

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
SAM MORGAN, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

August 20, 2019
COUNCIL CHAMBERS, CITY HALL
9:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 9:10 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Sam Morgan, Isabel Salcido, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. Late arrivals: Alexsandra Annello and Cassandra Hernandez at 9:11 a.m. The invocation was given by Pam Faraone, New Day Ministries International followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY PAM FARAONE, NEW DAY MINISTRIES INTERNATIONAL

PLEDGE OF ALLEGIANCE

Students of Chester E. Jordan Elementary at the invitation of District 5
Representative Isabel Salcido
Paula Aultman
Christian Cereceros
Abigail Carrasco
Hajin Hwang
Marion Johnson
Benjamin Maksimowski
Sofia Richards
Noah Solis
Johanna Ugege
Aleinna Vazquez
Nicolas Parra
Mia Barron

MAYOR'S PROCLAMATIONS

1. Alchemy Karate Academy Month
2. El Paso Branch NAACP Day
3. Wellington Chew Senior Center Day
4. TTUHSC El Paso Paul L. Foster School of Medicine's 10th Anniversary Year

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RECOGNITIONS BY MAYOR

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NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, 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, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga
 NAYS: None

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CONSENT AGENDA - APPROVAL OF MINUTES:

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

- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of August 6, 2019, the Agenda Review Meeting of August 5, 2019, and the Special City Council Meeting of August 12, 2019.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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

NO ACTION was taken on this item.

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CONSENT AGENDA - RESOLUTIONS:

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

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

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

That the City Manager be authorized to sign Contract 2019-453 Landscaping Services

Control Contract by and between the city of El Paso and both WorkQuest f/k/a TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, to provide specified landscaping services for certain properties managed by the City of El Paso's International Bridges Department for a term of thirty six (36) months from the effective date of the Agreement and one (1) two-year option to extend, which may be exercised by the City Manager or designee administratively. This is a service requirement contract at a currently estimated cost to the City of El Paso of \$108,688.32 for the initial term and an estimated \$182,228.80 if the option to extend is exercised.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

3.2. *A RESOLUTION NOMINATING WESTERN REFINING COMPANY, L.P. AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Western Refining Company, L.P. has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Western Refining Company, L.P. as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Western Refining Company, L.P. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Western Refining Company, L.P. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals or veterans; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Western Refining Company, L.P. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Western Refining Company, L.P. meets the criteria for tax relief and other incentives adopted by the City and nominates Western Refining Company, L.P. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Western Refining Company, L.P. as an enterprise project pursuant to the Act.

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

1. That Western Refining Company, L.P. is a "qualified business" as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or her designee be authorized to sign any and all documents required by EDC to complete the nomination process.

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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 a Temporary Land Use Lease by and between the City of El Paso ("Lessor") and Maximus Federal Services Inc. ("Lessee") regarding the following described property:

A portion of Lot 9, Block 3, Butterfield Trail Industrial Park Unit Three, City of El Paso, El Paso County, Texas (approximately 234,840.30 SQ FT), municipally known and numbered as 25 Founders Blvd., El Paso, Texas, and more fully described in ***Exhibit "A"*** attached hereto and incorporated herein by reference, together with the improvements erected thereon (the "Premises").

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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 City Manager is authorized to sign the First Amendment to the

Amended and Restated Butterfield Trail Industrial Park Lease, by and between the **CITY OF EL PASO, TEXAS** ("Lessor"), and **ELP BUTTERFIELD 9, LLC** ("Lessee") in order to enable the Lessee to enter into a deed of trust with Goldman Sachs Bank USA to invest in Lessee's use regarding the following described property:

A portion of Lots 5 and 6, Block 2, Butterfield Trail Industrial Park Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 9 Butterfield Trail Blvd., El Paso, Texas.

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 is authorized to sign the First Amendment to the Amended and Restated Butterfield Trail Industrial Park Lease, by and between the **CITY OF EL PASO, TEXAS** ("Lessor"), and **ELP LEIGH 19, LLC** ("Lessee") in order to enable the Lessee to enter into a deed of trust with Goldman Sachs Bank USA to invest in Lessee's use regarding the following described property:

Lots 12, 13, and 14, Block 8, Butterfield Trail Industrial Park Unit Two, an addition to the City of El Paso, El Paso County, Texas municipally known and numbered as 19 Leigh Fisher Blvd., El Paso, Texas.

3.6.

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

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

That the City Manager is authorized to sign the First Amendment to the Amended and Restated Butterfield Trail Industrial Park Lease, by and between the **CITY OF EL PASO, TEXAS** ("Lessor"), and **ELP ZANE 5, LLC** ("Lessee") in order to enable the Lessee to enter into a deed of trust with Goldman Sachs Bank USA to invest in Lessee's use regarding the following described property:

A portion of Lots 4 and 5, Block 1, Butterfield Trail Industrial Park Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 5 Zane Grey St, El Paso, Texas.

3.7.

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

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

That the City Manager is authorized to sign the First Amendment to the Amended and Restated Butterfield Trail Industrial Park Lease, by and between the **CITY OF EL PASO, TEXAS** ("Lessor"), and **ELP ZANE 7, LLC** ("Lessee") in order to enable the Lessee to enter into a deed of trust with Goldman Sachs Bank USA to invest in Lessee's use regarding the following described property:

All of Lot 3 and a portion of Lots 2C and 4, Block 1, Butterfield Trail Industrial Park Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally

known and numbered as 7 Zane Grey St., El Paso, Texas.

3.8.

***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 the First Amendment to the Amended and Restated Butterfield Trail Industrial Park Lease, by and between the **CITY OF EL PASO, TEXAS** ("Lessor"), and **ELP ZANE 12, LLC** ("Lessee") in order to enable the Lessee to enter into a deed of trust with Goldman Sachs Bank USA to invest in Lessee's use regarding the following described property:

A portion of Lots 2 and 3, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A" (Parcel 1) and all of Lot 1 and a portion of Lot 2, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A" (Parcel 2), both of which are located in an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 12 Zane Grey St. and 14 Butterfield Trail Blvd., El Paso, Texas.

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 City Manager be authorized to sign, on behalf of the City of El Paso, a Lease Agreement No. 2019-1191 between BLK Investments 2 Family Limited Partnership ("Lessor"), and the City of El Paso ("Lessee") for seventy (70) parking spaces located at 216 South Ochoa Street in the City of El Paso, El Paso County, Texas, and adjacent to the Municipal Court facility in downtown El Paso, for an initial term of five (5) years with one option to extend for two (2) years.

In addition, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

- 4.2.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2019-1072 Engine and Transmission Lubricants, Coolants, and Antifreeze (RE-BID) - C & R Distributing, LLC for an initial estimated award of \$104,999.40 for three (3) years. The award is to include a two (2) year optional amount of \$69,999.60 for a five (5) year estimated award of \$174,999.00 This contract will cover Fire Department's Engine and Transmission Lubricants, Coolants, and Antifreeze needs.

CONTRACT VARIANCE:

New contract, no variance.

Department:

Fire Department

Award to:

C & R Distributing, LLC
El Paso TX

Item(s):	All
Initial Term:	3 years
Option to extend:	2 years
Annual Estimated Award:	\$34,999.80
Initial Term Estimated Award:	\$104,999.40 (3 years)
Total Estimated Award:	\$174,999.00 (5 years)
Account:	322-22090-1000-P2216-530040
Fund Source Name:	General Fund
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to C & R Distributing, LLC the lowest responsive, and responsible bidder.

In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

4.3.

*R E S O L U T I O N

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

WHEREAS, since January of 2019 over 100,000 migrants have entered into the United States through El Paso; and

WHEREAS, on March 25, 2019, City Council found that in order to protect the public health, safety and welfare of migrants and City residents alike, the City Manager should be granted broad authority until April 29, 2019 to take all action necessary to commit, direct, and assign necessary personnel and resources to provide humanitarian relief to migrants released into the El Paso Community; and

WHEREAS, on April 29, 2019, the City Council of El Paso found that the migrant issues it addressed on March 25, 2019 persisted, and therefore extended the City Manager's broad authority to commit resources for the provision of humanitarian relief to migrants through June 25, 2019, and instructed the City Manager to inform the El Paso Congressional and State Delegation of its expenditures and requests for reimbursement of taxpayer resources; and

WHEREAS, on June 25, 2019, the City Council of El Paso once more granted the City Manager broad authority to commit resources for the provision of humanitarian relief to migrants and continued to instruct the City Manager to inform El Paso's Congressional Delegation of its mounting expenses and the need for reimbursement; and

WHEREAS, the authority granted by the El Paso City Council to the City Manager to address the ongoing needs of arriving migrants is set to expire on September 1, 2019; and

WHEREAS, there remains a need for the City of El Paso to be able and ready

to provide humanitarian support to the migrants that continue to come through El Paso's borders; and

WHEREAS, the City of El Paso has yet to receive federal or state reimbursement for its provision of humanitarian assistance to migrants along the southern border.

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

- (1) That the City Manager is granted broad authority until December 31, 2019, to take all action necessary to commit, direct, and assign necessary personnel and resources, including financial resources, to provide humanitarian relief to migrants released by federal authorities into the El Paso community; and
- (2) That the City Manager and/or designee is directed to provide quarterly reports to City Council of the cost to tax payers for the City's expenditures in providing relief to migrants; and
- (3) That the Mayor is directed to continue to urge the City's federal and state delegation of the need for local reimbursement and resources to address the continued migrant flow.

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

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

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

That the City Manager be authorized to sign the City Parks Restrooms Maintenance Contract No. 2019-1155 entered into by and between the city of El Paso ("City") and both WORKQUEST F/K/A TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, and collectively referred to as the "Contractors," to provide specified restroom maintenance services for certain City parks and properties managed by the City's Parks and Recreation Department, from September 1, 2019 through August 31, 2020, for an approximate amount of \$170,910.36 to be paid over the one -year term of the contract; and to authorize the City Manager or his designee to extend the term by one year at a 3% increase for an approximate amount of \$176,037.67, as needed and provided under the contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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

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

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

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

WHEREAS, taxpayer, Enrique Cervantes ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on March 29, 2016 in the amount of \$62.55 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 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 Enrique Cervantes showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$62.55 is approved.

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

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

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

WHEREAS, taxpayer, Jose Esparza through Jacobs Auto Sales ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on March 2, 2015 in the amount of \$41.11 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Jose Esparza through Jacobs Auto Sales showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$41.11 is approved.

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

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

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

WHEREAS, taxpayer, Sierra Title Company Inc. ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on May 28, 2015 in the amount of \$2,027.29 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Sierra Title Company Inc. showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$2,027.29 is approved.

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

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

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

WHEREAS, taxpayer, Seterus ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on December 28, 2015 in the amount of \$1,977.08 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 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 Seterus showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$1,977.08 is approved.

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

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

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

WHEREAS, taxpayer, Seterus ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on December 28, 2015 in the amount of \$50.00 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 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 Seterus showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$50.00 is approved.

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

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

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

WHEREAS, taxpayer, Jaime Duran Jr. ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on April 27, 2015 in the amount of \$91.48 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Jaime Duran Jr. showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$91.48 is approved.

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

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

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

WHEREAS, taxpayer, Paula G. H. Anaya ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on April 27, 2015 in the amount of \$34.98 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Paula G. H. Anaya showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$34.98 is approved.

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

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

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

WHEREAS, taxpayer, Joseph Schoonmaker ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on February 24, 2015 in the amount of \$40.97 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Joseph Schoonmaker showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax

refund in the amount of \$40.97 is approved.

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

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

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

WHEREAS, taxpayer, Gerald B. and Irma Risinger ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on June 1, 2015 in the amount of \$37.60 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Gerald B. and Irma Risinger showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$37.60 is approved.

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

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

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

WHEREAS, taxpayer, Angel Puentes ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on January 31, 2016 in the amount of \$157.14 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 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 Angel Puentes showed a good cause to extend the

deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$157.14 is approved.

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

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

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

WHEREAS, taxpayer, Eduardo and Guadalupe Munoz ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on June 1, 2015 in the amount of \$57.52 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Eduardo and Guadalupe Munoz showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$57.52 is approved.

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

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

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

WHEREAS, taxpayer, Jesus Luna ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on June 1, 2015 in the amount of \$35.64 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Jesus Luna showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$35.64 is approved.

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

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

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

WHEREAS, taxpayer, Javier and Maria E. Guzman ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on June 1, 2015 in the amount of \$33.10 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Javier and Maria E. Guzman showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$33.10 is approved.

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

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

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

WHEREAS, taxpayer, Hector and Silvia Guillen ("Taxpayer") has applied for a refund with the tax assessor for their 2014 property taxes that were overpaid on June 1, 2015 in the amount of \$230.15 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2014 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 Hector and Silvia Guillen showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2014 taxes and the tax refund in the amount of \$230.15 is approved.

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

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

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

WHEREAS, taxpayer, Arturo and Minerva Galalrdo ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on March 21, 2016 in the amount of \$500.01 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 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 Arturo and Minerva Galalrdo showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$500.01 is approved.

6.2.

***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 April 27, 2017, Ranchos Real Land Holdings, LLC., owner of real property located within El Paso Public Improvement District No. 2 (Eastside Sports Complex) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 2 (Eastside Sports Complex) (the "District"); and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on May 30, 2017, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on June 27, 2017, the City Council passed a Resolution authorizing and approving the creation of the El Paso Public Improvement District No. 2 Eastside Sports Complex; and

WHEREAS, the authorization of the District took effect on June 30, 2017 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 October 17, 2017, the El Paso City Council approved Ordinance No. 018734 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 October 17, 2017 Service and Assessment Plan and has recommended that no changes or revisions are needed to the October 17, 2017 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. 2 (Eastside Sports Complex) approved on October 17, 2017, as described in Ordinance No. 018734, 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. 018734.

6.3.

***RESOLUTION**

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.

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

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

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

That the City Manager to sign a two year On-Call Agreement for Professional Services to perform surveying services on a task by task basis by and between the City of El Paso and each of the following three (3) consultants:

1. Brock & Bustillos, Inc.
2. Cobb, Fendley & Associates, Inc.
3. Frank X. Spencer & Associates, Inc.

Each On Call Agreement will be for an amount not to exceed Three Hundred Fifty Thousand and No/00 Dollars (\$300,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

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

WHEREAS, on March 28, 2019 the City Council approved the award of 2019 Roadway Pavement Striping Solicitation 2019-806, to Pavement Marking, LLC; and

WHEREAS, prior to execution of the Agreement, Pavement Marking, LLC informed the City that Pavement Marking, LLC is authorized to do business in the State of Texas under the name PMI Pavement Marking, LLC; and

WHEREAS, the City desires to correct the contractor's name to be awarded the 2019 Roadway Pavement Striping contract.

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

1. That 2019 Roadway Pavement Striping Solicitation 2019-806 be awarded to Pavement Marking, LLC dba PMI Pavement Marking, LLC for an initial term estimated total award of \$132,750.00. The award is to include a two (2) year optional estimated amount of \$132,750 for a total of a four (4) year estimated award of \$265,500. Contract will consist of on demand application of thermoplastic striping and markings on City owned right-of-way, in accordance with TxDOT Manual of Uniform Traffic Control Devices, as needed or required for special projects and/or maintenance activities; and
2. That the award of Solicitation 2019-806 to Pavement Marking, LLC on May 28, 2019 is hereby null and void; and
3. 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
4. That upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

7.3.

***RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding by and between the City of El Paso and the El Paso Water Utilities Public Service Board to establish the mutual responsibilities and duties regarding the construction of an 8-inch wastewater line to be installed along Hughey Drive, Magruder Street, and Timberwolf Drive in order to allow proper development of the D2WP; and that the City will compensate El Paso Water Utilities Public Service Board an estimated engineering fee of \$2,187.79.

7.4.

***RESOLUTION**

That the City Manager be authorized to sign a letter of support for the El Paso County Water Improvement District #1 grant application to the Metropolitan Planning

Organization (MPO) for the 2020 Transportation Alternatives Set-Aside Program. The project is the construction of the trail as it relates to the PDN Trail Master Plan for the proposed path running along East Paisano Drive starting at the El Paso Zoo navigating to South Val Verde Street. This will provide connectivity to Jefferson High School, the El Paso Zoo, Alameda BRIO station, as well as residential and commercial areas.

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

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (the "City") and the Texas Tech University Health Sciences Center at El Paso ("TTUHSC"), for the period of September 15, 2019 through September 14, 2021, pursuant to which TTUHSC physicians shall do the following for the City's Department of Public Health's clinical laboratories: 1) provide a CLIA qualified faculty member to serve as the medical director, 2) review and approve the quality control procedures and 3) make recommendations to the clinical procedures manuals; for which the City shall pay TTUHSC \$1,200.00 per month for a maximum compensation of \$28,800.00 for a two-year contract term.

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

- 9.1.** *Motion made, seconded, and unanimously carried to **RE-APPOINT** Bruce Biegel to the Veterans Affairs Advisory Committee by Representative Claudia Ordaz Perez, District 6.

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** Bill Hicks to the Ethics Review Commission by Representative Claudia Ordaz Perez, District 6.

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

- 11.1.** *Motion made, seconded, and unanimously carried to **APPOINT** Jose Torres to the Community Development Steering Committee by Representative Claudia Ordaz Perez, District 6.

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

- 12.1.** *Motion made, seconded, and unanimously carried that the tax refund listed on the attachment posted with this agenda be **APPROVED**.

1. Bayview Loan Servicing, in the amount of \$7,684.86, made an overpayment on December 31, 2018 of 2018 taxes. (Geo. #T17299900903900)
2. Hakes Brothers, in the amount of \$9,805.73, made an overpayment on January 18, 2019 of 2018 taxes. (Geo. #M79300000100500)

CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

- 13.1.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2019-948 Armored Car Services for Parks and Police to Trans America Protection Corp., for an initial three (3) year term for an estimated amount of \$117,027.00. To include a two (2) year option of \$78,018.00 for a five (5) year award of \$195,045.00. This contract will provide armored car services for Parks and Recreation and Police Departments.

Contract Variance: There is no difference in cost based on the comparison from the previous contract.

Department:	Parks and Recreation Police Department
Award to:	Trans America Protection, Corp. El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 39,009.00
Initial Term Estimated Award:	\$117,027.00 (3 years)
Total Estimated Award:	\$195,045.00 (5 years)
Account No.	522150-321-21100-1000 522120-451-51220-P5103-1000
Funding Source:	General Funds
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing, Parks and Recreation, and Police Departments recommend award as indicated to Trans America Protection Corp., 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.

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

- 14.1.** An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.01 (General); Chapter 5.02 (Alcoholic Beverages); Chapter 5.03 (Amplified Sound Permit); Chapter 5.04 (Flea Market Operator); Chapter 5.05 (Public Swimming Pool Licenses); Chapter 5.06 (Home Occupation License); Chapter 5.07 (Boarding Home Facilities); Chapter 5.08 (Laundries); Chapter 5.09 (Sexually Oriented Businesses); and Chapter 5.10 (Tattoo And Body Art Studio Registration and Artist License) of the El Paso City Code to allow additional designated City employees to enforce Title 5 and conduct corresponding inspections and investigations, the penalty being as provided in Section 5.01.100 (Violation, Penalty); Section 5.02.170 (Violations and Penalties); Section 5.03.130 (Violation); Section 5.04.010 (Flea Market Operator License Provisions), Paragraph C (Enforcement-Penalty); Section 5.05.160 (Violations and Penalties); Section 5.06.020 (Home Occupation License Provisions), Paragraph G (Enforcement-Penalty); Section 5.07.150 (Offenses and Criminal Penalties); Section 5.09.150 (Penalties and Enforcement); Section 5.10.180 (Violation and Penalties), respectively, of the El Paso City Code.
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15. Goal 2: Set the Standard for a Safe and Secure City:

- 15.1.** An Ordinance ratifying the 2015 Edition of the International Fire Code and Amending Title 9 (Health And Safety), Chapter 9.52 (Fire Prevention Code), of the El Paso City Code, to provide for local amendments to the 2015 International Fire Code, the penalty being as provided in Section 9.52.030.12 (Violation Penalties) of the El Paso City Code.
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16. Goal 3: Promote the Visual Image of El Paso:

- 16.1.** An Ordinance changing the zoning of Lot 1-4, Ranchland Commercial District Unit No. 2, 7750 Gateway Boulevard East, 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. The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: 7750 Gateway Boulevard. Property Owner: Snap Properties LP. PZRZ19-00015
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- 16.2.** An Ordinance changing the zoning of a portion of Lot 1, Block 1, CVS Subdivision, City Of El Paso, El Paso County, Texas from C-1/C (Commercial/Condition) to G-Mu/C (General Mixed Use/Condition) and approving a Major Amendment to the Adopted Master Zoning Plan and Master Zoning Plan Report. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. The proposed rezoning and master zoning plan amendment meet the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 2501 Mesa Street. Owner: MIMCO. PZRZ18-00052

- 16.3. An Ordinance vacating a portion of a public easement within a portion of Lot 1, Block 1, CVS Subdivision, City of El Paso, El Paso County, Texas. Subject Property: South of Boston and East of Oregon. Property Owner: 2501 Mesa, LLC. SUET19-00001

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

- 17.1. An Ordinance authorizing the City Manager to sign a Contract of Sale, Special Warranty Deed and any other documents necessary to convey 6.325 acres of land, more or less, being described as Lot 3, Block 1, Coronado Del Sol, an Addition to the City of El Paso, El Paso County, Texas, to the Housing Authority of the City of El Paso for the purchase price of \$826,551.00.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

- 18.1. Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Order(s) to FirstWatch Solutions, Inc. dba FirstWatch, the sole provider of the data source interface(s) and installation of FirstWatch analytic software, for a three (3) year term in the estimated amount of \$60,314.46 with the stipulation to provide an updated sole source affidavit and letter each year. The software utilizes information provided from Computer Aided Dispatch (CAD) and Imagetrend to provide real time information to improve situational awareness, operational performance, and clinical patient outcomes.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Contract Variance:

The difference in cost, based on the comparison from 2018 is an annual increase of 3%.

Department:	Fire Department
Award to:	FirstWatch Solutions, Inc. dba FirstWatch Carlsbad, CA
Term:	Three (3) Years
Total Estimated Award:	\$60,314.46
Account No.:	999 – 522020 - 15240 – 1000 – P1506
Funding Source:	Data Processing Service Contracts
District(s):	All
Sole Source No.:	2019-1319

This is a Sole Source, service contract.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera, and Lizarraga
NAYS: None

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

- 19.1.** Motion made by Representative Lizarraga, seconded by Mayor Pro Tempore Ordaz Perez, and unanimously carried to **AWARD** Solicitation 2019-1090 Grounds Maintenance for El Paso City Parks - Mowing to Abescape Landscaping, LLC, for an initial three (3) year term for an estimated amount of \$998,835.84. The award is to include a two (2) year optional amount of \$665,890.56 for a five (5) year estimated award of \$1,664,726.40. This contract will provide mowing services for El Paso City Parks.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: 57 parks being replaced under this contract and adding ten new parks. The blended rate for existing parks is \$7,649.50 and the new rate is \$9,538.40.

Department:	Parks and Recreation
Award to:	Abescape Landscaping, LLC
	El Paso, TX
Item(s):	Group 1 – Items 1-6
	Group 2 – Items 1-13
	Group 3 – Items 1-8, 10-13
	Group 4 – Items 1-35
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 332,945.28
Initial Term Estimated Award:	\$ 998,835.84 (3 years)
Total Estimated Award:	\$1,664,726.40 (5 years)
Account No.	522210-451-51295-P5120-2305
Funding Source:	Environmental Fee – Ground Keeping
	Horticulture Contracts
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Parks and Recreation Departments recommend award as indicated to Abescape Landscaping, LLC, the bidder offering the best value bid.

In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera,
and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

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- 19.2.** Motion made by Representative Rivera, seconded by Mayor Pro Tempore Ordaz Perez, and unanimously carried to **AWARD** Solicitation No. 2019-856 Rental and Service of Portable Restrooms to El Paso Sanitation Systems, Inc., dba Sarabias Portable Jons, for an initial three (3) year term for an estimated amount of \$2,346,456.00 to include a two (2) year optional amount of \$1,564,304.00 for a total of five (5) year award of \$3,910,760.00. This contract will provide continual rental of portable restrooms for Parks Facilities.

Contract Variance:

The difference in cost, based on the comparison from the previous contract, is as follows: The annual rental, service, and delivery of the standard units decreased by \$1,356.00. The annual price per unit is \$2,724.00 compared to \$4,080.00 from the previous contract, an average of 33.54% decrease.

Department:	Parks and Recreation
Award to:	El Paso Sanitation Systems, Inc., dba Sarabias Portable Jons El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$ 782,152.00
Initial Term Estimated Award:	\$2,346,456.00 (3 years)
Total Estimated Award:	\$3,910,760.00 (5 years)
Account No.	524110-451-51295-P5120-1000
Funding Source:	General Funds
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Parks and Recreation Departments recommend award as indicated to El Paso Sanitation Systems, Inc., dba Sarabias Portable Jons, the bidder offering the best value bid.

The Purchasing & Strategic Sourcing and Parks and Recreation Departments recommend to deem, Ivan's Pumping Service, Inc., non-responsive for failure to acknowledge the amendments and using the incorrect bid form.

In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

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- 20.1.** Motion made by Representative Lizarraga, seconded by Mayor Pro Tempore Ordaz

Perez, and unanimously carried to **AWARD** Solicitation No. 2019-455 Chamizal Neighborhood Pedestrian Enhancements Phase I to MARTINEZ BROS. CONTRACTORS, LLC for a total estimated award of \$853,775.00. This project consists of pedestrian enhancements and ADA accessibility improvements along various streets in the Chamizal neighborhood. These improvements include but are not limited to: removal and off-site disposal of asphaltic concrete pavement and base course; excavation for new sidewalks, curbs, ADA ramps, and driveways; removal of existing concrete sidewalk; concrete driveways, curb and gutter. Removal of existing wheelchair ramps; parkway landscaping; site clearing and minor grading. Preparation of roadway subgrade; new concrete curb and gutter; concrete driveways; ADA compliant accessible wheelchair ramps; concrete sidewalk; Hot Mix Asphaltic Concrete (HMAC); base course; subgrade cement stabilization; implementation of storm water pollution prevention plan, new traffic signs, and any other items as identified in the bid proposal and/or as shown in the plans and specifications.

Department: Capital Improvement
Award to: MARTINEZ BROS. CONTRACTORS, LLC
El Paso, TX
Item(s): All
Term: 160 Standard Workweek Days
Total Award: \$853,775.00
Account No.: 190 – 4950– 38170 - 580270 – PCP17TRAN4
Funding Source: Federal Highway Administration (FHWA) and Certificates of Obligation
District(s): 8

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC, the lowest responsive, responsible bidder.

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

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

As part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract change orders necessary for proper contract administration in accordance with Texas Department of Transportation (TXDOT) requirements which do not revise the estimated award and change orders that are in accordance with applicable law.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga
NAYS: None

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The City Council meeting was **RECESSED** at 10:44 a.m. in order to conduct the Special Mass Transit Department Board Meeting.

The City Council meeting was **RECONVENED** at 10:49 p.m.

CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Ms. Linda LaRue
2. Mr. Omar Lopez
3. Ms. Ana Sofia Batista
4. Mr. Steven Strumer
5. Mr. Rene Fierro
6. Mr. Pierre Andre Euzarraga
7. Mr. Eddie Chavez, Jr.
8. Mr. Michael Castro
9. Mr. Luis Ruiz Aguilar
10. Ms. Wally Cech

Ms. Karla Nieman, City Attorney, commented.

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

21.1. ORDINANCE 018962

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESTATING THE CITY OF EL PASO TEXAS ZONE SCHEDULE NO. 1: RATES, RULES, CHARGES AND REGULATIONS APPLYING AT FOREIGN-TRADE ZONE NO. 68, AND AMENDING THE FEES LISTED THEREIN TO AUTHORIZE THE CITY COUNCIL TO SET ALL RELATED FEES THROUGH SCHEDULE C OF THE CITY'S ANNUAL BUDGET RESOLUTION AND TO REVISE THE TARIFF SCHEDULE FOR THE SAME PURPOSE; AND RESCINDING ORDINANCES 018064, 018223, 018402 AND 018558 WHICH AMENDED, UPDATED AND RESTATED THE ZONE SCHEDULE NO. 1.**

Representative Hernandez commented.

Motion duly made by Representative Rivera, seconded by Mayor Pro Tempore Ordaz Perez, and carried 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 Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga
NAYS: Svarzbein

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

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

- 22.1.** Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Morgan, and unanimously carried to **POSTPONE FOUR WEEKS** an Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to modify existing standards, update notification requirements, update the Table Of Permissible Uses; Require compliance with a Policy Guide; to establish location preferences, clarify organization of the Title; and provide for Non Conforming Situations. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Mayor Pro Tempore Perez commented.

AYES: Representatives Annello, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga
NAYS: Svarzbein and Hernandez

22.2. ORDINANCE 018963

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 8765 BY RELEASING CONDITIONS NO. 1 AND NO. 2 AND RELEASING ALL CONDITIONS PLACED ON THE PROPERTY BY ORDINANCE NO. 9264, WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 5, MESA HILLS PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. THE PROPOSED CONDITION RELEASE MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN. SUBJECT PROPERTY: 5450 HURD PLACE. PROPERTY OWNER: MESA HILLS LLC AND HURD COURT LP. PZCR19-00003**

Motion duly made by Representative Lizarraga, seconded by Mayor Pro Tempore

Ordaz Perez, and carried 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, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

22.3.

ORDINANCE 018964

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1 & 2, BLOCK 1, PLAT OF SIERRA VISTA ACRES, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTHEAST CORNER OF GATEWAY NORTH BLVD. & LAWRENCE AVE. OWNER: EP ROJAS PARTNERS, LP. PZRZ19-00004**

Mr. Raul Garcia, Planning and Inspections Program Manager, read floor amendments into the record.

Representative Annello commented.

Motion duly made by Representative Annello, seconded by Representative Salcido, and carried that the Ordinance be **ADOPTED, AS REVISED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

22.4.

ORDINANCE 018965

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING REAL PROPERTY DESCRIBED AS A PORTION OF SECTION 15, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS. SUAX17-00001**

Representatives Svarzbein, Hernandez, and Ordaz Perez commented.

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Tracy Novak, Parks and Recreation, Director
3. Mr. Harrison Plourde, Senior Planner
4. Mr. Philp Etiwe, Planning and Inspections, Director

Motion duly made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and carried 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, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

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

23.1. ORDINANCE 018966

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.200 (PARK AND RECREATION FACILITY USE AND FEE AUTHORIZATION) OF THE EL PASO CITY CODE. IN PARTICULAR, TITLE, CHAPTER, SECTION 13.24.200-DELETING SUBSECTION F, SETTING A COST RECOVERY RATE FOR SPORTS COMPLEXES.**

Motion duly made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Hernandez, and carried 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, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

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

24.1. ORDINANCE 018960

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.02 (DEPARTMENT OF PUBLIC HEALTH), SECTION 9.02.040 (FEES-CLINICS AND LABORATORY), SUBSECTION A, TO EXPAND AND CLARIFY THE TYPES OF PUBLIC HEALTH SERVICES FOR WHICH FEES MAY BE CHARGED.**

Motion duly made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Salcido, and carried 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 Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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

REGULAR AGENDA - OTHER BUSINESS

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

25.1. Presentation and discussion by Project Arriba on their Mid-Year report (September 1, 2018 - March 31, 2019) on status of activities during the fiscal year, use of grant funds and progress in the performance measures required under the agreement executed on October 02, 2018 with the City of El Paso.

Ms. Denise Carter, Contract Compliance Coordinator, commented.

Mr. Roman Ortiz, Project Arriba Chief Executive Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representative Annello commented.

NO ACTION was taken on this item.

25.2. RESOLUTION

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

THAT that the Mayor be authorized to sign an International Cooperation Agreement between the City of El Paso (the "City") and El Colegio de la Frontera Norte, Asociación Civil ("EL COLEF"), for the City to pay to EL COLEF the sum of ONE HUNDRED THIRTY-FIVE THOUSAND FIVE HUNDRED SIXTY-THREE DOLLARS AND NO/100 (\$135,563.00) in order for EL COLEF to conduct a

longitudinal survey to capture El Paso-Cd. Juárez cross-border social and economic activities, to commence on August 20, 2019 and terminate on September 30, 2020, with an option to extend for an additional twelve months for an additional total payment of \$128,072.

Mr. Carlos Olmedo, International Bridges Strategic Project Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Hernandez and Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

AYES: Representatives Svarzbein, Anello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

26.1. RESOLUTION

WHEREAS, on August 3, 2019, the City of El Paso (the “City”) experienced a tragic, mass shooting at a local Walmart; and

WHEREAS, this terroristic incident resulted in the death of 22 people, the injury of at least 24 others, and trauma to the thousands of persons present and the El Paso, Texas community at large; and

WHEREAS, the dead and injured included residents of El Paso, Texas and residents of Mexico; and

WHEREAS, the City has determined that the mass shooting of August 3rd constitutes a disaster which warrants assistance from federal, state, and local governments and agencies and instrumentalities thereof, as permitted under Section 139 of the Internal Revenue Code; and

WHEREAS, on August 4, 2019, the Mayor of the City of El Paso signed a Local Disaster Declaration and requested the aid of the State government pursuant to Texas State Government Code Section 418.108; and

WHEREAS, countless individuals, as well as numerous businesses, have exhibited extraordinary generosity in seeking to help those who were impacted by the mass shooting of August 3rd; and

WHEREAS, the City recognizes the burdens imposed on it to respond to inquiries relating to community support, and the collection of gifts and monetary donations to assist the victims with receiving both financial and other restitution; and

WHEREAS, the City recognizes the possibility that some individuals and organizations might use the mass shooting of August 3rd to develop fraudulent

schemes and deceitful solicitations for money to enrich themselves to the detriment of the August 3rd victims; and

WHEREAS, the Paso del Norte Community Foundation and the El Paso Community Foundation, two well-respected charitable organizations, have collaborated to create One Fund El Paso (hereinafter, “**One Fund El Paso**”) as a vehicle whereby donations could be channeled to provide relief for the victims who suffered loss and thereby lessen the governmental burdens of fielding inquiries relating to disaster relief payments; and

WHEREAS, the City designates One Fund El Paso to continue to receive philanthropic donations in relation to the mass shooting of August 3rd; and

WHEREAS, the City desires that the contributions distributed by One Fund El Paso, Paso del Norte Community Foundation, the El Paso Community Foundation and other groups be considered as qualified disaster relief payments pursuant to Section 139 of the U.S. Internal Revenue Code, to the fullest extent permitted by law; and

WHEREAS, the City of El Paso acknowledges that One Fund El Paso will lessen governmental burdens and promote the general welfare of the El Paso border community by creating a centralized vehicle for receiving funds and establishing a standardized process and criteria for distributing contributions, fielding inquiries for community support, assisting victims in receiving both financial and other restitution, and coordinating the community’s efforts to assist those affected by the mass shooting of August 3rd both presently and in the future; and

WHEREAS, One Fund El Paso will provide among other things, disaster relief payments to victims with reasonable and necessary personal, family, living and funeral expenses incurred as a result of the mass shooting of August 3rd; and

WHEREAS, the City of El Paso is grateful to all of the individuals and businesses that have thus far contributed to One Fund El Paso, Paso del Norte Community Foundation, the El Paso Community Foundation and other groups with the expectation that all of the relief funds collected and pledged to date will be distributed to or used for those individuals and families affected by the mass shooting of August 3rd; and

WHEREAS, the City of El Paso anticipates that One Fund El Paso will receive a continuing stream of contributions hereafter, and recognizes that such contributions will continue to promote the City’s general welfare and provide support to those affected by the mass shooting of August 3rd; and

WHEREAS, the City of El Paso in making its designation, anticipates One Fund El Paso to distribute funds according to formulas and procedures developed by a victims relief task force comprised of four appointees of the Paso del Norte Community Foundation, four appointees of the El Paso Community Foundation, and one appointee designated by the El Paso City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

EL PASO, TEXAS, THAT:

The mass shooting of August 3, 2019 constitutes a disaster which warrants assistance from governments, agencies and instrumentalities thereof in accordance with Section 139 of the Internal Revenue Code.

The City acknowledges that One Fund El Paso which is operated by the Paso del Norte Community Foundation and the El Paso Community Foundation as a financial vehicle for victims disaster relief, has lessened the City's governmental burdens by (a) providing a centralized method through which individuals can make their contributions; (b) lessening the misdirection of funds to fraudulent schemes; (c) creating a standardized process and criteria for distributing funds, and (d) by responding to donor and victims' questions relating to available victim funds and services.

Under no circumstances shall the contribution of any individual or corporation that conducts business with the City of El Paso and any agency thereof influence the decision of City officials on any action or decision concerning that business.

Should any officer or employee of the City have reason to believe that such contribution is in fact improperly influencing City officials, the reason for such belief shall be immediately communicated to the City Manager or designee for appropriate investigation.

The City Manager shall designate an individual to serve as the City's appointee to the victims relief task force of One Fund El Paso; such designation shall exclude the Mayor and any acting City Council Representative.

The City thanks the Paso del Norte Community Foundation and the El Paso Community Foundation for their promotion of the El Paso border community's general welfare in the wake of the tragic mass shooting of August 3, 2019.

The City hereby thanks all of the individuals and businesses that have made or will make contributions in an effort to support the El Paso border community in overcoming the August 3rd act of terrorism and providing for the victims impacted by the mass shooting.

The City supports and approves of One Fund El Paso's maintaining the infrastructure that would allow it, in the event of a future tragedy and upon the City's passage of a Resolution, to provide immediate community support and coordination to lessen the City's corresponding governmental burden.

The City Manager, in consultation with the City Attorney, is authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out this resolution.

Ms. Nicole Ferrini, Community and Human Development Director, read a floor amendment into the record.

Mr. Eric Pearson President and Chief Executive Officer for the El Paso Community

Foundation and Ms. Tracy Yellen, Chief Executive Officer for the Paso del Norte Community Foundation commented.

Mayor Margo and Representative Hernandez commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Representative Svarzbein, seconded by Mayor Pro Tempore Ordaz Perez, and unanimously carried to **APPROVE, AS REVISED**, the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

27.1. RESOLUTION

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and **EXIGO ARCHITECTURE, LLC**, a Texas Limited Liability Company, for a project known as "**MEXICAN AMERICAN CULTURAL CENTER**" for an amount not to exceed **ONE MILLION FIVE HUNDRED NINE THOUSAND SIX HUNDRED TWENTY FOUR AND 32/100 DOLLARS (\$1,509,624.32)**; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

Mr. Sam Rodriguez, City Engineer, and Mr. Ben Fyffe, Assistant Director of Museums, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, and Hernandez commented.

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Marcella Attolini, Lead Designer, Exigo Architecture LLC., commented.

Ms. Marsha Lobodda, citizen, commented.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

27.2. RESOLUTION

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

WHEREAS, Visit El Paso/Destination El Paso, the City of El Paso (the “City”) was selected to host the 2019 Minor League Baseball Innovators Summit on September 22, 2019 through September 27, 2019, and

WHEREAS, the City desires to support the event by entering into a contract (“Event Support Contract”) with Professional Baseball Promotion Corporation (“PROMO”) including a \$21,450.00 site fee (“Site Fee”) and other miscellaneous expenses no to exceed \$1,000.00 (“Miscellaneous Expenses”) to be paid to PROMO.

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

That, the City Manager is authorized to make necessary budget transfers and sign the Event Support Contract between the City and PROMO in order for the City to host the 2019 Minor League Baseball Innovators Summit including a \$21,450.00 Site Fee and Miscellaneous Expenses not to exceed \$1,000.00.

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

AYES: Representatives Svarzbein, Anello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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

28.1. Discussion and action to override the Mayor’s Veto of the amended Resolution adopting the FY2020 budget.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Margo and Representatives Svarzbein, Anello, Morgan, Ordaz Perez, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Mr. Sam Rodriguez, City Engineer
2. Mr. Tracy Novak, Parks and Recreation Director

Mr. Daniel Blake Gerard, citizen, commented.

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and carried to **OVERRIDE** the Mayor’s Veto of the amended Resolution adopting the FY2020 budget, to **ADD** the Chelsea pool site project to the infrastructure fund list with funding to be approved at a later date (when all projects are presented), and to **SEND** a delegation to meet with North Texas officials and also represent the City of El Paso at the September 5th event in Frisco as part of the El Paso Strong

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera and Lizarraga
NAYS: None

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

- 29.1.** Discussion and action on ROP Artcraft, LLC's West Towne Marketplace River Oaks Properties proportionality appeal to the El Paso City Council under Texas Local Government Code, Section 212.904, and El Paso Municipal Code, Chapter 19.46.

Ms. Monica Lombrana, Managing Director of Aviation and International Bridges, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

1st MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the End of the Regular agenda.

2ND AND FINAL MOTION

Motion made Mayor Pro Tempore Ordaz Perez, seconded by Representative Lizarraga, and carried to **DENY** River Oak's proportionality appeal, finding that the City did not impose the construction of the culverts or the dedication of the maintenance easement as a condition of approval for the development, in the lawsuit styled ROP Artcraft, LLC v. The City of El Paso, Texas, 384th District, pending under Cause No. 2017DCV1076.

AYES: Representatives Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: Representative Svarzbein

30. MAYOR AND COUNCIL

30.1. RESOLUTION

WHEREAS, the August 3, 2019 domestic terror attack in El Paso, Texas was reported to have been based on a manifesto that espoused a belief in a violent white supremacist ideology; and

WHEREAS, the man accused of carrying out the deadly mass shooting at a local Walmart confessed to officers that he had been targeting "Mexicans;" and

WHEREAS, according to the Southern Poverty Law Center, as of 2018, there were more than 140 known active white nationalist hate groups in the United States of America; and

WHEREAS, white supremacist ideology was reported to have been the driving force behind domestic terrorist attacks in El Paso, Pittsburgh, Poway, Charleston, and Charlottesville; and

WHEREAS, while "domestic terrorism" was defined by the Patriot Act of 2001, and is currently codified in 18 U.S.C.A. §2331, there is no specific federal

crime covering acts of terrorism inside the U.S. that are not connected to Al Qaeda, ISIS, other officially designated international terror groups or their sympathizers; and

WHEREAS, a domestic terror statute would allow the FBI more latitude to monitor internet activity by people espousing racist violence; and

WHEREAS, S.894, the Domestic Terrorism Prevention Act of 2019, authorizes domestic terrorism offices within the Department of Homeland Security (DHS), the Department of Justice (DOJ), and the Federal Bureau of Investigation (FBI) and requires specified steps to prevent and report domestic terrorism; and

WHEREAS, the bill also authorizes a Domestic Terrorism Executive Committee (the "Committee"), which shall coordinate with key public safety officials to promote information sharing and ensure an effective joint effort to combat domestic terrorism; and

WHEREAS, S.894, Sec. 6(a) states as follows: "The joint terrorism task forces of the Federal Bureau of Investigation and State, local, and regional fusion centers,...shall each, in coordination with the Domestic Terrorism Executive Committee and the domestic terrorism offices...- (1) share intelligence to address domestic terrorism activities; (2) conduct an annual, intelligence-based assessment of domestic terrorism activities in their jurisdictions; and (3) formulate and execute a plan to address and combat domestic terrorism activities in their jurisdictions"; and

WHEREAS, under S.894, the DOJ, the FBI, the DHS, and the Department of Defense shall establish an interagency task force to combat white supremacist and neo-Nazi infiltration of the uniformed services.

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

That the City of El Paso strongly implores the federal government to take the threat of white nationalists, white supremacists, and Neo-Nazi domestic terrorists as serious as ISIS or Al Qaeda, and to utilize all the same tools necessary that would be used to attack such threats for the purposes of preventing future terrorist attacks targeting race, ethnicity, sexual orientation, and religion in any city in the United States of America.

Representative Svarzbein read the Resolution into the record.

Mayor Margo and Representative Salcido commented.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

30.2.

RESOLUTION

WHEREAS, the City of El Paso recognizes that adversarial rhetoric based on race, nationality, and religion has the potential to exacerbate racism, extremism, xenophobia and hatred, including but not limited to discrimination, disenfranchisement, and violence; and

WHEREAS, on August 3, 2019, the City of El Paso was the target of a domestic terrorist attack, reportedly committed by a White Nationalist, that killed 22 and injured 25; and

WHEREAS, the City of El Paso denounces the false and dangerous rhetoric that some nationally elected figures are espousing. This rhetoric promotes the demonization and dehumanization of people of Hispanic origin and other minorities and serves to cultivate an environment of hatred and violence; and

WHEREAS, the City of El Paso wants to convey that as a community and nation of immigrants, our community represents the ideal of the American Dream; and

WHEREAS, the City of El Paso wishes to rebuke and correct any false statements made about our border community and its citizens. To do otherwise would be to ignore that intolerance is often the root of hatred and may ultimately lead to violence upon targeted communities like ours.

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

That the City Council and Mayor of the City of El Paso vehemently condemns the weaponization of political rhetoric and vows to combat it in order to safeguard our community from being the targets of hatred; and

That the City of El Paso will lead by example in standing in unity against racism and in prevention of further tragedy.

Representative Annello read the Resolution into the record.

Representative Hernandez commented.

Motion made by Representative Cassandra Hernandez, seconded by Representative Isabel Salcido and unanimously carried **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ITEMS 30.3 AND 30.4 WERE TAKEN TOGETHER

- 30.3.** Discussion and action to direct staff to return on September 03, 2019 with an amendment to Chapter 5.03 of the El Paso City Code to allow for outdoor amplified

sound, with duly issued permit until 2 am.

- 30.4.** Discussion and action to direct staff to return to Council on January 21, 2020 with proposed recommendations to amend Chapter 5.03 of the El Paso City Code to allow for outdoor amplified sound with duly issued permit until 2 a.m. with required sound mitigation if within 200 ft. of a residential property.

Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga commented.

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Karl Rimkus, Operations Manager, Environmental Services
3. Assistant Police Chief Zina Silva

The following members of the public commented:

1. Ms. Anne Gianguilio
2. Mr. Austin Allen
3. Mr. Keith Pannell
4. Mr. Jonathan Espitia
5. Ms. Kayla Renken
6. Ms. Alexandra Viescas
7. Ms. Grisel Rodriguez
8. Ms. Anais Chavira
9. Ms. Jazmyn Acevedo
10. Mr. James McNeal

1st MOTION

*Motion made, seconded and carried to **MOVE** the items to the **FOREFRONT** of the Regular agenda.

2nd AND FINAL MOTION

Motion made by Representative Svarzbein, seconded by Mayor Pro Tempore Ordaz Perez and carried to **DIRECT** staff to return on September 03, 2019 with an amendment to Chapter 5.03 of the El Paso City Code to allow for outdoor amplified sound until 2 am. with duly issued permit provided required noise control measures have first been installed or constructed and inspected by a designated City Inspector and to **DIRECT** staff to return to Council on January 21, 2020 with proposed recommendations to amend Chapter 5.03 of the El Paso City Code to allow for outdoor amplified sound with duly issued permit until 2 a.m. with required sound mitigation if within 350 ft. of a residential property.

AYES: Representatives Svarzbein, Morgan, Salcido, Ordaz Perez, and Lizarraga

NAYS: Representatives Annello, Hernandez, and Rivera

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- 30.5.** Discussion and action to direct the City Manager and City Attorney to brief council on

the outstanding invoice of March 27, 2019, to Donald J. Trump for President Inc.

Representatives Annello, Hernandez, and Rivera commented.

The following members of City staff commented:

1. Ms. Karla Nieman, City Attorney
2. Mr. Robert Cortinas, Chief Financial Officer

Motion made by Representative Annello, seconded by Representative Svarzbein and unanimously carried to **DIRECT** the City Manager and City Attorney to **RETURN** with a briefing at the September 17, 2019 meeting.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera, and Lizarraga

NAYS: None

31. MANAGEMENT UPDATES

- 31.1. Briefing from Police Chief Greg Allen and Fire Chief Mario D'Agostino regarding the active shooter incident on August 3, 2019, at 7101 Gateway Boulevard West (as necessary).

Fire Chief Mario D'Agostino briefed Council on the item.

Representative Hernandez commented.

NO ACTION was taken on this item.

-
- 31.2. Update on the Police Department Body Worn Camera Project.

*Motion made, seconded and carried to **MOVE** the item to the **FOREFRONT** of the Regular agenda.

Assistant Police Chief Zina Silva, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representatives Annello and Rivera thanked the sponsors for their contributions.

Mr. V.J. Smith, State Government and Public Affairs Manager for Marathon Petroleum and Mr. Eric Pearson, President and Chief Executive Office for the El Paso Community Foundation commented.

NO ACTION was taken on this item.

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- 31.3. Festive Season.

Ms. Tracey Jerome, Managing Director of Museums and Cultural Affairs, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

NO ACTION was taken on this item.

-
- 31.4.** Presentation Update on Community impacts of capital projects and economic impacts of city employees.

Mr. Sam Rodriguez, City Engineer, and Mr. Eddie Garcia, Assistant Director of International and Economic Development, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Annello, seconded by Mayor Pro Tempore Ordaz Perez, and unanimously carried to **ADJOURN** this meeting at 2:16 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk