

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL

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

MINUTES FOR REGULAR COUNCIL MEETING

October 29, 2019
COUNCIL CHAMBERS, CITY HALL
9:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 9:11 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Late arrival: Claudia Ordaz Perez at 9:14 a.m. The invocation was given by Pam Faraone followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY INVOCATION BY PAM FARAONE, NEW DAY MINISTRIES INTERNATIONAL

PLEDGE OF ALLEGIANCE

Eastwood Heights Elementary School Student Council and Random Acts of Kindness Club Officers at the invitation of Mayor Dee Margo

Jordan Govea
Sarah Marshall
Angelo del Hierro
Mia Enriquez
Kennedy Gonzalez
Jake Flores
Ariana Luevano
Zachary Torres
Alessandra Caro
Summer Basurto

MAYOR'S PROCLAMATIONS

1. **HR Appreciation Day**
2. **Epidemiologist Day**
3. **El Paso Excellence in Science & Technology Day**
4. **Arbor Day 2019**
5. **Halloween Happiness**

.....

RECOGNITIONS BY MAYOR

.....

NOTICE TO THE PUBLIC

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

NAYS: None

.....

CONSENT AGENDA - APPROVAL OF MINUTES:

.....

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

- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of October 15, 2019 and the Agenda Review Meeting of October 14, 2019.

.....

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

.....

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION was taken on this item.

.....

CONSENT AGENDA - RESOLUTIONS:

.....

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

3.1. ***RESOLUTION**

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

That the City Manager be authorized to sign a Southern Industrial Site Lease by

and between the City of El Paso (“Lessor”) and Price's Producers, Inc., a Texas Corporation (“Lessee”) regarding the following described property:

All of Lot(s) 5, 6, 17 and 18, Block 9, El Paso International Airport Tracts Unit 7, City of El Paso, El Paso County, Texas, municipally known and numbered as 8101 Lockheed, El Paso, Texas.

3.2.

***RESOLUTION**

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

That the City Manager be authorized to sign a License Agreement between the City of El Paso (the “City”) and Transtelco, Inc. (the “Licensee”), for Licensee to install, repair and maintain fiber optic conduit running across the Stanton Street International Bridge. The term of the License Agreement shall commence upon approval of the Agreement by Council and shall terminate December 31, 2025, with the option of three additional five year terms. Licensee shall pay an “Annual Fee” and a separate annual “Bridge Fee.” The initial “Annual Fee” shall be \$41,484.42 and the initial “Bridge Fee” shall be \$11,486.30, with fee amounts increasing annually as specified within the License Agreement.

3.3.

***RESOLUTION**

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

That the City Manager is authorized to sign a First Amendment to the Building Lease by and between the City of El Paso (“Lessor”), and The Paradies Shops, LLC (“Lessee”) for the following described property:

That certain office and warehouse space containing 3,000 square feet, more or less, also known as 6409 Convair Road, El Paso, Texas.

3.4.

***RESOLUTION**

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

That the City Manager is authorized to sign a First Amendment to the Air Cargo Building Lease Agreement by and between the City of El Paso (“Landlord”) and Global Aviation Services, LLC (“Tenant”) regarding Tenant’s use of that certain office and warehouse space, loading dock space, vehicular parking space and ground service equipment parking space located at the Air Cargo Building #2, 6411 Convair Road, El Paso, Texas, to increase the term and add three options to extend the initial term by one year each, to include a rental adjustment for the first option exercised and to update the U.S. Federal Aviation Administration required language.

3.5.

***RESOLUTION**

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

That the City Manager is authorized to sign a First Amendment to the Air Cargo Center Agreement by and between the City of El Paso (“Lessor”) and Mesa Airlines,

Inc. (“Lessee”) regarding Lessee’s use of that certain office, warehouse, aircraft parking apron and ground service equipment parking apron, and vehicle parking area located at 301 George Perry Blvd., Suite B, El Paso, Texas to allow for up to four additional extension options, to allow for a rental adjustment and to update the U.S. Federal Aviation Administration required language.

3.6.

***RESOLUTION**

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

That the City Manager is authorized to sign a Lessor’s Approval of the Assignment of Ground Lease by and between the City of El Paso (“Lessor”), Manir Properties 3, LLC (“Assignor”), and 7 Hills El Paso, LLC (“Assignee”) for the following described property:

A portion of Lot 1, Block 1A, El Paso International Airport Tracts, Unit 4, City of El Paso, El Paso County, Texas, containing approximately 57,375 square feet of land and municipally known and numbered as 1940 Airway Blvd., El Paso, Texas.

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

4.1.

***RESOLUTION**

WHEREAS, On September 22, 2016, the City of El Paso (“City”) and the County of El Paso (“County”) entered into an Interlocal Agreement for the joint application for the 2016 Edward Byrne Justice Assistance Grant (JAG) Program, which was awarded and assigned Federal Award Number 2016-DJ-BX-0732 through which the City was granted \$117,623.00; and

WHEREAS, On September 11, 2017, the City and the County entered into an Interlocal Agreement the joint application to the 2017 JAG Program, which was awarded and assigned Federal Award Number 2017-DJ-BX-0567 through which the City was granted \$109,413.50; and

WHEREAS, On October 30, 2018, the City and the County entered into an Interlocal Agreement for the joint application to the 20108 JAG Program, which was awarded and assigned Federal Award Number 2018-DJ-BX-0406 through which the City was granted \$110,104.00; and

WHEREAS the City and the County wish to enter into an Interlocal Agreement for the joint application to the 2019 JAG Program under the following terms; and

WHEREAS, the parties are required to amend all previous agreement to include the Subrecipient Monitoring Policy and Procedures in accordance with applicable Federal regulations.

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

1. That the City Manager or Designee is authorized to sign the Interlocal Agreement between the County of EL Paso, Texas and the City of El Paso, Texas to submit a joint application to the Department of Justice under the 2019

Edward Byrne Memorial Justice Assistance Grant Program (“JAG”) in the amount of \$208,705.00. The funds received under the JAG program will be allocated 50% to the county of El Paso, Texas, in the amount of \$104,352.50, and 50% to the City of El Paso, Texas, in the amount of \$104,352.50.

2. That the City Manager or designee is authorized to sign any grant related paperwork, including all understanding and assurances contained therein, and to accept, reject, alter, or terminate the resulting grant, authorize necessary related budget transfers and submit necessary revisions to the operational plan. No cash match or in-kind is required.
3. That the City Manager or designee is authorized to sign the amendment to Interlocal Agreement between the County of EL Paso, Texas and the City of El Paso, Texas: 2016 Byrne Justice Assistance Grant (JAG) program.
4. That the City Manager or designee is authorized to sign the amendment to Interlocal Agreement between the County of EL Paso, Texas and the City of El Paso, Texas: 2017 Byrne Justice Assistance Grant (JAG) program.
5. That the City Manager or designee is authorized to sign the amendment to Interlocal Agreement between the County of EL Paso, Texas and the City of El Paso, Texas: 2018 Byrne Justice Assistance Grant (JAG) program.

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

5.1. *RESOLUTION

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

That the El Paso City Council hereby renames a portion of San Francisco Street, currently known as Sheldon Court, to Henry Trost Court, beginning at Santa Fe Street and ending at El Paso Street, illustrated on Exhibit “A” attached hereto and in compliance with the El Paso City Code 19.15.140 (A)(3), and authorizes the City Manager to take the necessary steps to change the name herein described.

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

6.1. *RESOLUTION

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

That the City Manager be authorized to sign an grant agreement by and between the City of El Paso and the Texas Commission on the Arts Cultural District Program for Fiscal Year 2020 Programing at the El Paso Museum of Art, to accept \$120,000.00, with the City match of \$120,000.00.

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

7.1.

***RESOLUTION**

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

That the City Manager be authorized to sign a Mutual Termination and Release Agreement between the City of El Paso and PMWeb Project Management Software, Inc. for the agreed upon termination of the Software Subscription Agreement between the parties.

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

8.1.

***RESOLUTION**

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

That the Mayor be authorized to sign a First Amendment to Interlocal Agreement for Dental Services between the County of El Paso, Texas (“County”), on behalf of its Juvenile Probation Department (“JPD”), and the City of El Paso, Texas (“City”), on behalf of its Department of Public Health (“DPH”), to clarify the duties of and services to be performed by the parties, which entail the DPH Rawlings Dental Clinic providing dental health services, counseling and prevention education services to juveniles at the JPD.

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

9.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Christa J. Madera to the Parks and Recreation Advisory Board by Representative Isabel Salcido, District 5.

9.2. *Motion made, seconded, and unanimously carried to **RE-APPOINT** David Herrera to the Museums and Cultural Affairs Advisory Board by Representative Peter Svarzbein, District 1.

CONSENT AGENDA - BOARD APPOINTMENTS:

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

10.1. *Motion made, seconded, and unanimously carried to **APPOINT** Elvia Doyle to the Committee on Border Relations by Representative Cissy Lizarraga, District 8.

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

11.1. *Motion made, seconded, and unanimously carried to **APPOINT** Vanessa Gavaldon to the Open Space Advisory Board by Representative Claudia Ordaz Perez, District 6.

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

12.1. *Motion made, seconded, and unanimously carried to **APPOINT** Beth Leffler to the Museums & Cultural Affairs Advisory Board by Representative Cissy Lizarraga, District 8.

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

13.1. *Motion made, seconded, and unanimously carried to **APPOINT** Maritza Perez to the Zoning Board of Adjustment, as an Alternate Member, by Representative Claudia Ordaz Perez, District 6.

.....
CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:
.....

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

14.1. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed on the attachment posted with this agenda.

1. Lone Star Title, in the amount of \$11,954.68, made an overpayment on January 19, 2018 of 2017 taxes.

.....
CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:
.....

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

15.1. *Motion made, seconded, and unanimously carried to **ACCEPT** notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contributions by Mayor Margo in the amounts of \$2,500.00 from Paul Foster, \$2,500.00 from Nicolas Dominguez, \$500.00 from Clay Lowenfield, \$1,000.00 from Ann Morgan Lilly, \$2,500.00 from Susan & Ruben Guerra, \$2,500.00 from Dede Rogers, \$250.00 from Annette Cordova Hoy, \$2,500.00 from Woody L. Hunt, \$1,000.00 from William S. Harvey, \$500.00 from Paul R. Brandt, \$500.00 from Dennis & Donna Neessen, \$100.00 from Duane P. Coleman, \$500.00 from Carlos and Tami Keating, \$350.00 from J. Steve Degroat, \$2,500 from L. Frederick Francis, \$500.00 from Cecilia Alcantar Lizarraga, \$500.00 from Fred Loya Sr., \$500.00 from Fred Loya Jr., \$250.00 from Dr. Charles Zaltz, \$1,000.00 from Marco Antonio Fuentes, \$250.00 from John & Susan Hjalmaquist, \$250.00 from John Cullers, \$1,500.00 from Hector Delgado.

.....
15.2. *Motion made, seconded, and unanimously carried to **ACCEPT, AS REVISED**, notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez in the amounts of \$2,000 from Mark Sandy; \$50 from Carolyn Cates Pufal; \$25 from Christina Olivares; \$20 from Terri Martinez; \$50 from Omar Yanar; \$50 from Stephen Hernandez; \$150 from Michael Portillo; \$100 from Amparo Hernandez; \$300 from Mike Dipp; \$200 from Sandra & Tito Porras; \$35 from Celeste Kieffe; \$35 from Christina Hernandez; \$100 from Joel Guzman; \$100 from Perla Peon; \$50 from Angie Garcia; \$100 from Shirley Neagle;

\$100 from Frances Bernal; \$150 from Evelina Ortega; \$100 from Roger Montoya; \$50 from Bea Sada; \$100 from Arnulfo Hernandez; \$40 from Gilbert Valles; \$50 from Stephen Hernandez; \$100 from Raymond Alvarado; \$20 from Bertha Martinez; \$100 from Luis De La Cruz; \$200 from Stefanie Block; \$1,750 from Frederick Francis; \$1,750 from Robert Brown; \$1,000 from Ted Houghton; \$500 from Debroah Kastrin; \$2,000 from Maria Teran; \$400 from Manuel & Francoise Feliberti; \$50 from Isela Vasquez; \$400 from Talina & John Fields; \$150 from Ronald & Yvonne Delgado; \$100 from Renee & Scott Berry; \$100 from Melvin Harris; \$2,500 from El Paso Municipal Police Officers Association Political Action Committee Fund.

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

16.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a Purchase Order to Ace Government Services, LLC. referencing Contract 2017-417 General Cleaning – Parks and Recreation Facilities. This will be a change order to increase the contract by \$57,840.00 for a total amount not to exceed \$4,464,579.00 for the initial term. The change order will cover expenses for cleaning restrooms and offices at the new San Jacinto Park from November 20, 2019 to November 19, 2020.

Contract Variance: The cost for this change order is the same as in the original contract. There is no variance.

Department:	Parks and Recreation
Award to:	Ace Government Services, LLC El Paso, TX
Total Estimated Amount:	\$57,840.00
Account No.:	451-522060-1000-P5120
Funding Source:	General Fund
Districts:	All

CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Ms. Bernadette Arenivas
2. Mr. Michael Castro
3. Mr. Colt DeMorris
4. Mr. Arnulfo Hernandez
5. Ms. Wally Cech

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

AYES: Representatives Svarzbein, Annello, Morgan, Salcido, Ordaz Perez, Rivera

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

17.1. An Ordinance granting to Robert Mowad d/b/a Sign Design a non-exclusive franchise for waste containers on sidewalks and other City property.

.....
17.2. An Ordinance releasing a condition placed on property by Ordinance No. 7595 which changed the zoning of a portion of Lot 17, Block 193, Vista Del Sol Unit Thirty Three, 3012 Lee Trevino Drive, City of El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. The proposed condition release meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: 3012 Lee Trevino Drive. Property Owner: EP JJJJ, LP. PZCR19-00007

.....
17.3. An Ordinance changing the zoning of the East 168 feet of Tract 84, Sunrise Acres, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: 8435 Leo Street. Property Owner: Casas Diamantina, LLC. PZRZ19-00006

.....
The City Council Meeting was **RECESSED** at 10:43 a.m. in order to convene the Mass Transit Board meeting.

The City Council Meeting was **RECONVENED** at 10:50 a.m.

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

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

18.1. Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Salcido, and unanimously carried to **AUTHORIZE** the Director of the Purchasing and Strategic Sourcing Department 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. This is an annual renewal for certifications for the El Paso Fire Department uniform personnel.

Department:	El Paso Fire
Award to:	Texas Commission on Fire Protection Austin, TX
Annual Estimated Amount:	\$67,950.00
Funding Source:	Professional Licenses and Memberships
Account No.:	322-22020-1000-544140-P2221
Districts(s):	ALL
Sole Source No.:	2020-307

This is a Sole Source, requirements contract.

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera
NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

19.1. Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and carried to **AWARD, AS REVISED**, Solicitation No. 2019-1062R Fully Insured Medicare Advantage Plan, Under 65 years old Fully Insured Retiree Group Medical and Prescription Drug Plan to Aetna Life Insurance Company for an initial three (3) year estimated award of \$28,086,097.68. The award is to include two, one-year optional amount of \$18,724,065.12 for a total five (5) year award of \$46,810,162.80. The period of performance is from January 1, 2020 through December 31, 2020.

CONTRACT VARIANCE:

This award combines two previous separate contracts. The difference in cost, based on the comparison to the previous contracts, is as follows: A 5% decrease for Under 65 years old Fully Insured Retiree Group Medical and Prescription Drug Plan due to a decrease in insurance rates. An 8% increase for Fully Insured Medicare Advantage Plan due to an increase in insurance rates. The total increase overall would be 3%, the adopted budget assumed a 10% increase for both plans.

Department:	Human Resources
Award to:	Aetna Life Insurance Company Hartford, CT
Items:	All
Initial Term:	3 years
Option:	Two (2) additional terms of one (1) year each
Annual Estimated Award:	\$ 9,362,032.56
Initial Term Estimated Award:	\$28,086,097.68 (3 years)
Option Total:	\$18,724,065.12 (2 years)
Total Estimated Award:	\$46,810,162.80 (5 years)
Account No.:	521120-209-3500-14045-P1414
Funding Source:	Self-Insurance Fund – Non-Uniform Wages and Salaries
Districts:	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing Department and Human Resources Department recommend award as indicated to Aetna Life Insurance Company, the highest ranked proposer based on evaluation factors established for this procurement.

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

Representative Hernandez commented.

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

NAYS: Representative Anello

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

- 20.1.** Motion made by Representative Rivera, seconded by Mayor Pro Tempore Ordaz Perez, and unanimously carried to **AWARD** Solicitation 2019-1343 Holly Place Reconstruction to LESNA CONSTRUCTION, INC. for an estimated total award of \$655,271.40. The project will consist of the full street reconstruction of Holly Place between Montecito Road and Mauer Road. The work includes the demolition of existing sidewalk, driveways, ramps and existing pavement structure, new pavement structure consisting of Hot Mix Asphaltic Concrete (HMAC) with base course and compacted subgrade, new ADA compliant sidewalks and driveways, new ADA concrete ramps, dark sky compliant street lights and new street signage, drainage improvements, water replacement and sanitary sewer replacement.

Department:	Capital Improvement
Award to:	LESNA CONSTRUCTION, INC. El Paso, TX
Items:	All
Initial Term:	210 Consecutive Calendar Days
Base Bid I:	\$377,252.40
Base Bid II:	\$113,265.60
Base Bid III:	\$ 81,593.40
Base Bid IV:	\$ 83,160.00
Total Estimated Award:	\$655,271.40
Account No.:	190-4740-289000-580220-PCP19ST010
Funding Source:	2013 Street Infrastructure Certificates of Obligation
District:	7

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to LESNA CONSTRUCTION, 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.

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

As 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.

Representative Annello commented.

Mr. Sam Rodriguez, City Engineer, commented.

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

NOT PRESENT FOR THE VOTE: Representative Lizarraga

-
- 20.2.** Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **AWARD** the non-competitive Contract No. 2020-003 McNeilus Proprietary Parts and Service to McNeilus Financial, Inc. dba McNeilus Truck & Manufacturing Co. for an annual estimated award of \$275,000.00. The total estimated award is \$825,000.00 for a term of three (3) years. This contract will allow for the continual upkeep and maintenance of McNeilus vehicles so the daily Automated Side Loader (ASL) rollout is met and residential trash pick up is kept on schedule.

Contract Variance:

The difference in cost, based on the comparison to the previous contract, is as follows: A decrease of \$175,000.00 per year and \$525,000.00 over the three (3) year term, 61% decrease compared to previous contract due to vehicle quantity decrease.

Department:	Streets and Maintenance
Award to:	McNeilus Financial, Inc. dba McNeilus Truck & Manufacturing Co. El Paso, TX
Items:	All
Initial Term:	3 years
Annual Estimated Award:	\$275,000.00
Total Estimated Award:	\$825,000.00 (3 years)
Account No.:	532-37020-531210-3600-P3701 532-37020-531250-3600-P3701
Funds Source:	Internal Service Fund Inventory Purchases Materials and Supplies Equipment Outside Repair Services
Districts:	All

This is a Non-Competitive, Service contract

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to McNeilus Financial, Inc. dba McNeilus Truck & Manufacturing Co.

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

NOT PRESENT FOR THE VOTE: Representative Lizarraga

20.3.

RESOLUTION

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

That the City Manager be authorized to sign a Service Agreement to perform Lift Paratransit Services (RFP No. 2019-607R) by and between the City of el Paso (“City”) and MV Contract Transportation, Inc., (“MV”) for a five (5) year initial term estimated award of \$46,324,357.72. The award is to include a three (3) year optional amount of \$34,017,075.67 and a two (2) year optional amount of \$24,673,583.20 for a total ten (10) year estimated award of \$105,015,016.59. The City Manager or designee may approve each extension period administratively, provided that the funds for the extended terms are appropriated and an operating budget is approved the Mass Transit Board and MV has established a satisfactory record of performance solely as determined by the City and the Mass Transit Board.

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

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

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

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

20.4.

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to issue a change order to First Transit, Inc. referencing Contract 2012-040R Management and Operation Transit and LIFT System. This change order is to increase the contract by \$600,000.00 for a total amount not to exceed \$8,128,313.00. The change order will cover expenses for Transit Management Service for Fixed Route from December 1, 2019 to May 31, 2020.

Department:	Mass Transit Department (Sun Metro)
Award to:	First Transit, Inc. Cincinnati, OH
Total Estimated Amount:	\$600,000.00
Account No.:	522070-560-3210-60030-P60FTA442-G60185307 522070-560-3210-60030-P60FTA442-G60195307
Funding Source:	Annual Recurring FTA Formula Grant Funding 5307
District(s):	All

This is a change order for a RFP, service contract.

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

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

21.1. ORDINANCE 018995

The City Clerk read an Ordinance entitled: **AN ORDINANCE TERMINATING TAX INCREMENT REINVESTMENT ZONE NUMBER TWELVE, CITY OF EL PASO, TEXAS. DISSOLVING THE TAX INCREMENT FUND FOR THE ZONE; DISSOLVING THE BOARD OF DIRECTORS FOR THE ZONE; AND PROVIDING AND EFFECTIVE DATE.**

The following members of the public commented:

1. Mr. Rick Bonart
2. Ms. Marilyn Guida

Motion duly made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Morgan, and carried that the Ordinance be **ADOPTED**.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

.....
The City Council Meeting was **RECESSED** at 12:19 p.m. in order to convene the Tax Increment Reinvestment Zone Number Eleven Board Meeting.

The City Council Meeting was **RECONVENED** at 12:29 p.m.

.....
21.2. ORDINANCE 018996

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING AMENDMENT NUMBER TWO TO THE FINAL PROJECT PLAN AND FINANCE PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, THE CITY OF EL PASO, TEXAS; AND ESTABLISHING A SALES TAX AND USE TAX INCREMENT CONTRIBUTION BY THE CITY OF THE ZONE'S TAX INCREMENT FUND.**

Motion duly made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Morgan, and carried that the Ordinance be **ADOPTED**.

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

AYES: Representatives Svarzbein, Morgan, Salcido, Ordaz Perez, and Rivera
NAYS: Representatives Annello and Hernandez
NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

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

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

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Salcido, and Rivera commented.

The following City staff members commented:

1. Mr. Jeff Howell, Capital Improvement Project Manager
2. Mr. Cary Westin, Deputy City Manager of Economic Development and Tourism
3. Ms. Karla Nieman, City Attorney

Mr. Mark Smith, lobbyist, commented.

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

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Lizarraga

22.2. ORDINANCE 018997

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO SUMMIT INDIGO EP LLC. TO PERMIT THE CONSTRUCTION, INSTALLATION, MAINTENANCE, USE, AND REPAIR OF A SURFACE ENCROACHMENT OF TWO (2) NEW PLANTER BEDS OVER PORTIONS OF CITY RIGHT-OF-WAY ALONG MAIN AND KANSAS STREETS**

ADJACENT TO THE PROPERTY LOCATED AT 325 N. KANSAS STREET, EL PASO, TEXAS SUBJECT PROPERTY: 325 N. KANSAS PROPERTY OWNER: SUMMIT INDIGO EP, LLC. NESV2019-00008.

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

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

.....
22.3.

ORDINANCE 018998

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), ARTICLE 2 (SUBDIVISION STANDARDS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.070 (DEED CONVEYANCE) OF THE EL PASO CITY CODE, TO CLARIFY THE REQUIREMENTS FOR THE CONVEYANCE INSTRUMENT AND TO ALLOW FOR DEFERRAL OF DELIVERY OF THE CONVEYANCE INSTRUMENT IN CIRCUMSTANCES WHERE THE OBLIGATION TO INSTALL PUBLIC IMPROVEMENTS TO SERVE A SUBDIVISION OR DEVELOPMENT IS DEFERRED UNTIL AFTER RECORDATION OF THE FINAL PLAT. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE EL PASO CITY CODE.**

Representative Hernandez commented.

Mr. Nelson Ortiz, Lead Planner, commented.

Motion duly made by Representative Hernandez, seconded by Mayor Pro Tempore Ordaz Perez, and carried that the Ordinance be **ADOPTED.**

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

.....
22.4.

ORDINANCE 018999

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE**

ZONING OF TRACTS 4C, 4D, 4E, 4F, 4G, 4J, 4K, 4L, AND 5, BLOCK 8, YSLETA GRANT, TEXAS, 343-345 ZARAGOZA ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY : 343-345 ZARAGOZA ROAD. PROPERTY OWNER: IWALOYE PROPERTIES, LLC AND THE ESTATE OF MARIA GERMANY. PZRZ19-00013

Ms. Anne Guayante, Zoning Administrator, read conditions into the record.

Representatives Hernandez and Rivera commented.

Motion duly made by Representative Rivera, seconded by Mayor Pro Tempore Ordaz Perez, and carried that the Ordinance be **ADOPTED, AS REVISED**.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

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

23.1. ORDINANCE 019000

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12, CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), SUBSECTION 240 (BOTH SIDES OF WESTCITY COURT FROM WAYMORE DRIVE TO EUBANK COURT) OF THE CITY CODE TO REMOVE THE PARKING RESTRICTION ON THE EAST SIDE OF WESTCITY COURT FROM WAYMORE DRIVE TO EUBANK COURT. THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Rivera, seconded by Representative Svarzbein, and carried that the Ordinance be **ADOPTED**.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

Whereupon the Mayor ordered that, the vote having been cast in favor of the

Ordinance, the same be and the same is hereby **ADOPTED**.

REGULAR AGENDA - OTHER BUSINESS

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

24.1. RESOLUTION

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

That the City Manager be authorized to sign an Economic Development Program Grant Agreement (the "Agreement") between the **City of El Paso** (hereinafter "City") and **The Paso Del Norte Community Foundation** (hereinafter "Paso del Norte"), to provide economic development services to the City related to the coordination and management of financial resources for Census 2020 outreach and marketing efforts to ensure a greater impact and efficiency for an accurate census count. Under the Agreement, which has a term ending June 30, 2020, the City shall disburse funds to Paso del Norte for its services in the amount of **THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00)**.

Mayor Margo and Representative Ordaz Perez commented.

Ms. Nicole Ferrini, Community and Human Development Director, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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

25.1. Discussion and action on information related to City Council direction from July 23, 2019 to explore a conservation easement and associated items regarding the approximately 1,000 acres of land owned by the City of El Paso in northwest El Paso, including Lost Dog Trail.

Mr. Kevin Smith, Planning and Inspections Deputy Director, and Representative Svarzbein presented a PowerPoint presentation, (copy on file in the City Clerk's Office).

Mayor Margo commented.

The following City staff members commented:

- Mr. Cary Westin, Deputy City Manager of Economic Development and Tourism
- Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Ms. Judy Ackerman
2. Mr. Rick Bonart
3. Ms. Sharon Bonart
4. Ms. Marilyn Guida
5. Ms. Neysa Hardin
6. Ms. Lois Balin
7. Ms. Sylvia Searfoss
8. Mr. Scott Cutler

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Svarzbein, seconded by Representative Annello, and unanimously carried to **DIRECT** staff to:

- Reach out to Texaco and State of Texas (General Land Office) to better define their mineral rights and acceptable usage defined by any potential conservation easement.
- Further research into other Texas cities such as San Antonio and subject matter experts who already speaking to city staff such as David Braun into best practices for establishing a conservation easement and other preservation methods.
- Research best practices for setting up an RFP for 3rd party conservation easement holders based upon research and 20.02.651-Natural Open Space-
- Report back on December 10, 2019

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

NAYS: None

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

26.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the Resolution that the City reviewed and approves the issuance of the Unlimited Tax Bonds, Series 2019 by Paseo Del Este Municipal Utility District No. 9 with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso.

26.2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING FOR A SPECIAL ELECTION TO FILL A CITY COUNCIL VACANCY IN THE OFFICE OF REPRESENTATIVE FOR DISTRICT NO. 6, TO BE HELD ON DECEMBER 14, 2019; AND MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT AND POLLING PLACES.

WHEREAS, effective October 23, 2019, a vacancy occurred in the office of City Council Representative for District No. 6 following Representative Claudia Ordaz Perez's automatic resignation from office upon announcing her candidacy for Texas State House of Representatives, District 76; and

WHEREAS, the Constitution of the State of Texas provides that a special election shall be held to fill the vacancy within one hundred and twenty (120) days after such vacancy occurs; and

WHEREAS, the Texas Election Code, Section 201.052, provides that a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the election is ordered; and

WHEREAS, there is no uniform election date between the 46th day after the Council's order and the 120th day after the announcement, therefore, the City may order the election on any date within the required timeframe of 46 days after the order and 120 days after the vacancy occurs by announcement; and

WHEREAS, the City Council has determined that the holding of the special election to fill the unexpired term of City Council Representative for District No. 6 on December 14, 2019 is in conformity with applicable laws and is in the best interest of the citizens of El Paso.

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

SECTION 1 – VACANCY, REPRESENTATIVE FOR DISTRICT NO. 6

The City Council of the City of El Paso, Texas, does hereby declare a vacancy in the position of City Council Representative, District No. 6, and orders a special election for the City of El Paso, Texas, to be held on December 14, 2019, for the purpose of electing a City Council Representative to serve for the unexpired term of District No. 6.

Such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in District No. 6 of the City are authorized to vote. The candidate receiving a majority of the votes cast for City Council Representative, District No. 6 shall be declared elected to such office.

Such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Clerk, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

SECTION 2 – ELECTION SERVICES CONTRACT WITH COUNTY

The City Manager is hereby authorized to execute a contract with the El Paso County Elections Administrator for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

SECTION 3 – EARLY VOTING CLERK

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be received no later than the close of business on December 3, 2019, sent to this address.

SECTION 4 – EARLY VOTING

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit “A.”

In addition, mobile voting stations may also be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

SECTION 5 – FILING FOR PLACE ON BALLOT

Applications for candidacy to the office of City Council Representative, District No. 6 shall be made to the City Clerk of the City of El Paso beginning upon approval by City Council of this resolution and ending on Monday, November 4, 2019 at 5 p.m., in manner and form as prescribed by law.

The names of eligible and qualified candidates for such office shall be placed on the ballots for such election by the City Clerk at the time and in the manner prescribed by law.

SECTION 6 – VOTING MACHINES AND ELECTION RESULTS

Voting machines used for the conduct of the election, shall be procured, maintained,

operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

SECTION 7 – NOTICE OF ELECTION

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the state and local laws. A substantial copy of this resolution shall serve as proper notice of said election.

The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law, not later than December 4, 2019.

The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law.

SECTION 8 – RUNOFF ELECTION

Any runoff election required for the election of City Council Representative, District No. 6, following the special election of December 14, 2019, shall be held on a date that is permitted by and in accordance with Section 2.025 (a) Election Code of the State of Texas. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

SECTION 9 – COMPLIANCE WITH APPLICABLE LAWS

The City Manager and the City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Lizarraga

.....
27. MAYOR AND COUNCIL
.....

27.1. Discussion and action to select and replace the Alternate Mayor Pro Tempore.

Mayor Margo and Representatives Annello, Hernandez, and Rivera commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Salcido, and carried to **APPROVE** the election of Cissy I. Lizarraga as alternate Mayor Pro Tempore.

AYES: Representatives Svarzbein, Salcido, Ordaz Perez and Mayor Margo

NAYS: Representatives Annelo, Hernandez and Rivera

ABSTAIN: Representative Morgan

NOT PRESENT FOR THE VOTE: Representative Lizarraga

MAYOR MARGO BROKE THE TIE

27.2. Update from Walmart Representative regarding the re-opening of store # 2201.

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

Mr. Todd Peterson, Walmart Regional Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo commented.

NO ACTION was taken on this item.

27.3. Discussion and action relating to the written decision of the City of El Paso Ethics Review Commission, evidenced by a letter dated October 18, 2019, to decline to exercise its discretionary authority to conduct a hearing on the complaints set for in the letter.

Mayor Margo and Representative Annelo commented.

The following City staff members commented:

1. Mr. Cary Westin, Deputy City Manager of Economic Development and Tourism
2. Ms. Karla Nieman, City Attorney

NO ACTION was taken on this item.

27.4. Discussion and action that the Mayor and City Council Representatives censures and condemns Representative Sam Morgan for conduct that violates the values of El Paso in a way that is not befitting of an elected member of the Council; Representative Sam Morgan will be presented the pronouncement of censure; and Representative Sam Morgan will be censured by the public reading of this resolution at the conclusion of the City Council meeting. Further, that Mayor and City Council do not condone domestic violence, and believe Representative Sam Morgan is entitled to due process under the law.

1ST MOTION

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

2ND MOTION

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative

Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:06 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089

3RD MOTION

Motion made by Representative Lizarraga, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 11:38 a.m. and **RECONVENE** the meeting of the City Council.

4TH AND FINAL MOTION

Motion made by Representative Lizarraga, seconded by Representative Salcido, and carried to **POSTPONE** item eight weeks and to **DIRECT** staff to return with an ordinance creating a process for censure.

Please note, due to the Christmas Holiday, this item will be part of the agenda of the regular City Council meeting of January 7, 2020.

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

NAYS: Representatives Annello and Hernandez

-
- 27.5.** Presentation and update on binational events in the community by Mario Porras (Director of Binational Affairs, El Paso Community Foundation), Austria Galindo (Deputy Secretary of Culture, State of Chihuahua), Adriana Chavez (Director, Fundacion Comunitaria Frontera Norte), Kerry Doyle (Director, Rubin Center for the Visual Arts), Juan Acereto (Binational Affairs, Representante del Gobierno Independiente de Juarez)

Events Include:

Border Tuner / Sintonizador Fronterizo (Nov 13 - 24)

The U.S. - Mexico 10K (Nov. 16)

Mr. Mario Porras presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representatives Svarzbein and Annello commented.

NO ACTION was taken on this action.

28. MANAGEMENT UPDATES

-
- 28.1.** Grant Funded Transportation Program year-in-review report for FY2019

-
- 28.2.** Budget Update.

-
- 28.3.** Update on uniform staffing for the El Paso Police Department.

EXECUTIVE SESSION

ADJOURN

.....
APPROVED AS TO CONTENT:

Laura D. Prine, Interim City Clerk