

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

September 30, 2014
COUNCIL CHAMBERS, CITY HALL
8:00 AM

The City Council met in regular session at the above place and date. Meeting was called to order at 8:03 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Cortney Carlisle Niland, Larry Romero, Emma Acosta, Michiel R. Noe, Claudia Ordaz, and Lilia Limón. Late arrival: Carl Robinson at 8:23 a.m. Ann Morgan Lilly requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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ROLL CALL

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POLICE CHAPLAIN CARLOS FLORES

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PLEDGE OF ALLEGIANCE

La Fe Preparatory School

Sebastian Landeros
Nicole Sanchez
Lizette Espinoza
Diego Chavez
Ruth Renteria
Andre Lujan

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

1. Mr. Richard Schecter
2. Mr. Jack Bradford
3. Ms. Wally Cech

Mayor Leeser commented.

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MAYOR'S PROCLAMATIONS

1. Down Syndrome Awareness Month
 2. The Centennial of the Ysleta Independent School District
 3. El Paso Hispanic Chamber of Commerce Honors Hispanic Heritage Month 2014
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RECOGNITIONS

City Representative Carl L. Robinson, Elected Official of the Year by the Rio Grande Council of Governments

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NOTICE TO THE PUBLIC

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CONSENT AGENDA

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

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

NAYS: None

ABSENT: Representative Lilly

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1. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to **APPROVE** minutes for the Regular City Council Meeting of September 23, 2014, the Legislative Review Meeting of the Whole of September 15, 2014, and the Legislative Review Meeting of the Whole of September 22, 2014.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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- 2.1. *Motion made, seconded, and unanimously carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of September 30, 2014.
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3. RESOLUTIONS:

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3.1.

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

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

WHEREAS, EP Events Productions (hereinafter referred to as "Grantee") is producing the Sun City Craft Beer Fest to be open to the public from 12:00 p.m. to 8:00 p.m. Saturday, October 4, 2014 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee has indicated their intent to authorize El Paso Sun City Pride Organization, with the assistance of Pan y Agua, LLC for service using TABC Licensed servers, (hereinafter referred as "TABC Permittee") to provide for the temporary sale and service of alcoholic beverages in conjunction with the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit pursuant to Title 15.08.120(D) of the El Paso Municipal Code, for the use and closure of portions of City rights-of-way on North Oregon Street between West Missouri Avenue and 109 North Oregon Street, North El Paso Street between East Franklin Avenue and West Main Street, East Franklin Avenue between North Mesa Street and North Santa Fe Street, East Main Street between North Mesa Street and North Oregon Street, and East Mills Avenue between North Mesa Street and North Oregon Street in conjunction with the Event; and

WHEREAS, the Grantee desires to provide for the sale and service of alcoholic beverages within the identified closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission (TABC) requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event, prior to issuance of such permit; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event, and for the TABC Permittee, including verification that the TABC Permittee has obtained the required permit(s) for the temporary sale and service of alcoholic beverages prior to the Event.

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

That the temporary sale and service of alcoholic beverages by EP Events Productions and El Paso Sun City Pride Organization, with the assistance of Pan y Agua, LLC, on the closed portions of City rights-of-way on North Oregon Street between West Missouri Avenue and 109 North Oregon Street, North El Paso Street between East Franklin Avenue and West Main Street, East Franklin Avenue between North Mesa Street and North Santa Fe Street, East Main Street between North Mesa Street and North Oregon Street, and East Mills Avenue between North Mesa Street and North Oregon Street, from 12:00 p.m. to 8:00 p.m. Saturday, October 4, 2014, is a permissible activity.

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3.2.

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

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

That the City Manager be Authorized to sign a Multiple Use Agreement between the CITY OF EL PASO on behalf of the EL PASO WATER UTILITIES PUBLIC SERVICE BOARD and the STATE OF TEXAS by and between THE TEXAS DEPARTMENT OF TRANSPORTATION, to permit the construction, maintenance and operation of a public park pond on state highway right-of-way US 54, such land being located east of Pollard Street from Sacramento Drive to Fort Blvd.

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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 Letter Agreement by and between the City of El Paso ("City") and the El Paso Electric Company ("EPEC") whereby the City shall pay \$124,050.00 for the relocation, removal, or modification of EPEC transmission lines that are interfering with TxDOT's Carolina Street bridge reconstruction project.

Mayor Leeser commented.

Mr. Geoffrey Espineli, Civil Engineer Associate, commented.

Mr. Richard Schecter, citizen, commented.

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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 be authorized to sign Consent to Assignment of Contract from InMotion Technology, Inc. to Sierra Wireless America, Inc. with respect to the City of El Paso's Sole Source Contract No. 2013-299 for OnBoard Mobile Gateway Support Services.

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3.5.

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

WHEREAS, the City Of El Paso is entitled to appoint two members of the El Paso Central Appraisal District Board; and

WHEREAS, City Council desires to appoint a new member to the El Paso Central Appraisal District Board.

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

That Jerry Romero is hereby appointed to the El Paso Central Appraisal District Board of Directors to replace City Council Representative Cortney Niland.

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BOARD RE-APPOINTMENTS:

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4.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Carla Monsisvais to the Community Development Steering Committee by Representative Claudia Ordaz, District 6.

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4.2. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Luis De La Cruz to the Zoning Board of Adjustment, as a regular member, by Representative Emma Acosta, District 3.

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BOARD APPOINTMENTS:

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5.1. *Motion made, seconded, and unanimously carried to **APPOINT** Margarita Licon to the Construction Board of Appeals by Representative Emma Acosta, District 3.
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6. REQUESTS TO ISSUE PURCHASE ORDERS:

- 6.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to extend current Contract 2009-083 Copier Services – Citywide with Spectrum Imaging Technologies, Inc. for an additional six months pursuant to the provisions of an award approved by the City Council on March 03, 2009. The extended contract period will be from October 03, 2014 to March 03, 2015.

Department: Information Technology
Award to: Spectrum Imaging Technologies Inc.
El Paso, Texas
Total Estimated Amount: \$250,588
Funding Source: Departmental Funded

This is a Low Bid Contract.

- 6.2. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to exercise the City's option to extend the communication lease agreement with Missionary Radio Evangelism, Inc., (MRE), also known as Higher Ground Hosting for (5) additional years pursuant to the provisions of the award approved by City Council on September 29, 2009. The extended contract period will be from September 30, 2014 to September 29, 2019.

Department: Information Technology
Award to: Missionary Radio Evangelism, Inc. (MRE)
Also known as Higher Ground Hosting
El Paso, TX
Option: 1 (of Two)
Annual Estimated Amount: \$47,700.00
Total Estimated Amount: \$238,500.00 (5 year)
Account No.: 239-15090-524000-1000-P1506
Funding Source: IT Capital Funds
Reference No. 2015-278

This is a lease agreement type contract.

7. BIDS:

- 7.1. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2014-386 for 9060 Socorro Rd. – Animal Clinic to Pride General Contractors, LLC, for an estimated total amount of \$174,000.00.

Department: Engineering and Construction Management
Award to: Pride General Contractors, LLC
El Paso, TX
Base Bid I: \$174,000.00
Total Estimated Award: \$174,000.00
Time for Completion: 120 Consecutive Calendar Days

Accounts: 580270-3150-334-34060-PSWM00170
Funding Source: Environmental Services Capital Improvements
Fund

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.

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

This is a Competitive Sealed Proposal, lump sum contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

Ms. Ellen Smyth, Director of Environmental Services, commented.

Mr. Richard Schecter, citizen, commented.

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REGULAR AGENDA - INTRODUCTIONS
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8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

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

ABSENT: Representative Lilly

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8.1. An Ordinance vacating a utility easement measuring 11.66 feet in width and 83.49 feet in length located within a portion of Lot 1, Block 1, North Desert Palms, City of El Paso, El Paso County, Texas.

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8.2. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), to replace the phrase "Trash Receptacles" with "Waste Containers"; the penalty as provided in section 15.08.125 of the El Paso City Code.

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8.3. An Ordinance granting a non-exclusive franchise to Paul Berube for waste containers on sidewalks and other city property.

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8.4. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions) to amend the definition of shopping center. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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8.5. An Ordinance changing the zoning of a portion of Lot 14, Block 113, Eastwood Heights Unit V, Replat B, 10420 Montwood Drive & 10424 Brian Mooney Avenue,

City of El Paso, El Paso County, Texas from A-O (Apartment-Office) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 10420 Montwood Drive & 10424 Brian Mooney Avenue. Property Owner: Severo Hughston, LLC. PZRZ14-00040

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8.6. An Ordinance changing the zoning of Lots 18, 19, and 20, Block 6, Womble Addition, 6292 Trowbridge Drive, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development), and imposing conditions. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property Owner: City of El Paso, Location: 6292 Trowbridge Drive, PZRZ14-00020

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8.7.A. An Ordinance changing the zoning of the east 10 feet of Lot 5, all of Lots 6, 7, 8, 9 and the west 8 feet of Lot 10, Block 108, Supplemental Map No. 1 of East El Paso, 3411, 3415, and 3417 Montana Avenue, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property Owner: Hector M. Ruiz and Sharon Vaughn, Location: 3411, 3415, and 3417 Montana Avenue, PZRZ14-00034

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8.7.B. An Ordinance approving a detailed site development plan and reduction of side setbacks for the east 10 feet of Lot 5, all of Lots 6, 7, 8, 9 and the west 8 feet of Lot 10, Block 108, Supplemental Map No. 1 of East El Paso, 3411, 3415 and 3417 Montana Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Applicant: Hector M. Ruiz and Sharon Vaughn, Location: 3411, 3415 and 3417 Montana Avenue, PZDS14-00025

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8.8. An Ordinance changing the zoning of the following parcels: Parcel 1: Portion of Lots 12 to 19, Block 9, Sunset Terrace Unit Four, an addition to the City of El Paso, El Paso County, Texas, and a portion of Lot 11, Block 9, Sunset Terrace Unit Four Replat "A", City of El Paso, El Paso County, Texas, from C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract); and, Parcel 2: Portion of Lot 10, Block 9, Sunset Terrace Unit Four Replat "A", City of El Paso, El Paso County, Texas, from C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Desert Boulevard and South of Bells Corner Avenue. Property Owner: Carefree Homes II, L.P. PZRZ14-00029

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8.9. An Ordinance changing the zoning of the west 5' of Lot 5, all of Lot 6 and the east 13' of Lot 7, Block 89, Bassett Addition, 2418 Montana Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2418 Montana Avenue. Property Owner: AIC Global, LLC. PZRZ14-00004

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8.10. An Ordinance changing the zoning of Lots 1 – 3, Block 1, Duenas Subdivision, 5301, 5305, & 5309 Ridge Street, City of El Paso, El Paso County, Texas from R-5 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5301, 5305, & 5309 Ridge Street. Property Owner: Ricardo Benavente. PZRZ14-00018

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8.11. An Ordinance changing the zoning of Lot 1, Block 1, Loyas Place Subdivision, 320 Thorn Avenue, City of El Paso, El Paso County, Texas from R-3 (Residential) to R-5

(Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 320 Thorn Avenue. Property Owner: David A. Aber PZRZ14-00036

- 8.12. An Ordinance approving a detailed site development plan for Lots 52-57, Block 1, Barcelona Estates, 12253 Costa Brava, to allow for reduced front, rear and side street yard setback, City of El Paso, El Paso County, Texas, Pursuant to Sections 20.10.360 and 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 12253 Costa Brava. Property Owner: Omar & Adriana Galache. PZDS13-00021

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. PURCHASING AND STRATEGIC SOURCING:

- 9.1. Motion made by Representative Romero, seconded by Representative Acosta, and unanimously carried to **AUTHORIZE** the City's option to extend current Contract 2010-181R Transport Medical Billing, Collections and ePCR Services with Advanced Data Processing, Inc., DBA Intermedix for one (1) additional year pursuant to the provisions of an award approved by the City Council on December 14, 2010. The extended contract period will be from December 14, 2014 to December 13, 2015.

ABSENT: Representative Lilly

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|-------------------------|--|
| Department: | El Paso Fire Department |
| Award to: | Advanced Data Processing, Inc. DBA Intermedix Fort Lauderdale, FL |
| Option: | Two [of Two] |
| Total Estimated Amount: | \$1,309,867.76 (2nd one year option) |
| Account No.: | 322 – 22070 - 522010 – 1000 – P2212 |
| Funding Source: | General Fund - Billing/Collect Agency Contracts |

- 9.2. Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order to Tyler Technologies, Inc., the sole source provider for maintenance and support of Municipal Court's existing case management software system in the annual amount of \$125,665.96.

ABSENT: Representative Lilly

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|--------------------------|---------------------------------------|
| Department: | Municipal Clerk |
| Award to: | Tyler Technologies, Inc. Plano, TX |
| Annual Estimated Amount: | \$125,665.96 |
| Funding Source: | Municipal Court Technology Fund |
| Account No.: | 111-11030-522020-2535-PMC00010 |
| Sole Source No.: | 2015-200 |

REGULAR AGENDA – PUBLIC HEARINGS

10. CITY DEVELOPMENT:

- 10.1.A.** *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of Lot 27, Block 123, Chaparral Park Subdivision Unit 33, 820 Redd Road, City of El Paso, El Paso County, Texas from A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 820 Redd Road. Property Owner: George M. Dipp, Jr. PZRZ14-00027

ABSENT: Representative Lilly

- 10.1.B.** *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance approving a Detailed Site Development Plan for a portion of Lot 27, Block 123, Chaparral Park Subdivision Unit 33, 820 Redd Road, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 820 Redd Road. Applicant: George M. Dipp, Jr. PZDS14-00027

ABSENT: Representative Lilly

10.2.

ORDINANCE 018249

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 17B, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 8941 DYER STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8941 DYER STREET. PROPERTY OWNER: EP SIMANA, L.P. PZRZ14-00028**

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

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

NAYS: None

ABSENT: Representative Lilly

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

- 10.3.** *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance releasing all conditions placed on property by special contract dated September 5, 1972, which changed the zoning of a portion of Tract 2A2, A.F. Miller Survey 215, 5670 North Mesa Street, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City

Code. Subject property: 5670 North Mesa Street. Property Owner: William & Carolina Avila. PZCR14-00004 THIS IS AN APPEAL CASE

ABSENT: Representative Lilly

10.4.

ORDINANCE 018250

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CLIFF DRIVE RIGHT-OF-WAY AND A PORTION OF GOLDEN HILL TERRACE RIGHT-OF-WAY, ADJACENT TO LOT 1, BLOCK 1, CITY VIEW SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

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

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

NAYS: None

ABSENT: Representative Lilly

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

11. **ENVIRONMENTAL SERVICES:**

11.1.

ORDINANCE 018251

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS), TO ADD SECTION 13.20.120 (SIDEWALK WASTE CONTAINER FRANCHISES) TO PROVIDE FOR THE GRANTING AND ADMINISTRATION OF SIDEWALK WASTE CONTAINER FRANCHISES; THE PENALTY AS PROVIDED IN CHAPTER 1.08 OF THE CITY CODE.**

Ms. Josette Flores, Assistant City Attorney, read revision into the record and gave legal advice.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Acosta, 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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

NAYS: None

ABSENT: Representative Lilly

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

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REGULAR AGENDA - OTHER BUSINESS

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12. COMMUNITY AND HUMAN DEVELOPMENT:

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12.1.

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 two following Community Housing Development Organization (CHDO) Assumption Agreements for the Opportunity Center for the Homeless are approved as recommended by the Director of Community and Human Development, as listed below:

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|-----------------------------------|---|
| Property Address: | 3830 Johnson and 3330 Lincoln, El Paso, Texas |
| Amortized Loan: | \$321,370.21 at 0% Interest for 17 years |
| Forgivable Deferred Payment Loan: | \$380,830.00 at 0% interest for 17 years |
| Affordability Period: | 17 years |

| | |
|-----------------------------------|--|
| Property Address: | 3824-28 Lincoln, El Paso, Texas |
| Amortized Loan: | \$431,178.88 at 0% Interest for 24 years |
| Forgivable Deferred Payment Loan: | \$442,992.00 at 0% Interest for 24 years |
| Affordability Period: | 24 years |

That the City Manager, on behalf of the City, be authorized to sign the Assumption Agreements and Modification of Community Development, Community Housing Development Organization (CHDO) HOME Program Written Agreement, Note, and Lien in a form substantially similar to the form contract attached as Exhibit "A", by and among the City, TVP Non Profit Corporation, and the Opportunity Center for the Homeless, as well as any related contract documents necessary to effectuate the assumptions and to secure and protect the City's lien interest, upon the recommendation of the Director of Community and Human Development and the approval of the City Attorney's Office.

Ms. Veronica Soto, Director of Community and Human Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

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12.2.

R E S O L U T I O N

WHEREAS, in September, 2008, the City and TVP Non-Profit ("TVP") entered into a CHDO Home Financial Terms Contract (the "Financial Terms Contract"), dated September 25, 2008, concerning the use of \$540,000 of the City's HOME Investment Partnership Program funds for new construction of affordable homes for first time homebuyers;

WHEREAS, only one of the ten (10) constructed homes was sold in accordance with the Financial Terms Contract, and therefore, the El Paso City

Council meeting in regular session on May 28, 2013 adopted a Resolution approving the conversion of the homes from affordable homes for first time homebuyers to affordable rental housing or lease-to-purchase homes for first time homebuyers;

WHEREAS, on June 30, 2014 the City paid \$471,503.39 for the lien of the first lienholder and the City now owns the nine homes at 3816 Harrison A&B, 3326 Lincoln A&B, 4011 Fillmore A&B, 4013 Fillmore A&B and 4010 Pierce in El Paso, Texas (the "Property");

WHEREAS, TVP can no longer fulfill its obligations under the Financial Terms Contract and the City now desires to convey the Property to PV Community Development Corporation ("PV");

WHEREAS, PV has agreed to assume all the liability and obligations of TVP and to execute a promissory note for the initial funding of \$540,000.00 and a second note for \$515,000.00 (representing the purchase price of the first lien, rehabilitation costs, and closing expenses), both secured by a deed of trust; and

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

That the City Manager be authorized to execute an Assumption Agreement with PV Community Development Corporation for the TVP Non Profit rental housing development sites and any and all related documents upon approval by the City Attorney's Office and Director of Community and Human Development which will allow for the conveyance of the rental homes to PV and secure the interest and lien of the City.

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

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13. ECONOMIC AND INTERNATIONAL DEVELOPMENT:
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13.1.

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 execute a Chapter 380 Economic Development Program Agreement by and between the CITY OF EL PASO, TEXAS, a Texas home rule municipal corporation, and CHARLES SCHWAB & CO., INC., a California Corporation, for the establishment its operations within the city limits of the City of El Paso.

Mr. Eduardo Garcia, Business Services Manager, Economic and International Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser commented.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Glen Cooper, Vice President for Schwab & Co., Inc.

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

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14. EL PASO WATER UTILITIES:
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14.1.

R E S O L U T I O N

WHEREAS, the 83rd Texas Legislature in Session passed and adopted House Bill 4, Senate Joint Resolution 1 and House Bill 1025 to make provision for reorganization of the Texas Water Development Board (TWDB) and put forth Proposition 6 wherein Texas voters were asked to approve the creation of the State Water Implementation Fund of Texas (SWIFT) and the State Water Implementation Revenue Fund for Texas (SWIRFT) to assist in the financing of priority water resource projects based upon the State Water Plan;

WHEREAS, the voters of Texas passed in November, 2013, a Texas Constitutional Amendment making it possible to establish the SWIFT and the SWIRFT out of the Texas Rainy Day Fund and such were created;

WHEREAS, the legislation also provided that only political subdivisions and nonprofit water supply corporations would be eligible to apply for funding of priority projects set out in the State Regional Water Plan;

WHEREAS, the Texas Water Development Board has been directed to publish rules for the implementation of the SWIFT and SWIRFT funds not later than the summer of 2014; such SWIFT and SWIRFT funded projects to be, but not by way of limitation, water resource projects themselves and water conservation and reuse projects in cities and Texas rural areas;

WHEREAS, the Texas Treasury Safekeeping Trust Company (Trust) will manage the SWIFT and SWIRFT funds and disburse said funds, expected to be twice annually, with the financial assistance to be for prioritized State Regional Water Plan projects: 1) loans at up to 50% of the interest rate available to TWDB; 2) loans up to a 30-year amortization; and 3) deferral of loan repayment for principal and interest. No grants are available through this fund;

WHEREAS, the City of El Paso, Texas, pursuant to its authority as a Home Rule City and Chapter 1502 of the Texas Government Code, may vest the complete management and control of its water and wastewater system in an independent Board of Trustees and the City of EL Paso, Texas vested such complete management and control of its water and wastewater system in the El Paso Water Utilities Public Service Board by ordinance passed in 1952;

WHEREAS, the City Council of the City of El Paso, Texas finds that it is in the best interests of the citizens of the El Paso watershed region to provide for the availability of water resources to the maximum extent possible and the SWIFT and SWIRFT funds provide an economically sound and financially beneficial method to finance necessary water resource projects throughout the State of Texas; and

WHEREAS, the City Council desires to delegate the authority to apply for funding from the State Water Implementation Fund of Texas and the State Water Implementation Revenue Fund for Texas Trust on behalf of the City of El Paso to the El Paso Water Utilities Public Service Board of Trustees, President/CEO.

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

Section 1. The recitations and findings set forth hereinabove are true and correct and are adopted herein by this reference for all purposes.

Section 2. The City of El Paso hereby grants and delegates the authority to apply for funding from the Texas Water Development Board, State Water Implementation Fund of Texas and the State Water Implementation Revenue Fund for Texas for water resource projects to its El Paso Water Utilities Public Service Board of Trustees, President/CEO. This grant and delegation of authority shall be effective immediately upon passage of this Resolution. In such matters, the President/CEO of the El Paso Water Utilities Public Service Board shall be considered as acting on behalf of the City of El Paso.

Section 3. An original of this Resolution shall be provided to the President/CEO of the El Paso Water Utilities Public Service Board for use in attaching copies of same to any application or documentation required for funding by the Texas Water Development Board through the State Water Implementation Fund of Texas and the State Water Implementation Revenue Fund for Texas.

Section 4. Approved, passed and adopted by majority vote of the City Council of the City of El Paso, El Paso County, Texas meeting in a quorum in accordance with the Texas Open Meetings Act.

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

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15. GENERAL SERVICES:

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15.1.

R E S O L U T I O N

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

WHEREAS, on April 10, 2012 the El Paso City Council adopted a resolution that amended the Program Guidelines: (i) to lower the minimum investment requirement for construction, renovation, or remodeling of a building project to \$500,000.00; (ii) to increase the funding award level for Multistory Existing Buildings, Downtown Buildings, and Transit-Oriented Buildings that meet a minimum building square footage requirement of 8,600 square feet; (iii) and to provide for a 20% first installment of the anticipated grant award to approved applicants for soft costs of design, subject to recapture if the applicant fails to submit a LEED certification for the building project within the grant reservation period; and

WHEREAS, the Director of the City Development Department now recommends that the Program Guidelines be further amended to authorize the City Manager or his designee to execute any and all documents related to the establishment and operation (including reserve period extension requests) of the City's Green Building Grant Program.

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

That the City's Green Building Grant Program Guidelines are hereby amended, as recommended by the Director of City Development Department, to authorize the City Manager or his designee to execute any and all documents related to the establishment and operation (including reserve period extension requests) of the City's Green Building Grant Program.

Representative Limón commented.

Mr. Larry Nichols, Interim Director of General Services, commented.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and carried to **APPROVE** the Green Building Grant extension request from Artspace and the Green Building Grant extension request from Tropicana Building Corporation.

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

NAYS: None

ABSENT: Representative Lilly

ABSTAIN: Representative Robinson

16. MAYOR AND COUNCIL:

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- 16.1.** *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item pertaining to flooding and FEMA flood plains and to develop short term and long term plans to mitigate flooding in our neighborhoods.

ABSENT: Representative Lilly

EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:18 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representative Lilly

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

Discussion and action on the Executive Session items on the **Regular Agenda**:

EX1. Lorenzo Marquez v. City of El Paso; Cause No. 2006-3154 (551.071)

EX2. Fernando Armendariz vs. City of El Paso, Texas, Cause No. 2005-3353; Matter No. 11-1005-026 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 9:30 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta and Ordaz
ABSENT: Representative Lilly

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EX1. Lorenzo Marquez v. City of El Paso; Cause No. 2006-3154 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and carried that the City Attorney be authorized settlement authority, to negotiate settlement agreement and sign all settlement documents to resolve the lawsuit styled Lorenzo Marquez v. City of El Paso; Cause No. 2006-3154, our file No. 06-1006-001.

AYES: Representatives Romero, Robinson, Noe, Limón, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Acosta and Ordaz
ABSENT: Representative Lilly

EX2. Fernando Armendariz vs. City of El Paso, Texas, Cause No. 2005-3353; Matter No. 11-1005-026 (551.071)

NO ACTION taken on this item.

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ADJOURN

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **ADJOURN** this meeting at 9:31 a.m.

NOT PRESENT FOR THE VOTE: Representatives Acosta and Ordaz
ABSENT: Representative Lilly

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk