

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL

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

CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

October 20, 2015
COUNCIL CHAMBERS, CITY HALL
8:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Carl Robinson, Michiel Noe, and Lilia Limón. Late arrivals: Cortney Niland at 8:07 a.m. and Peter Svarzbein at 8:14 a.m., Claudia Ordaz requested to be excused. The invocation was given by Fire and CIMA Chaplain Sam Faraone, 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

H. E. Charles Middle School

Lisa Gable

Trans-Mountain Early College High School

Nathan Gable

Jefferson High School and Maxine L. Silva Magnet High School

Jasmine Harper

Erin Portillo

Carolina Guerrero

Gage Manriquez

Jessica Martinez

Yasmine Luna

NOTICE TO THE PUBLIC

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

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

NAYS: None

ABSENT: Representative Ordaz

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. *Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Representative Claudia Ordaz from the Regular Council Meeting of October 20, 2015.

ABSENT: Representative Ordaz

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CONSENT AGENDA - RESOLUTIONS:
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3. Goal 2: Set the Standard for a Safe and Secure City
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3.1. *R E S O L U T I O N
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WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the General Victims Services FY 2016 program be operated for the time period of September 1st 2015 to August 31st 2016; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Criminal Justice Division – Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates the City Manager or designee grantee's authorized official.

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

1. The City Manager or designee is authorized to accept a modified grant award for the General Victim Services FY16 grant, the application for which was submitted to the Office of the Governor, Criminal Justice Division (OGCJD), following City Council approval on February 24, 2015; and to authorize the City Manager or his designee to reject, alter, and/or terminate the grant. The

awarded funding was increased by OGCJD from \$173,530.97 to \$187,991.88, resulting in a cash match increase from \$47,062.74 to \$50,677.97. Such increases are due to the OGCJD extension of the original grant period by one month to align with the OGCJD fiscal year. The original grant period of September 1, 2015 through August 31, 2016 changed to September 1, 2015 through September 30, 2016.

2. The City of El Paso agrees to provide cash matching funds in the amount of \$50,677.97.
3. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
4. That the Chief of Police be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: West Texas Community Supervision and Correction Department; Center Against Family Violence; El Paso County Sheriff's Office; Transitional Living Center Battered Spouse Program; 34th Judicial District, District Attorney- Victim Assistance; 34th Judicial District, District Attorney- Domestic Violence Unit; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Incorporated; Family Services of El Paso; STARS; El Paso County Attorney's Office; Advocacy Center for the Children of El Paso; and University Medical Center.

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3.2.

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

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Local Border Security FY 16 program be operated for the time period of October 1st 2015 to August 31st 2016; and

WHEREAS, the El Paso City Council agrees that no matching city funds are required for the said project under the Homeland Security Grants Division- office the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Homeland Security Grants Division funds, the El Paso City Council assures that the funds will be returned to the Homeland Security Grants Division in full; and

WHEREAS, the El Paso City Council designates City Manager Tomás González his designee as the grantee's authorized official.

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

1. The City Manager or his Designee is authorized to submit the grant application for the Local Border Security FY16 to the Office of the Governor, Criminal Justice Division including all understandings and assurances contained therein, and to accept, reject, alter and/or terminate the grant in the amount of \$581,367.31, for the purpose of sustaining interagency operations and enhance local law enforcement patrols in an effort to deter and facilitate directed actions to interdict criminal activity.
2. That the City Manager or Designee be authorized to sign any grant related

paperwork, authorize budget transfer and submit any necessary revisions to operational plan.

3. There is no cash match required from The City of El Paso.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to the Police Department at or after the time the grant is awarded.

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

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 a Remediation Reimbursement Agreement among FSW Investments, L.P., a Texas limited partnership; Keystone Heritage Park, Inc., a Texas corporation, and the City of El Paso, Texas, a Texas home rule municipality, which will allow identified parcels in the City's Keystone Heritage Park to be used as off-site wetland mitigation areas.

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 First Amendment to the Annexation Agreement AN08-009 between the CITY OF EL PASO, TEXAS a Texas municipal corporation, and GENAGRA, L.P., and authorized to sign the Special Warranty Deed for the conveyance of approximately 0.1541 acres more or less of real property being a portion of Tract 2C, Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, located west of Zaragoza Road and south of Pebble Hills Blvd, from GENAGRA, L.P., to the CITY OF EL PASO, TEXAS and to sign any document necessary to effectuate the purpose of this Resolution.

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

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

WHEREAS, the City of El Paso, as trustee, acquired title to the properties described below by Sheriff's Tax Deed because no bids were received when the properties were offered for sale and the officer making the sale bid the properties off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said properties in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

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

THAT the City of El Paso hereby requests the sheriff of El Paso County to

sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code the following parcels:

Lots Eight (8), Block Twenty (20) of Lincoln Park Addition to the City of El Paso, El Paso County, Texas.

5.2.

***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 Consent to Assignment of the On-Call Agreement for Professional Services Agreement for a project known as "Geotechnical & Materials Testing Services" by and among the City of El Paso, Raba Kistner, Inc. ("Assignor"), and Terracon Consultants, Inc. ("Assignee").

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

- 6.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Ana Roush to the Parks and Recreation Advisory Board by Representative Cortney Niland, District 8.

CONSENT AGENDA - BOARD APPOINTMENTS:

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

- 7.1. *Motion made, seconded, and unanimously carried to **APPOINT** Jim Graham to the Zoning Board of Adjustment by Representative Lily Limón, District 7.

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

- 8.1. *Motion made, seconded, and unanimously carried to **APPOINT** Daisy Ramos to the Veterans Affairs Advisory Committee by Representative Lily Limón, District 7.

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

- 9.1. *Motion made, seconded, and unanimously carried to **APPOINT** Fermin Dorado to the Construction Board of Appeals by Representative Lily Limón, District 7.

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. JP Morgan Chase Bank NA in the amount of \$3,300.55 overpayment on December 30, 2013 of 2013 taxes.

(Geo. # A642-99-0140-2100)

2. Corelogic in the amount of \$2,622.39 overpayment on December 30, 2013 of 2013 taxes. (Geo. # V893-999-2550-1100)

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CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

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- 11.1.** *Motion made, seconded, and unanimously carried to **ACCEPT** the Campaign Contribution from Mr. Enrique Moreno \$500 and Mr. Jose M. Limón for \$500 by City Representative Lily Limón, District 7.
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CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

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- 12.1.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2016-015 Security Guard Services to Mia Ventures, LLC dba Artco Protective Services for a three year initial term estimated award of \$458,797.50.

ABSENT: Representative Ordaz

Department:	Museum and Cultural Affairs Department
Vendor:	Mia Ventures, LLC dba Artco Protective Services El Paso, Texas
Item(s):	All
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Amount:	\$152,932.50
Initial Term Estimated Award:	\$458,797.50 (3 year Total)
Account No. & Funding Source:	454-1000-54000-522120 Art General Fund 454-2528-54110-522120 Art Curatorial Fund 454-1000-54030-522120 History General Fund 454-1000-54020-522120 Archaeology General Fund

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Museum and Cultural Affairs Departments recommend that the contract be awarded to Mia Ventures, LLC dba Artco Protective Services, the vendor offering the best value bid.

G4S Secure Solutions (USA) Inc. took exceptions to the City's Terms and Conditions and it is recommended that they be deemed non-responsive.

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CONSENT AGENDA - BIDS:

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

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- 13.1.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2016-006 (Crack Seal Material) to Crafcot Texas, Inc. for an initial three (3) year term

estimated award of \$289,000.00 with no option to extend.

Department:	Streets and Maintenance
Award to:	Crafco Texas, Inc. San Antonio, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	None
Annual Estimated Award:	\$96,600.00
Total Estimated Award:	\$289,800.00 (3 years)
Account No.:	532 – 32120 - 532030 – 1000 – P3210
Funding Source:	Public Access Maintenance & Repair General Fund

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to Crafco Texas, Inc., the lowest responsive, responsible bidder.

MAYOR’S PROCLAMATIONS

- 1. Medical Assistants’ Recognition Week-Western Technical College**
- 2. CPS/ JPD 4th Annual Parent Collaboration Conference Day**

RECOGNITIONS

Star on the Mountain Award – John Gable

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

The following members of the public commented:

1. Mr. John Vandeven
2. Mr. Ken Margherio
3. Mr. Gordon Thatcher
4. Mr. Steven Strumer
5. Ms. Wally Cech

Mayor Leeser and Representative Niland commented.

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

ABSENT: Representative Ordaz

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

- 14.1. An Ordinance amending Title 12 (Vehicles and Traffic), Section 12.44.280 (Restrictions on Parking in Residential Parking Districts) to amend the definition of a residential property to include apartment complexes with five or more dwelling units in a designated historical district, and to revise the provisions regarding the issuance of permits. The penalty being as provided in section 12.84.010 and chapter 12.85 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 27, 2015

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

- 15.1. An Ordinance changing the zoning of the property described as Lot 22, Block 206, Vista Del Sol Unit 38, 10622 Montwood Drive, City of El Paso, El Paso County, Texas from A-O (Apartment/Office) to S-D/c (Special Development/condition), pursuant to Section 20.04.360, imposing a condition, and approving a detailed site development plan pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for reduction of front, rear, and side street yard setbacks as permitted in the S-D (Special Development) zone district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 10622 Montwood Drive. Property Owner: Prestigio Properties V, LLC. PZRZ15-00016

PUBLIC HEARING WILL BE HELD ON NOVEMBER 10, 2015

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

- 16.1. An ordinance vacating the City right-of-way over a portion of Cebada Street, Durazno Avenue, Estrella Street and all of a 20 foot alley between Cebada Street and Estrella Street and a portion of a 20 foot alley between Cebada Street and Luna Street, City of El Paso, El Paso County, Texas. Subject Property: South of Gateway East and East of Piedras; Property Owner: El Paso Water Utilities. SURW15-00011

PUBLIC HEARING WILL BE HELD ON OCTOBER 27, 2015

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

17.1. ORDINANCE 018426

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST15-00025, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS TRACT 68, SUNRISE ACRES UNIT #2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF**

THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF ATLAS AVENUE AND EAST OF PANDORA STREET. PROPERTY OWNER: ANVIA, L.L.C. PZST15-00025

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

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

NAYS: None

ABSENT: Representative Ordaz

NOT PRESENT FOR THE VOTE: Representative Acosta

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

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17.2.

ORDINANCE 018427

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE CITY RIGHT-OF-WAY OVER A 0.043-ACRE PORTION OF SAINT CHARLES STREET, BEAUMONT SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: NORTH OF FRED WILSON AND WEST OF PATRIOT FREEWAY US 54; PROPERTY OWNER: LUIS H. DE LA CRUZ SURW15-00010**

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

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

NAYS: None

ABSENT: Representative Ordaz

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

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17.3.

ORDINANCE 018428

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A 10 FOOT WIDE, 1,129.42 TOTAL SQUARE FOOT DRAINAGE EASEMENT, LEGALLY DESCRIBED AS A PORTION OF LOTS 13 TO 16, BLOCK 140, HIGHLAND PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: NORTH OF HAMILTON AND EAST OF ALABAMA. PROPERTY OWNER: ROSA FERNANDEZ. SUET15-00004**

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

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

NAYS: None

ABSENT: Representative Ordaz

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

17.4.

RESOLUTION

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

That the City Manager be authorized to sign and accept on behalf of the City a Water Utility Easement Dedication Deed from Rosa Fernandez, dedicating to the City a .026 acre piece of land to be used as a water utility easement by the El Paso Water Utilities, described as *being a portion of Lots 13 thru 16, Block 140, Highland Park Addition, City of El Paso, El Paso County, Texas* and being more fully described by metes and bounds and survey in Exhibit "A" attached hereto and made a part hereof.

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

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

NAYS: None

ABSENT: Representative Ordaz

REGULAR AGENDA - OTHER BUSINESS

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

18.1.1. 1ST MOTION

Motion made by Representative Limón, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Public Hearing regarding the issuance by the Mission Economic Development Corporation of Revenue Bonds (EWM P1 Project), Series 2015.

ABSENT: Representative Ordaz

2ND MOTION

Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried to **RECONSIDER** the item.

ABSENT: Representative Ordaz

3RD AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried to **CLOSE** a Public Hearing at 9:07 a.m. regarding the issuance by the Mission Economic Development Corporation of Revenue Bonds (EWM P1

Project), Series 2015.

ABSENT: Representative Ordaz

Mayor Leeson commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Annaelisa Holguin, International Affairs & Trade

18.1.2.

**RESOLUTION WITH RESPECT TO
EWM P1, LLC PROJECT**

WHEREAS, EWM P1, LLC (collectively with any subsidiary or affiliate thereof or any related person thereto, the "Company") desires to acquire, construct, rehabilitate, develop, improve and equip land, capital improvements, infrastructure and equipment with respect to certain facilities for the processing, treating and furnishing of water located at 3640 Global Reach, El Paso, Texas 79925, which is adjacent to the Kay Bailey Hutchison Desalination Plant (the "Project"); and

WHEREAS, the Company has requested Mission Economic Development Corporation (the "Issuer") to issue revenue bonds in an aggregate principal amount not to exceed \$50,000,000 (the "Bonds") to finance or refinance the Project, subject to certain requests, hearings and approvals required pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), and the Development Corporation Act, Chapter 501, Texas Local Government Code (the "Act"); and

WHEREAS, to comply with Section 147(f) of the Code, a public hearing has been held by the City Council of the City of El Paso, Texas (the "City") regarding the Project, and notice of such hearing was published no less than 14 days prior to such hearing in a newspaper of general circulation in the City; Now, therefore,

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

Section 1. Third Party Financing. For the Project to be financed or refinanced with proceeds of the Bonds, the Issuer is hereby requested to exercise its powers within the City for the purpose of issuing the Bonds in one or more series, from time to time, in an aggregate principal amount not to exceed \$50,000,000, to finance or refinance the Project. This request is intended to satisfy the requirements of Section 501.159(a) of the Act.

Section 2. Public Hearing and Approval for Federal Tax Purposes. To comply with Section 147(f) of the Code, a public hearing has been held in the City, by the City Council of the City, in which hearing members of the public were permitted to express their views with respect to the Project and the Issuer's issuance of the Bonds for such purpose. Notice of such hearing was published no less than 14 days prior to such hearing in a newspaper of general circulation in the City. Based solely upon the results of such hearing, and solely for purposes of complying with Section 147(f) of the Code, the City Council hereby approves the Project and the issuance of the Bonds by the Issuer. The Mayor is hereby authorized and directed to execute a certificate certifying approval of the Project and the issuance of the Bonds.

SECTION 3. DISCLAIMER OF LIABILITY. THE CITY, THE CITY COUNCIL,

THE MAYOR AND ALL OTHER CITY OFFICIALS MAKE NO REPRESENTATION OR WARRANTY OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROJECT OR THE ISSUANCE, CREDITWORTHINESS OR REPAYMENT OF THE BONDS TO BE ISSUED BY THE ISSUER WITH RESPECT TO THE PROJECT. UNDER NO CIRCUMSTANCES SHALL THE CITY HAVE ANY LIABILITY, FINANCIAL OBLIGATION OR RESPONSIBILITY OF ANY KIND WITH RESPECT TO THE PAYMENT OF BONDS ISSUED FOR THE PROJECT OR FOR THE CONSTRUCTION, MAINTENANCE, OPERATION OR ANY OTHER ASPECT OF THE PROJECT.

THE ISSUANCE OF THE BONDS AS REQUESTED BY THE COMPANY WILL NOT CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OF THE CITY AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE CITY WILL BE PLEDGED TO THE PAYMENT OF SUCH BONDS BUT WILL BE PAYABLE SOLELY FROM THE REVENUES DERIVED FROM THE COMPANY AND PLEDGED TO THE PAYMENT THEREOF.

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

ABSENT: Representative Ordaz

ITEMS 18.2 AND 18.3 TAKEN TOGETHER

18.2.

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 execute a Tax Abatement Agreement between the City of El Paso and MS PROPERTY LLC, the property owner, pursuant to the City's Infill Development Incentive Policy, for the construction of 35,800 sq. feet of housing and 4,000 sq. feet of commercial on the vacant lot of 410 Thorn Avenue, El Paso Texas, 79912.

Motion made by Representative Romero, seconded by Representative Acosta, and unanimously carried to **APPROVE** a Resolution

ABSENT: Representative Ordaz

18.3.

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 execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement between the City of El Paso and MS PROPERTY LLC, the property owner, pursuant to the City's Infill Development Incentive Policy, for the construction of 35,800 sq. feet of housing and 4,000 sq. feet of commercial on the vacant lot of 410 Thorn Avenue, El Paso Texas, 79912. .

Motion made by Representative Romero, seconded by Representative Acosta, and unanimously carried to **APPROVE** a Resolution

18.4. Presentation & Overview of Economic Development Activities

Mr. Cary Westin, Director of Economic and International Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeson and Representative Svarbein commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Director of Economic and International Development

NO ACTION taken on this item.

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

19.1. RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (the "City") and the University of Texas at El Paso ("UTEP"), for the period of October 20, 2015 through October 19, 2018, pursuant to which UTEP researchers shall establish the El Paso Community Health Atlas to improve the health status of Paso residents, and for which the City shall pay UTEP up to \$600,000.00 with funding from the Texas Healthcare and Quality Improvement Program 1115 Demonstration Waiver Program to support Medicaid Waiver projects.

Mr. Bruce Parsons, Director of Public Health, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Dr. Leo Gemoets, Associate Professor in Accounting Department, UTEP, commented.

1ST MOTION

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

ABSENT: Representative Ordaz

2ND MOTION

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland, and unanimously carried to **RECONSIDER** the item.

ABSENT: Representative Ordaz

3RD AND FINAL MOTION

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

AYES: Representatives Svarzbein, Acosta, Limón, and Niland

NAYS: Representative Noe

ABSENT: Representative Ordaz
NOT PRESENT FOR THE VOTE: Representatives Romero and Robinson

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EXECUTIVE SESSION

Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:51 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 Ordaz

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

Motion made by Representative Niland, seconded by Mayor Pro Tempore Noe, and unanimously carried to adjourn the Executive Session at 11:08 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Ordaz

EX1. San Jacinto Plaza Redesign, Solicitation No. 2014-043; Matter No. 12-1004-214 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Niland and unanimously carried that the City Attorney be authorized to take all steps necessary to exercise the rights of the City of El Paso against Basic IDIQ, Inc. in regards to Paragraphs 6.9.1 and 6.10.3, General Conditions, Volume 2 of the San Jacinto Plaza Redesign Project, Solicitation No 2014-043.

ABSENT: Representative Ordaz

EX2. Barron Park, Contract No. 2014-007; Matter No. 13-1004-392 (551.071)

Motion made by Representative Robinson, seconded by Representative Niland and unanimously carried that the City Attorney be authorized to take all steps necessary to exercise the rights of the City of El Paso against the Contractor in regards to the Barron Park Project, including but not limited to the rights and remedies available under the contract for the project known as the Barron Park Project and any other rights and remedies available under law.

ABSENT: Representative Ordaz

EX3. City Manager authority to enter into contracts on behalf of the City of El Paso necessary to execute the delivery of the Multipurpose Arena Project. (555.071)

RESOLUTION

WHEREAS, the Mayor and City Council desire to take measures to increase efficiency and facilitate the implementation of the Multi-Purpose Arena Project approved by the voters in 2012;

WHEREAS, one such measure will be to delegate authority to the City Manager to execute certain contracts on behalf of the City without further City Council action;

NOW THEREFORE, be it resolved by the City Council of the City of El Paso as follows:

That the City Manager, in consultation with the City Attorney, is authorized to execute contracts on behalf of the City of El Paso necessary to implement the Multi-Purpose Arena, such as:

1. **Personal and Professional Services Contracts.** The City Manager, in consultation with the City Attorney, is authorized to sign contracts for consultants, appraisers, surveyors, title research, r.o.w. and real estate acquisition agents without the \$50,000.00 limitation previously imposed on contracts signed by the City Manager; provided however, the total amount expended for such contracts shall not exceed the amount budgeted in the arena project budget for such services.

The procurement of the services shall be made in accordance with all applicable State and local laws and regulations.

2. **Real Estate Acquisition.** The City Manager, in consultation with the City Attorney, is authorized to sign options and earnest money contracts for the acquisition of real estate necessary for the construction of the Multi-Purpose Arena. This authority is not subject to the \$50,000.00 cap on expenditures which may currently be approved by the City Manager; provided however, the total amount expended shall not exceed the project budget established for real estate acquisitions for the Multi-Purpose Arena Project.

Ms. Sylvia Firth, City Attorney, read motion into the record and gave legal advice.

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

EX4. Monthly update from Legal Department regarding pending litigation, claims, real estate transactions and contract negotiations. (551.071, 551.072, 551.074 and 551.087)

NO ACTION taken on this item.

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ADJOURN

Motion made by Representative Robinson, seconded by Representative Niland, and

unanimously carried to **ADJOURN** this meeting at 11:08 a.m.

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk