

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ-BROWN, DISTRICT 3
SAM MORGAN, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
CLAUDIA ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

November 14, 2017
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 Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Sam Morgan, Michiel R. Noe, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. The invocation was given Rabbi Levi Greenberg followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY RABBI LEVI GREENBERG

PLEDGE OF ALLEGIANCE

**Students from Colin Powell Elementary, at the invitation of District 2
Representative Alexsandra Annello.**

**Alexa Aponte
Kayla Bremner
Felicity Drake
Brianna Haddon
Matthew Holmes
Katerina Maxwell
Brynley Paris
Shane Pender
Valerie Sosef
Alexis Turner
Elizabeth Tran**

MAYOR'S PROCLAMATIONS

- 1. El Paso Giving Day**

2. **Fraud Awareness and Prevention Week**
3. **Small Business Saturday**
4. **Sergeant Diego Ramirez Jr. Day**
5. **Nurse Practitioner Week**

RECOGNITIONS BY MAYOR

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, 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: Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera, 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** Minutes for the Regular City Council Meeting of October 31, 2017, the Legislative Review Meeting of the Whole of October 30, 2017, and the City Council Work Session of October 26, 2017.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS:

NO ACTION taken on this item

ACTION ON THE FOLLOWING RESOLUTIONS

CONSENT AGENDA - RESOLUTIONS:

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

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

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

That the City Manager be authorized to sign a License Agreement between

the City of El Paso (the "City") and McAllen Data Center, LLC (hereinafter the "Licensee"), to install, repair and maintain fiber optic conduit running across the Zaragoza Bridge, for a term of seven (7) years beginning November 15, 2017, with the option of three additional five year terms, for an Annual Fee and Bridge License Fee of \$35,126.00.

3.2.

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

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

That the City Manager be authorized to sign a Lessor Approval of Assignment by and among the City of El Paso; Buzz Oates El Paso LLC, which merged into Pac West Industrial Equities, LP, and PW Fund B, LP for the following described property:

Lots 3, 4 and 5, Block 3, Butterfield Trail Industrial Park Unit One, Replat "A", and Lot 2, Block 3, Butterfield Trail Industrial Park Unit One Replat "C", municipally known and numbered as #5, 7, 9 and 11 Founders Blvd., City of El Paso, El Paso County, Texas.

3.3.

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

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

That the City Manager be authorized to sign the First Amendment to Butterfield Trail Industrial Park Lease between the City of El Paso and PW Fund B, LP, for the following described property include language required by the Federal Aviation Administration:

Lots 3, 4 and 5, Block 3, Butterfield Trail Industrial Park Unit One, Replat "A", and Lot 2, Block 3, Butterfield Trail Industrial Park Unit One Replat "C", municipally known and numbered as #5, 7, 9 and 11 Founders Blvd., City of El Paso, El Paso County, Texas.

3.4.

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

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

That the City Manager be authorized to sign a Lessor Approval of Assignment by and among the City of El Paso; Buzz Oates El Paso LLC, which merged into Pac West Industrial Equities, LP, and PW Fund B, LP, for the following described property:

Lot 3, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", municipally known and numbered as #20 Zane Grey St., City of El Paso, El Paso County, Texas.

3.5.

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

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

That the City Manager be authorized to sign the Second Amendment to Butterfield Trail Industrial Park Lease by and between the City of El Paso and PW Fund B, LP for the following described property to include language required by the Federal Aviation Administration:

Lot 3, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", municipally known and numbered as #20 Zane Grey St., City of El Paso, El Paso County, Texas.

3.6.

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

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

That the City Manager be authorized to sign a Lessor Approval of Assignment by and among the City of El Paso; Buzz Oates El Paso LLC, which merged into Pac West Office Equities, LP, and PW Fund B, LP, covering the following described property:

Lots 4, 5, and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A," an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 16 Zane Grey St., El Paso, Texas; and

Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 21 Butterfield Trail Blvd., El Paso, Texas.

3.7.

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

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

That the City Manager be authorized to sign the Second Amendment to Butterfield Trail Industrial Park Lease by and between the City of El Paso and PW Fund B, LP for the following described property to include language required by the Federal Aviation Administration:

Lots 4, 5, and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A," an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 16 Zane Grey St., El Paso, Texas; and

Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 21 Butterfield Trail Blvd., El Paso, Texas.

3.8.

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

WHEREAS, on January 10, 1949, the United States of America, acting by and through the War Assets Administration, executed a Quitclaim Deed which conveyed to the City of El Paso, Texas, approximately 1,984 acres of land located in the County of El Paso, Texas, and the Quitclaim Deed contained a restriction that the City of El Paso could not use, lease, sell or dispose of the identified property for a use other than airport purposes without the written consent of the Civil Aeronautics Administrator;

WHEREAS, on January 24, 1951, the United States of America, acting by and through the Administrator of Civil Aeronautics, and the City of El Paso, Texas entered into a Release ("**Release**") to allow approximately 308 acres of land be sold to Likins, Foster and Associates;

Whereas, the Release was subject to reservations and development restrictions including a 35-foot height restriction; and

WHEREAS, Concourse Crossing, L.L.C., a Texas limited liability company, is the current owner of approximately 5.733 acres being Cielo Visa Replat "A", an Addition to the City of El Paso, El Paso County, Texas, and municipally known as 1300 Airway Blvd., El Paso, Texas, which is a part of the original 308 acres conveyed to the City of El Paso and subject to the terms and conditions of the Release;

WHEREAS, Concourse Crossing, L.L.C. is developing its property and has requested a release of the 35-foot height restriction; and

WHEREAS, on November 1, 2017, the Federal Aviation Administration notified the City's Director of Aviation that the FAA grants the City of El Paso permission to work with the existing property owner to execute a partial release agreement and modify the Quitclaim Deed to reflect the release of the 35-foot height restriction,

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

That the City Manager be authorized to sign a Partial Release Agreement by and between the City of El Paso and Concourse Crossing, L.L.C., a Texas limited liability company, to release a 35-foot height restriction on the following described property:

Lot 1, Block 1, CIELO VISTA REPLAT "A", an Addition to the City of El Paso, El Paso County, Texas, and municipally known as 1300 Airway Blvd., El Paso, Texas, and

That the City Manager be authorized to sign any documents to modify the January 10, 1949, Quitclaim Deed from the United States of America, acting by and through the War Assets Administration, to the City of El Paso, subject to the approval of the City Attorney's Office, which are necessary to reflect the release of the 35-foot height restriction and the development of the described property.

.....
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 accept on behalf of the City a Dedication Deed from Ysleta Independent School District dedicating to the City real property for use as a public right of way located within a portion of Lot 1, Block 21, Thomas Manor Unit 4A, City of El Paso, El Paso County, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

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

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

WHEREAS, The City of El Paso Parks and Recreation (hereinafter referred to as "Grantee") has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso's (hereinafter referred to as "the City") for the Evolve Federal Credit Union Tree Lighting Ceremony from 6:00 a.m. on Saturday, December 2, 2017, to 6:00 a.m. on Sunday, December 3, 2017 (hereinafter referred to as the "Event"); and

WHEREAS, The Event will utilize both City and State rights-of-way: and

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit, including North Mesa Street (SH 20) between Franklin Ave. to Texas Ave. within El Paso, Texas; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the Evolve Federal Credit Union Tree Lighting Ceremony from 6:00 a.m. on Saturday, December 2, 2017 to 6:00 a.m. on Sunday, December 3, 2017, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of North Mesa Street (SH 20) between Franklin Ave. to Texas Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA 30A agreement between the City of El Paso and State of Texas Department of Transportation.

5.2.

***RESOLUTION**

WHEREAS, the Sun Bowl Association (hereinafter referred to as "Grantee") has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso's (hereinafter referred to as "the City") for the First Light Federal Credit Union Sun Bowl Parade, on Wednesday, November 22, 2017 at 11:00 a.m. to Thursday, November 23, 2017, at 2:00 p.m. (hereinafter referred to as the "Event"); and

WHEREAS, The Event will utilize both City and State rights-of-way: and

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit, including Montana Ave. (SH 62) between Copia St. and Ochoa St. within El Paso, Texas; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the First Light Federal Credit Union Sun Bowl Parade, on Wednesday, November 22, 2017 at 11:00 a.m. to Thursday, November 23, 2017, at 2:00 p.m. serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Montana Ave. (SH 62) between Copia St. and Ochoa St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA 30A agreement between the City of El Paso and State of Texas Department of Transportation.

5.3.

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

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

That the City Manager be authorized to sign an Agreement for professional services and construction administration services by and between the CITY OF EL PASO and **Parkhill, Smith, & Cooper, Inc.**, a Texas Corporation, for a project known as "**RIVER BEND PEDESTRIAN IMPROVEMENTS-PHASE III**", for an amount not to exceed THREE HUNDRED FORTY ONE THOUSAND EIGHT HUNDRED TWENTY TWO AND 00/100 DOLLARS (\$341,822.00); and that the City Engineer be authorized to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of Four Hundred Forty One Thousand Eight Hundred Twenty Two and No/100 Dollars (\$441,822.00); and that the City Manager be authorized to establish the funding

sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

5.4.

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

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

That the City Manager be authorized to sign a Second Amendment Agreement for Professional Services by and between the **CITY OF EL PASO** and **Perkins & Will, Inc.** a Texas Corporation, for a project known as “**Eastside Regional Park, Phase 1**” to amend the scope of work provide Additional Services due to significant changes in the general scope and design of the Project, for and additional amount not to exceed \$235,132.00, thereby increasing the contract amount from \$3,249,588.00 to a total not to exceed contract amount of \$3,484,720.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

6.

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

6.1.

***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 Communications Site License Agreement with **AMERICAN MESSAGING SERVICES, LLC.**, which grants a license for the installation, operation, and maintenance of communication equipment at the Clint Landfill located at 2100 Darrington Road, Clint, Texas 79936, which location coordinates are registered with the Federal Communications Commission, for a term of one (1) year from the notice to proceed and automatic one (1) year terms thereafter until either party terminates; the license fee will be Four Hundred and No/100 Dollars per month for the initial one (1) year term, which shall be adjusted for subsequent renewal periods in accordance with the Consumer Price Index for all urban customers (CPI-U).

6.2.

R E S O L U T I O N

WHEREAS, The El Paso Animal Shelter Foundation (the “Foundation”) was incorporated with the sole purpose of promoting the welfare of all animals in El Paso County, specifically those impounded by the El Paso Animal Shelter (the “Shelter”) and to raise funds to assist the Shelter and to help the Shelter achieve and maintain a “no kill” status; and

WHEREAS, on December 14, 1999, City Council, by resolution, acknowledged the City’s euthanization rate of dogs and cats as being one of the highest in the nation and stated the goal of being a no kill city; and

WHEREAS, the City owns and operates the Shelter for the humane sheltering of animals, providing emergency medical care for impounded animals and the adoption of impounded animals, reunification of impounded animals with their owner, promotion of spay and neuter to combat the local pet overpopulation, with various programs geared towards increasing the live-release rate and decreasing animal intake with the ultimate goal of becoming a no-kill operation; and

WHEREAS, on September 19, 2017 the City and the Foundation entered into a License Agreement (“License Agreement”) for the Foundation’s support in providing financial assistance to the Shelter, financing capital improvements and equipment for the Shelter, implementing fund-raising activities for the Shelter, and providing educational programs; and

WHEREAS, the License Agreement requires the Foundation to use funds acquired for a specific project or activity for such project or activity; and

WHEREAS, the License Agreement also requires the Foundation to maintain financial records of all its transactions and to allow the City to inspect such records.

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

That the City Council declares that the expenditure of District 5 discretionary funds in an amount not to exceed \$10,000.00, to the Foundation to be spend in accordance to the terms of the License Agreement and for the following purposes:

- Providing the Shelter supplies,
- Providing the Shelter animal food,
- Paying for improvements to the Shelter,
- Covering costs of providing spaying and neutering services at the Shelter, and
- Other expenses in furtherance of the Foundation’s mission to support the Shelter as stated in the Foundation’s mission statement: The El Paso Animal Shelter Foundation will raise funds, provide support and organize activities to improve animal welfare in El Paso County and support the El Paso Animal Shelter and it’s mission to become a no kill animal facility.

serves the municipal purpose of promoting the health and safety of the citizens of El Paso, and furthers the City’s goal of becoming a no kill city; and

That the City Manager be authorized to sign necessary documents and make the necessary budget transfers to effectuate the transfer of funds to the Foundation for the purposes described herein an in accordance to the License Agreement.

Representatives Annello and Noe commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ordaz Perez seconded by Representative Rivera and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez-Brown, Morgan, Ordaz Perez, Rivera, Lizarraga

NAYS: Representative Noe

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

7.1.

***RESOLUTION**

WHEREAS, the City of El Paso (City) requires the construction of a new water line as part of the Dyer Rapid Transit System (RTS) Project because the City will be installing inbound and outbound RTS stations and landscaping on the east side and west side Dyer Street at the intersection of Ellerthorpe Avenue on the Fort Bliss Military Reservation;

WHEREAS, Fort Bliss Water Services Company, pursuant to a contract with the United States Government, owns and operates the water distribution and wastewater systems at Fort Bliss, Texas;

WHEREAS, the construction of the proposed new water line to provide water to the RTS Project will require modifications to the water distribution and wastewater systems owned by Fort Bliss Water Services Company; and

WHEREAS, the City desires to have Fort Bliss Water Services Company the Company modify its water distribution and wastewater systems to install the new water line needed for the RTS Project,

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

That the City Manager be authorized to sign Service Agreement 3PYFBWSC0717PCC87, Dyer Rapid Transit System Station #9 between the City of El Paso and Fort Bliss Water Services Company for construction of a new water line as part of the Dyer Rapid Transit System (RTS) Project because the City of El Paso will be installing inbound and outbound RTS stations and landscaping on the east side and west side Dyer Street at the intersection of Ellerthorpe Avenue on the Fort Bliss Military Reservation.

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 an Interlocal Agreement between the City of El Paso and the City of Socorro, Texas, ("City of Socorro") for the period of September 1, 2017 through August 31, 2018, for the provision of public health and environmental services by the City of El Paso to the City of Socorro, for which the City of Socorro shall pay to the City of El Paso an annual amount of TWO HUNDRED SEVENTY FIVE THOUSAND EIGHT HUNDRED NINETY-FOUR DOLLARS AND NO/100 (\$275,894.00).

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

9.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Daisy Ramos to

the Veterans Affairs Advisory Committee by Representative Henry Rivera, District 7.

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

- 10.1.** *Motion made, seconded, and unanimously carried **RE-APPOINT** Linda Troncoso to the Zoning Board of Adjustment, as an alternate member, by Representative Aleksandra Anello, District 2.

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

- 11.1.** *Motion made, seconded, and unanimously carried to **RE-APPOINT** Manuel Corral to the City Accessibility Advisory Committee by Representative Peter Svarzbein, District 1.

CONSENT AGENDA - BOARD APPOINTMENTS:

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** Laura Jaquez to the Museums and Cultural Affairs Advisory Board by Mayor Dee Margo.
- 12.2.** *Motion made, seconded, and unanimously carried to **APPOINT** Adrienne Riley Moody to the Parks and Recreation Advisory Board by Mayor Dee Margo.

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

- 13.1.** *Motion made, seconded, and unanimously carried to **APPOINT** Lance Lehr to the Veterans Affairs Advisory Committee by Mayor Dee Margo.
- 13.2.** *Motion made, seconded, and unanimously carried to **APPOINT** Bruce Beigel to the Veterans Affairs Advisory Committee by Representative Claudia Ordaz Perez, District 6.

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

- 14.1.** *Motion made, seconded, and unanimously carried to **APPOINT** Jesse Sanchez to the Building and Standards Commission, as an alternate member, by Representative Claudia Ordaz Perez, District 6.
- 14.2.** *Motion made, seconded, and unanimously carried to **APPOINT** Benjamin Thomas Bohannon to Construction Board of Appeals by Representative Peter Svarzbein, District 1.

CONSENT AGENDA - BIDS:

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

- 15.1.** *Motion made, seconded, and unanimously carried to **REJECT** all proposals received

for Solicitation No. 2017-1097R Lead Field Cardiac Monitor/Defibrillators as recommended by Purchasing and Strategic Sourcing Department and the Fire Department. Solicitation will be re-bid in the future.

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 **AWARD** Solicitation No. 2018-006 Animal Food Produce Zoo to OLUS Distributing for an initial three (3) year term estimated award of \$235,971.75. The award is to include a two (2) year optional amount of \$199,380.00 for a total five (5) year award of \$393,286.25. This award will allow the Department to purchase Animal Food - Produce.

Department:	Zoo
Award to:	OLUS Distributing
	El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$78,657.25
Initial Term Estimated Award:	\$235,971.75 (3 years)
Total Estimated Award:	\$393,286.25 (5 years)
Accounts:	452-52140-531100-3400-P5241
Fund Source:	Zoo Operations Fund – Animal & Animal Services

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Zoo recommend award as indicated to OLUS Distributing, the lowest responsive, responsible bidder.

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

CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Mr. Darrell G. Mond
2. Mr. David Ochoa
3. Mr. Eduardo Chavez
4. Mr. Steven Strummer
5. Mr. John Vandeven, Jr.
6. Mr. Rodolfo Alarcon
7. Ms. Hilda Villegas
8. Mr. Nicolas Anthony Vasquez

REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried that the following Ordinance, having been introduced pursuant to Section

3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

- 17.1.** An Ordinance approving a detailed site development plan for Lot 18, Block 16, The Willows Unit 5, 4664 Globe Willow Drive, City of El Paso, El Paso County, Texas, to allow for a reduction of the rear yard setback, pursuant to Section 20.10.360. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4664 Globe Willow Drive. Property Owners: Dennis and Katherine Robbins. PZDS17-00034

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2017

- 17.2.** An Ordinance changing the zoning of the property of the following Parcels: Parcel 1: A portion of Lot 1, Wells Park Addition First Replat; and a portion of Tracts 20-A, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3/c (Commercial/condition); and, Parcel 2: all of Lots 2 thru 7, 59 thru 61, 108 thru 119, a 20 feet alley, portions of Sharon Drive & Michael Drive, Wells Park Addition first Replat; and a portion of Tracts 20-H, 20-J, & 20-T, Section 32, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3/c (Commercial/condition). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Montana Avenue and West of Joe Battle Boulevard. Property Owners: Linda Mohr & Robert Melton, John G. Switzer, John & Cathy B. Warner, Floyd N. Bartlett, BM Tierra L.P., Jose L. & Elvira Etchart, William A Loewenstein, Allan Mills, Lois G. Fox, Lorenzo T. & Tomas W. Arenas, John H. Trien, Amador Valdez, TCA Investments Corporation, Omar D. Alvarez, Mary W. Sachs, The Brothers Four Investments, LLC, Paul Janis L. Robertson, and Richard & Lobelia G. Yetter. PZRZ17-00019.

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2017

- 17.3.** An Ordinance granting a Special Permit PZST17-00009, to allow for Infill Development with a reduction in lot width on the property described as All of Tract 6C, Block 15, 620 Lomaland Dr., Ysleta Grant, 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 provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 620 Lomaland Dr. Owner: Christopher Kangur PZST17-00009.

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2017

- 17.4.** An Ordinance changing the zoning of the property legally described as Lots 25 & 26, Block 2, Bassett Commercial Complex Unit One, 6416 Gateway Boulevard East, City of El Paso, El Paso County, Texas from A-O (Apartment/Office) District to S-D (Special Development) District pursuant to Section 20.04.360, 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 retail use 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: 6416 Gateway Boulevard East. Property Owner: Kart Hadasht Holdings, LLC. PZRZ17-00005

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2017

- 17.5. An Ordinance granting Special Permit No. PZST17-00028, to allow for a Planned Residential Development Overlay for the property described as All of Blocks 496, 497, 498, 499, 500, and 507, Tierra del Este Unit 78, City of El Paso, El Paso County, Texas (Parcel 1) and a portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Co. Surveys, City of El Paso, El Paso County, Texas (Parcel 2) the penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Generally South of Montwood, East and West of Tim Foster (Parcel 1) and generally Southeast of John Hayes and Pebble Hills, North of Montwood (Parcel 2). Owners: Lalolands, Inc.; Zia Homes, Inc.; Direct Home Sales, Inc.; Cuarteres Investments, LLC; Pacifica Homes, Inc.; Montiel Brothers, Inc. Db a Palo Verde Homes.; Tri-State Ventures, LLC dba Carefree Homes, Ranchos Real Xv, LLC. PZST17-00028.

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2017

- 17.6. An Ordinance granting Special Permit No. PZST16-00038, to allow for infill development with reductions in rear yard setback, side yard setback, street side yard setback, and for a one hundred percent reduction in the number of required parking spaces for a proposed commercial addition in the C-1/SP/NCO (Commercial/Special Permit/ Neighborhood Conservancy Overlay) District and acceptance of the Detailed Site Development Plan on the property described as Lot 10 and North 20 Feet of Lot 9, Alexander Addition, City Of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development and Section 20.14.070 Parking Reductions of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2419 Stanton St. Property Owner: Gabriel Gonzalez/Quality Company Investments PZST16-00038

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2017

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

- 18.1. An Ordinance amending Ordinance 8065 (Civil Service Rules and Regulations), Rule Number 2, Section A, Paragraph 22, providing for the definition of working days.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 28, 2017

- 18.2. An Ordinance establishing deadlines and procedures for placing matters on the Agenda for City Council Meetings and Repealing Ordinance No. 18031.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 28, 2017

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

19.1. RESOLUTION

WHEREAS, pursuant to Section 2267.052 of the Texas Government Code, the City of El Paso adopted the Local Guidelines for Public Private Partnerships ("P3

Guidelines”); and

WHEREAS, the City requested proposals though 2016-371R for the Development Opportunity for a Public Private Partnership for a Mixed-use Urban Development, Including Structured Parking at Mills Avenue and Campbell in Downtown El Paso (“RFP”); and

WHEREAS, the MEYERS GROUP DEVELOPMENT, LLC./ II Sabes, LP (“Proposer”) submitted a conceptual and detailed proposal

WHEREAS, the City received and evaluated proposals in accordance with the procedures established in the City’s P3 Guidelines; and

WHEREAS, the City desires to accept the proposal submitted by the Proposer; and

WHEREAS, the Proposal will be posted on the City’s website and by publication in a newspaper to make the Proposal available for inspection prior to holding a public hearing on the Proposal; and

WHEREAS, the City and Proposer understand that any Interim and Comprehensive Agreements that the City may negotiate require City Council approval.

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

That the City accepts the proposal submitted by the MEYERS GROUP DEVELOPMENT, LLC./ II SABES, LP for 2016-371R for the Development Opportunity for a Public Private Partnership for a Mixed-use Urban Development, Including Structured Parking at Mills Avenue and Campbell in Downtown El Paso, and that all City staff actions in issuing the request are hereby ratified.

Mayor Margo and Representatives Svarzbein, Anello, Hernandez-Brown, Noe, Ordaz Perez, and Lizarraga commented.

The following City staff members commented:

1. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
2. Ms. Monica Lombrana, Managing Director of Aviation and International Bridges
3. Mr. Cary Westin, Deputy City Manager Economic Development & Tourism
4. Ms. Sol Cortez, Assistant City Attorney, gave legal advice.
5. Ms. Haydee Pena, Purchasing and Strategic Sourcing read revision into the record.

Mr. Doug Wright, citizen, commented.

1ST MOTION

Motion made by Representative Hernandez-Brown, seconded by Representative Anello, and carried to **POSTPONE** two weeks the Resolution. **THE MOTION FAILS. MAYOR BROKE THE TIE.**

AYES: Representatives Anello, Hernandez-Brown, Morgan, and Lizarraga

NAYS: Mayor Margo and Representatives Svarzbein, Noe, Ordaz Perez, and Rivera

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Annello, and carried to **APPROVE, AS REVISED**, the Resolution. **THE MOTION PASSES. MAYOR BROKE THE TIE.**

AYES: Mayor Margo and Representatives Svarzbein, Noe, Ordaz Perez, and Rivera

NAYS: Representatives Annello, Hernandez-Brown, Morgan, and Lizarraga

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

- 20.1.** *Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2018-200 Janitorial Services - City Hall 1, 2, 3, 4 and UPTT to Eagle Janitorial Service for an initial term estimated award of \$635,527.44. The award is to include a two (2) year optional amount of \$423,684.96 for a total five (5) year award of \$1,059,212.40. This award will allow for daily janitorial services for the City Hall campus which consists of City 1, 2, 3, 4 and certain areas within the UPTT.

Department:	Streets and Maintenance
Award to:	Eagle Janitorial Service
	El Paso
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$211 ,842.48
Initial Term Estimated Award:	\$635,527.44 (3 years)
Total Estimated Award:	\$1,059,212.40 (5 years)
Account No.:	532-31040-523020-1000,- P3120
Funding Source:	General Fund - Public Accesses Maintenance & Repair

This is a Best Value, Service contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Eagle Janitorial Service, the bidder offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

The Purchasing & Strategic Sourcing Department recommends that GCA Cleaning Specialties, Inc. and Ruth Villarreal DBA: Multi Greenery be deemed non-responsive due to taking exceptions to the solicitation.

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

- 21.1.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and unanimously carried to **AWARD** Solicitation No. 2017-1203 Grounds Maintenance For El Paso City Parks – Mowing (Re-Bid) to Tree D's Landscaping & Ground Maintenance, Inc., Abescape Landscaping, LLC. and MG Evergreen LLC. for an initial (3) year term estimated award of \$1,437,603.84. The award is to include a two (2)

year optional amount of \$958,402.56 for a total five (5) year award of \$2,396,006.40. This award will allow for grounds maintenance-mowing services for city parks.

Department:		Parks and Recreation
Award to:	Vendor 1:	Tree D's Landscaping & Ground Maintenance, Inc. El Paso, TX
Item(s):		Group 3
Initial Term:		3 years
Option to Extend:		2 years
Annual Estimated Award:		\$ 80,800.00
Initial Term Estimated Award:		\$ 242,400.00 (3 years)
Total Estimated Award:		\$ 404,000.00 (5 years)

Award to:	Vendor 2:	Abescape Landscaping, LLC. El Paso, TX
Item(s):		Group 2
Initial Term:		3 years
Option to Extend:		2 years
Annual Estimated Award:		\$ 153,153.28
Initial Term Estimated Award:		\$ 459,459.84 (3 years)
Total Estimated Award:		\$ 765,766.40 (5 years)

Award to:	Vendor 3:	MG Evergreen LLC. El Paso, TX
Item(s):		Groups 1, 4 and 5
Initial Term:		3 years
Option to Extend:		2 years
Annual Estimated Award:		\$ 245,248.00
Initial Term Estimated Award:		\$ 735,744.00 (3 years)
Total Estimated Award:		\$ 1,226,240.00 (5 years)

Total Annual Estimated Award:	\$ 479,201.28 (Vendor 1, Vendor 2 and Vendor 3)
Total Initial Estimated Award:	\$1,437,603.84 (3 years) (Vendor 1, Vendor 2 and Vendor 3)
Total Estimated Award:	\$2,396,006.40 (5 years) (Vendor 1, Vendor 2 and Vendor 3)

Account No.	451-51295-522210-2305-P5119
Funding Source:	Environmental Fee – Ground Keeping Horticultural Contracts

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Parks and Recreation Department recommend award to Tree D's Landscaping & Ground Maintenance, Inc., Abescape Landscaping, LLC. and MG Evergreen LLC., 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.

The Purchasing & Strategic Sourcing Department recommends that 3M Landscaping and Ground Management & Maintenance be deemed non-responsible due to inability to provide bonding.

Mayor Margo and Representative Noe commented.

Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing commented.

Mr. Edner Hernandez, citizen, commented.

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

- 22.1.** *Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation 2017-815 Dyer RTS Pedestrian Enhancement to BLACK STALLION CONTRACTORS INC. for an estimated total amount of \$905,151.76. This project provides pedestrian improvements (sidewalk, ADA ramps, landscaping, and median refuge) at four locations along the Dyer Rapid Transit System corridor: downtown on Campbell and Kansas, Pershing between Trowbridge and Alta, Dyer between Fred Wilson and McConnell, and Dyer and Hercules.

Department:	Capital Improvement
Award to:	BLACK STALLION CONTRACTORS INC. El Paso, TX
Item(s):	Base Bid I
Initial Term:	190 Standard Workweek Days
Base Bid I:	\$905,151.76
Total Estimated Award:	\$905,151.76
Account No.:	190-4510-28320-580270-PCP10TRAN60 190-4950-38170-580270-PCP10TRAN60
Funding Source:	Federal Highway Administration & Certificates Of Obligation

This is a Low Bid, unit price 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 International Eagle Enterprises, Inc. be deem non-responsive because the bidder modified the bid form included in the solicitation. The award is contingent upon TXDOT concurrence and compliance with Disadvantaged Business Enterprises (DBE) requirements as established in special provision 000-007 of this contract.

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. Contingent upon concurrence of award by TXDOT and compliance with DBE requirements.

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

As part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract change orders

necessary for proper contract administration in accordance with Texas Department of Transportation (TXDOT) requirements which do not revise the estimated award and change orders that are in accordance with applicable law.

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- 22.2.** Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AWARD** Solicitation 2017-762 Riverbend Multimodal Improvements to J.A.R. CONCRETE, INC. DBA JAR Construction, Inc. for an estimated total amount of \$ 1,121,736.15. The work consists of pedestrian and bicycle improvements along Riverbend Drive from Sunset Road to Frontera Road. The proposed improvements will include the extension of the existing hike and bike path between Sunset Road and Turnstone Drive for a length of approximately 1,740 feet completed with new curb, landscaping and an irrigation system. Accent lighting will be included via bollard lighting from Sunset Road to Frontera Road. Sun Metro bus stop landing areas at 14 locations will also be constructed within the project limits. ADA ramps and connectivity to existing sidewalks will also be included within the bus stop landing areas.

Department:	Capital Improvement
Award to:	J.A.R. CONCRETE, INC. DBA JAR Construction, Inc. El Paso, TX
Item(s):	All
Initial Term:	171 Standard Workweek Days
Base Bid I:	\$ 557,989.35
Base Bid II:	\$ 459,558.90
Base Bid III:	\$ 104,187.90
Total Estimated Award:	\$1,121,736.15
Account No.:	190-4740-28900-580270-PCP16TRAN02 190-4950-38170-580270- PCP16TRAN02
Funding Source:	Federal Highway Administration, Federal Transit Administration & Certificates of Obligation

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to J.A.R. CONCRETE, INC. DBA JAR Construction, Inc. the lowest responsive, responsible bidder. The award is contingent upon TXDOT concurrence and compliance with Disadvantaged Business Enterprises (DBE) requirements as established in special provision 000-007 of this contract.

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. Contingent upon concurrence of award by TXDOT and compliance with DBE requirements.

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

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

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- 22.3.** Motion made by Representative Hernandez-Brown, seconded by Representative Annello, and unanimously carried to **POSTPONE** four weeks the award of Solicitation No. 2017-1163R (Property & Parking Garage Management Services) to SMG Corporation, for an initial three (3) year term in the estimated amount of \$1,644,509.00. The award is to include two (2) one (1) year options for the amount of \$1,286,072.00 for a total five (5) year award of \$2,930,581.00. This is parking management services of the Union Plaza and Glory Road Transit Terminals and San Francisco/Anthony Street parking lots and include daily and evening parking functions, weekend activities, special events at UTEP, downtown El Paso and Chihuahua baseball games and any other requested events.

Department:	Mass Transit - Sun Metro
Award To:	SMG
	West Conshohocken, PA
Item(s):	All
Initial Term:	3 years
Option:	Two (2) One (1) year options
Year 1:	\$ 513,526.00
Year 2:	\$ 547,387.00
Year 3:	\$ 583,596.00
Total Estimated Initial Term:	\$1,644,509.00 (3 years)
Option year 4:	\$ 622,323.00
Option year 5:	\$ 663,749.00
Total Estimated 2-Year Option:	\$1,286,072.00
Total Estimated Award:	\$ 2,930,581.00 (5 years)
Account No.:	560-60000-3200-570020
Funding Source:	Miscellaneous Operating Funds

This is a Request for Proposal, service contract.

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

The Purchasing & Strategic Sourcing and the Mass Transit - Sun Metro Departments recommend award to SMG, 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.

Mayor Margo and Representatives Svarzbein, Noe, Annello, Hernandez-Brown, and Ordaz Perez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sol Cortez, Assistant City Attorney, gave legal advice.
3. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
4. Ms. Sylvia Firth, City Attorney, gave legal advice.

5. Ms. Deniese Baisley, Assistant Director of Purchasing and Strategic Sourcing
6. Mr. Jay Banasiak, Director of Mass Transit

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The City Council Meeting was **RECESSED** at 10:03 a.m.

The City Council Meeting was **RECONVENED** at 10:20 a.m.

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**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF
ORDINANCES**
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23. Goal 3: Promote the Visual Image of El Paso

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- 23.1.** *Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting Special Permit No. PZST17-00026, to allow for Storage & dispensing of Liquefied petroleum gas on the property described as A Portion of Lot 4, Block 300, Vista del Sol Unit 62 Replat A, 11535 Cedar Oak Dr., City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.240 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 11535 Cedar Oak Dr. Property Owner: Reliant Properties, LLC. PZST17-00026.

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23.2. ORDINANCE 018737

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS LOT 3, AND A PORTION OF LOT 4, BLOCK 5, WEST YSLETA, 8520 WINGO WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 TO ALLOW FOR A SIDE YARD SETBACK REDUCTION, AND TO ALLOW FOR AN APARTMENT USE AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT PURSUANT TO SECTION 20.10.360 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8520 WINGO WAY. PROPERTY OWNER: GUILLERMO & CARMEN PALLARES. PZRZ16-00028. THIS IS A 211 CASE.**

Ms. Kimberly Forsyth, Program Manager, Planning and Inspections, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga commented.

The following City staff members commented:

1. Ms. Karla Nieman, Senior Assistant City Attorney, gave legal advice.
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Victor Morrison-Vega, Interim Director for Planning and Inspections

The following members of the public commented:

1. Mr. Guillermo Pallares
2. Ms. Deborah Torres

3. Mr. James Camacho
4. Mr. Carlos Jimenez

Motion duly made by Representative Ordaz Perez, seconded by Representative Rivera, 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-Brown, Noe, Ordaz Perez and Lizarraga

NAYS: Representatives Morgan and Rivera

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

23.3.

ORDINANCE 018738

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY OF A PORTION OF LOT 18, BLOCK 26, REGAL CREST UNIT FIVE REPLAT "A", 851 THORN AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO G-MU (GENERAL MIXED USE), APPROVING A MASTER ZONING PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 851 THORN AVENUE. PROPERTY OWNER: CHURCH OF GRACE OF EL PASO. PZRZ17-00012.**

Ms. Kimberly Forsyth, Program Manager, Planning and Inspections, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein, Annello, Hernandez-Brown, and Lizarraga commented.

The following members of the public commented:

1. Mr. Kevin Huckabee
2. Mr. Isidro Nunez

Motion duly made by Representative Svarzbein, seconded by Representative Ordaz Perez, 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-Brown, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: Representative Morgan

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

23.4.

ORDINANCE 018739

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

ZONING OF THE PROPERTY OF A PORTION OF NELLIE D. MUNDY SURVEY 244, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A (RESIDENTIAL) TO P-R I (PLANNED RESIDENTIAL I). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF TRANSMOUNTAIN ROAD AND EAST OF NORTHWESTERN DRIVE. PROPERTY OWNER: DVEP LAND LLC. PZRZ17-00017.

Ms. Kimberly Forsyth, Program Manager, Planning and Inspections, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein, Hernandez-Brown, and Lizarraga commented.

Motion duly made by Representative Ordaz Perez, seconded by Representative Lizarraga, 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, Anello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: NONE

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

23.5. ORDINANCE 018740

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS), TO ESTABLISH ON-STREET BICYCLE RACK PLACEMENT STANDARDS AND CLARIFY EXISTING BICYCLE RACK PLACEMENT REGULATIONS ON PUBLIC RIGHTS-OF-WAY. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.125 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, 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, Anello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: NONE

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

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

24.1. ORDINANCE 018741

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE WITH HERIBERTO MIRANDA FOR THE SALE OF 0.172 ACRES, MORE OR LESS, BEING A PORTION OF LOT 10, BLOCK 2, LAS CASITA UNIT ONE AND A PORTION OF LOT 11, BLOCK 5, LAS QUINTAS, AN ADDITION TO EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, 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-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: NONE

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

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

25.1. ORDINANCE 018742

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING THE CITY MANAGER AUTHORITY TO ENTER INTO A TEMPORARY RIGHT OF ENTRY WITH ABRAMS-KIEWIT JOINT VENTURE FOR THE TEXAS DEPARTMENT OF TRANSPORTATION'S BORDER WEST HIGHWAY EXPANSION PROJECT TO CONSTRUCT PROJECT IMPROVEMENTS ON PORTIONS OF DELTA DRIVE, CYPRESS AVENUE, 1ST AVENUE, SOUTH SANTA FE STREET, SOUTH MESA STREET, SOUTH KANSAS STREET, SOUTH PARK STREET, SOUTH CAMPBELL STREET, 9TH AVENUE, AND SOUTH OREGON STREET.**

Motion duly made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, 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-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: NONE

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

REGULAR AGENDA - OTHER BUSINESS

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

26.1. RESOLUTION

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

EL PASO:

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement between the City of El Paso, Texas, a Texas home rule municipal corporation, and South Shore USA, Inc., a Texas Corporation, for the expansion and construction of Applicant's distribution center located in the City of El Paso, Texas.

Representative Ordaz Perez commented.

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

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26.2.

R E S O L U T I O N

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

That the City Manager be authorized to sign a Memorandum of Understanding Between the City of El Paso and the Transportation Security Administration for Participation in the TSA Aviation Rap Back Program.

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

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26.3.

R E S O L U T I O N

A RESOLUTION OF THE CITY COUNCIL OF EL PASO NOMINATING TENET HOSPITALS LIMITED – EAST CAMPUS TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM (“OOGEDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) FOR DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT (“PROJECT”) UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (“ACT”).

WHEREAS, the City Council of the City of El Paso (“City”) has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (“Act”), Tenet Hospitals Limited has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development (“OOGEDT”) and Tourism (“EDC”) through the Economic Development Bank (“Bank”) will consider Tenet Hospitals Limited as an enterprise project pursuant to a nomination and an application made by the City; and

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

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Tenet Hospitals Limited is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals or veterans; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Tenet Hospitals Limited as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

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

WHEREAS, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited as an enterprise project pursuant to the Act.

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

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

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

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

NAYS: None

ABSTAIN: Representative Noe

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

RESOLUTION

WHEREAS, in 2006 the City Council approved the Capital Budget, which included funding for the initial Neighborhood Improvement Program (“NIP”); and

WHEREAS, the NIP was categorized as a Priority Program, in which the requested projects from recognized neighborhood associations and civic associations must be for permanent public improvements that benefit neighborhood residents and the general public at large; and

WHEREAS, in 2012, the citizens of El Paso, Texas approved the 2012 Quality of Life Bonds, which included funding for the NIP; and

WHEREAS, the NIP’s total budget made available from the 2012 Quality of Life Bonds is \$10,000,000.00 to be apportioned equally among El Paso’s eight Representative Districts for eligible public improvement projects, and procurement, design, project and construction management, and contract compliance over a ten (10) year period; and

WHEREAS, on June 24, 2014, the City Council approved the expenditure of designated funds for the NIP Staff recommendations of projects for the first round of the 2012 Quality of Life Bonds NIP funding; and

WHEREAS, on July 29, 2014, the City Council approved the current policies for the Neighborhood Improvement Program; and

WHEREAS, on June 23, 2015, the City Council approved the expenditure of designated funds for the NIP Staff recommendations of projects for the second round of the 2012 Quality of Life Bonds NIP funding; and

WHEREAS, on January 24, 2017, the City Council approved the expenditure of designated funds for the NIP Staff recommendations of projects for the third round of the 2012 Quality of Life Bonds NIP funding; and

WHEREAS, following the previous round of NIP, City staff sought feedback from City-recognized neighborhood associations regarding the Project Scorecard used to evaluate NIP projects, and that feedback has informed proposed changes to the scorecard;

WHEREAS, the proposed scorecard was developed based on input received by City Council and City of El Paso recognized neighborhood associations and was presented at a public meeting with neighborhood associations on April 17, 2017;

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

That City Council hereby adopts the Neighborhood Improvement Program scorecard attached hereto as Exhibit “A” incorporated herein.

Mr. Mark Weber, Neighborhood Coordinator, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Representatives Svarzbein and Rivera commented.

Motion made by Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **APPROVE** a Resolution

27.2.

R E S O L U T I O N

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

WHEREAS, on January 05, 2010, the City Council for the City of El Paso passed a resolution authorizing the Mayor to submit the paperwork necessary for the City of El Paso to join the Cities of Service Coalition, including a Declaration of Service; and

WHEREAS, on August 25, 2015, the City Council for the City of El Paso passed a resolution authorizing the Mayor to submit the paperwork necessary to reaffirm the commitment of membership to the Cities of Service Coalition, including a Declaration of Service;

WHEREAS, the City of El Paso Strategic Plan includes the goal of nurturing a healthy and sustainable community through emphasis on civic engagement, volunteerism and community service;

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

That Mayor Dee Margo, elected to office in 2017, is authorized to sign the Declaration of Service in order to reaffirm the City's commitment to the Cities of Service Coalition. Further, that the Mayor is authorized to sign and submit the paperwork necessary for the City of El Paso to continue to be part of the Cities of Service Coalition.

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

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

28.

MAYOR AND COUNCIL

28.1.

R E S O L U T I O N

WHEREAS, a vacancy in the El Paso Water Utilities Public Service Board of Trustees will occur on December 31, 2017 with the term expiration of board member Christopher A. Antcliff, who filled the board position which required expertise in the area of Consumer or Citizen Advocacy; and,

WHEREAS, the City of El Paso adopted Ordinance Number 017167 which requires that any vacancy in the membership of the El Paso Water Utilities Public Service Board of Trustees be filled by the City Council; and,

WHEREAS, the City of El Paso by Resolution established the El Paso Water Utilities Public Service Board Selection Committee, to be comprised of the members of the Public Service Board and such additional members as appointed by the City Council to assist City Council in selecting eligible candidates to fill the vacancy; and,

WHEREAS, under the Resolution, the El Paso Water Utilities Public Service Board Selection Committee reviews resumes submitted by persons interested in filling the vacant position and submits to the City Council the names and the ranking of three eligible candidates;

NOW THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD SELECTION COMMITTEE OF THE CITY OF EL PASO, TEXAS:

THAT, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on October 25, 2017 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation to the City Council of the following candidates to fill a vacancy on the El Paso Water Utilities Public Service Board of Trustees:

THAT, the El Paso City Council hereby appoints **Christopher A. Antcliff** to fill the vacancy on the El Paso Water Utilities Public Service Board for the position with expertise in the area of Consumer or Citizen Advocacy. The term of appointment shall commence on January 1, 2018 and shall be for a four (4) year term.

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

28.2. Update from the Greater El Paso Chamber of Commerce on the trip to the AUSA Conference in Washington, D.C.

Mr. Richard Dayoub, Chief Executive Officer and President, Greater El Paso Chamber of Commerce, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representative Hernandez-Brown commented.

NO ACTION taken on this item.

29. MANAGEMENT UPDATES

29.1. Presentation on WinterFest and Celebration of Lights 2017

Mr. Joe Rodriguez, Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Bryan Crowe, General Manager for Destination El Paso, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representative Svarzbein commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Shane Brooks, El Paso International Airport

NO ACTION taken on this item.

29.2. ELPVirtuWall at El Paso International Airport

Representative Svarzbein commented.

Ms. Cassandra Davisson, El Paso International Airport, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

29.3. Capital Improvement Project Activity Update

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein and Noe commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

29.4. Budget Update – Cost Drivers

Mr. Robert Cortinas, Interim Director of Municipal Finance, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein and Hernandez-Brown commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

29.5. Human Resources Update on 5-Day Work Week

Ms. Claudia Lujan, Assistant Director of Human Resources, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Svarzbein, Ordaz Perez, and Annello commented.

Mr. Hector Montes, citizen, commented.

NO ACTION taken on this item.

EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Noe, seconded by Representative Rivera, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:00 p.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:

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 Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and carried to adjourn the Executive Session at 2:39 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

EX1. Update from Legal Department regarding pending litigation and claims. (551.071, 551.072, 551.074, and 551.087)

NO ACTION taken on this item.

EX2. Claim of Robert Rivera; Claim Matter No. 17-1006-843 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and unanimously carried that the City Attorney's Office be authorized to reject Claimant's settlement demand in the claim pending in Matter No. 17-1006-843.

EX3. Proposed development of a Hotel, Parking Garage and Condominium facility (17-1007-2082) (551.087)

NO ACTION taken on this item.

EX4. Max Grossman v. City of El Paso; 384th District Court; #2017DCV2528; Matter No. 17-1001-171.001 (551.071)

NO ACTION taken on this item.

EX5. In Re: Max Grossman, Relator; 8th Court of Appeals; Case No. 08-17-00199-CV; Matter No. 17-1001-171.003 (551.071)

NO ACTION taken on this item.

EX6. City of El Paso v. Max Grossman; 8th Court of Appeals; Case No. 08-17-00200-CV; Matter No. 17-1001-171.004 (551.071)

NO ACTION taken on this item.

ADDITIONS TO THE AGENDA

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

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1. *Motion made, seconded, and unanimously carried to **APPOINT** Bailey Eiland to the Zoning Board of Adjustment by Representative Cassandra Hernandez-Brown, District 3.
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MAYOR AND COUNCIL

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2. Presentation by Fred Morales – Union Plaza District Report on the Movement to Become a Historic District.

Representative Svarzbein commented.

NO ACTION taken on this item.

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EXECUTIVE SESSION

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- EX1. 2012 Quality of Life signature project – Children's Museum (551.071, 551.072, and 551.087)

NO ACTION taken on this item.

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ADJOURN

Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **ADJOURN** this meeting at 2:39 p.m.

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APPROVED AS TO CONTENT:

Laura D. Prine, Interim City Clerk