

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



**CITY COUNCIL**

PETER SVARZBEIN, DISTRICT 1  
LARRY ROMERO, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
CLAUDIA ORDAZ, DISTRICT 6  
LILY LIMÓN, DISTRICT 7

CORTNEY CARLISLE NILAND, DISTRICT 8

## **MINUTES FOR REGULAR COUNCIL MEETING**

**August 18, 2015  
COUNCIL CHAMBERS, CITY HALL  
8:00 AM**

### **ROLL CALL**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Claudia Ordaz, Lilia Limón, and Cortney Niland. Late arrivals: Carl Robinson at 8:03 a.m., Peter Svarzbein at 8:04 a.m., and Michiel Noe at 8:06 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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

### **PLEDGE OF ALLEGIANCE**

Mackenzie Lynn Bynum  
Samantha Araiza  
Amylee Gil

### **MAYOR'S PROCLAMATIONS**

1. David L. Carrasco Job Corps Week
2. El Paso Neighborhood Association Day
3. Thomas H. Moore "ARCHIE" Cartoonist Day

### **RECOGNITIONS**

**SGT Anthony L. Spall - Wall of Giants: Fort Bliss**

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

The following members of the public commented:

1. Ms. Sarah Garcia
2. Mr. Steven Strummer
3. Ms. Wally Cech
4. Ms. Lisa Turner
5. Mr. Salvador Gomez
6. Ms. LeAnn Carr

Mayor Leaser and Representatives Romero, Noe and Niland commented.

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

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**REGULAR AGENDA - PUBLIC HEARING AND SECOND READING OF  
ORDINANCE RELATED TO FY2016 BUDGET**  
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**1. Goal 1: Create an Environment Conducive to Strong, Sustainable  
Economic Development**

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**1.1. ORDINANCE 018402**  
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The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBERS 018064 AND 018223 WHICH AMENDED AND UPDATED THE ZONE SCHEDULE NO. 1, RATES, RULES, CHARGES AND REGULATIONS APPLYING AT FOREIGN TRADE ZONE NO. 68, EL PASO, TEXAS; TO AMEND THE DEFINITION OF DISTRIBUTION SITE OPERATOR AND TO SET THE ANNUAL FEES FOR MANUFACTURING OPERATOR AND DISTRIBUTION SITE OPERATOR AS LISTED IN THE TARIFF SCHEDULE; AND TO REVISE APPENDICES D AND E TO THE TARIFF SCHEDULE.**

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

AYES: Representatives Svarzbein, Romero, Acosta, Noe, Limón, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Robinson and Ordaz

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

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**PUBLIC HEARINGS AND OTHER BUSINESS RELATED TO FY2016 BUDGET AND  
THE FY2016 TAX LEVY**  
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**2. Goal 6: Set the Standard for Sound Governance and Fiscal Management**

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**2.1. RESOLUTION**  
.....

**CITY OF EL PASO  
FISCAL YEAR 2016 BUDGET RESOLUTION**

**WHEREAS**, on July 16, 2015, the City Manager of the City of El Paso filed the Fiscal Year 2016 Proposed Budget of the City of El Paso with the City Clerk; and

**WHEREAS**, the Proposed Budget was made available for the inspection by any person and was posted on the City's website in accordance with Section 102.005 of the Texas Local Government Code; and

**WHEREAS**, on August 5, 2015, the City Clerk published notice in the El Paso Times and El Diario, newspapers of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the City of El Paso Fiscal Year 2016 Budget Resolution, in accordance with the Charter of the City of El Paso and Section 102.0065(a) of the Texas Local Government Code; and

**WHEREAS**, said public hearing was held on August 18, 2015, by the City Council regarding the City of El Paso's Proposed Budget at which all interested persons were given the right to be present and participate.

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

1. That the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 16, 2015 is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2016, which begins on September 1, 2015 and ends on August 31, 2016.
2. The City Manager or his/her designee is hereby authorized to appropriate the reserve amount as part of City Attorney's appropriation for external legal counsel, claims, and litigation expenses.
3. That the budget for confiscated funds shall be provided by the Chief of Police and submitted to the City Manager or his/her designee by January 31, 2016 with a financial report showing all appropriations for Fiscal Year 2016 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
4. That the City shall not enter into any agreement requiring the expenditure of monies if such agreement shall extend beyond the current Fiscal Year without the approval of the City Council or the City Manager. In such cases where the City Manager approves the expenditure, he/she is hereby authorized to obligate and/or encumber City funding to pay the City's expenses, which shall also constitute the approval of City Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law.
5. That Department Heads or their designees are hereby authorized to request budget transfers not to exceed Twenty-Five Thousand and No/100 Dollars (\$25,000.00); provided that each transfer is within the same department. Budget transfers exceeding Twenty-Five Thousand and No/100 Dollars (\$25,000.00) that are within the same department may be approved by the City Manager or his/her designee. A budget transfer for personal services appropriations, capital acquisition appropriations or impacting revenue accounts requires the approval of the City Manager or his/her designee.
6. That the City Manager or his/her designee is hereby authorized to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department, not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00), to the extent permitted by law. Budget transfers between departments and/or non-enterprise department funds exceeding Fifty Thousand and

No/100 Dollars (\$50,000.00) shall require City Council approval.

7. That a budget transfer must be approved prior to the occurrence of the expenditure, except for emergency expenditures when approved by the City Manager or his/her designee and ratified by the City Council.

8. That the City Manager or his/her designee is hereby authorized to increase or decrease the budget for any capital projects within a Capital Improvement Program (CIP) approved by the City Council, provided that the change of a project's budget of more than One Million and No/100 Dollars (\$1,000,000.00) requires additional Council approval. No project budget may be reduced to zero or deleted unless the project has been completed. Expenditures must be in compliance with applicable laws and policies and a quarterly report must be provided to Council on the budgets for capital projects that the City Manager or his/her designee has established, amended or deleted.

9. That the City Manager or his/her designee is hereby authorized to add to an existing Capital Improvement Program (CIP). Addition of a project to an approved Capital Improvement Program (CIP) must meet the purpose of the proceeds from which the original CIP was funded and the addition of such project(s) cannot exceed more than Five Hundred Thousand and No/100 (\$500,000.00) without City Council authorization. Expenditures must be in compliance with applicable laws and policies and a quarterly report must be provided to Council on the budgets for capital projects that the City Manager or his/her designee has established or added.

10. That the City Manager or his/her designee is hereby authorized to receive funds associated with Texas Department of Transportation (TXDOT) reimbursements to the City and appropriate the funds to TXDOT project matches awarded through the Metropolitan Planning Organization provided the projects are included in an existing Capital Improvement Program.

11. That the City Manager or his/her designee is hereby authorized to receive funds associated with El Paso Water Utility (EPWU) reimbursements to the City and appropriate the funds to authorized street projects, park ponds or other designated city projects.

12. That any budget transfer submitted to City Council shall be accompanied by an explanation from the department and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide adequate detail for the members of City Council to determine the need for the transfer.

13. That the City Manager or his/her designee is hereby authorized to establish or amend budgets and staffing table changes for Interlocal Agreements, grants, and similar awards when the Interlocal Agreement or applications for such grants and awards have been previously approved by the City Council or the City Manager. All Interlocal Agreements or grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state (i) the funding source for Interlocal Agreements or (ii) the type and amount of the required City match and the funding source of the grant match. The City Manager or his/her designee is hereby authorized to make such budget transfers and staffing table changes as are needed to close completed Interlocal Agreements, grants, and capital projects.

14. That the City Manager or his/her designee is hereby authorized to accept and appropriate funds associated with donations made to the City in an amount not to

exceed Fifty Thousand Dollars (\$50,000.00).

15. That the City Manager or his designee is authorized to issue, without further City Council action, purchase orders against any contract offered through the Cooperative Purchasing Network, the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, the Texas Association of School Boards, Inc. (TASB, Inc.) Cooperative Purchasing Buy Board, the ESC-Region 19 Cooperative Purchasing Program, the Harris County Department of Education Cooperative Purchasing Program, Tarrant County Cooperative Purchasing Program, Texas Procurement and Supportive Services (TPASS), Texas Multiple Award Schedule (TMAS and TXSmartBuy), State of Texas Department of Information Resources (DIR), U.S. Communities, Technology Bidding and Purchasing Program (PEPPM), and U.S. General Services Administration (GSA) in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) per cooperative purchasing program contract.

16. That the City Manager or his designee is authorized to issue, without further City Council action, purchase orders against any cooperative contract through the electronic catalog maintained through the U.S. Communities purchasing cooperative program/Equal Level in an amount not to exceed Two Million and No/100 Dollars (\$2,000,000.00) in the aggregate per electronic catalog (hereinafter referred to as "the e-catalog") purchasing contracts. The purchase of vehicles, trucks and/or fire apparatus/pumpers shall be expressly prohibited from being sourced through the e-catalog.

17. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.

18. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer before the closing of the Fiscal Year, and in accordance with procedures established by the City Manager or his/her designee.

19. That the City Manager or designee is hereby authorized to issue, without further Council action, purchase orders for annualized insurance coverage in accordance with the amount of funding established for such coverage in FY2016 budget when the award of such contracts or Interlocal Agreements for coverage has been previously approved by Council.

20. That the amounts of the annual non-uniformed employee pay increases for Fiscal Year 2016 are set as follows: Employee's annual increase shall be in that amount that will place the employee in the rate within their pay grade that most closely approximates a one percent (1%) increase, provided however, that the City Manager may increase this amount by an amount not to exceed an additional one and one half percent (1.5%) for any or all of the City's two major service classifications and the unclassified services based on the availability of funds and other management factors as determined by the City Manager.

21. That any employee pay increases for non-uniformed employees shall be given on the date or dates established by the City Manager based on the availability of funding for such purposes in Fiscal Year 2016. No employee pay increases shall be paid retroactively to an anniversary date or date of a performance evaluation. Any increases for certification pay established in Ordinance 8064, as amended, or by resolution pursuant to the Ordinance as may be appropriate, may be given by the City

Manager in the manner provided for in or by the Ordinance to the eligible employee classifications set forth in Schedule B-1.

22. That the City Manager shall take appropriate action to implement a \$0.25 per hour pay increase for temporary or seasonal employees who report to the Parks and Recreation Department, effective with the first pay period starting on or after May 1, 2016.

23. That for purposes of recognizing the longevity of an employee's service other than uniformed employees covered under collective bargaining agreements an amount that most closely approximates a one and one half percent (1.5%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two percent (2%) on the anniversary date of ten (10) years of service, two percent (2%) on the anniversary date of fifteen (15) years of service, and two and one half percent (2.5%) on the anniversary date of twenty (20) years of service and for any other five year incremental period on or beyond twenty-five (25) years of service accrued by an employee. Provided however, nothing in this section authorizes the payment of a base salary that exceeds the maximum of an employee's salary range, and in no event shall the longevity increase under this section, when paid in whole or in part if payment in whole would exceed the maximum, result in the payment of a base pay that exceeds the maximum of an employee's salary range.

24. That the City Manager, in lieu of approving the payroll and longevity increases, is authorized to approve a one-time payment to non-uniformed employees within any or all of the City's two major service classifications and the unclassified services. To be eligible to receive the one-time payment of \$1,000.00 for each full-time employee and \$500.00 for a part-time employee, the employee must work as a city employee for a period of at least one year prior to the date the payment is prepared or, if employed for less than one year, to be eligible to receive the one-time payment of \$500.00 for each full-time employees and \$250.00 for a part-time employee, the employee must have passed the original employment probationary period prior to the date the payment is prepared.

25. That the City Manager be authorized to appropriate funds from the general fund in an amount not to exceed \$650,000.00 for the one-time payment in lieu of payroll and longevity increases to non-uniformed employees for the Mass Transit Department, which amount will be repaid to the general fund with annual interest of 0.1133% and payment budgeted annually from the available Mass Transit Department revenues over a period not to exceed five (5) years.

26. That based on and subject to the availability of funds, all performance-based and goal-based increases, and/or one-time payments in lieu of competency increases and/or increases based on five (5) year increments of service shall be expended as determined or authorized by the City Manager or designee, except for such increases that are otherwise determined, or those provided for in an employment contract.

27. That the City Manager be authorized to establish employee incentive program(s), subject to the availability of funds, and approve such administrative policies and procedures necessary for the inception and implementation of such programs:

(a) the wellness program in the City's health benefit plan for the amount established in each fiscal year's budget in an amount not to exceed \$150 per employee each

month during each fiscal year, in accordance with the City Manager's administrative policy and shall include a component that allows City employees to earn up to one wellness day off annually when they have accumulated 200 or more wellness points as designated in the administrative policy; and

(b) employees whose job specifications require a commercial driver's license or whose work includes the tracking of specific safety criteria to be eligible for a payment not to exceed \$350.00 per employee each year based on the employee's accident-free driving record or established safety criteria for a period (i.e. quarterly, semi-annually, etc.) to be established in the administrative policy and payable in increments based on such periods; and

(c) one-time payments in an amount not to exceed \$100 (and any taxes due) for each employee who is assigned additional duties in serving on a Lean Six Sigma team; and

(d) monthly payments in an amount not to exceed \$300 per month for each employee during the period in which each is assigned additional duties as strategic plan mentor leaders; and

(e) for perfect attendance in 6 month period established by administrative policy, cash payment of \$50.00 and the option to convert 8 hours of sick leave for personal business, as set forth in the administrative policy.

28. That Appendix A, as required to be maintained by the Human Resources Director and approved by the Council by the Classification and Compensation Plan, Ordinance 8064, as amended, shall be as established as set forth in Schedule D, for such time until the Council, by resolution and as provided in Ordinance 8064, should amend or further revise.

29. That the City Manager is hereby authorized to annually adopt a Tuition Assistance Policy, which provides for tuition assistance to qualified employees in accordance with the amount of funding established for such a program. Such Policy may be amended as deemed necessary by the City Manager.

30. That based on the availability of funds, the City Manager is authorized to expend no more than Ten Thousand and No/100 Dollars (\$10,000.00) from the Human Resources Department budget to establish and implement an on-the-spot rewards program to provide small monetary awards (face value up to \$100.00) to immediately recognize extraordinary acts, accomplishments or contributions that are above and beyond the typical duties of the rewarded employee. On-the-spot rewards are not in lieu of merit increases or other salary increases based on sustained high quality employee performance.

31. That the City Manager add appropriate amendments to the city's 457 deferred compensation plan to add a new requirement that all new non-uniformed city employees be automatically enrolled to participate in such plan and contribute one percent (1%) of their annual compensation to their participant account, unless the employee affirmatively elects to not participate or contribute a different amount. The amendment shall be in effect until such time as the Council should further amend, revised or change these provisions in the deferred compensation plan.

32. That the business days of the City shall be Monday through Friday, excluding city observed holidays, except during such time periods in which the City Council has established a 4-10 work week for more than fifty percent (50%) of the employees assigned to work at City Hall or other facility with administrative functions designated

by the City Manager, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.

33. That the 4-10 work week schedule shall continue for the employees assigned to work at City Hall and at such other facilities in the City with administrative functions that are appropriate for a 4-10 work schedule, as designated by the City Manager. The City Manager is authorized to make temporary adjustments to the schedule to serve the operational needs of the City. Any action by the Council to change or revise the application of the 4-10 work week schedule during the fiscal year shall be made by simple resolution of the City Council.

34. That the hotel occupancy taxes collected by the City shall be used by El Paso Convention and Performing Arts Center (Destination El Paso) and the Department of Museums and Cultural Affairs to fund their respective operations in accordance with El Paso City Code and State law. The functions of the Plaza Theater and McKelligon Canyon shall be included with the functions of El Paso Convention and Performing Arts Center (Destination El Paso). Expenditures from said fund shall be made in accordance with their respective adopted budgets.

35. That the special additional hotel occupancy tax collected and deposited into the Venue Project Fund (as well as other amounts contained in such fund) shall be used by the City to pay its obligations under the Master Lease Agreement Relating to the Downtown Ballpark Venue Project between the City and the City of El Paso Downtown Development Corporation or other ballpark costs and such funds are appropriated accordingly.

36. That any travel expenditure for a City Council member that exceeds the FY 2016 City Council member's budget, including discretionary funds for the City Council Member's district, must be approved by the City Council and a funding source shall be identified by the City Council.

37. That City Council members must notify the City Manager or his/her designee of any expenditure from budgeted City Council Special Projects or Discretionary Accounts, so that City staff can maintain a current balance of the individual City Council Member's year-to-date expenditure for said accounts. Prior to the use of a P-Card for a proposed expenditure, City Council members should identify the municipal purpose of the expenditure and the proposed expenditure should be reviewed and authorized by the City Manager or his/her designee in writing, or authorized by the City council when required, prior to the expenditure. The City Manager or his/her designee shall implement similar appropriate processes when utilizing discretionary funds through any other procurement or a reimbursement process.

38. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.

39. That no employee or elected official shall incur an obligation for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and said obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and Human Resources policies and procedures of the City.

40. That the Full-Time Equivalent (FTE) positions funded by the FY 2016 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized FTE positions for each department. Requests for changes and additions shall be approved



by the City Manager and his/her designee and shall show the impact on the FY 2016 Budget and the estimated impact on expenditures for Fiscal Year 2016.

41. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2016 Budget, shall be funded until the earlier of October 18, 2015 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.

42. That the City Manager is hereby authorized to transfer any amount in the Salary Reserve appropriation, personal services appropriations, contingency appropriations, capital acquisition appropriations between departments within the General Fund or an Enterprise Fund (to the extent permitted by law), whether it is non-uniformed or uniformed salary expense, or capital expense, as necessary in connection with closing the Fiscal Year 2016.

43. That based on the availability of funds the City Manager or his/her designee shall transfer on a monthly basis Twelve Thousand Five Hundred and No/100 Dollars (\$12,500.00) from the cash balance of the Bridge Operations Fund to the Bridge Maintenance Fund; and transfer on an annual basis revenues derived from ground lease franchises, not to exceed Eighty-Three Thousand Two Hundred Forty-Nine and No/100 Dollars (\$83,249.00) from the Bridge Operations Fund to the Bridge Maintenance Fund. Any remaining balance shall be transferred to the General Fund, except for the Twenty Five Thousand and No/100 Dollars (\$25,000.00) Unreserved Balance and any required cash which must be maintained pursuant to any bridge revenue bond covenants or other debt financing.

44. That all non-expended appropriations in the General Fund and Enterprise Funds shall lapse at the end of Fiscal Year 2016, unless reviewed and approved not to lapse by the City Manager or his/her designee.

45. That within forty-five (45) working days after the close of each fiscal quarter, the City Manager or his/her designee shall provide a quarterly report to City Council regarding the status and year-end projection of the budget.

46. That the City shall charge the maximum allowable interest rate and impose the maximum allowable penalty pursuant to State or Federal laws, on any amounts past due to the City. Any amounts that are one hundred twenty (120) days past due will be reported to the Credit Bureau, in accordance with State and Federal law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.

47. That the annual parking meter revenue in account number 440200 (Parking Meter Revenue) shall be allocated on a monthly basis to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund to satisfy debt requirements for the fiscal year, that the City Manager or his/her designee be authorized to appropriate additional funding from this account for the replacement of parking meters upon approval of the City Manager of a meter replacement program based on availability of funds in this account, and that all funds exceeding the debt service requirement and meter replacement capital requirements for the fiscal year be deposited to the General Fund.

48. That monies that the City receives from licenses, fees, fines, and other charges for services shall be analyzed to determine if the City is recovering the cost of providing such services. Recommendations shall be made to the City Manager or his/her designee for any revisions to licenses, fees, fines and other charges.

49. That appropriation control for expenditures shall be at the Object Level.
50. That expenditures shall be in accordance with the City of El Paso – Strategic Plan.
51. That Schedule A amends revenues and appropriations to the City Manager's filed budget; Schedule B amends staffing tables to the City Manager's filed budget and Schedule B-1 sets forth the employee classifications eligible for certification pay; Schedule C sets forth fees and formulas for calculating certain fees that are to be charged by the City for the goods and services it provides; Schedule D contains Appendix A, as referenced by the Classification and Compensation Plan, Ordinance 8064, as amended; and Schedule E sets forth the list of and approved budget for annualized computer software and hardware and computer software and hardware which may be purchased as a sole source. For any programs, activities, presentations, classes or services that have a fee range listed within Schedule C, the department head shall determine and charge a fee within the stated range for each particular activity, presentation, class or service in the amount that will recover the City's costs, as reviewed and approved by the City Manager or his/her designee. Any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council.
52. That the City Manager and his/her designee is authorized to determine when it is practicable for the City to accept payments by credit card of a fee, fine, court cost or other charge in accordance with City Ordinance No. 15051. Service charges added to the payment shall be in conformity with state statutory requirements and will be in such amount(s) as listed in Schedule C, provided that in the event that bank charges imposed on the City relating to credit card acceptance increase during the fiscal year, the City Manager is authorized to increase the service charge amount(s), so as to cover the City's increased costs.
53. That the Department of Aviation shall be authorized to collect fees to recover costs, as set forth in Schedule C, relating to its duties in connection with the Perishable Cargo Facility, and the Department shall collect the fees authorized in prior resolutions of the City Council for hangars, tie-downs, storage, heavy aircraft parking and for public parking at the Airport in the amounts as set forth in Schedule C attached hereto and that Schedule C shall be the controlling resolution for the establishment of the specific amounts of these fees.
54. That the Department of Aviation's Foreign Trade Zone is authorized to collect fees to recover costs, as set forth in Schedule C, relating to duties in connection with (a) Blanket Admission – 214; (b) Direct Delivery Admission, Subsequent 214; (c) Application Fee, Subzone; (d) Application Fee, New General Purpose Site (Minor Boundary Modification); (e) Application Fee, Expansion Site (Magnet); and (f) Alteration Request. The Department of Aviation's Foreign Trade Zone is also authorized to collect fees based on other changes as outlined in the Schedule C.
55. That in addition to City created programs, activities, presentations, classes ("City programs") and City produced or supported publications that are offered to the public in conjunction with the missions of the various departments for which the fees are separately established in Schedule C, the Council authorizes City department directors to create and offer new City programs and publications, on a trial or temporary basis, as may be of benefit to the public and as the directors may deem appropriate and within his/her department's capacity for providing new City programs

or publications. The fee for participation in each such new City program or the cost to obtain such a publication shall be established in an amount that will recover the City's costs to present each such City Program or provide the publication, as reviewed and approved by the City Manager or his/her designee. The City Manager or his/her designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.

56. That the Council sets the level of City funding support to persons and organizations seeking such support for parades that fulfill a public purpose in accordance with the process, criteria and other provisions of Section 13.36.050 E of the City Code, in an amount not to exceed One Hundred Seventy-Five Thousand and No/100 Dollars (\$175,000.00), and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.

57. That the Council sets the maximum level of funding for the Parks and Recreation Department's needs assessment scholarship program, as may be established by ordinance, in the amount of Two Hundred Thousand and No/100 Dollars (\$200,000.00), with a maximum benefit per child of One Hundred Fifty and No/100 Dollars (\$150.00), for Fiscal Year 2016. Receipt of scholarship funds for the Club Rec Program does not count towards the One Hundred Fifty and No/100 Dollars (\$150.00) maximum per child limit.

58. That the Council authorizes the conduct of the Holiday Parade and Tree Lighting as a program event within the Parks and Recreation Department; authorizes funding for the event as established within the City's adopted budget; authorizes the City Manager to determine and approve participation in the event by other City departments and personnel; and authorizes the Parks and Recreation Department to charge the entry fee as set forth in Schedule C to non-City persons and organizations who submit entries in the parade.

59. That the City Manager is authorized to revise appropriate budgets within departments to provide for changes of functions and reorganization of departments approved by City Council, to include the transfer of functions, duties and related budgets between departments.

60. That the Director of Aviation be authorized to establish a Premium Parking program, as approved by the City Manager, at the airport for public parking at the premium fees set forth in Schedule C for a maximum of 24 parking spaces, which will allow parking spaces to be reserved in advance by members of the general public.

61. That the Director of Aviation be authorized to establish a program, as approved by the City Manager, at the airport whereby the Director or his/her designee may provide gratis airport parking passes as appropriate for the promotion of the airport as the premier gateway for air transportation for the El Paso region. The total value of all gratis parking passes provided under this program during FY 2016 shall not exceed Two Thousand and No/100 Dollars (\$2,000.00).

62. That the Director of Aviation be authorized to collect fees to recover costs for work completed by El Paso International Airport on behalf of airport tenants in the amounts set forth in Schedule C.

63. The Department of Aviation is authorized to collect fees to recover costs, as set forth in Schedule C, relating to duties in connection with (a) conduct of criminal history back ground checks; (b) SIDA Badge issuance; (c) AOA Badge issuance; (d)

AOA Badge renewal; (e) SIDA/Sterile area badge renewal; and (f) Reimbursement for Lost Not Returned Badges as listed on Schedule C.

64. That the Department of Environmental Services be authorized to charge a franchise fee in the amount determined by City Council for the wear and tear on the City's rights-of-way due to the use of City sanitation vehicles engaged in the collection, transportation and disposal municipal solid waste to an authorized municipal solid waste facility.

65. That the Department of Environmental Services is authorized to collect fees to recover costs, as set forth in Schedule C, related to safety articles sold upon request to members of the public accessing the Greater El Paso Landfill.

66. That the Department of Environmental Services is authorized to collect fees to recover costs, as set forth in Schedule C, related to the veterinary services provided at the City's spay and neuter clinic, for services provided at the clinic relating to the health and safety of animals, and for those services that are provided to the animal while at said clinic in order to bring the animal into compliance with the El Paso City Code's requirements.

67. That the Department of Environmental Services is authorized to provide mulch/compost at the Citizen Collection Stations and at the Greater El Paso Landfill at no cost to citizens or commercial customers that pick up the mulch/compost and may collect a delivery fee from commercial customers requesting delivery, since the recycling of trees and other yard waste used to generate mulch/compost serves a health and public safety purpose because materials are diverted from the City's landfills and the useful life of the landfills is extended.

68. That the City Manager or designee be authorized to negotiate, award and enter into agreements and other documents on behalf of the City for the annualized computer licenses and maintenance of software and hardware specified in Schedule E, and any software or hardware that are available only from one source pursuant to applicable laws, in amounts not to exceed the amounts in the FY2016 approved budget and set forth in Schedule E; provided, however, that all such agreements are in compliance with law and shall be approved as to form by the City Attorney.

69. That the City Council will allow the Public Service Board and the El Paso Water Utilities to use fire hydrants in conjunction with requiring developer dedications or payments for the costs of fire hydrants and together with the value of the use of City right-of-way in conjunction with system operation and functions by the Public Service Board and the El Paso Water Utilities, they are in exchange for all charges and costs owed by the City for water used by the City for firefighting purposes, and this provision supersedes all prior resolutions of the City Council regarding this matter.

70. That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of Fiscal Year 2015 shall be allocated to the discretionary fund of each respective City Council representative in FY2016.

71. That the City Manager is authorized to establish or amend the budget for the Parkland dedication fees special fund for FY2016, provided that such funds are committed and used in compliance with applicable city ordinances.

72. That the City Manager may appropriate up to Five Hundred Thousand and No/100 Dollars (\$500,000.00.00) from the Fleet Internal Service Fund reserves for the Streets and Maintenance Department purchase of fuel and inventory items for the city

fleet.

73. That a franchise fee be paid by the El Paso Water Utilities to compensate the City of El Paso for the use of city streets and rights of way for utility lines and wear and tear on City streets in a total amount of Three Million Five Hundred Fifty Thousand and No/100 Dollars (\$3,550,000.00).

74. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2016 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso, and post the same on the City's website.

#### **1<sup>ST</sup> MOTION**

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **CLOSE** the Public Hearing on a Resolution that the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 16, 2015, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2016, which begins on September 1, 2015 and ends on August 31, 2016.

AYES: Representatives Svarzbein, Romero, Acosta, Noe, Limón, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Robinson and Ordaz

#### **2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Romero, seconded by Representative Niland, and carried to **ADOPT** the Budget Resolution.

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

NAYS: Representatives Svarzbein and Limón

.....  
**2.2.** Motion made by Representative Romero, seconded by Representative Niland, and carried to **RATIFY** the Property Tax Increase reflected in the Annual Budget for Fiscal Year 2016 for the City of El Paso.

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

NAYS: Representatives Svarzbein, Ordaz, and Limón

Mayor Leeser and Representatives Ordaz and Niland Commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Director of Management and Budget

.....  
**2.3. ORDINANCE 018399**

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY 2016 TAXES.**

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

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

NAYS: Representatives Svarzbein, Ordaz, and Limón

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

.....  
**NOTICE TO THE PUBLIC – CONSENT AGENDA**

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

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

NAYS: None

.....  
**CONSENT AGENDA - APPROVAL OF MINUTES:**

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

- .....  
3.1. \*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meetings of August, 4, 2015 and August 11, 2015, the Legislative Review Meeting of the Whole of August 3, 2015 and August 10, 2015, and the Special City Council Meetings of August 3, 2015.

.....  
**CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL**

**MEMBERS:**

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

**NO ACTION** taken on this item.

.....  
**CONSENT AGENDA - RESOLUTIONS:**

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

.....  
**5.1. \*RESOLUTION**

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

That the City Council approve an amendment to the City of El Paso Infill Development Incentive Policy, as recommended by the Managing Director of the Economic and International Development Department, to amend the Term of Financial Incentives to August 24, 2016.

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

.....  
**6.1. \*RESOLUTION**

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

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

**WHEREAS**, taxpayer, Felicia Benifield ("Taxpayer") has applied for a refund with the tax assessor for their 2010 property taxes that were overpaid on December 14, 2010 in the amount of \$1,220.90 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2010 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Felicia Benifield showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2010 taxes and the tax refund in the amount of \$1,220.90 is approved.

6.2.

**\*RESOLUTION**

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

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

**WHEREAS**, taxpayer, Robert Bean ("Taxpayer") has applied for a refund with the tax assessor for their 2010 property taxes that were overpaid on January 27, 2011 in the amount of \$8,741.81 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2010 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Robert Bean showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2010 taxes and the tax refund in the amount of \$8,741.81 is approved.

6.3.

**\*RESOLUTION**

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

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

**WHEREAS**, taxpayer, Health Masters Hand & Physical Therapy Services (“Taxpayer”) has applied for a refund with the tax assessor for their 2010 property taxes that were overpaid on November 4, 2010 in the amount of \$1,716.06 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2010 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Health Masters Hand & Physical Therapy Services showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2010 taxes and the tax refund in the amount of \$1,716.06 is approved.

6.4.

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

**WHEREAS**, the City, by and through the Engineering and Construction Management Department, has entered into many contracts and similar documents for projects that have been approved by the City Council;

**WHEREAS**, the Engineering and Construction Management Department is being reorganized and renamed as the Capital Improvement Department, and the Engineering and Construction Management Department is being dissolved;

**WHEREAS**, in the interest of efficiency of administrative governmental operations, the City Council approved a resolution on March 11, 2014 which delegated authority to the City Engineer to enter into and sign certain contracts on behalf of the City that are routine in nature, for projects that have already been approved by City Council and consolidated the various delegations of authority into one resolution; and

**WHEREAS**, the City Council desires to delegate the authority previously delegated to the City Engineer to the Director of the Capital Improvement Department,

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

That City Council hereby delegates to the Director of the Capital Improvement Department all authority previously granted to the City Engineer pursuant to contracts and similar documents for projects that have been approved by the City Council and the authority to negotiate and enter into the contracts and documents identified in the March 11, 2014 resolution, in accordance with the guidelines established therein.

If the department director is not a licensed engineer in the State of Texas, the City Manager may designate an employee of the department who is trained and qualified as an engineer in the State of Texas to perform the duties of an engineer as set forth in any contracts or similar projects that have been approved by the City Council.

6.5.

**\*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 is authorized to sign a Review and Audit Services Agreement 2015-633R between the City of El Paso and MuniServices, LLC., for the



review and audit of the City's Hotel Occupancy tax revenue for a term of thirty six (36) months from the effective date and two (2) one-year options to extend the term to be exercised by the City manager, for a contract amount of \$219,165.00 for the initial term and \$146,110.00 for the option terms.

6.6.

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

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

**WHEREAS**, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

**WHEREAS**, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

**WHEREAS**, on January 16, 2007, the City Council passed a Resolution which modified the property included in the District, authorized and approved the creation of the District; and

**WHEREAS**, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

**WHEREAS**, after statutory notice was provided, on April 17, 2007, the El Paso City Council approved Ordinance No. 016603 which approved the Service and Assessment Plan and the levying of assessments for the District; and

**WHEREAS**, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

**WHEREAS**, the City staff has reviewed the April 17, 2007 Service and Assessment Plan and has recommended that no changes or revisions are needed to the April 17, 2007 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

**CONSENT AGENDA - NOTICE FOR NOTATION:**

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

**7.1.** \*Motion made, seconded, and unanimously carried to **APPROVE** the donation of \$1500 from Waste Connections, Inc. for District #8 Summer Programming such as

“Movies in the Park”, South Side Block Party, and youth sport activities.

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**CONSENT AGENDA - BEST VALUE PROCUREMENTS:**

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

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- 8.1.** \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2015-998 Grounds Maintenance for El Paso City Parks-Mowing (Re-Bid) to Tree D's Landscaping & Ground Maintenance for an initial term estimated award of \$390,400.00. The period of performance is from September 14, 2015 through September 13, 2017.

Department:	Parks and Recreation
Award to:	Tree D's Landscaping and Ground Maintenance El Paso, TX
Item(s):	All
Initial Term:	2 years
Option to Extend:	None
Annual Estimated Award:	\$195,200.00
Total Estimated Award:	\$390,400.00 (2 years)
Account No.:	451-51295-522210-P5119-2305
Funding Source:	Environmental Fund

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Parks and Recreation Department recommend award as indicated to Tree D's Landscaping & Ground Maintenance, the bidder offering the best value bid.

This is a Competitive Sealed Proposal, unit price contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to CMD ENDEAVORS, INC 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.

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**REGULAR AGENDA - FIRST READING OF ORDINANCES**

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

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- 9.1.** \*Motion made, seconded, and unanimously carried to **DELETE** the introduction on an Ordinance amending Title 18 (Building and Construction), Chapter 18.40 (Vacant Buildings) of the City Code in its entirety relating to all provisions, to require securing of vacant premises by owners, establishing administrative procedures, providing for appeal; the penalty being as provided in section 18.02.111 (Violations and Penalties) of the El Paso City Code.

- 9.2.** \*Motion made, seconded, and unanimously carried to **DELETE** the introduction on an

Ordinance amending Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code) of the City Code in its entirety relating to all provisions, to require additional safeguards and maintenance criteria for vacant buildings; the penalty being as provided in section 18.02.111 (Violations and Penalties) of the El Paso City Code.

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

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

- 10.1.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing – Tow Away Zone), of the El Paso City Code, to delete paragraphs 72, 102, and 103, thereby allowing parking on north side of Main Drive between Campbell Street and Kansas Street; Main Drive from Oregon Street to a point 100 feet West, North Side; and, Main Drive from a point 100 Feet West of Oregon Street to El Paso Street, both sides, the penalty being as provided in Section 12.84.010 and 12.85 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON AUGUST 25, 2015**

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

- 10.2.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 20.060 (Signal Legend - Go, Caution and Stop), Subsection 12.20.060(C)(1)(A) (Red Alone or "Stop") of the El Paso City Code, to Add Santa Fe Street – Wyoming Avenue, the penalty being as provided in Section 12.84.010 and 12.85 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON AUGUST 25, 2015**

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

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

- 11.1.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland and carried to **AWARD** Solicitation No. 2015-990 Pebble Hills Boulevard Extension Street and Drainage Improvements (Re-Bid) to CMD ENDEAVORS, INC., for an estimated total amount of \$1,509,900.00.

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

Department:	Capital Improvement
Award to:	CMD ENDEAVORS, INC.
	El Paso, TX
Base Bid I:	\$ 1,120,040.00
Base Bid II:	\$ 365,100.00
Base Bid III:	\$ 24,760.00

Total Estimated Award: \$ 1,509,900.00  
Account No.: 580270-190-4740-28900-PCP13ST003Y1E  
580270-190-4560-28340-PCP13ST003Y1E  
580270-190-4970-38030-PCP13ST003Y1E  
Funding Source: 2013 Street Infrastructure Certificates of  
Obligation  
2012-2013 Certificates of Obligation  
El Paso Water Utilities

This is a Competitive Sealed Proposal, unit price contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to CMD ENDEAVORS, INC 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.

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

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

**12.1. ORDINANCE 018403**  
.....

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE FORM OF THE FOREIGN TRADE ZONE DISTRIBUTION SITE OPERATOR AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.**

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

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

NAYS: None

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

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

- 13.1.** \*Motion made, seconded, and unanimously carried to **DELETE** an Ordinance changing the zoning of Tract 6C, Block 15, Ysleta Grant, East of Knowles Way and South of Lomaland Drive, City of El Paso, El Paso County, Texas from R-3 (Residential) to S-D (Special Development), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of

Knowles Way and South of Lomaland Drive. Property Owner: Christopher Kangur. PZRZ15-00009

- .....
- 13.2. \*Motion made, seconded, and unanimously carried to **DELETE** an Ordinance changing the zoning of Lots 1 and 2, Block 11, Eastwood, 1141 Caper Road and 7827 Bois D' Arc Drive, City of El Paso, El Paso County, Texas, from R-3 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 1141 Caper Road and 7827 Bois D' Arc Drive. Property Owner: Armando Beltran, MD. PZRZ15-00018
- .....

13.3. **ORDINANCE 018404**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 23, VISTA GRANADA UNIT THREE, 1374 GEORGE DIETER DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1374 GEORGE DIETER DRIVE. PROPERTY OWNER: GEORGE R. GONZALEZ & TEXTAPE, INC. PZRZ15-00015.**

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Acosta and 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**.

.....

13.4. **ORDINANCE 018405**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 9332 WHICH CHANGED THE ZONING OF A REPLAT OF ALL OF LOTS 1-5, BLOCK 3, AND ALL OF LOTS 1-17, BLOCK 5, AND ALL OF BIR COURT, AND A PORTION OF DUCKETT ROAD, AND ALL OF THE PSB RIGHT-OF-WAY, RIVER RUN SUBDIVISION UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF COUNTRY CLUB ROAD AND EAST OF UPPER VALLEY ROAD. PROPERTY OWNER: WELCH AND ASSOCIATES, INC. PZCR15-00003.**

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

AYES: Representatives Svarzbein, Romero, Robinson, Noe, Ordaz, and Limón

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Acosta and 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**.

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

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**14.1. ORDINANCE 018406**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LICENSE TO THE CAMINO REAL REGIONAL MOBILITY AUTHORITY, A REGIONAL MOBILITY AUTHORITY CREATED AND OPERATING PURSUANT TO CHAPTER 370 OF THE TEXAS TRANSPORTATION CODE, TO PERMIT THE CONSTRUCTION, INSTALLATION, MAINTENANCE, USE AND REPAIR OF BICYCLE SHARE FACILITIES ON CERTAIN PUBLIC PROPERTIES, INCLUDING PUBLIC RIGHTS-OF-WAY IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representatives Noe and Niland commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

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

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**ITEMS 14.2. - 14.4. TAKEN TOGETHER**

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**14.2. ORDINANCE 018407**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY) OF THE EL PASO CITY CODE TO ADD SECTION 12.44.300 (EDUCATIONAL PARKING DISTRICT) TO CREATE AN EDUCATIONAL PARKING DISTRICT AND RESTRICTIONS; THE PENALTY BEING AS PROVIDED IN SECTIONS 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

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

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

The following City staff members commented:

1. Mr. Ted Marquez, Streets and Maintenance Director

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

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

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

NAYS: None

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

14.3.

#### **ORDINANCE 018408**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII-RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO CITY CODE TO CREATE A NEW ZONE FOR AN EDUCATIONAL PARKING DISTRICT IN THE AREA SURROUNDING THE MESITA EARLY CHILDHOOD DEVELOPMENT CENTER, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

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

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

NAYS: None

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

14.4.

#### **RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement ("Agreement") by and between the City of El Paso, Texas ("City"), and the El Paso Independent School District ("EPISD"), for managing the distribution of parking permits for the educational parking district as further described in the Agreement, at no cost to the City, for an initial term of one year with renewal options.

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

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

NAYS: None

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**REGULAR AGENDA - OTHER BUSINESS / PUBLIC HEARING**

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

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**15.1. RESOLUTION**

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

That the City Manager be authorized to sign the Second Amendment to the Economic Development Program Grant Agreement between the City of El Paso and The Hub of Human Innovation Inc. allowing the parties to modify the timeline obligations in the Agreement.

Ms. Jessica Herrera, Redevelopment Manager, Economic and International Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Gary Williams, Interim Director for the Hub of Human Innovation, Inc., presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein, Acosta, Noe, and Limón commented.

Mr. Cary Westin, Economic and International Development Director, commented.

The following members of the public commented:

1. Mr. Josh Kauffman
2. Ms. Eva Deemer
3. Ms. Anna Yellen
4. Ms. Anna Deer
5. Mr. Aaron Nystrom

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

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**15.2.1.** \*Motion made, seconded, and unanimously carried to **DELETE** the item for discussion and action that the City Manager be authorized to sign the First Amended and Restated Hotel Site Lease by and between the City of El Paso ("Lessor") and EP Vida, LLC ("Lessee") covering the following described property: 376,174.23 square feet, more or less being Lots 1, 2, and 3, Block 5A, and Lots 1, 2, and 3, Block 5B, El Paso International Airport Tracts, Replat of Unit 3, Replat "B", City of El Paso, El Paso County, Texas ("Premises"). The Premises shall consist of a Hotel Site, the Commercial/Retail Parcels, an Open Space Site, and a Private Street.

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**15.2.2.** \*Motion made, seconded, and unanimously carried to **DELETE** the item for discussion and action that the City Manager be authorized to sign the First Amendment to Chapter 380 Economic Development Program Agreement between the City of El Paso and EP VIDA, LLC allowing the parties to modify the timeline obligations in the Agreement.



- .....
- 15.2.3.** \*Motion made, seconded, and unanimously carried to **DELETE** the item for discussion and action that the City Manager be authorized to sign the First Amendment to Hotel and Convention Services Agreement between the City of El Paso and EP VIDA, LLC allowing the parties to modify the timeline obligations in the Agreement.
- .....

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

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- 16.1.** Motion made by Representative Ordaz, seconded by Representative Svarzbein, and carried to **APPROVE** to grant an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from Carlos Lerma, on behalf of Santorini Party Hall, for the property located at 1715 Saul Kleinfeld Drive and legally described as a portion of Lot 1, Block 1, Letty Subdivision, City of El Paso, El Paso County, Texas.

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the healthy, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

AYES: Representatives Svarzbein, Romero, Acosta, Noe, Ordaz, and Niland

NAYS: Representative Limón

ABSTAIN: Representative Robinson

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

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- 17.1.** Status Update on Work of Hispanic Cultural Center Subcommittee.

Mr. Jaime Esparza, Hispanic Cultural Center Subcommittee's Chairman, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Ben Fyffe, Museums and Cultural Affairs Assistant Director, commented.

**NO ACTION** taken on this item

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**18. MAYOR AND COUNCIL**

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- 18.1.** For Notation Only: There is no Formal Report of the Financial Audit and Oversight Committee meeting held on July 15, 2015 since there was not a quorum of the members present. The attached quarterly Auditor's report includes the following:

- a. Discussion on Audit Plan Updates.

- b. Discussion on Hotel Occupancy Tax Audit Bid update.
- c. Discussion on Client Surveys.
- d. Discussion and update on Special Audit requested by City Council.

Representatives Robinson and Limón commented.

Mr. Edmundo Calderon, Internal Auditor, commented.

**NO ACTION** taken on this item

### **EXECUTIVE SESSION**

Motion made by Representative Robinson, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:54 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:

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

Motion made by Representative Romero, seconded by Representative Svarzbein, and unanimously carried to adjourn the Executive Session at 2:25 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

**EX1.** \*Motion made, seconded, and unanimously carried to **DELETE** the item regarding Economic Incentive Negotiations for a Mineral Company to be located in the City of El Paso. (551.087)

**EX2.** \*Motion made, seconded, and unanimously carried to **DELETE** the item regarding EP Hotel Partners, LP et al v. City of El Paso, et al, No. 2014DCV0727, in the County Court at Law Number 5, El Paso County, Texas. (Section 551.071)

**EX3.** The City of El Paso v. Sung Sook Yun; Chang Keun Yoon; Grace Yun, et al, Cause No. 2010TX827. (Section 551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland and unanimously carried that the City Attorney's Office be authorized settlement authority in the case styled The City of El Paso v. Sung Sook, Chang Keun Yoon, Grace Yun, et al, pending in County Court at Law Number Five under Cause No. 2010TX827. The City Attorney's Office is authorized to sign all documents to effectuate this authority under Matter No. 12-1002-033 as recommended by the City Attorney.

NOT PRESENT FOR THE VOTE: Representatives Robinson, Ordaz, and Limón.

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

**NO ACTION** taken on this item

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

**NO ACTION** taken on this item

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**ADDITIONS TO THE AGENDA**

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**MAYOR AND COUNCIL:**

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**1.1. 1<sup>st</sup> MOTION**

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

**2<sup>nd</sup> AND FINAL MOTION**

Motion made by Representative Ordaz, seconded by Representative Limón, and carried to **MOVE** to repeal the August 4<sup>th</sup> amendment to the City Manager's contract and bring this item back to Council upon completion of the first market based review, a review required by the contract.

**MOTION FAILED**

AYES: Representatives Robinson, Ordaz, and Limón

NAYS: Representatives Svarzbein, Romero, Acosta, Noe, and Niland

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

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice.
2. Ms. Linda Thomas, Director of Human Resources

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Mr. Brian A. Heller
3. Dr. Antonio Jesurun
4. Mr. Ray Adauto
5. Ms. Diamond Price
6. Ms. Michelle Luevano
7. Ms. Elsa Heller
8. Mr. Anastacio Valdez
9. Mr. Vincent Castro
10. Mr. Hector Montes
11. Mr. Christian Martin
12. Mr. Sal Gomez
13. Mr. Oscar Venegas
14. Mr. Dan Olivas
15. Mr. Gabriel Garcia

16. Mr. David Saucedo
17. Mr. Joe Lopez
18. Mr. Rolando Correa
19. Ms. Lisa Turner
20. Mr. Nicolas Dominguez
21. Mr. Richard Dayoub
22. Mr. V.J. Smith
- 23. Mr. Scott White**

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**ADJOURN**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Svarzbein, and unanimously carried to **ADJOURN** this meeting at 2:28 p.m.

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

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk