execute any and all documents ancillary and related to the operation (including reserve period extension requests) of the City's Green Building Grant Program.

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

That the City's Green Building Grant Program Guidelines are hereby amended, as recommended by the City's Office of Resilience and Sustainability, to include grant awards for housing developments (LEED for Homes) and to authorize the City Manager or his designee to execute any and all documents related to the operation (including reserve period extension requests) of the City's Green Building Grant Program.

Mr. Scott White, citizen, commented.

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

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

**EXECUTIVE SESSION**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:29 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:

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION 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 Representative Svarzbein, and unanimously carried to adjourn the Executive Session at 3:57 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

**EX1.** EP Vida, LLC Hotel Site Lease at the El Paso international Airport and the Chapter 380 Economic Development Program Agreement and Hotel and Convention Services Agreement by and between the City of El Paso and EP Vida, LLC. (551.071, 551.072 and 551.087).

**NO ACTION** taken on this item

**EX2.** PUC Tariff Control Number 44929 - Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff Pursuant to PURA §36.354. (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Acosta and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention and if necessary request a hearing in PUC Tariff Control Number 44929 - Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff Pursuant to PURA §36.354.

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.

NOT PRESENT FOR THE VOTE: Representative Romero and Robinson

**EX3.** PUC Docket 44637-Application of El Paso Electric Company to amend its Certificate of Convenience and Necessity for a 20 Megawatt Solar Photovoltaic Generation Project at Fort Bliss in El Paso County. (551.071)

**NO ACTION** taken on this item

**EX4.** San Jacinto Plaza Redesign, Solicitation No. 2014-043; Matter No. 12-1004-214 (551.071)

**NO ACTION** taken on this item

**EX5.** Barron Park, Contract No. 2014-007; Matter No. 13-1004-392 (551.071)

**NO ACTION** taken on this item

**EX6.** Appeal of Arturo Rodriguez, Our File No. 15-1065-057. (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Acosta, and unanimously carried that the City Attorney's Office be authorized to take any and all action to protect the City's interest and position, both affirmative and defensive in the case styled *Arturo Rodriguez v. State of Texas*, pending in the Municipal Court of Appeals of the City of El Paso, Texas, under Cause No. 14-MCA-3761, Ticket No. 18441565.2, our Matter Number 15-1065-057. This Motion is intended to grant broad authority to the Office of the City Attorney to take any action necessary to address these matters, including but not limited to defend the lawsuit, initiate appeals and ratify action previously taken by the City Attorney to date.

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson.

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**ADDITIONS TO THE AGENDA**  
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**CONSENT AGENDA – BOARD APPOINTMENT:**  
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**Goal 3: Promote the Visual Image of El Paso**  
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**ADD1.1.** \*Motion made, seconded, and unanimously carried to **APPOINT** Ann Morgan Lilly to the Open Space Advisory Board by Representative Cortney Niland, District 8.

.....  
**ADJOURN**  
.....

Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried to **ADJOURN** this meeting at 4:00 p.m.

NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

.....  
**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk