

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

July 26, 2016
COUNCIL CHAMBERS, CITY HALL
8:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:03 a.m. Mayor Pro Tempore Michiel Noe present and presiding and the following Council Members answered roll call: Jim Tolbert, Carl Robinson, Claudia Ordaz, Lilia Limón, and Cortney Niland. Late arrivals: Peter Svarzbein at 8:18 a.m. and Emma Acosta at 8:23 a.m. Mayor Oscar Leeser requested to be excused. The invocation was given by Rabbi Ben Zeidman, followed by the Pledge of Allegiance to the Flag of the United States of America

INVOCATION BY RABBI BEN ZEIDMAN

PLEDGE OF ALLEGIANCE

Diego Luis Macias
Our Lady of the Valley Catholic School

NOTICE TO THE PUBLIC

Motion made by Alternate Mayor Pro Tempore Robinson, 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 Tolbert, Robinson, Noe, Ordaz, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

CONSENT AGENDA - APPROVAL OF MINUTES:

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1. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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- 1.1.** *Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of July 12, 2016, the Legislative Review Meeting of the Whole of July 11, 2016, the City Council Work Session of July 11, 2016, the Special City Council Meetings - FY2017 Budget Hearings of June 28, 2016, June 29, 2016, and June 30, 2016.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Mayor Oscar Leeser from the Regular City Council Meeting of July 12, 2016.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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ACTION ON THE FOLLOWING RESOLUTIONS:
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CONSENT AGENDA - RESOLUTIONS:
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3. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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3.1. *R E S O L U T I O N

WHEREAS, on May 31, 2016, the City of El Paso awarded Contract No. 2016-589 (Janitorial Services—International Bridges) to Ace Government Services LLC; and

WHEREAS, the City finds that the Company is in default of the provisions of the Contract because the vendor failed to provide the required performance bonds required under the Contract; and

WHEREAS, pursuant to Part 4, 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 Ace Government Services LLC, that the City is terminating Contract No. 2016-589 for default effective July 26, 2016, pursuant to the provisions and requirements of Part 4, Paragraph 8B of the Contract Clauses, due to contractor's failure to provide the

required performance bonds.

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 Janitorial Services Contract ("Contract") entered into by and between the CITY OF EL PASO ("City") and TIBH INDUSTRIES, INC. and GOODWILL SERVICES, the performing party, to provide janitorial services for the International Bridges Department's facilities for a one-year term beginning on September 1, 2016 and continuing through August 31, 2017 for a cost not to exceed \$120,060.00.

Representatives Noe and Limon commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Terry Freiburg, Purchasing Agent

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representatives Tolbert and Limón

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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 Butterfield Trail Industrial Park Lease Agreement between the City of El Paso as Landlord and Hunt 12 Founders, LLC as Tenant, regarding the following described property:

Portions of Lots 1, 2, and 9 and all of Lot 10, Block 2, Butterfield Trail Industrial Park Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas, containing approximately 325,219 square feet or 7.4665 acres of land, more or less, municipally known and numbered as 12 Founders Blvd., El Paso, Texas, as shown on Exhibit "A" to said Lease.

3.4.

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

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

That the Director of Aviation be authorized to sign and submit a grant application and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection

with the application process for the Airport Improvement Program (AIP) Project No. 3-48-0077-035-2015;

That upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, any related grant modifications, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney's Office, and that such authorization will include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements;

That the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant, and

That the total grant amount for the following projects shall include a federal estimated share of \$4,950,000.00 and a local estimated share of \$550,000.00, and the total grant amount and local share will be determined by the final costs associated with the identified projects:

Reconstruction Runway 8L-26R, Taxiways "U", "V" and New
Parallel Taxiway- Construction

3.5.

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

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

That the City Manager be authorized to sign the Fourth Amendment to the Economic Development Program Grant Agreement of the City of El Paso by and between the City of El Paso and the Medical Center of the Americas Foundation; a First Amendment to Subordinated Lien Agreement by and among the City of El Paso; Citizens Bank of Las Cruces; BCCCXII, LLC; COCRF SubCDE 30, LLC; MCA Tech Park, Inc.; Medical Center of the Americas Foundation, and MCAmericas Holding, Inc., and any other documents approved by the City Attorney necessary and proper to create a valid third lien interest against the Cardwell Collaborative securing the City's interests and pledging the net funds received by the Medical Center of the Americas Foundation from the New Market Tax Credit refinancing to pay debt service.

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:

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (the "City") and the County of El Paso (the "County") related to the Texas Veteran's Commission Veterans Treatment Court FY16 grant funding to set forth responsibilities and salary reimbursement of up to \$46,505.00 for a Police Officer assigned to the El Paso County Veteran's Court for the period July 1, 2016 through June 30, 2017. No cash or in-kind match is required from the City.

5.

Goal 3: Promote the Visual Image of El Paso

5.1.

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

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN PZDS16-00009 FOR TRACT 14-E-1, J.M. JETT SURVEY NO. 155, EAST OF DONIPHAN

DRIVE AND NORTH OF SUNSET DRIVE, 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 January 14, 1986, City Council rezoned the property described as a Tract 14-E-1, J.M. JETT Survey No. 155, East of Doniphan Drive and North of Sunset Drive, City of El Paso, El Paso County, Texas, to C-4/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 any building permits; and,

WHEREAS, the property owner, The Substation, LLC (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-4/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 Tract 14-E-1, J.M. JETT Survey No. 155, East of Doniphan Drive and North of Sunset Drive, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A" the City Council hereby approves the detailed site development plan. The detailed site development plan is subject to the development standards in the C-4/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-4/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-4/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.

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

6.1.

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

WHEREAS, the State of Texas, on behalf of its Department of Transportation, has contracted with Abrams-Kiewit Joint Venture ("AKJV") to design and construct the Border Highway West Expansion Project, and that upon completion, the Border Highway West Expansion Project will become a State highway; and

WHEREAS, the construction of the Border Highway West Expansion Project will benefit the community; and

WHEREAS, AKJV has requested permission for a temporary right-of-entry to relocate, construct and install a 48-inch water line and two (2) 42-inch sanitary sewer lines, if necessary, on identified parcels of City property by mid-August in order to meet a time line identified by El Paso Water Utilities/Public Service Board to allow for the installation of valves and minimize the time that the water line is out of use; and

WHEREAS, City and AKJV desire to enter into an agreement wherein the City will grant to AKJV a right of entry for the relocation, construction and installation of the identified waterline and two (2) 42-inch sanitary sewer lines, if necessary.

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

That the City Manager is authorized to sign a Temporary Right-of-Entry Agreement by and between the City of El Paso and Abrams-Kiewit Joint Venture to allow for the relocation, construction and installation of an identified waterline and two (2) 42-inch sanitary sewer lines, if necessary, on a portion of Lots 30 and 31, Sundown Addition, El Paso, El Paso County, Texas, municipally known as 120 Courchesne St., El Paso, Texas, which relocation is required for the Border Highway West Expansion Project.

6.2.

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

WHEREAS, there are existing City of El Paso ("City") bus stops and bus shelters along roadways and rights of way within the control of the Texas Department of Transportation ("TxDOT");

WHEREAS, the City desires to install new bus shelters and bus pads at various bus stops located along and within the rights-of way under the control of TxDOT;

WHEREAS, on April 26, 2011, the City Council authorized the City Manager to sign a Multiple Use Agreement with the Texas Department of Transportation, for the purpose of allowing the City access to TxDOT roadways and rights-of- way for installation of new City bus shelters located along and within TxDOT rights-of way and this Multiple Use Agreement was approved by TxDOT on behalf of the State of Texas on May 25, 2011 ("May 25, 2011 Multiple Use Agreement"); and

WHEREAS, TxDOT has approved supplements to the May 25, 2011 Multiple Use Agreement to allow for the enhancement of bus pads located along and within TxDOT rights-of-way.

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

That the City Manager be authorized to sign Supplemental Agreements to the May 25, 2011 Multiple Use Agreement with the Texas Department of Transportation

for construction, maintenance, and operation of passenger shelters for its Mass Transit System, a/k/a Enhancement of Bus Pads, throughout the City of El Paso, which will allow for additional locations which are needed for passenger shelters for the City Mass Transit System without further authorization from the City Council in a format approved by the City Attorney's Office, and

That any Supplemental Agreements to the May 25, 2011 Multiple Use Agreement previously signed on behalf of the City of E Paso, are hereby ratified.

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

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

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2016 BUDGET RESOLUTION

WHEREAS, the City Council adopted the Budget Resolution for FY 2016 on August 18, 2015; and

WHEREAS, paragraph 51 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the City Council wishes to comply with the recent reduction in the maximum administration fee for Texas Vaccines for Children immunizations for patients not covered by Medicaid or CHIP.

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

That Schedule C, attached to the FY 2016 Budget Resolution and effective September 1, 2015, shall be amended, effective July 26, 2016, as set forth in Attachment A, to reduce the maximum administration fee for Texas Vaccines for Children immunizations for patients not covered by Medicaid or CHIP; and

THAT, City Council authorizes the Director of the Department of Public Health to establish a reduced immunizations program and set variable charges within the specified price range listed in Attachment A, based on the need for special health events including vaccine administration in order to assist members of the local community who are uninsured or underinsured.

ATTACHMENT A					
Line No.	Department	Account	Fee Description	Detail 2016 Adopted	FY2016 Adopted Fee
1914	Public Health	431360	Children's Vaccines	Per Vaccine	\$15.00
Line No.	Department	Account	Fee Description	Detail 2016 Adopted	FY2016 Revised Fee
	Public Health	431360	Administration Fee for TVFC vaccines	One Vaccine	\$0 - \$10 *
	Public Health	431360	Administration Fee for TVFC vaccines	Two or more vaccines	\$0 - \$15 *
* At Health Director's discretion					

7.2. *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 Consent to Assignment Agreement by and among the City of El Paso ("City"), and Victor A. Robles, Victor Rejino and Victor F. Nevarez, DBA RNR Properties ("Assignor"), and RNR Holdings, LLC ("Assignee") with respect to the the City of El Paso's Investor Home Program Written Agreement executed on November 15, 2012, as amended on January 21, 2014.

7.3.

***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 a Lease Agreement between the City of El Paso (Landlord) and Pro-Action, Inc. (Tenant), for the building located at 6292 Trowbridge Drive, El Paso, Texas, to operate "Immunize El Paso", a clinic which provides free or low-cost health services, for an initial term beginning on the effective date of the Lease for a 10-year period, at a rental rate of \$1.00 for the initial term, and the initial term may be extended for two, 5-year terms by the Tenant.

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** Ismael Legarreta to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Lily Limón, District 7.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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

- 9.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Robert Gonzales to the Bicycle Advisory Committee by Representative Peter Svarzbein, District 1.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

CONSENT AGENDA - BOARD APPOINTMENTS:

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

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

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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

- 11.1. *Motion made, seconded, and unanimously carried to **APPOINT** Jose F. Cardenas to

the Zoning Board of Adjustment, as an alternate member, by Representative Michiel Noe, District 5.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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- 11.2.** *Motion made, seconded, and unanimously carried to **DELETE** the appointment of John Karlsruher to the Building and Standards Commission, as an alternate member in the Category of Engineer, by Representative Jim Tolbert, District 2.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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CONSENT AGENDA - NOTICE FOR NOTATION:

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

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- 12.1.** *Motion made, seconded, and unanimously carried to **ACCEPT** the donation of \$500.00 from UP Railroad Company and \$500.00 from Waste Connections for District 7 Summer Fun Programs.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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

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- 13.1.** *Motion made, seconded, and unanimously carried to **APPROVE, AS REVISED** notation of upcoming Urban Energy Forum, which will take place on August 18, 2016 from 1 p.m. to 6 p.m., in partnership with the Hub of Human Innovation.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

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- 14.1.** *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to increase a purchase order previously issued administratively for \$50,000.00 to The Eagle Janitorial Service by an additional \$25,000.00 for Janitorial Services for City Hall 1,2,3,4 and UPTT for an additional transitional period of ten (10) days pursuant to Local Government Code, Chapter 252, Section 252.022(2)-General Exemptions, public health or safety exemption.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

Department: Streets & Maintenance
Award to: The Eagle Janitorial Service
El Paso, TX
Total Amount: \$25,000.00
Account No.: 532-31040-522060-1000-P3120
Funding Source: General Funds-Maintenance Service Janitorial

Contract
Reference No.: 2016-1154

This is Public Health or Safety Exemption pursuant to Local Government Code, Chapter 252, Section 252.022(2)-General Exemptions.

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

- 15.1.** *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to issue a Purchase Order to Texan Waste Equipment DBA Heil of Texas, a contractor under HGAC Contract RH08-14 for Two (2) Petersen TL-3 Lighting Loader 24 yd. Bulk Trash Grapple Bodies. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

The participation by the City of El Paso in the HGAC was approved by Mayor and City Council on May 8, 2007.

Department: Streets and Maintenance
Award to: Texan Waste Equipment DBA Heil of Texas
San Antonio, TX
Total Estimated Award: \$151,722.00 (for 2 units)
Account No.: 334 – 34130 – 522150 – 3150 – P3470
334 – 34130 – 580290 – 3150 – P3470 –
PESD00160
Funding Source: ESD – Outside Contracts – NOC
ESD Capital – Heavy Off Road Equipment
Reference No.: 2016-1125

This is a Cooperative, unit price contract.

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

- 16.1.** *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a Purchase Order to Cambridge Systematics, Inc. referencing Contract 2015-1126R New Travel Demand Model. This will be a change order to increase the contract by \$112,055.00 for a total amount not to exceed \$672,331.00 for the initial term.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

Department: El Paso Metropolitan Planning Organization
Award to: Cambridge Systematics, Inc.
Austin, TX
Total Estimated Amount: \$112,055.00
Account No.: 568-522150-68010-4950-G781602020
Funding Source: Capital Projects-TxDot – Outside Contracts

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CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

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- 17.1.** *Motion made, seconded, and unanimously carried to **REJECT** sole bid received for Solicitation 2016-1049 Janitorial Services - Fire Facilities (4 Buildings) and NW Corral as recommended by the Purchasing & Strategic Sourcing Department and the Streets and Maintenance Department due to being terminated for default for three (3) years.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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CONSENT AGENDA - REQUEST FOR PROPOSAL:

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

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- 18.1.** *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to exercise the City's option to extend current Contract 2014-014R Laboratory Services for Municipal Solid Waste Facilities with Environmental Science & Engineering Corp. for two (2) additional years pursuant to the provisions of an award approved by the City Council on November 12, 2013. The extended contract period will be from November 13, 2016 to November 12, 2018.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

Department:	Environmental Services & Code Enforcement
Award to:	Environmental Science & Engineering Corp.
	Mt. Juliet, TN
Annual Estimated Amount:	\$23,480.00
Total Estimated Amount:	\$46,960.00 (2 years)
Account No.:	334 - 34000 – 522040 – 3100 – P3425
Funding Source:	Environmental Services – Environmental Contracts

This is a Request for Proposal (RFP), service contract.

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MAYOR'S PROCLAMATIONS

- 1. Texas Association of Mexican American Chambers of Commerce Day**
 - 2. El Paso Baseball Hall of Fame Week**
 - 3. 26th Anniversary of the Americans with Disabilities Act**
 - 4. El Paso Elks Lodge No. 187 Day**
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RECOGNITIONS

Welcome - Marcos Bucio Mújica, Consulate General of México in El Paso

City Employees

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

The following members of the public commented:

1. Mr. David Pena
2. Mr. Nicholas Vasquez
3. Ms. Blanca Gadney-Moss
4. Mr. John Eger
5. Ms. Wally Cech
6. Mr. Seven Strumer

REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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

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- 19.1.** An Ordinance amending Title 6 of the El Paso City Code (Vehicles for Hire); making it applicable to all modes of transportation for hire, to add transportation network company regulations, update definitions, and remove redundant language; revising Chapter 6.04 to rename it (Transportation for Hire), and to add Article I (General Provisions), Article II (Taxicab Operations), Article III (TNC Operations), Article IV (Alternative Transportation-for-Hire), Article V (Sightseeing, Charter, Limousine and Shuttle Operations), Article VI (International Transportation-for-Hire); to update language in Chapter 6.36 (Driverless Automobiles); delete Chapter 6.16 (Taxicabs); delete Chapter 6.20 (International Taxicabs); delete Chapter 6.28 (Sightseeing or Charter Operations); delete Chapter 6.32 (Limousine Service); delete Chapter 6.34 (Nonmotorized Vehicles for Hire); delete Chapter 6.08 (Passenger Buses and Streetcars); delete Chapter 6.12 (Chauffer's License); delete Chapter 6.24 (Jitneys); delete Chapter 6.40 (Emergency and Transfer Ambulance Services); the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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- 19.2.** An Ordinance amending Title 9 (Health and Safety), adding Chapter 9.85 (Emergency and Transfer Ambulance Services) as a result of the proposed revisions to Title 6 (Vehicles for Hire) which is where Chapter 6.40 (Emergency and Transfer Ambulance Services) has been located prior to said proposed Title 6 revisions; the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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- 19.3.** An Ordinance amending Title 10 of the El Paso City Code (Public Peace, Morals and Welfare), Chapter 10.24 (Miscellaneous Offenses) to add Section 10.24.050 (Sun

Metro Priority Seating); the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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- 19.4.** An Ordinance amending Title 12 of the El Paso City Code (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.160 (Schedule XV – City Taxicab Zone) to update references to Title 6 sections; the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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- 19.5.** An Ordinance amending El Paso City Code Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations), to delete Article V (Ground Transportation Taxicab Services) in its entirety; to rename Chapter 14.16, Article III to Chapter 14.16, Article III (Ground Transportation Services) and making it applicable to all modes of ground transportation; the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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- 19.6.** An ordinance amending Title 12 (Vehicles and Traffic)—Chapter 12.80 (Miscellaneous Traffic Regulations)—Section 12.80.030 (Coasters, Roller Skates, And Similar Devices—Use Restrictions) relating to the applicability in the Civic Center Plaza and the Arts Festival Plaza, and expanding applicability to the San Jacinto Plaza, Sidewalk Café Areas, and the entire area of the Downtown Management District. The penalty being as provided in Section 1.08.010 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 23, 2016

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

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- 20.1.** An Ordinance granting Special Permit No. PZST16-00010, to allow for a ground-mounted 66' Personal Wireless Service Facility on the property described as a portion of Lots 1, Block 1, Radco Industrial Park, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 11400 Wilkinson Dr. Property Owner: Noe S. Castillo PZST16-00010

PUBLIC HEARING WILL BE HELD ON AUGUST 23, 2016

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

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- 21.1.** An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying to Stacye McClain, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property: Lot 24, Block 30, Panorama Village #5, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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- 21.2.** An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying to Stacye McClain, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property: Lot 25, Block 30, Panorama Village #5, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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

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- 22.1.** An Ordinance adopting the City of El Paso Bike Plan as the official bicycle master plan for the City of El Paso and to incorporate this plan as an addendum to Plan El Paso.

PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2016

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

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- 23.1.** Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **AWARD** Solicitation 2016-585 for Westside Pool - Natatorium to ARROW BUILDING CORP. for an estimated total amount of \$12,446,083.00.

Department:	Capital Improvement
Award to:	ARROW BUILDING CORP.
	El Paso, TX
Total Estimated Award:	\$12,446,083.00
Account No.:	580270-190-29010-4800-PCP13PRKC07
Funding Source:	2012 Quality of Life Bonds

This is a Competitive Sealed Proposal, lump sum contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to ARROW BUILDING CORP., the bidder offering the best value bid.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award and that an additional \$1,707,393.00 be allocated to the overall project to cover contingency, art and O & M costs related to the facility and that such funding come from savings from bond refinancing through the issuance of certificate of obligation funds.

As a part of this award, upon the review of the City Attorney, the Capital Improvement Director 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.

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Monica Lombrana, Director of Capital Improvement
3. Ms. Rachel Johnson, Purchasing and Strategic Sourcing

The following members of the public commented:

1. Ms. Sarah Garcia
2. Ms. Pat Baca

23.2.

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

WHEREAS, on July 20, 2004, the City Council adopted a resolution approving the use of design-build as an alternative procurement method for construction projects, as permitted by Section 271.113 of the Texas Local Government Code (now Section 2269 of the Texas Government Code);

WHEREAS, on July 17, 2012, the City Council adopted the City of El Paso Design-Build Procurement Policy for City facilities and City civil works projects, setting forth the criteria for determining when the design-build method would be the appropriate method of procurement and delegating authority to the City Engineer, to determine, before advertising, which of the approved alternative procurement methods for construction provide the best value to the City;

WHEREAS, on August 18, 2015, the City Council delegated to the Director of the Capital Improvement Department all authority previously granted to the City Engineer pursuant to contracts and similar documents for projects; and

WHEREAS, the Director of Capital Improvement Department has determined that Design-Build is the alternative procurement method that would provide the best value to the City for the Spray Parks construction and requests the Council's approval of the issuance of a Request for Qualifications for such Spray Park construction project.

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

THAT the use of the Design-Build alternative project delivery method for the Spray Parks construction project is approved and the Director of the Capital Improvement is authorized to issue a Request for Qualifications for such Spray Parks construction project.

Representative Limón commented.

Ms. Sandra Jimenez, Purchasing and Strategic Sourcing, commented.

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

NOT PRESENT FOR THE VOTE: Representative Robinson

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

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- 24.1.** Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AWARD** Solicitation No. 2016-1024 (Animal Transport Vehicles) to Southwest Truck Sales for a total award of \$546,602.96 (8 units). The award is to include an option to purchase additional quantities at the same unit price for the amount of \$546,602.96 (8 additional units) for a total award of \$1,093,205.92

NOT PRESENT FOR THE VOTE: Representative Robinson

Department: Streets & Maintenance
Award to: Southwest Truck Sales
El Paso, TX
Item(s): All
Option: To purchase 100% at the same unit price if exercised
within 180 days from date of award
Initial Award: \$546,602.96 (8 units)
Total Award: \$1,093,205.92 (include option to purchase additional units)
Account No.: Dept: 334 Div: 34030 Acct: 580540 Fund: 3150
Program: P3440 Project: PESD00160
Funding Source: Capital – Cars_Pickups_Vans

This is a Best Value, unit price contract.

The Purchasing & Strategic Sourcing Department and Streets & Maintenance recommend award as indicated to Southwest Truck Sales., 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.

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

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ITEMS 25.1 AND 25.2 TAKEN TOGETHER

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- 25.1.** Motion made by Representative Limón, seconded by Representative Niland, and carried to **DENY** an Ordinance changing the zoning of a portion of Tract 3, Block 6, Christy Tract, 8040 Valley View, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to S-D (Special Development), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8040 Valley View. Property Owner: Jose M. Uresti. PZRZ15-00037

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

NAYS: Representative Noe

Mr. Carlos Gallinar, Deputy Director Planning and Inspections, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Noe and Limón commented.

The following members of the public commented:

1. Mr. Gilbert Melendez
2. Ms. Perla Espinoza
3. Mr. Ruben Santillan
4. Mr. John Hogan

25.2. Motion made by Representative Limón, seconded by Representative Niland, and carried to **DENY** an Ordinance granting Special Permit No. PZST15-00044, to allow for infill development with a reduction in front setbacks, on the property described as a portion of Tract 3, Block 6, Christy Tract, 8040 Valley View, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8040 Valley View. Property Owner: Jose M. Uresti. PZST15-00044

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

NAYS: Representative Noe

25.3. ORDINANCE 018542

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE REAL PROPERTY KNOWN AS: PARCEL 1: LOTS 1,2,4, AND 5, BLOCK 1, DEL MESA ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2 (COMMERCIAL) TO C-1 (COMMERCIAL); AND PARCEL 2 & 3: A PORTION OF TRACT 4A, NOW KNOWN AS TRACT 4C-1, MOREHEAD BLOCK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/SP (COMMERCIAL/SPECIAL PERMIT) AND R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1 (COMMERCIAL); AND IMPOSING A CONDITION THAT A DETAILED SITE DEVELOPMENT PLAN BE REVIEWED AND APPROVED IN ACCORDANCE WITH THE EL PASO CITY CODE PRIOR TO BUILDING PERMITS BEING ISSUED, AND REPEALING SPECIAL PERMIT NO. SU-99009 AS IT PERTAINS TO PARCELS 2 AND 3. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE TO ALLOW A NEW 11,945 SQ. FT. RETAIL PHARMACY BUILDING WITH DRIVE-THRU. THE PENALTIES FOR VIOLATING THE STANDARDS IMPOSED THROUGH THIS REZONING ORDINANCE ARE FOUND IN SECTION 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 5331 MONTANA AVE.; 5305 MONTANA AVE.; 1012 CARDON STREET. OWNER: PARCEL 1: EL PASO WEST AIRPORT LTD; PARCEL 2 & 3: WILLIAM WELSH (EXECUTOR OF THE ESTATE). PZRZ16-00005**

Mr. Carlos Gallinar, Deputy Director Planning and Inspections, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein and Tolbert commented.

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

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

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

25.4. ORDINANCE 018543

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 16788 WHICH CHANGED THE ZONING OF LOTS 1 AND 2, BLOCK 1, V.A.L. TRACT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: EL PASO CITY EMPLOYEES' PENSION FUND. PZCR16-00003**

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

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

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

25.5. Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **DELETE an Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI (Changes and Amendments), Section 20.04.380 (Application Requirements) of the El Paso City Code, to allow for deferral of the requirement for a traffic impact analysis under certain circumstances. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.**

25.6. ORDINANCE 018544

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE CITY RIGHT-OF-WAY OVER A PORTION OF MAGNOLIA STREET 70' RIGHT-OF-WAY LYING BETWEEN BLOCKS 48 AND 49, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW16-00001**

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

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

25.7. Motion made by Representative Niland, seconded by Representative Limón, and carried to **DELETE** an Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape Code), reformatting existing provisions, adding variances, adjusting calculations based on land use and expanding plant selection options, the penalty being as provided in Section 18.46.320 (Violations-Penalty) of the El Paso City Code.

NAYS: Representative Noe

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOTS 18,19 AND 20, BLOCK 6, WOMBLE ADDITION, 6292 TROWBRIDGE DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR A MEDICAL OFFICE/CLINIC AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. (DISTRICT 3). SUBJECT PROPERTY: SOUTH OF TROWBRIDGE AND EAST OF GERONIMO. PROPERTY OWNER: CITY OF EL PASO. PZRZ16-00013**

NOT PRESENT FOR THE VOTE: Representative Ordaz

25.9. *Motion made, seconded, and unanimously carried to **POSTPONE** four weeks an Ordinance changing the zoning of Lots 40-43, Block 2, Zach White Industrial, 4610 Doniphan Drive, City of El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4610 Doniphan Drive. Property Owner: Reality Properties, LLC. PZRZ16-00006 [POSTPONED FROM 06-14-2016 AND 07-12-2016]

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County, Texas. [POSTPONED FROM 06-28-2016 AND 07-12-2016]

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

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

- 26.1.** Motion made by Representative Limón, seconded by Representative Niland, and unanimously carried to **DENY** an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III-Parking prohibited at all times on certain streets) of the El Paso City Code, to add the north side of Rex Baxter Dr. from residential driveway 11405 to 11400, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code.

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Acosta

REGULAR AGENDA - OTHER BUSINESS

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

27.1. RESOLUTION

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

That the El Paso City Council approves the list of projects on Exhibit "A" attached hereto, totaling approximately \$107,589,485, referenced as the "El Paso International Airport Proposed Five Year Capital Improvement Plan," as the established list of Airport Capital Improvement Program projects for FY 2017 through FY 2021 and the use of the identified funding sources and that the City Manager be authorized to make all necessary budget transfers prior to the execution of the projects.

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

NOT PRESENT FOR THE VOTE: Representatives Acosta and Niland

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

28.1. RESOLUTION

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

That the following affordable rental and housing developments are approved for funding commitment, as recommended by the Director of Community and Human Development, as listed below:

Project Name:	Zima Properties LLC
Project Type:	Construction of 2 Duplex Structures, Totaling 4 Dwelling Units
Project Address:	4805 Apollo Avenue

District: 2
Funding Amount: \$425,000

Project Name: Mission Apartments Phase III, Marloft Apartments, Jesse
Prentice Loftin Jr.
Project Type: Construction of 8 Efficiency, Rental Dwelling Units
Project Address: 6968 Alameda Avenue
District: 3
Funding Amount: \$456,300

That the City Manager, on behalf of the City of El Paso, be authorized to sign the applicable Investor HOME Written Agreements or Community Housing Development Organization (CHDO) HOME Written Agreements in a form substantially similar to the form contract attached as Exhibit "A", by and between the City of El Paso and each respective project developer, as well as any related contract documents necessary to effectuate, the award(s) and to secure and protect the City's lien interest, upon the recommendation of the Director of Community and Human Development and the approval of the City Attorney's Office.

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

NOT PRESENT FOR THE VOTE: Representative Acosta

29. MAYOR AND COUNCIL

29.1. Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried to **DELETE** the item for discussion and action to update, amend, revise and/or add rules to the City of El Paso's Ethics ordinance #017112, 017752.

EXECUTIVE SESSION

Motion made by Representative Niland, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:02 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 Acosta

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

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 1:19 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta and Ordaz

EX1. JNC Land Co., Inc. v. The City of El Paso, Texas; Our Matter No. 11-1004-109 (551.071)

Motion made by Alternate Mayor Pro Tempore Robinson, seconded by Representative Niland 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 *JNC Land Co., Inc. v. The City of El Paso*, pending in the 205th District Court under Cause No. 2010-4955. 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. 11-1004-109 as recommended by the City Attorney.

NOT PRESENT FOR THE VOTE: Representative Acosta

EX2. Tariff Control No. 46164 Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor tariff pursuant to PURA §36.3454 (551.071)

Motion made by Alternate Mayor Pro Tempore Robinson, seconded by Representative Limón, 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 the following Public Utility Commission Tariff Control No. 46164 Petition of El Paso Electric Company for approval to Revise Military Base Discount Recovery Factor tariff pursuant to PURA §36.3454. 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 Acosta

EX3. Railroad Commission of Texas Gas Utility Docket 10536, Appeal of Texas Gas Service Company, a division of ONE Gas, Inc. from the Action of the City of El Paso. (551.071)

Motion made Alternate Mayor Pro Tempore Robinson, seconded by Representative Niland, and unanimously carried that the City of El Paso encourages Texas Gas Service Company, a division of ONE Gas, Inc. to continue financial hedging of gas costs for the 2016-2017 heating season.

NOT PRESENT FOR THE VOTE: Representative Acosta

EX4. SOAH Docket 473-15-5257 PUC Docket No. 44941 – Application of El Paso Electric Company to Change Rates and SOAH DOCKET NO. 473-16-1685 PUC DOCKET NO. 45475, Review of Rate Case Expenses Incurred by El Paso Electric Company and Municipalities in Docket 44941 (551.071)

NO ACTION taken on this item.

EX5. Negotiations with El Paso Children's Museum Foundation (551.071 and 551.072)

NO ACTION taken on this item.

EX6. Monthly update from Legal Department regarding pending litigation, claims, real estate transactions and contract negotiations. (Sections 551.071, 551.072, 551.074 and 551.087)

NO ACTION taken on this item.

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ADDITIONS TO THE AGENDA
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REGULAR AGENDA - OTHER BUSINESS
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1. MAYOR AND COUNCIL
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1.1 Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item for discussion and action to collaborate with the County of El Paso, City of San Elizario and City of Socorro to preserve, enhance and promote the El Paso Mission Trail.

NOT PRESENT FOR THE VOTE: Representative Svarzbein and Acosta

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ADJOURN
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Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **ADJOURN** this meeting at 1:24 p.m.

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APPROVED AS TO CONTENT:
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Richarda Duffy Momsen, City Clerk