

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

October 4, 2016
COUNCIL CHAMBERS, CITY HALL
8:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:08 a.m. Mayor Pro Tempore Michiel Noe present and presiding and the following Council Members answered roll call: Peter Svarzbein, Jim Tolbert, Lilia Limón, and Cortney Niland. Mayor Oscar Leeser, Emma Acosta, Carl Robinson, and Claudia Ordaz requested to be excused. The prayer was given by Representative Tolbert, followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

ESC Region 19 Head Start

Madalynn Silva
Alexandra Prado
Sebastian Acosta
Sofia Krop
Julian Ortiz

NOTICE TO THE PUBLIC

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

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

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CONSENT AGENDA - APPROVAL OF MINUTES:
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1. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of September 20, 2016, and the City Council Work Session of September 19, 2016.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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- 2.1. *Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Mayor Oscar Leeser and Representatives Emma Acosta, Carl L. Robinson, and Claudia Ordaz from the Regular City Council Meeting of October 4, 2016.

ABSENT: Representatives Acosta, Robinson, and Ordaz

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CONSENT AGENDA - RESOLUTIONS:
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3. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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3.1. ***R E S O L U T I O N**
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign the Easement Agreement - Pipeline by and between the City of El Paso ("Grantor") and El Paso Natural Gas Company, LLC ("Grantee"), said easement being described as follows:

A thirty-foot (30') wide easement running from the Fort Bliss Military Reservation through the Airport's Outer Perimeter Area in a southerly direction to the Industrial Water Processing Plant of EWM P1, LLC.

3.2. ***R E S O L U T I O N**
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approve an amendment to the City of El Paso Infill Development Incentive Policy (attached hereto as "Exhibit A"), as recommended by the Managing Director of the Economic and International Development Department, readopting the Infill Development Incentive Policy originally adopted on August 24, 2010 and amending the Term of Financial Incentives to November 30, 2016.

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4. Goal 2: Set the Standard for a Safe and Secure City
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4.1. ***R E S O L U T I O N**
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager or designee be authorized to execute an amendment to the Interlocal Agreement between the City of El Paso, Texas; County of El Paso, Texas; Town of Anthony, Texas; Town of Horizon City, Texas; and the City of Socorro, Texas; to update the total amount to \$ 2,338,412.69, of which \$1,250,744.71 is for the City of El Paso due to an increase to the total amount and reallocation of funds amongst the parties.

Representative Niland commented.

Assistant Police Chief Michelle Gardner commented.

4.2.

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

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

That the City Manager be authorized to sign the Lease Agreement by and between West El Paso Boeing TX, LLC, a Delaware limited liability company (“Landlord”), and the City of El Paso (“Tenant”), covering a building and a parcel containing approximately 112,341 square feet of land located in the City of El Paso, El Paso County, Texas.

5.

Goal 3: Promote the Visual Image of El Paso

5.1.

*Motion made, seconded, and unanimously carried to **APPROVE** by City Council to grant an exception to the distance requirements for a Disabled Group Dwelling located within 1,000 feet of another licensed Disabled Group Dwelling and a licensed Group Residential Facility requested from Patricia Cuaron for the property located at 11112 Starboard Ln., El Paso, Texas 79936 and legally described as Lot 4, Block 39, East Glen, City of El Paso, El Paso County, Texas.

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

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

6.

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

6.1.

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

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, a home rule municipal corporation and the Tigua Tribe of Ysleta del Sur Pueblo, a federally recognized Indian tribe, to provide for the allocation of costs and responsibilities related to the extension of the loan of certain artifacts from the National Museum of World Cultures, which would serve the public purpose and governmental purpose of providing cultural experiences and enhances museum services to the residents and visitors of El Paso.

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7. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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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 of El Paso approve a renewal for the Fiscal Year 2017 Interlocal Agreement for the TJJD Grant "S" between the Municipal Court of the City Of El Paso and The County Of El Paso, on behalf of the El Paso County Juvenile Probation Department., in order to provide funding for the Juvenile Case Management Program at the Municipal Court. The City of El Paso will be reimbursed for all expenses related to Grant "S".

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8. Goal 8: Nurture and Promote a Healthy, Sustainable Community
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8.1. *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, on behalf of the City, be authorized to sign the Investor HOME Written Agreement, in a form substantially similar to the form contract attached as Exhibit "A", by and between the City and the following Tax Credit project developer, as well as any related contract documents necessary to effectuate the awards 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.

- | | |
|------------------|--|
| 1. Developer: | Housing Authority of the City of El Paso (HACEP) |
| Project Type: | Reconstruction of 198 Rental Units |
| Project Address: | 4528 Blanco Avenue |
| Funding Amount: | \$100,000 |
| District: | 3 |

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8.2. *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 Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Village of Vinton, Texas, ("Village of Vinton") for the period of September 1, 2016 through August 31, 2017, for the provision of public health and environmental services by the City of El Paso to the Village of Vinton, for which the Village of Vinton shall pay to the City of El Paso an annual amount of THIRTY THOUSAND FOUR HUNDRED TWO DOLLARS AND NO/100 (\$30,402.00).

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CONSENT AGENDA - BOARD APPOINTMENTS:
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9. Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

9.1. *Motion made, seconded, and unanimously carried to **APPOINT** Morris Brown to the Building and Standards Commission by Representative Jim Tolbert, District 2.

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

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

- 1. Laura Meaney in the amount of \$8,398.16 overpayment on November 10, 2014 of 2014 taxes. (Geo. # F609-999-0260-0300)

CONSENT AGENDA - NOTICE FOR NOTATION:

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

11.1. *Motion made, seconded, and unanimously carried to **APPROVE** July 2016 and August 2016 Office of Court Administration reports and El Paso Municipal Court monthly reports.

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

12.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing & Strategic Sourcing Director to notify Gabriela Rodriguez dba Maheir Janitorial Services, that the City is terminating Contract No. 2016-999 General Cleaning – Parks and Recreation Facilities (Re-Bid II) for default effective October 4, 2016 pursuant to the provisions and requirements of Section C, Paragraph 8B of the Contract Clauses, due to contractor’s failure to provide the required performance bonds.

12.2. 1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to issue a purchase order to ACE Government Services LLC. for an amount of \$183,750.00 for Janitorial Services for Parks and Recreation Facilities for three (3) months pursuant to Local Government Code, Chapter 252, Section 252.022(2)-General Exemptions, public health or safety exemption.

AYES: Representatives Svarzbein, Tolbert, Noe, and Niland

NAYS: Representative Limón

ABSENT: Representatives Acosta, Robinson and Ordaz

Department: Parks and Recreation
 Award to: ACE Government Services, LLC
 El Paso, TX
 Total Amount: \$183,750.00
 Account No.: 451-51230-522060-1000-P5106
 451-51260-522060-1000-P5110
 451-51260-522060-1000-P5111
 451-51270-522060-1000-P5114
 451-51280-522060-1000-P5116
 Funding Source: General Fund
 Reference No.: 2017-374

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

Representative Limón commented.

The following City staff members commented:

1. Ms. Deniese Baisley, Interim Assistant Director, Purchasing and Strategic Sourcing
2. Ms. Haydee Pena, Purchasing and Strategic Sourcing

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CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

- 13.1.** *Motion made, seconded, and unanimously carried to **REJECT** all bids received for Solicitation No. 2016-1020 Citywide L.E.D. Street Light Maintenance (Re-Bid) as recommended by the Purchasing & Strategic Sourcing Department and Streets & Maintenance Department, all bids were substantially over the budget allocated for this project.

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CONSENT AGENDA - BIDS:

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

- 14.1.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2016-1142 Eddy "Hirby" Beard Park Improvements to BLACK STALLION CONTRACTORS INC for an estimated total amount of \$307,573.00.

ABSENT: Representatives Acosta, Robinson and Ordaz

Department: Capital Improvement
 Award to: BLACK STALLION CONTRACTORS INC
 El Paso, TX
 Item(s): All
 Initial Term: 120 Consecutive Calendar Days
 Base Bid: \$307,573.00

Total Estimated Award: \$307,573.00
Account No.: 471-2400-71240-580270-G7141CD43
Funding Source: Community Development Block Grant

This is a Low bid, lump sum contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to BLACK STALLION CONTRACTORS INC the lowest responsive, responsible bidder and that Armor Construction Co., Inc. and UNKS Construction, Inc. be deemed non-responsive. Armor Construction Inc. for its failure to submit a complete bid and UNKS Construction, Inc. for its failure to meet the minimum experience requirements.

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.

Representatives Noe and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Deniese Baisley, Interim Director, Purchasing and Strategic Sourcing
3. Ms. Sol Cortez, Assistant City Attorney, gave legal advice.

Mr. Manny Urquieta, citizen, commented.

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14.2. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2016-1084 for Sgt. Jesus Roberto Vasquez, USMC Park Improvements to BLACK STALLION CONTRACTORS, INC for estimated award of \$340,588.10.

ABSENT: Representatives Acosta, Robinson and Ordaz

Department: Capital Improvement
Award to: BLACK STALLION CONTRACTORS, INC.
El Paso, TX
Item(s): All
Initial Term: 120 Consecutive Calendar Days
Base Bid: \$ 340,588.10
Total Estimated Award: \$ 340,588.10
Funding Source 580270-471-71240-2400-G7141CD45

This is a low bid, lump sum contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement

Department recommend award as indicated to BLACK STALLION CONTRACTORS, INC. the lowest responsive, responsible bidder.

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

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.

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

15.1. *Motion made, seconded, and unanimously carried to **REJECT** sole bid received for Solicitation 2016-1013 Guardrails and Wooden Posts as recommended by the Purchasing & Strategic Sourcing Department and the Streets and Maintenance Department due to failure to submit the warranty information with the bid.

MAYOR’S PROCLAMATIONS

- 1. National Latino AIDS Awareness Month**
 - 2. National Night Out**
 - 3. Tom Lea Month**
 - 4. Bowie Alumni Homecoming Week**
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RECOGNITIONS

Star on the Mountain Award – Dr. Jim Bowden & Family

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

The following members of the public commented:

1. Mr. Jose Gaston Barriga
2. Mr. Blake W. Barrow
3. Mr. Nicholas Vasquez
4. Ms. Wally Cech
5. Mr. Arnulfo Hernandez

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

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

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

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16.1. An Ordinance granting Special Permit No. PZST16-00019, to allow for infill development with reduced side street yard setback on the property described as Lot 31 & 32, Block 7, Morningside Heights Addition, 3300 Jackson Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Terry Sanchez. PZST16-00019

PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2016

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16.2. An Ordinance granting Special Permit No. PZST16-00020, to allow for infill development with reduced side street yard setback, rear yard setback and cumulative front and rear yard setback on the property described as Lot 1, Block 1, Scotsdale Unit Two, 9958 Lockerbie Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Richard and Ingrid Moreno. PZST16-00020

PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2016

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16.3. An Ordinance changing the zoning of Lot 4 and the west half of Lot 5, Block 16, Franklin Heights Addition, 1108 Myrtle Ave., City of El Paso, El Paso County, Texas from C-4/H (Commercial/Historic) to R-MU/H (Residential Mixed-Use/Historic) and approving a Master Zoning Plan. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1108 Myrtle Ave.; Owner: Bemity Global LLC. PZRZ16-00015

PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2016

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16.4. An Ordinance granting until October 17, 2019, a non-exclusive franchise to “River Elms, LLC” to place and maintain up to 150 waste containers on sidewalks and other City property within the City of El Paso, subject to the terms and conditions described in the ordinance.

PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2016

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The City Council Meeting was **RECESSED** at 11:59 a.m.

The City Council Meeting was **RECONVENED** at 12:10 p.m.
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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS
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17. Goal 2: Set the Standard for a Safe and Secure City
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17.1. Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AUTHORIZE** the Director of the Purchasing and Strategic Sourcing Department to issue a Purchase Order(s) to Texas Commission on Fire Protection (TCFP). Texas Commission on Fire Protection is a State Agency and the sole source for the TCFP certification in order to comply with the requirements under the Texas Administrative Code Title 37; Part 13; Chapter 421; Rule 421.17.

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

Department: El Paso Fire
Award to: Texas Commission on Fire Protection
Austin, TX
Annual Estimated Amount: \$66,075.00
Funding Source: Professional Licenses and Memberships
Account No.: 322-22020-1000-544140-P2221

Sole Source No.: 2017-340

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17.2. Motion made by Representative Niland, seconded by Representative Limón, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to exercise the City's option to extend current Contract 2011-310R Operation and Maintenance of City of El Paso Police Department Municipal Vehicle Storage Facility with Rod Robertson Enterprises, Inc., for two (2) additional years pursuant to the provisions of an award approved by the City Council on November 29, 2011. The extended contract period will be from December 25, 2016 to December 24, 2018.

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

Department: Police
Award to: Rod Robertson Enterprises, Inc.
San Antonio, TX
Option: Two of Two
Total Estimated Gross Revenue: \$1,682,856 (2 years)
Account No.: 321 – 21280 – 522150 – 4340 – P5002350
Funding Source: Police – Outside Contract – NOC

This is a Revenue Generating contract.

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18. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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18.1.

***RESOLUTION**

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

That the City Manager be authorized to sign a legal services contract by and between the **CITY OF EL PASO** and **DELGADO ACOSTA, SPENCER, LINEBARGER & PEREZ, LLP (“Law Firm”)**, a Texas partnership of attorneys licensed to practice in the State of Texas and **APPRAISAL AND COLLECTION TECHNOLOGIES, LLC. (“ACT”)**, a Texas limited liability company, for the collection of delinquent property taxes and municipal liens, appraisal and collection technologies hosting, software support and maintenance, for term beginning as of January 1, 2017 and end as of December 31, 2021 with an option to extend the contract by the City Manager for one five (5) year renewal term beginning January 1, 2022 and ending on December 31, 2026; and that the City shall compensate the Law Firm and ACT in accordance with Attachment “A” of this Resolution.

Representatives Noe and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.
3. Ms. Sol Cortez, Assistant City Attorney, gave legal advice.
4. Dr. Mark Sutter, Chief Financial Officer
5. Ms. Haydee Pena, Purchasing and Strategic Sourcing

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

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

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

19.1. Motion made by Representative Niland, seconded by Representative Svarzbein, and unanimously carried to **AWARD** Solicitation 2016-913, Alameda Corridor Rapid Transit System to Martinez Bros. Contractors, LLC for an estimated total amount of \$11,153,207.50.

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

Department:	Capital Improvement
Award to:	Martinez Bros. Contractors, LLC El Paso, TX
Item(s):	All
Initial Term:	494 Consecutive Calendar Days
Base Bid 1:	\$10,472,369.95
Base Bid 2:	\$ 218,973.00
Base Bid 3:	\$ 381,614.55

Base Bid 4: \$ 80,250.00
 Total Estimated Award: \$11,153,207.50
 Account No.: 190-28330-580270-4530-PCP09ST0020
 Funding Source: 2011 Transportation Certificates of Obligation

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to Martinez Bros. Contractors, LLC, the lowest responsive, responsible bidder.

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19.2. Motion made by Mayor Pro Tempore Noe, seconded by Representative Limón, and unanimously carried to **AWARD, AS REVISED** Solicitation No. 2016-1147 Street Medians and Tree Maintenance (Re-Bid) to MG Evergreen LLC and to Delta Unlimited Inc., dba Delta Pest Control & Lawn Service for an initial term estimated award of \$1,649,478.00. The award is to include a two (2) year optional amount of \$1,099,652.00 for a total five (5) year award total of \$2,749,130.00.

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

Department: Streets & Maintenance
 Award to: (Vendor #1) MG Evergreen, LLC
 El Paso, TX
 Item(s): Group I and Group II
 Initial Term: 3 years
 Option to Extend: 2 years
 Annual Estimated Award: \$388,726.00
 Initial Term Estimated Award: \$1,166,178.00 (3 years)
 Total Estimated Award: \$1,943,630.00 (5 years)

Award to: (Vendor #2) Delta Unlimited, Inc., dba Delta Pest Control
 & Lawn Service
 El Paso, TX
 Item(s): Group III and Group IV
 Initial Term: 3 years
 Option to Extend: 2 years
 Annual Estimated Award: \$161,100.00
 Initial Term Estimated Award: \$483,300.00 (3 years)
 Total Estimated Award: \$805,500.00 (5 years)
 Total Annual Estimated Award: \$549,826.00 (Vendor 1 and Vendor 2)
 Total Initial Estimated Award: \$1,649,478.00 (3 years) (Vendor 1 and Vendor 2)
 Total Estimated Award: \$2,749,130.00 (5 years) (Vendor 1 and Vendor 2)
 Account No.: 532-522210-2305-32120-P3215
 Funding Source: Environmental Fee Fund- Horticultural Contracts

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to MG Evergreen, LLC and Delta Unlimited, Inc. dba Delta Pest Control & Lawn Service, the bidders offering the best value bids. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

Representatives Niland and Limón commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Deniese Baisley, Interim Assistant Director, Purchasing and Strategic Sourcing.

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES
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20. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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20.1. ORDINANCE 018578

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS; ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E) TEXAS TAX CODE; ALSO PROVIDING A SEVERABILITY CLAUSE.**

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

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

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

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

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21.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks an Ordinance amending Title 9 (Health and Safety), by adding Chapter 9.20 (Social Host Accountability Ordinance), which allows for a civil penalty imposed upon a responsible adult for a gathering where alcohol is provided to minors; the penalty being as provided in Section 9.20.070 of the El Paso City Code.

ABSENT: Representatives Acosta, Robinson and Ordaz

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22. Goal 3: Promote the Visual Image of El Paso
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22.1. ORDINANCE 018579

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 4, KESSLER INDUSTRIAL DISTRICT UNIT 2, 988 KESSLER DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-4/C (COMMERCIAL/CONDITION), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 988 KESSLER DRIVE. PROPERTY OWNER: INSTITUTO DE FOMENTO FAMILIAR INC. PZRZ16-00001**

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

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

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

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22.2. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks an Ordinance releasing all conditions placed on property by Ordinance No. 7367 and 8457 which changed the zoning of all of Tract 1B1, S.J. Larkin Survey 266, and a portion of Tracts 60, 61A, and All of Tract 62A, W.H. Glenn Survey 241, 6450 North Desert Boulevard, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: ROP Artcraft, LLC. PZCR16-00005

- ABSENT: Representatives Acosta, Robinson and Ordaz

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23. Goal 8: Nurture and Promote a Healthy, Sustainable Community
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23.1. ORDINANCE 018580

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO SMARTT MOVE, LLC, TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE FRANCHISE TERMS AND CONDITIONS.**

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

- AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

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

23.2.

ORDINANCE 018581

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING THE CITY TO REBATE DEVELOPMENT PROJECTS UP TO \$10,000.00 IN CERTAIN DEVELOPMENT FEES FOR PROJECTS AWARDED AN INCENTIVE AGREEMENT UNDER THE CITY'S INFILL DEVELOPMENT INCENTIVE POLICY OR THE TRANSIT ORIENTED DEVELOPMENT POLICY AND REPEALING ORDINANCES 017457, 017828, AND 017954 WHICH ALLOWED FOR A WAIVER OF CERTAIN DEVELOPMENT FEES FOR THE CITY'S INFILL DEVELOPMENT INCENTIVE POLICY AND THE SUSTAINABLE CITY CENTER INCENTIVE POLICY.**

Representatives Limón, Niland, and Svarzbein commented.

The following City staff members commented:

1. Mr. Cary Westin, Director of Economic and International Development
2. Mr. Rafael Arellano, Economic Development Specialist

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

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

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

REGULAR AGENDA - OTHER BUSINESS

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

24.1. Motion made by Mayor Pro Tempore Noe, seconded by Representative Svarzbein, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from Max Olivas, Inc., for the property located at 12040 Tierra Este, Suite A101, and legally described as Lot 1, Block 1, Ventanas Unit One, City of El Paso, El Paso County, Texas.

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

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

AYES: Representatives Svarzbein, Tolbert, Noe, and Niland

NAYS: Representative Limón

ABSENT: Representatives Acosta, Robinson and Ordaz

Representatives Noe and Limón commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

Mr. John Geske, applicant, commented.

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- 24.2.** Motion made by Representative Svarzbein, seconded by Representative Niland, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from Mario & Rita Lopez, for the property located at 965 Resler, Suite 106, and legally described as a portion of Lot 3 & 4, Block 1, Westview Place, City of El Paso, El Paso County, Texas.

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

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

AYES: Representatives Svarzbein, Tolbert, Noe, and Niland

NAYS: Representative Limón

ABSENT: Representatives Acosta, Robinson and Ordaz

Representative Svarzbein commented.

The City Council Meeting was **RECESSED** at 11:08 a.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 11:18 a.m.

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

- 25.1.** Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and

unanimously carried to **AUTHORIZE** the City Manager to fund the speed cushions presented in staff's presentation in white and to identify a funding source, and to **DIRECT** staff to re-evaluate the City's policy for traffic calming devices, to approve administrative remedies and to identify potential funding sources going forward.

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

Mr. Justin Bass, Streets and Maintenance presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein, Niland, Noe, Tolbert and Limón commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Dr. Mark Sutter, Chief Financial Officer
3. Mr. Ted Marquez, Director of Streets and Maintenance
4. Mr. Khalil Zaied, Deputy City Manager for Public Works

The following members of the public commented:

1. Ms. Chris Goodwin
2. Ms. Sandy DiFrancesco
3. Ms. Bea Saab
4. Ms. Mary Garcia

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

26.1. Presentation Update from Housing Authority of the City of El Paso (HACEP) on the Rental Assistance Demonstration (RAD) program.

Mr. Javier Camacho, Housing Authority, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Svarzbein commented.

NO ACTION taken on this item.

26.2. RESOLUTION

FOOD WASTE PREVENTION AND RECOVERY RESOLUTION

WHEREAS, the Natural Resources Defense Council (NRDC) published a report in 2012 stating that 40% of all edible food, or \$165 billion worth, is wasted in America and that uneaten food annually accounts for 33 million tons of landfill waste, 25% of all fresh water used in the US, 4% of total US oil consumption, and costs \$750 million per year to dispose of; and

WHEREAS, experts project that reducing food losses by just 15% would provide enough food for more than 25 million Americans every year, helping to sharply

reduce incidences of food insecurity for millions; and

WHEREAS, the Environmental Protection Agency (EPA) has published the Food Recovery Hierarchy giving preference to first reduce and prevent waste through effective food ordering and handling procedures, then direct appropriate food surplus to people and animals, and direct remaining leftovers to industrial uses and compost; and

WHEREAS, there are safe and legal ways to expand food donations as a result of the Texas Good Faith Donor Act of 1981 and the federal Emerson Good Samaritan Food Act of 1996 which protect food donors, as long as proper food safety handling procedures have been followed; and

WHEREAS, on September 16, 2015, Agriculture Secretary Tom Vilsack and Environmental Protection Agency Deputy Administrator Stan Meiburg announced the United States' first-ever national food loss and waste goal, calling for a 50-percent reduction by 2030,

WHEREAS, the EPA states that food waste is the single largest component sent to American landfills; and

WHEREAS, sending food to landfills generates methane, a greenhouse gas that is 21 times more potent than CO², and uneaten food in landfills accounts for 25% of US methane emissions; and

WHEREAS, the EPA estimates that an average family of four wastes and leaves uneaten nearly \$1500 worth of food each year; and

WHEREAS, *Plan El Paso* calls for the "efficient management of the disposal of solid waste to protect the natural and human environment while extracting reusable materials and energy from the waste stream"; and

WHEREAS, *Plan El Paso* seeks to work with entities involved in the mass production of food to implement waste reduction programs; and

WHEREAS, *Plan El Paso* recommends that the City "assure adequate solid waste disposal capacity to serve El Paso's present and future needs and continue to increase recycling, reuse, and reduction as a way to recycle the generation of solid waste"; and

WHEREAS, the *City of El Paso 2016 Strategic Plan* seeks to provide long-term, cost effective, sustainable regional solid waste solutions; and

WHEREAS, the City can support the development of mechanisms that facilitate the higher priority forms of diversion in the Environmental Protection Agency's Food Recovery Hierarchy, which can help address hunger needs in our community; and

WHEREAS, efforts to recover food surplus will further align the City's actions with its solid waste goals, and potentially also save money through smarter ordering and serving, redirect surplus food to people in need in El Paso.

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

That the Mayor declares 2017 the Year of Food Waste Prevention and Recovery in El Paso, Texas.

That the City will develop a realistic food waste reduction strategy by 2018.

That the City Manager is directed to request all relevant City Departments to participate in a stakeholder process, led by the Office of Resilience and Sustainability, to establish a Regional Food Policy Council that facilitates the development of responsible policies that improve access for El Paso residents to healthy foods, and that includes a subcommittee solely dedicated to food waste prevention and recovery goals and metrics. This will include awareness, education and actions appropriate to help El Paso become a national leader in food waste prevention and recovery, as well as sustainable food systems.

That the City Manager or his designee will provide periodic updates to the City Council for the City of El Paso regarding this stakeholder process and food waste reduction goals.

Ms. Nicole Ferrini, Chief Resilience Officer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Limón, Niland and Svarzbein commented.

The following City staff members commented:

1. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.
2. Mr. Robert Resendes, Director of Public Health

The following members of the public commented:

1. Mr. George Stoltz
2. Mr. Rodolfo A. Parra, Jr.
3. Ms. Natasha Acevedo
4. Mr. David Pena
5. Mr. Nicolas Vasquez
6. Mr. Roman Wilcox

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

ABSENT: Representatives Acosta, Robinson and Ordaz

27. MAYOR AND COUNCIL

27.1. 1st MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Svarzbein, seconded by Representative Niland, and unanimously carried to **DIRECT** City of El Paso State Legislative Agenda consultant firm to advocate for Texas Moving Image Industry Incentive Program for funding increases and to increase incentives for economically distressed or underutilized areas and that this item will be reestablished as a priority item on the legislative agenda.

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

Representatives Svarzbein, Niland, Limón, Noe and Tolbert commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Director of Economic and International Development
3. M. Bryan Crowe, General Manager, Destination El Paso
4. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Don Shapiro
2. Mr. Justin Ainsworth
3. Mr. Val Sandoval
4. Mr. Jesus Nunez
5. Mr. George Casillas
6. Mr. Chang Ruben
7. Mr. Anthony Salgado
8. Mr. Ken Ebacher
9. Ms. Jeni Robins
10. Mr. Hector Dez
11. Mr. Frank Powers
12. Mr. Carlos Corral
13. Mr. David Duarte
14. Mr. Malcolm Scopes
15. Ms. Natalia Morales
16. Mr. Daniel Tennessee
17. Mr. Ismael Martinez
18. Mr. Nicholas Vasquez
19. Mr. Domingo Farias
20. Ms. Stephaine Farias
21. Mr. Jerry Walker
22. Ms. Michelle Martinez
23. Mr. Roman Wilcox

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- 27.2.** Motion made by Representative Niland, seconded by Representative Limón, and unanimously carried to **DIRECT** the City Manager to join the Smart Cities' Council, apply for the 2017 White House Cities Challenge Grant, to look at the feasibility of adding, quite potentially, a Chief Innovation Officer that could put together a roadmap for how we could achieve a Smart City Initiative.

AYES: Representatives Svarzbein, Tolbert, Noe, Limón, and Niland

NAYS: None

ABSENT: Representatives Acosta, Robinson and Ordaz

Representative Niland presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Noe and Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

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- 27.3.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried to **APPROVE** on providing an opportunity for unpaid students with an internship at City Hall access to parking lots across or behind City 1.

AYES: Representatives Svarzbein, Tolbert, Noe, and Niland

NAYS: Representative Limón

ABSENT: Representatives Acosta, Robinson, and Ordaz

Representatives Svarzbein, Limón and Tolbert commented.

The following City staff members commented:

1. Ms. Linda Thomas, Director of Human Resources
2. Ms. Nancy Bartlett, Chief Performance Officer

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- 27.4.** Motion made by Representative Tolbert, seconded by Representative Niland, and carried to **APPROVE** the award of Solicitation 2013-1036 Paving Unpaved Rights-Of-Way (paving alleys) approved by Council on September 6, 2016 and a request to swap out a designated alley for paving the alley at 3300 Fort Blvd.

AYES: Representatives Svarzbein, Tolbert, Limón, and Niland

NAYS: None

ABSTAIN: Representative Noe

ABSENT: Representative Acosta, Robinson and Ordaz

Representative Tolbert commented.

Mr. Ted Marquez, Director of Streets and Maintenance commented.

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EXECUTIVE SESSION

- EX1.** *Motion made, seconded, and unanimously carried to **DELETE** the item regarding Economic Incentives for a customer contact and fulfillment center located in El Paso, Texas. (551.087)

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ADJOURN

Motion made by Representative Limón, seconded by Representative Niland, and unanimously carried to **ADJOURN** this meeting at 3:00 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk