

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



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

## MINUTES FOR REGULAR COUNCIL MEETING

November 17, 2015  
COUNCIL CHAMBERS, CITY HALL  
8:00 AM

### ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:04 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Carl Robinson, Michiel Noe, and Lilia Limón. Late arrivals: Peter Svarzbein at 8:05 a.m., Cortney Niland at 8:10 a.m., and Claudia Ordaz at 8:21 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

### INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

#### PLEDGE OF ALLEGIANCE

Burnet Elementary School

Alyssa Duran  
Luis Mijares  
Amber Gonzalez  
Jackson Okribata

### NOTICE TO THE PUBLIC- CONSENT AGENDA

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ordaz

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**CONSENT AGENDA - APPROVAL OF MINUTES:**  
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**1. Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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- 1.1. \*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of November 10, 2015, the Legislative Review Meeting of the Whole of November 9, 2015, and the Special City Council Meeting of November 9, 2015.

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**CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**  
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**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**NO ACTION** taken on this item.

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**CONSENT AGENDA - RESOLUTIONS:**  
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**3. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**  
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**3.1. \*R E S O L U T I O N**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"); Cutter Aviation El Paso Limited Partnership ("Assignor"); and Trajen Flight Support, LP d/b/a Atlantic Aviation ("Assignee") regarding the following described property:

A parcel of property known as Site 5, El Paso International Airport Tracts, Unit 11, City of El Paso, El Paso County, Texas, containing approximately 435,612.927 square feet of land and municipally known and numbered as 1771 Shuttle Columbia, El Paso, El Paso County, Texas.

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**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's Approval of Assignment by and between the City of El Paso ("Lessor"); Cutter Aviation El Paso Limited Partnership ("Assignor"); and Trajen Flight Support, LP d/b/a Atlantic Aviation ("Assignee") regarding the following described property:

A portion of Lot 1, Block 1, Butterfield Trail Aviation Park, Unit One, El Paso, El Paso County Texas, consisting of approximately 71,429 square feet as depicted on Exhibit "A" attached to said Lessor's Approval of Assignment, which is

municipally known and numbered as 253 George Perry Blvd.,  
El Paso, Texas.

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

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**4.1. \*RESOLUTION**

**WHEREAS**, The City of El Paso Parks and Recreation Department desires to host The Celebration of Lights Parade from 1:00 p.m. to 11:00 p.m. on Saturday, December 5, 2015 (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 City has permission to utilize portions of City rights-of-way for the Event; 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 Texas Avenue and Mesa Street (SH20) 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 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.

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

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**5.1. \*RESOLUTION**

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer

waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Maria V. Rivas Avalos (“Taxpayer”) has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on January 17, 2012 in the amount of \$682.90 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that Maria V. Rivas Avalos showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$682.90 is approved.

5.2.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, JP Morgan Chase Bank NA (“Taxpayer”) has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on December 30, 2011 in the amount of \$402.30 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that JP Morgan Chase Bank NA showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$402.30 is approved.

5.3.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Michael Sanchez (“Taxpayer”) has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on January 23, 2012 in the amount of \$70.74 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that Michael Sanchez showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$70.74 is approved.

5.4.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Corelogic (“Taxpayer”) has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on December 30, 2011 in the amount of \$1,271.70 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$1,271.70 is approved.

5.5.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Wells Fargo Home Mortgage (“Taxpayer”) has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on October 31, 2011 in the amount of \$15.28 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that Wells Fargo Home Mortgage showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the refund in the amount of \$15.28 is approved.

5.6.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Sandra Trevino ("Taxpayer") has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on June 30, 2012 in the amount of \$286.16 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that Sandra Trevino showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$286.16 is approved.

5.7.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Sandra Trevino ("Taxpayer") has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on August 31, 2012 in the amount of \$350.00 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that Sandra Trevino showed a good cause to extend

the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$350.00 is approved.

5.8.

**\*RESOLUTION**

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, JP Morgan Chase Bank NA ("Taxpayer") has applied for a refund with the tax assessor for their 2011 property taxes that were overpaid on December 30, 2011 in the amount of \$159.28 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2011 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

**THAT** the City finds that JP Morgan Chase Bank NA showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2011 taxes and the tax refund in the amount of \$159.28 is approved.

**CONSENT AGENDA - BOARD APPOINTMENTS:**

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

- 6.1. \*Motion made, seconded, and unanimously carried to **APPOINT** Claudia Renteria-Holguin to the Foster Grandparent Program Advisory Council by Representative Lily Limón, District 7.

**CONSENT AGENDA - BIDS:**

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

- 7.1. \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2015-778 (Resler Drive Buffered Bike Lane Project) to PMI Pavement Marking, Inc. for estimated award of \$198,842.78.

NOT PRESENT FOR THE VOTE: Representative Ordaz

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  
PCP15TRAN06-580160-190-28340-4560  
Certificates of Obligation \$15,907.43

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.

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**MAYOR'S PROCLAMATIONS**

- 1. Fraud Awareness and Prevention Week**
- 2. Mission Valley Citizens Advisory Board, the El Paso Police Department and Poormans Insurance Group Thanksgiving Turkey Giveaway Day**

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**RECOGNITIONS**

**2015 Worldwide Photo Walk**

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

The following members of the public commented:

1. Ms. Mary Elizabeth Legorreta
2. Ms. Wally Cech
3. Mr. Fred Dalbin
4. Ms. Blanca Gadney-Moss
5. Reverend Robert E. Mosher
6. Ms. David Guzman
7. Mr. Salvador Gomez

Mayor Leeser and Representatives Niland, Noe, Svarzbein, and Limón commented.

The following City staff member commented:

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

## **REGULAR AGENDA - OTHER BUSINESS**

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### **8. MAYOR AND COUNCIL**

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- 8.1.** \*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item regarding funding the Edgemere and Rich Beem intersection.

NOT PRESENT FOR THE VOTE: Representative Ordaz

- 8.2.** 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.

**NO ACTION** taken on this item.

- 8.3.** Discussion and action on a request a status of the Vocational park completion. There is inadequate access for ADA persons accessing the fields, the lights have not been installed, the issue of weeds continues to plague the park, the slopes are too steep for patrons to walk into the fields and sod has not been placed on slopes, the playground equipment has not been installed, the walking path has not been installed.

Ms. Monica Lombrana, Director of Capital Improvement, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Ms. Dora Oaxaca, Legislative Aide for District 3, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Acosta, Noe, and Limón commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City manager
2. Mr. Tracy Novak, Director of Parks and Recreation

**NO ACTION** taken on this item.

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- 8.4.** 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.

Mayor Leeser and Representatives Romero, Ordaz, and Limón commented.

The following City staff members commented:

1. Dr. Mark Sutter, Chief Financial Officer
2. Mr. Edmundo Calderon, Chief Internal Auditor

**NO ACTION** taken on this item.

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**8.5.** Discussion and action on FY14 Management Letter.

Mr. David Coleman, BKD, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Ms. Pat Degman, Comptroller, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Romero, Acosta, Robinson, and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Dr. Mark Sutter, Chief Financial Officer
3. Ms. Monica Lombrana, Director of Capital Improvement
4. Mr. Raul Ecobedo, Assistant Director for Development, Mass Transit

Ms. Rachel Ormsby, BKD external auditors, commented.

**NO ACTION** taken on this item.

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

Ms. Pat Degman, Comptroller, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Robinson, Ordaz, Limón, and Niland commented.

The following City staff members commented:

1. Mr. Edmundo Calderon, Chief Internal Auditor
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following Lautherbach Financial Advisors' staff commented:

1. Mr. Rick Miller
2. Ms. Jackie Salais

**NO ACTION** taken on this item.

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**REGULAR AGENDA - FIRST READING OF ORDINANCES**

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

NOT PRESENT FOR THE VOTE: Representative Ordaz

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**9. Goal 3: Promote the Visual Image of El Paso:**

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**9.1.** 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**

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

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

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**10.1. RESOLUTION**

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

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.

Ms. Monica Lombrana, Director of Capital Improvement, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Limón commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

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

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**11.1.** Motion made by Representative Acosta, seconded by Representative Romero, and unanimously carried 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.

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

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.

Representative Limón commented.

Ms. Monica Lombrana, Director of Capital Improvement, commented.

Ms. Claudia Garcia, Purchasing and Strategic Sourcing, commented.

11.2.

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

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

That the Mayor be authorized to sign an 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 El Paso 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).

Representatives Svarzbein and Acosta commented.

The following City staff members commented:

1. Ms. Haydee Pena, Purchasing and Strategic Sourcing
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Ray Mesa, MPO

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

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**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

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

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**12.1. ORDINANCE 018441**

The City Clerk read an Ordinance entitled: **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**

Representative Acosta commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

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

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- 12.2.** \*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks 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 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.
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- 12.3.** Motion made by Representative Svarzbein, seconded by Representative Niland, and unanimously carried to **POSTPONE** two weeks 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.

Ms. Kimberly Forsyth, Lead Planner, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Ray Mancera presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Svarzbein and Noe commented.

Mr. Greg Malooly, applicant, commented.

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**REGULAR AGENDA - OTHER BUSINESS**

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

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- 13.1.** 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.

Ms. Emma Schwartz, President at Medical Center of the Americas Foundation, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Svarzbein and Acosta commented.

The following people also commented:

Mr. Carlos Ortega, CFO for MCA  
Ash Ganot, Jordan Foster Construction, General Consultant  
Dr. Humberto Lara Guerra, MCA staff member

**NO ACTION** taken on this item.

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- 13.2.** Discussion and action on Metropolitan Planning Organization (MPO) City Projects, (MPO) TPB Agenda briefing and update on pending issues.

Mr. Eduardo Calvo, HNTB, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser and Representatives Svarzbein, Acosta, Noe, Ordaz, Limón, and Niland commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Monica Lombrana, Director of Capital Improvement
3. Mr. Sam Rodriguez, Assistant Director Aviation Development
4. Mr. Omar Moreno, Airport Civil Engineer
5. Mr. Raul Escobedo, Sun Metro Assistant Director for Development

**NO ACTION** taken on this item.

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

**14.1.** Discussion on the 84th Senate and House Interim charges.

Ms. Brie Franco, Assistant City Attorney, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Mayor Leeser and Representative Limón commented.

**NO ACTION** taken on this item.

**EXECUTIVE SESSION**

Motion made by Representative Niland, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:14 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:

NOT PRESENT FOR THE VOTE: Representatives Romero and Noe

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

Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 2:49 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

**EXECUTIVE SESSION**

Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 4:03 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:

NOT PRESENT FOR THE VOTE: Representatives Romero and Noe

- |                 |  |
|-----------------|--|
| 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  |

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 5:17 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Romero, Noe and Ordaz

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

**NO ACTION** taken on this item.

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

**NO ACTION** taken on this item.

**EX3.** PUC Docket No. 44941 – Application of El Paso Electric Company to Change Rates (551.071)

**NO ACTION** taken on this item.

**EX4.** Margarita Cabrera; Claim Matter No. 15-1051-217 (551.071)

Motion made by Representative Niland, seconded by Representative Acosta and unanimously carried that the City Attorney be authorized to settle the dispute with the artist Margarita Cabrera and sign all documents in accordance with the following terms and conditions:

NOT PRESENT FOR THE VOTE: Representatives Romero, Noe and Ordaz

1. The City of El Paso will re-fabricate the art piece created by Margarita Cabrera known as “Uplift” in accordance with the original design approved by the Public Art Committee and the City of El Paso. The cost of re-fabricating will be borne by the City of El Paso by an entity selected by the City of El Paso.
2. Once re-fabricated “Uplift” will be installed at the Country Club Roundabout, the original selected site.
3. The artist will be allowed to retain the funds paid for the design and the City will retain the original art piece.
4. The City will reimburse Ms. Cabrera a reasonable amount for attorney fees in an amount to be negotiated upon review of invoices.
5. Both parties will sign releases and issue a joint press statement upon the execution of the releases.

Ms. Sylvia Firth, City Attorney, gave legal advice.

**EX5.** El Paso Entertainment, Inc. & JEDJO, Inc. vs. City of El Paso; County Court at Law No. 3; Cause No. 2013-DCV2115; Matter No. 13-1004-337 (551.071)

Motion made by Representative Acosta, seconded by Representative Niland and unanimously carried that the City Attorney in consultation with the City Manager be

authorized to take any and all action necessary, both affirmative and defensive, as necessary, in connection with this lawsuit styled *El Paso Entertainment, Inc. & JEDJO, Inc. vs. City of El Paso.*, Cause No. 2013DCV2115. This Motion is intended to grant broad authority to the City Attorney to take action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints and any other administrative or judicial proceedings or process.

NOT PRESENT FOR THE VOTE: Representatives Romero, Noe and Ordaz

**EX6.** Economic Incentives for an insurance services center to expand in the City of El Paso. (551.087)

**NO ACTION** taken on this item.

**EX7.** Texas Gas Service Company, a division of ONE Gas, Inc., El Paso Area Rate Review (551.071)

**NO ACTION** taken on this item.

**EX8.** Monthly update from Legal Department regarding pending litigation, claims, real estate transactions and contract negotiations. (Sections 551.071, 551.072, 551.074 and 551.087)

**NO ACTION** taken on this item.

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**ADJOURN**

Motion made by Representative Limón, seconded by Representative Niland, and unanimously carried to **ADJOURN** this meeting at 5:21 p.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk