

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

CORRECTED - MINUTES FOR REGULAR COUNCIL MEETING

January 10, 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 8:08 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Jim Tolbert, Emma Acosta, Carl L. Robinson, Michiel Noe, and Lilia Limón. Cortney Niland requested to be excused. Late arrivals: Peter Svarzbein at 8:12 a.m. and Claudia Ordaz at 8:25 a.m. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

Valerie Mascorro
Victoria Mascorro

NOTICE TO THE PUBLIC

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of December 20, 2016 and the Legislative Review Meeting of the Whole of December 19, 2016.

NOT PRESENT FOR THE VOTE: Representative Ordaz
ABSENT: Representative Niland.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Representative Cortney Niland from the Regular City Council Meeting of January 10, 2017.

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

ACTION ON THE FOLLOWING RESOLUTIONS:

CONSENT AGENDA - RESOLUTIONS:

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

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

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

That the City Manager be authorized to sign an Industrial Site Lease by and between the City of El Paso ("Lessor") and Kalil Bottling Company of El Paso ("Lessee") for the premises described as follows:

Lots 5 and 6, Block 7, El Paso International Airport Tracts, Unit 1, City of El Paso, El Paso County, Texas, containing 61,564.00 square feet of land more or less, and municipally known and numbered as 7328 Boeing Drive, El Paso, Texas.

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

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), SL EP Industrial, LP ("Assignor") and RNDC Texas, LLC ("Assignee"), for the following described property:

A portion of Lot 7, Block 13, Butterfield Trail Industrial Park Unit Three, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 35 Celerity Wagon St., El Paso, Texas.

3.3.

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

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

THAT the City Manager be authorized to sign the Third Amendment to the Concession Agreement by and between the City of El Paso ("City") and 24-Hour Flower, Inc. ("Concessionaire") to extend the term of the Agreement through December 31, 2021 for the continued operation of a self-dispensing, refrigerated kiosk to sell flowers on the ground floor of the El Paso International Airport.

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

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:

1. That the City Manager or designee be authorized to sign the Interlocal Agreement between the City of El Paso, Texas; County of El Paso, Texas; Town of Anthony, Texas; Town of Horizon City, Texas; and the City of Socorro, Texas for the submittal of a joint grant application to the U.S. Department of Homeland Security-Operation Stonegarden 2016, in the total amount of \$1,800,000.00. The amount of \$1,111,259.00 for the City of El Paso covers overtime wages, benefits, and fuel used for law enforcement operations along routes of ingress and egress leading to and from the U.S. Mexico Border and other locations around the City in order to reduce crime in the border community and to ultimately improve the quality of life for the El Paso community.
2. That the City Manager or designee be authorized to sign any grant related paperwork, including all understanding and assurances contained therein, and accept, reject, alter or terminate the resulting grant, authorize budget transfers, and submit necessary revisions to the operational plan.
3. That the acceptance of the grant award is in the public interest and will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
4. No cash match or in-kind match is required for this grant.
5. That in the event of loss or misuse of grant funds, the governing body will return all funds to the Homeland Security Grant Division.

4.2.

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

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

That the City Manager be authorized to sign an Agreement between the **CITY OF EL PASO** and Center Against Sexual and Family Violence (CASFV), a non-profit corporation, to provide outreach emergency counseling and follow-up public health services for reported victims of sexual assault, a public health and safety function, for an annual amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00). The term of this Agreement shall start January 28, 2017 with two automatic annual renewals. The total amount of the three year period shall not exceed One Hundred and Fifty Thousand and

No/100 Dollars (\$150,000).

4.3.

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

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

That the City Manager be authorized to sign the First Amendment to Lease Agreement by and between West El Paso Boeing TX, LLC, a Delaware limited liability company ("Landlord"), and the City of El Paso ("Tenant"), allowing Tenant to do and pay for further improvements on the Premises, not to exceed One Hundred Thousand and No/100 Dollars (\$100,000.00).

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

5.1.

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

WHEREAS, on March 27, 2012 the City of El Paso ("City") entered into individual Contracts No. 2012-103R (Third Party Residential Building Inspection and Plan Review Services) ("Contracts") with ECM International, Inc., The Institute for Building Technology & Safety, Bureau Veritas North America, Inc., Code Compliance Inspections, PC, Michelle's Ventures dba Vision Consultants; and

WHEREAS, on January 27, 2015 the City exercised the Option to extend the term of the Contracts for an additional year; and

WHEREAS, the Contracts' clauses allows the term of the agreement to extend automatically on a month-to-month basis not to exceed six (6) months if the City has not obtained another services contractor by the expiration date of the term of the contract; and

WHEREAS, on September 6, 2016, the City extended the term of the contract for an additional (120) day period beyond the six (6) month-to-month period to end on January 27, 2017, to allow the City to implement a new Third Party Plan Review Inspection Services process; and

WHEREAS, the City has not competed the implementation of the new Third Party Plan Review Inspection Services process; and

WHEREAS, the City desires for ECM International, Inc., The Institute for Building Technology & Safety, Bureau Veritas North America, Inc., Code Compliance Inspections, PC, Michelle's Ventures dba Vision Consultants to provide services for an additional one hundred eighty (180) day period; and

WHEREAS, ECM International, Inc., The Institute for Building Technology & Safety, Bureau Veritas North America, Inc., Code Compliance Inspections, PC, Michelle's Ventures dba Vision Consultants are able to and agree to extend the term of the individual Contracts to add an additional one hundred eighty (180) day period.

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

That the City Manager or Designee be authorized to extend the term of the individual Contracts No. 2012-103R (Third Party Residential Building Inspection and Plan Review Services) with ECM International, Inc., The Institute for Building Technology & Safety, Bureau Veritas North America, Inc., Code Compliance Inspections, PC, Michelle's Ventures dba Vision Consultants for an additional one hundred eighty (180) days, ending on July 25, 2017, to be compensated at the per inspection contract rates.

5.2.

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

WHEREAS, on July 8, 2014, the City of El Paso awarded Contract No. 2014-296 Group C, Group D, Group H, Items 1, 2, 3, 6, 7, & 9 to Crystal Ice Cream ("Company"); and

WHEREAS, the City finds that the Company is in default of the provisions of the Contract because the vendor cannot provide the services required under the Contract; and

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

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

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

That the Purchasing & Strategic Sourcing Director is authorized to notify Crystal Ice Cream, that the City is terminating Contract No. 2014-296 for default effective January 10, 2017, pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor's failure to provide the services pursuant to the contract.

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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.

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

A RESOLUTION OF THE CITY OF EL PASO, TEXAS HEREIN AFTER REFERRED TO AS "APPLICANT," DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT AND IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS "DEPARTMENT," FOR THE PURPOSE OF PARTICIPATING IN THE RECREATIONAL TRAILS GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM"; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THE APPLICANT'S EXISTING CONTRIBUTION FROM 2012 QUALITY OF LIFE BOND FUNDS; AND UTILIZING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USES.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the department concerning the Program;

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

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that the notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the City of El Paso has committed funds from the 2012 Quality of Life Bonds to be expended for this application and are readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its Parks and Recreation Department to act for the Applicant in dealing with the Department for the

purposes of the Program, and that the Director of the Parks and Recreation Department, Tracy Novak, is hereby officially designated as the Applicant's representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the City Manager and the Applicant's representative to submit an application to the Department concerning the site to be known as the Playa Drain Trail Project, more specifically the portion of the trail connecting Ascarate to Riverside, in the City of El Paso for \$200,000 for the purpose of providing additional funding to supplement the aforesaid Project which is hereby dedicated for public park and recreation purposes in perpetuity.

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

SECTION 5: That the Parks and Recreation Department is hereby authorized to expend any funds that are awarded by the Program for the Ascarate to Riverside Connector Portion of the Playa Drain Trail Project.

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7. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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7.1. RESOLUTION

WHEREAS, the Alamito Public Facilities Corporation, a public facility of the Housing Authority of the City of El Paso, Texas, is in the process of issuing its Multi-Family Housing Revenue Bonds:

\$16,000,000 Alamito Public Facilities Corporation Multi-Family Housing Revenue Bonds (HACEP RAD Conversion Program Phase IIIA (Rio Grande Three) Project) and

\$25,000,000 Alamito Public Facilities Corporation Multi-Family Housing Revenue Bonds (HACEP RAD Conversion Program Chelsea Plaza Apartments Project);

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the Highest Elected Official of the local governmental unit having jurisdiction over the area in which such facility is located after a public hearing following reasonable notice to the public;

WHEREAS, HACEP published a Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on December 17, 2016, and held a public hearing on Tuesday, January 3, 2017;

WHEREAS, HACEP now requests that the Mayor sign a Certificate of Approval of the Highest Elected Official;

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

That the Mayor be authorized to sign the Certificate of Approval of the Highest Elected Official attached to this Resolution as Exhibit "A" for the sole purpose of compliance with Section 147(f) of the Internal Revenue Code of 1986.

Representative Acosta commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

1ST MOTION

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

2ND AND FINAL MOTION

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

ABSENT: Representative Niland

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

8.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Robert Fierro to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Lily Limón, District 7.

8.2. *Motion made, seconded, and unanimously carried to **RE-APPOINT** James Schwitters to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Cortney Niland, District 8.

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

9.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Abraham M. Monteros to the Civil Service Commission by Representative Jim Tolbert, District 2.

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

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

1. Else Mc Afee in the amount of \$6,000.00 overpayment on November 7, 2016 of 2016 taxes. (Geo. # A700-999-0150-1500)
2. Desert View Construction in the amount of \$95,878.44 overpayment on February 29, 2016 of 2015 taxes. (Geo. # B696-999-0020-1400)
3. Kinder Morgan Energy Partners LP in the amount of \$20,000.00 overpayment on January 31, 2016 of 2015 taxes. (Geo. # E362-999-0010-0100)
4. Stuart C. Cox, Trustee in the amount of \$3,931.12 overpayment on October 31, 2016 of 2016 taxes. (Geo. # N229-999-0080-2200)
5. Wells Fargo Real Estate Tax Services, LLC in the amount of \$4,003.37 overpayment on December 22, 2016 of 2016 taxes. (Geo. # T820-999-0370-0400)

CONSENT AGENDA - NOTICE FOR NOTATION:

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

11.1. 1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Limón, seconded by Representative Tolbert, and carried to **POSTPONE** two weeks the item for Notation: Contract with Bacon Lee & Associates for \$24,000 to create Mexican American Cultural Center (MACC) project development benchmarks that align to timeline of the pledged \$20 million in private sector fundraising.

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

NAYS: Representatives Svarzbein and Noe

ABSENT: Representative Niland

Representative Limón commented.

CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

- 12.1.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2016-1263 Armed Security Guard Services to Ruiz Protective Services, Inc. for an initial term estimated award of \$55,631.68. The award is to include a two (2) year optional amount of \$166,895.04 for a total five (5) year award of \$278,158.40.

Department:	Public Health
Award to:	Ruiz Protective Services, Inc. Dallas, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 55,631.68
Initial Term Estimated Award:	\$ 166,895.04 (3 years)
Total Estimated Award:	\$ 278,158.40 (5 Years)
Account No.:	341-1000-41170-522120-P4103
Funding Source:	General Fund

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Public Health Department recommends award to Ruiz Protective Services, 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.

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

- 13.1.** *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing Department to exercise the City's option to extend current Contract 2014-083 (Re-Bid) Animal Food Produce with OLUS Distributing, Inc. for one (1) additional year pursuant to the provisions of an award approved by the City Council

on March 25, 2014. The extended contract period will be from March 25, 2017 through March 24, 2018.

Department: Zoo
Award to: OLUS Distributing, Inc.
El Paso, Texas
Item(s): All
Option: (1) one year
Annual Estimated Award: \$99,416.00
Total Estimated Award: \$99,416.00 (1 year)
Account No.: 3400-452-52140-P5241-531100
Funding Source: Zoo Operations

This is a Best Value, services contract.

CONSENT AGENDA - REQUEST FOR PROPOSAL:

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

- 14.1.** *Motion made, seconded, and unanimously carried to **DELETE** the Resolution authorizing the Mayor to sign a Consulting Agreement by and between the City of El Paso, Texas, acting in its capacity as the fiscal agent of the El Paso Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("EPMPO") and Alliance Transportation Group, Inc. ("Alliance") regarding the development of the 2045 Metropolitan Transportation Plan ("MTP") and Transportation Conformity Report for the total consideration of FOUR HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND 92/100 DOLLARS (\$477,200.92). The Agreement shall run for thirty-six (36) months from its execution, with an option to extend for an additional twenty-four (24) months).

This is a Request for Qualifications, service contract.

CONSENT AGENDA - BIDS:

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

- 15.1.** *Motion made, seconded, and unanimously carried to **AWARD, AS REVISED** Solicitation No. 2017-251 for Rehabilitation of Ysleta-Zaragoza International Bridges to International Eagle Enterprises, Inc. for estimated award of \$226,768.50.

Department: Capital Improvement
Award to: International Eagle Enterprises, Inc.
El Paso, TX
Item(s): All
Initial Term: 75 Consecutive Calendar Days
Base Bid: \$ 226,768.50
Total Estimated Award: \$ 226,768.50
Account No.: 564-3305-64840-532000-PCP17IB001
Funding Source: Bridge Enterprise Fund

This is a Low Bid, unit price contract.

The Purchasing and Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to International Eagle Enterprises, Inc., the lowest responsive, responsible bidder.

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

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

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

MAYOR'S PROCLAMATIONS

- 1. Crime Stoppers Month**
- 2. El Paso Day of Dignity and Solidarity**
- 3. National Mentoring Month**

RECOGNITIONS

Housing Authority of the City of El Paso's Home Ownership and Family Self-Sufficiency Programs

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

The following members of the public commented:

1. Mr. Rene Fierro
2. Mr. Pierre Andre Ezarraga
3. Ms. Wally Cech
4. Mr. Steven Strumer
5. Mr. Jorge Artalejo
6. Mr. Raul Castaneda

Mayor Leeser and Representative Tolbert commented.

REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Representative Acosta, 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:

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

NAYS: None

ABSENT: Representative Niland

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16. Goal 3: Promote the Visual Image of El Paso:
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- 16.1.** An Ordinance changing the zoning of East 80.5 feet of Lot 149, Sunrise Acres No.2, 4752 Atlas Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-2/c (Apartment/condition) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4752 Atlas Avenue. Property Owner: Porfirio Guevara. PZRZ16-00036

PUBLIC HEARING WILL BE HELD ON FEBRUARY 7, 2017

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS
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17. Goal 3: Promote the Visual Image of El Paso
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- 17.1.** Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing Department to exercise the City's option to extend current Contract 2014-103 Grounds Maintenance for El Paso City Parks – Mowing with Abescape Landscaping & Irrigation, LLC for two (2) additional years pursuant to the provisions of an award approved by the City Council on March 11, 2014. The extended contract period will be from March 11, 2017 – March 10, 2019.

NOT PRESENT FOR THE VOTE: Representatives Tolbert and Ordaz

ABSENT: Representative Niland

Department:	Parks and Recreation
Award to:	Abescape Landscaping & Irrigation, LLC
	El Paso, TX
Item(s):	All
Option to Extend:	2 years
Annual Estimated Award:	\$ 268,380.00
Total Estimated Award:	\$ 536,760.00 (2 Years)
Account No.:	451-51295-522210-2305-P5119
Funding Source:	Environmental Fee

This is a Best Value, service contract.

Representative Limón commented.

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17.2. Motion made by Representative Acosta, seconded by Mayor Pro Tempore Noe, and carried to **AWARD** Solicitation No. 2017-417 General Cleaning – Parks and Recreation Facilities to Ace Government Services, LLC for an initial (3) year term estimated award of \$2,644,043.40. The award is to include a two (2) year optional amount of \$1,762,695.60 for

a total five (5) year award of \$4,406,739.00. The period of performance is from January 11, 2017 through January 10, 2020.

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

NAYS: Representative Limón

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Niland

Department:	Parks and Recreation
Award to:	Ace Government Services, LLC
	El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 881,347.80
Initial Term Estimated Award:	\$ 2,644,043.40 (3 years)
Total Estimated Award:	\$ 4,406,739.00 (5 Years)
Account No.:	451-51230-522060-1000-P5106
	451-51260-522060-1000-P5110
	451-51260-522060-1000-P5111
	451-51270-522060-1000-P5114
	451-51280-522060-1000-P5116
Funding Source:	General Fund

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Parks and Recreation Department recommend award to Ace Government Services, LLC, 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.

Representative Limón commented.

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice.
2. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
3. Ms. Diane Nunez, Purchasing and Strategic Sourcing

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

- 18.1.** Motion made by Representative Acosta, seconded by Representative Svarzbein, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue Purchase Orders to Truck Enterprises, Inc. the sole source vendor for the purchase of AutoCar Proprietary Parts and Service, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Niland

Department:	Streets and Maintenance
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Award to: Truck Enterprises, Inc.
El Paso, TX
Annual Estimated Amount: \$166,666.66
Total Estimated Award: \$500,000.00 (3 years)
Account No.: 532-37020-531210-3600-P3711
532-37020-531250-3600-P3701
Funding Source: Internal Service Fund
Inventory Purchases Materials and Supplies
Equipment Outside Repair Services
Sole Source No.: 2017-613

This is a sole source, service contract.

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- 18.2.** Motion made by Representative Acosta, seconded by Representative Svarzbein, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to exercise the City's option to extend current Contract 2014-050 Vehicle Offsite Fueling with Western Refining Wholesale Inc., for two (2) additional years pursuant to the provisions of an award approved by the City Council on January 28, 2014. The extended contract period will be from January 28, 2017 to January 27, 2019.

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

Department: Streets and Maintenance
Award to: Western Refining Wholesale Inc.
El Paso, TX
Option: One [of One]
Annual Estimated Amount: \$950,000.00
Total Estimated Amount: \$1,900,000.00 (2 years)
Account No.: 532 – 37020 – 531240 – 3600 - P3710
Funding Source: Internal Service Fund – Fuel Inventory
Purchases

This is a low bid, service contract.

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

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- 19.1.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz, and unanimously carried to **DELETE** an Ordinance amending Title 6 of the El Paso City Code (Transportation for Hire); revising Chapter 6.04 to update definitions; add Article VII (Group Cycle Operations); and correct typographical errors; the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

Assistant Police Chief Victor Zarur presented a PowerPoint presentation (copy on file in City Clerk's Office).

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Niland

Mayor Leeser and Representatives Ordaz, Robinson, Limón, Svarzbein, and Noe commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

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

20.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks an Ordinance changing the zoning of the real property known as: Being all of Tract 3, J.L. Johannsen Survey No. 185, City of El Paso, El Paso County, Texas, from R-3 (Residential) to S-D (Special District) Pursuant to Section 20.04.360, and providing a Detailed Site Development Plan Pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code to allow for Other Retail (low-volume), Professional Offices, & Self- Storage Warehouses. Subject Property: 5980 Johannsen Rd. Owner: Johannsen Development Group, Inc. PZRZ16-00019

20.2. Motion made by Representative Ordaz, seconded by Representative Svarzbein, and unanimously carried to **POSTPONE** two weeks an Ordinance changing the zoning of the South of 65 ft. of Lot 205 and all of Lot 206, Sunrise Acres No. 2, 4805 Apollo Drive, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-MU (Residential-Mixed Use), and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4805 Apollo Drive. Property Owner: Zima Properties. PZRZ16-00032

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Niland

Representative Ordaz commented.

REGULAR AGENDA - OTHER BUSINESS

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

21.1. Update on the International Bridges Department's operations and review and discussion on the quarterly report for the reimbursable services agreement authorized under Section 560 which allows the City to pay for Customs and Border Protection overtime in an effort to reduce wait times at City owned ports of entry and staff all lanes during peak hours.

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

Representative Limón commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

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

That the Mayor be authorized to sign a Donations Acceptance Agreement by and between the U.S. Department of Homeland Security, U.S. Customs and Border Protection ("CBP"), the U.S. General Services Administration, Public Buildings Service and the City of El Paso ("City"), for the City's removal of a traffic median at the Ysleta Port of Entry and reconstruction of the affected commercial inspection lanes in accordance with CBP's operational needs ("Project"), through the Section 559 program which allows for the donation of infrastructure improvements.

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

Representative Ordaz commented.

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

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Tolbert

ABSENT: Representative Niland

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

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22.1. Presentation update from Housing Authority of the City of El Paso (HACEP) on the Rental Assistance Demonstration (RAD) program for FY17 Q1.

Mr. Javier Camacho, Public Information and Government Relations Officer for HACEP, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Noe, Limón and Ordaz commented.

NO ACTION taken on this item

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

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

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23.1. Report on management's review of grievance filed by ATU Local 1256 regarding longevity.

Mayor Leeser and Representatives Svarzbein, Robinson, Limón and Acosta commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Nancy Bartlett, Chief Performance Officer
3. Ms. Sylvia Firth, City Attorney, gave legal advice.
4. Ms. Linda Ball Thomas, Director of Human Resources
5. Ms. Elizabeth Ruhmann, Assistant City Attorney

6. Ms. Mary Michel, Human Resources Manager
7. Mr. Eduardo Calderon, Chief Internal Auditor

The following members of the public commented:

1. Mr. David Guzman

NO ACTION taken on this item

23.2.

ORDINANCE 018707

1ST MOTION

Motion made by Representative Acosta, seconded by Representative Ordaz, and carried to **DIRECT** the City Manager to come back to City Council with options for a longevity pay increase for employees upon the second year of service and every two years thereafter.

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

NAYS: Representative Limón

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Niland

2ND MOTION

The City Clerk read an Ordinance entitled **AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND 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.**

Motion duly made by Representative Acosta, 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, Acosta, Robinson, Noe, and Ordaz

NAYS: Representative Limón

NOT PRESENT FOR THE VOTE: Representative Tolbert

ABSENT: Representative Niland

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Edmundo Calderon, Chief Internal Auditor
3. Ms. Mary Michel, Human Resources Manager
4. Ms. Sylvia Firth, City Attorney, gave legal advice.
5. Ms. Elizabeth Ruhmann, Assistant City Attorney
6. Ms. Nancy Bartlett, Chief Performance Officer

The following members of the public commented:

1. Mr. David Guzman
2. Ms. Yvette Trujillo

24. MAYOR AND COUNCIL

24.1. *Motion made, seconded, and unanimously carried to **DELETE** the item for the Update on the Texas Military Summit held on December 8, 2016.

24.2. *Motion made, seconded, and unanimously carried to **DELETE** the item on the Presentation and discussion on State wide legislative issues affecting Texas cities in the upcoming 85th Legislative session.

24.3.

RESOLUTION

WHEREAS, DREAMers are an important component of our community, and of great importance to local, state and federal government entities of the United States;

WHEREAS, DREAMers were brought to the United States as young children and many have only known the El Paso community and the State of Texas as their home;

WHEREAS, DREAMers have enrolled in and graduated from El Paso public schools, El Paso Community College, and the University of Texas at El Paso (UTEP);

WHEREAS, DREAMers have decided to make a home in El Paso and have started families of their own;

WHEREAS, President Obama's DACA Initiative has allowed these individuals a way to come out of the shadows and be productive members of our society;

WHEREAS, the federal government must commit to not mass deport DREAMers before it has a plan for fixing an immigration system that has long been broken and to allow these dedicated individuals to continue to create a better nation;

WHEREAS, denying these DREAMers their livelihoods, would destroy families, destroy the economic viability of our community and destroy the future of millions of Americans;

WHEREAS, mass deportation would cost the federal government nearly \$900 billion in lost revenue over 10 years;

WHEREAS, a policy of mass deportation would immediately reduce the nation's GDP by 1.4 percent, and ultimately by 2.6 percent, and reduce cumulative GDP over 10 years by \$4.7 trillion;

WHEREAS, in two years, mass deportation would require increasing the number of federal immigration apprehension personnel from 4,844 positions to 90,582 positions, increasing the number of immigration detention beds from 34,000 to 348,831, increasing the number of immigration courts from 58 to 1,316, and increasing the number of federal attorneys legally processing undocumented immigrants from 1,430 to 32,445;

WHEREAS, the United States is a land of immigrants, and the migration of people and families from all corners of the world has enriched the American culture;

WHEREAS, El Paso is the safest city in the United States for the past four years and immigrant families have helped contribute to its safety;

WHEREAS, our nation's progress is rooted in values that promote a diversified economy, protect family unity, and opportunity and liberty for all sectors of our society;

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

That the City of El Paso, and its duly elected Mayor and Representatives, support DREAMers and their families in El Paso;

That the City of El Paso supports a bi-partisan effort in Congress to enact comprehensive immigration reform and provide these DREAMers, along with other undocumented immigrants, a path to citizenship;

That the City of El Paso will provide input and support policies within the incoming administration that are humane and respect the rights of DREAMers who were brought to the United States.

Representative Limón commented.

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

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

ITEMS 24.4 THROUGH 24-7 TAKEN TOGETHER

24.4. 1ST MOTION

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

2ND MOTION

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

3RD MOTION

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz, and carried to **DIRECT** the City Manager to include in the feasibility study for the location of the Multipurpose Cultural and Performing Arts Center all 1000 feet of the footprint of the Convention Center and to exclude the Abraham Chavez Theater.

AYES: Representatives Acosta, Robinson, Noe, and Ordaz

NAYS: Representatives Svarzbein, Tolbert and Limón

ABSENT: Representative Niland

4th AND FINAL MOTION

Motion made by Representative Tolbert, seconded by Mayor Pro Tempore Noe, and unanimously carried to **DIRECT** the City Manager to guarantee that the Convention Center will remain in operation.

ABSENT: Representative Niland

Discussion and action to direct the City Manager to provide realistic and accurate cost estimates for the following items regarding the Convention Center/MPC site:

1. To provide an accurate cost estimate of the potential loss of revenue from the Convention Center, the loss of revenue from tax rebates, the cost of not honoring the 380

agreements in place and the loss of the HOT tax revenue and how that will impact paying the baseball stadium debt.

2. To provide an estimate for the cost liabilities associated with canceling the events that are already booked at the Convention Center.
3. Provide an estimate for liabilities associated with the 380 agreements in place and any other direct or indirect costs involved.
4. Estimates of any other direct or indirect costs involved with moving the MPC site to the Convention Center site.
5. Provide the total amount that has already been spent on this project.

Mayor Leeser and Representatives Svarzbein, Robinson, Noe, Limón, Acosta, Ordaz, and Tolbert commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Khalil Zaied, Deputy City Manager for Public Works
3. Ms. Sylvia Firth, City Attorney, gave legal advice.
4. Mr. Bryan Crowe, General Manager for Destination El Paso
5. Mr. Cary Westin, Deputy City Manager of Economic Development and Tourism

The following members of the public commented:

1. Mr. Jack Chapman
2. Mr. Richard Dayoub
3. Mr. Gary Borsch
4. Ms. Jacklyn Watters
5. Ms. Yolanda Chavez Leyva
6. Ms. Michelle Luevano
7. Dr. Selfa Chew
8. Ms. Melissa Lugo
9. Mr. Marcos Munoz
10. Ms. Marilyn Guida
11. Mr. Miguel Juarez
12. Mr. Charles Stapler
13. Ms. Wally Cech
14. Ms. Citlalic Jeffers
15. Mr. Max Grossman
16. Ms. Romelia Mendoza
17. Mr. Michael Patino
18. Ms. Aurelia Leos
19. Mr. Michael Hradek
20. Mr. Guillermo Garcia
21. Mr. William Giraldez
22. Mr. Brian Kanof
23. Mr. Jose Quintero
24. Mr. Joe Molinar
25. Mr. Jud Burgess
26. Ms. Sol Martinez
27. Mr. Richard Wright

24.5. Discussion and action on what funding source the city plans to use to pay for the

Multipurpose Center.

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24.6. Discussion and action to direct the City Manager to provide a realistic and accurate presentation on how the proposed arena can be built on the Convention Center campus to exclude the Abraham Chavez theater.

1. To show no potential loss of revenue from the Convention Center, loss of revenue from tax rebates, continue honoring the 380 agreements in place and no loss of the HOT tax revenue plus how that will impact paying the baseball stadium debt.
2. To show no cancelation of any events that are already booked at the Convention Center.
3. Estimates of any other direct or indirect costs involved with moving the MPC site to the Convention Center site.
4. Provide the total amount that has already been spent on this project and how that same funding will be useful in the determination of the new site.
5. Provide estimated costs that were scheduled to be paid to residents displaced by the arena, cost to purchase property to include legal expenses and third party contracts.

Discussion and action on what funding source the city plans to use to pay for it.

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24.7. Discussion and action on the Multi Purpose Center/Arena.

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The City Council Meeting was **RECESSED** at 12:35 p.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 12:52 p.m.

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EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Noe, seconded by Representative Limón, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:19 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: Representative Tolbert
ABSENT: Representative Niland

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

Motion made by Mayor Pro Tempore Noe, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 4:47 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

EX1. Rene Ebarguen v. City of El Paso; Matter No. 11-1006-073 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Robinson, and unanimously carried that outside counsel for the City of El Paso, in consultation with the City Attorney, be authorized settlement authority to resolve the case entitled *Rene Ebarguen, vs. City of El Paso*, Cause No. 2011-1417. The City Attorney, through outside counsel for the City of El Paso, is authorized to negotiate a settlement agreement and sign all documents to effectuate this authority under Matter No. 11-1006-073 as recommended by the City Attorney.

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

- EX2.** 9.240 acres of land being a portion of Tracts 7A and 8C, Block 55, Ysleta Grant, City of El Paso, El Paso County, Texas. (551.072 and 551.087)

NO ACTION taken on this item

- EX3.** Multipurpose Arena (551.071)

NO ACTION taken on this item

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ADJOURN

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Noe, and unanimously carried to **ADJOURN** this meeting at 4:49 p.m.

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

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APPROVED AS TO CONTENT:

Laura D. Prine, Interim City Clerk