

OSCAR LEESER  
MAYOR



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

TOMMY GONZALEZ  
CITY MANAGER

**LEGISLATIVE REVIEW MEETING OF THE WHOLE MINUTES  
MAIN CONFERENCE ROOM  
CITY HALL, 300 N. CAMPBELL  
NOVEMBER 16, 2015  
9:00 A.M.**

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The City Council met at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Pro Tempore Michiel Noe present and presiding and the following Council Members answered roll call: Peter Svarzbein, Larry Romero, Lily Limón, and Cortney Niland. Not Present: Mayor Oscar Leeser, Emma Acosta, Carl Robinson, and Claudia Ordaz.

The agenda items for City Council agenda of November 17, 2015 were reviewed.  
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**3.1. RESOLUTION – AIRPORT**

That the City Manager be authorized to sign a Lessor’s Approval of Assignment by and between the City of El Paso (“City”); Cutter Aviation El Paso Limited Partnership (“Cutter Aviation”); and Trajen Flight Support, LP d/b/a Atlantic Aviation (“Atlantic Aviation”) regarding property located at 1771 Shuttle Columbia Drive.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Monica Lombrana, Director of Aviation

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**4.1. RESOLUTION – PLANNING AND INSPECTIONS**

That the closure of rights-of-way for The Celebration of Lights and Christmas Tree Lighting Ceremony from 1:00 p.m. to 11:00 p.m. on Saturday, December 5, 2015 serves a public purpose 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 in excess of four hours for portions of Texas Avenue and Mesa Street (SH20), upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV15-00052)

Representative Romero questioned the following City staff member:

- Ms. Sol Cortez, Assistant City Attorney, gave legal advice.

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**7.1. BIDS – PURCHASING AND STRATEGIC SOURCING**

The award of Solicitation No. 2015-778 (Resler Drive Buffered Bike Lane Project) to PMI Pavement Marking, Inc. for estimated award of \$198,842.78.

Department: Capital Improvement  
Award to: PMI Pavement Marking, Inc.  
Tempe, AZ  
Item(s): Base Bid  
Total Estimated Award: \$198,842.78  
Account No. & Funding Source: PCP15TRAN06-580160-190-38170-4950  
Federal Highway Administration \$159,074.22  
PCP15TRAN06-580160-190-38170-4950  
TXDOT \$23,861.13

District(s): 1

This is a low bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to PMI Pavement Marking, 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 part of this award, upon the review of the City Attorney, the Capital Improvement Department Director 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.

Representatives Svarzbein, Romero, Niland, and Noe questioned the following City staff members:

- Mr. Tommy Gonzalez, City Manager
- Ms. Rachel Johnson, Purchasing and Strategic Sourcing
- Mr. Ted Marquez, Director of Streets and Maintenance
- Ms. Monica Lombrana, Director of Aviation
- Ms. Margaret Schroeder, Engineering Division Manager, Capital Improvement

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**8.2. REGULAR – OTHER BUSINESS - MAYOR AND COUNCIL**

Discussion and action to give direction to the City Attorney to write and bring to Council all necessary ordinances to comply with the Charter Amendment Election.

Representatives Noe, Niland, Limón, and Svarzbein questioned the following City staff members:

- Mr. Tommy Gonzalez, City Manager
- Ms. Sylvia Firth, City Attorney, gave legal advice.

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**8.4. REGULAR – OTHER BUSINESS - MAYOR AND COUNCIL**

Financial Audit and Oversight Committee Report:

1. For Notation Only: Formal Report of the Financial Audit and Oversight Committee meeting held on September 21, 2015.
  - a. Discussion on Audit Plan Updates.
  - b. Discussion and Action on the City of El Paso Internal Audit Charter.
  - c. Discussion and Action on the FY 2016 Annual Internal Audit Plan.
  - d. Discussion on Client Surveys.
  - e. Discussion on FY14 Management Letter.
  - f. Discussion and action on Ambulance Transport Billing and Collection Policy.

Representative Niland questioned the following City staff members:

- Mr. Tommy Gonzalez, City Manager

- Mr. Edmundo Calderon, Chief Internal Auditor

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**8.5. REGULAR – OTHER BUSINESS - MAYOR AND COUNCIL**

Discussion and action on FY14 Management Letter.

Dr. Mark Sutter, Chief Financial Officer, commented.

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**8.6. REGULAR – OTHER BUSINESS - MAYOR AND COUNCIL**

Presentation and discussion on the Special Audit regarding the City of El Paso financial procedures.

Mr. Edmundo Calderon, Chief Internal Auditor, commented.

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

**An Ordinance vacating the city right-of-way over a 0.42 acre portion of Florence Street, between Blocks 82 and 83, Campbell’s Addition, an Addition to the City of El Paso, El Paso County, Texas. (SURW15-00007)**

**PUBLIC HEARING WILL BE HELD ON DECEMBER 1, 2015**

Representatives Niland and Noe questioned the following City staff member:

- Ms. Kimberly Forsyth, Lead Planner, commented.

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

Discussion and action that the City Manager be authorized to sign the Third Amendment to the Agreement for Professional Services by and between the CITY OF EL PASO and SWA Group, a California Corporation, for a project known as “San Jacinto Plaza Redesign” to add additional professional services for construction observation services and reimbursable expenses in the amount of Thirty Eight Thousand Three Hundred Four and No/100 Dollars (\$38,304.00) thereby extending the contract amount from \$600,000.00 to \$638,304.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Monica Lombrana, Capital Improvement

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

Discussion and action to award Solicitation 2015-828 Independence Drive Pedestrian and Bicycle Enhancements to J.A.R. CONCRETE, INC. dba JAR Construction, Inc. for an estimated total amount of \$664,562.50.

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| Department:                  | Capital Improvement  |
| Award to:                    | J.A.R. CONCRETE, INC. dba JAR<br>Construction, Inc.<br>El Paso, TX   |
| Total Estimated Award:       | \$664,562.50.  |
| Account No & Funding Source: | PCP15TRAN05-580160-190-38170-4950-FHWA - \$404,831.20<br>PCP15TRAN05- 580160-190-38170-4950-State - \$62,717.59<br>PCP15TRAN05- 580160-190-28340-4560<br>-2013 Certificates of Obligation - \$197,013.71 |
| District(s):                 | 7  |

This is a Low Bid, unit price type contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement Department recommend award as indicated to J.A.R. CONCRETE, INC. dba JAR 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 part of this award, upon the review of the City Attorney, the Capital Improvement Department Director 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.

Representatives Niland, Limón, and Noe questioned the following City staff members:

- Mr. Tommy Gonzalez, City Manager
- Ms. Monica Lombrana, Director of Aviation
- Ms. Margaret Schroeder, Engineering Division Manager, Capital Improvement

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

Discussion and action that the Mayor be authorized to sign an Agreement by and between THE CITY OF EL PASO, a municipal corporation situated in El Paso County, Texas, in its capacity as the fiscal agent for the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area and CAMBRIDGE SYSTEMATICS, INC. regarding the development of a new Travel Demand Model for base year 2012, for the total consideration of FIVE HUNDRED SIXTY THOUSAND TWO HUNDRED SEVENTY-SIX AND NO/100 DOLLARS (\$560,276.00).

Department: Metropolitan Planning Organization  
Districts: All

- Ms. Haydee Pena, Purchasing and Strategic Sourcing, commented.

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**12.1. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES – PLANNING AND INSPECTIONS**

An Ordinance changing the zoning of Parcel 1: Lots 5 and 6, Block 2, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas from A-2 (Apartment) and C-4 (Commercial) to C-3/c (Commercial/conditions) and Parcel 2: Lots 5 thru 10, Block 3, Cielo Vista Amended Plat, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-3/c (Commercial/conditions) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Edgemere Boulevard and East of Airway Boulevard. Property Owner: E.P. Simana, L.P. PZRZ15-00024

Representatives Noe and Acosta questioned the following City staff member:

- Ms. Kimberly Forsyth, Lead Planner, commented.

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**12.2. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES – PLANNING AND INSPECTIONS**

An Ordinance changing the zoning of Tract 17A & 17B, Block 29, Ysleta Grant & Tracts A & B & a portion of Tracts C & D, Henderson Subdivision, 8020 Alameda Avenue, City of El Paso, El Paso County, Texas  
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from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8020 Alameda Avenue. Property Owner: Finn's Real Estate Venture, LLC. PZRZ11-00055. THIS IS AN APPEAL CASE. [POSTPONED FROM 10-27-2015 AND 11-03-2015]

Representative Limón questioned the following City staff member:

- Mr. Larry Nichols, Director of Planning and Inspections

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**12.3. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES – PLANNING AND INSPECTIONS**

An Ordinance changing the zoning of All of Tract 4G, E.L. De Shazo Survey 218, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of N. Mesa Street and South of Castellano Drive. Property Owner: MALBER, LLC. PZRZ14-00050. THIS IS AN APPEAL CASE.

Representatives Svarzbein, Niland, and Noe questioned the following City staff members:

- Mr. Tommy Gonzalez, City Manager
- Ms. Sylvia Firth, City Attorney, gave legal advice.
- Ms. Kimberly Forsyth, Lead Planner, commented.

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**13.1. REGULAR AGENDA – OTHER BUSINESS – ECONOMIC AND INTERNATIONAL DEVELOPMENT**

Presentation and discussion by Medical Center of the Americas on their annual report on status of activities during the fiscal year, use of grant funds, and progress in the performance measures required under the agreement with the City of El Paso.

- Mr. Cary Westin, Director of Economic and International Development, commented.

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**13.2. REGULAR AGENDA – OTHER BUSINESS – AIRPORT**

Discussion and action that the El Paso City Council approves an identified list of projects, totaling approximately \$21,500,000.00, referenced as the “City of El Paso Street Infrastructure Capital Plan” (“the Capital Plan”), as the established list of City of El Paso Street Infrastructure Capital Plan for FY 2016 and the use of the identified funding sources, and the City Manager be authorized, subject to annual budget requirements, to establish the funding sources for the Capital Plan enumerated in the “Capital Program” for Fiscal Year 2016 and make all necessary budget transfers prior to the execution of the projects. Funding source 2013-2019 Certificates of Obligation.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Monica Lombrana, Director of Capital Improvement

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**14.1. REGULAR AGENDA – OTHER BUSINESS – CITY ATTORNEY**

Discussion on the 84th Senate and House Interim charges.

- Ms. Brie Franco, Assistant City Attorney, gave legal advice.

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Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 9:44 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk