

**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

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**MINUTES FOR REGULAR COUNCIL MEETING**

**November 28, 2017**  
**COUNCIL CHAMBERS, CITY HALL**  
**8:00 AM**

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**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: Alexandra Annello, Cassandra Hernandez-Brown, Sam Morgan, Michiel R. Noe, Henry Rivera, and Cissy Lizarraga. Late arrivals: Claudia Ordaz Perez at 8:09 a.m. and Peter Svarzbein at 8:16 a.m. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone followed by the Pledge of Allegiance to the Flag of the United States of America.

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**INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE**

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**PLEDGE OF ALLEGIANCE**

**Students from St. Patrick Cathedral School, at the invitation of District 8 Representative Cissy Lizarraga**

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**MAYOR'S PROCLAMATIONS**

- 1. Bowl El Paso Day**
- 2. Jalapiños Café Day**
- 3. Celebration of Lights Day**
- 4. Champion of Education & Student Educational Opportunities- Richard Castro Week**

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**RECOGNITIONS BY MAYOR**

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**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: Representatives Svarzbein, Annello, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: None

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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**

- .....  
1.1. \*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of November 14, 2017 and the Legislative Review Meeting of the Whole of November 13, 2017.

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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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**ACTION ON THE FOLLOWING RESOLUTIONS**

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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 Fourth Amendment to the Industrial Site Lease by and between the City of El Paso ("Lessor") and the El Paso Independent School District ("Lessee") which will extend the lease term to Dec. 31, 2019 for the following identified property thereby allowing the Lessee additional time to finalize its transition to a newly acquired site for its central offices:

A 686,218 square foot parcel, more or less, being Lots 4-8, Block 3 and Lots 6 and 7, Block 2C and a portion of Bonanza Street vacated by Ordinance No. 2947, El Paso International Airport Tracts Replat of Unit 3; a portion of Lot 10, Block 2C, El Paso International Airport Tracts Replat of Unit 4, and Lots 3 and 4, Block 3, El Paso International Airport Tracts Replat of Unit 5, El Paso, El Paso County, Texas, and municipally known

as 6531 Boeing Dr., El Paso, Texas.

3.2.

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONVEYANCE OF APPROXIMATELY 0.843 ACRES PORTION OF LOT 1, BLOCK 1 CMC COMMERCIAL, EL PASO, EL PASO COUNTY, TEXAS FROM TENET HOSPITALS LIMITED TO THE CITY, A TEXAS LIMITED PARTNERSHIP, PURSUANT TO THE TERMS OF THE JUNE 12, 2014 EASEMENT AGREEMENT**

**WHEREAS**, on in June 2014, the Parties entered into an Easement Agreement for use of the Original Fire Station Parcel, in order to allow for safer and more efficient traffic flow and to permit access of emergency vehicles the Parties agreed that a single median cut on Resler Drive to serve both the Hospital Site and the Original Fire Station Parcel was in the best interest of the City and the proposed use of the Original Fire Station Parcel as a fire station/emergency services station; and

**WHEREAS**, the size of the Original Fire Station Parcel was reduced to accommodate a portion of that Easement, which impedes the City's ability to build a three bay fire station with pull through bays for better ingress and egress from the fire station and in order to meet the growing needs of the Far West Side of El Paso; and

**WHEREAS**, in consideration of that Easement, the City and Tenet have agreed that Tenet shall convey a 0.843 acre parcel of land to the City the "Additional Fire Station Parcel," adjacent to the Original Fire Station Parcel so that the City may build a three bay fire station with pull through bays, which is more particularly described in the attached agreement,; and

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

That the City Manager is hereby authorized to accept the conveyance of approximately 0.843 Acre Portion of Lot 1, Block 1 CMC Commercial, El Paso, El Paso County, Texas from Tenet Hospitals Limited Partnership, which will allow the City to build a Firestation to serve the needs of Far West Side El Paso.

**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 and Lizarraga

NAYS: None

ABSTAIN: Representative Noe

3.3.

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

**A RESOLUTION THAT THE CITY MANAGER BE AUTHORIZED TO SIGN A  
RESTATED EASEMENT AGREEMENT BETWEEN THE CITY OF EL PASO AND  
TENET HOSPITALS LIMITED, A TEXAS LIMITED PARTNERSHIP, WHICH  
CREATES RECIPROCAL ACCESS AGREEMENTS FOR BOTH PARTIES ACROSS  
THEIR RESPECTIVE PROPERTIES FROM RESLER DRIVE TO THE HOSPITAL  
SITE AND THE FIRE STATION SITE AT THE INTERSECTION OF  
TRANSMOUNTAIN ROAD AND RESLER DRIVE**

**WHEREAS**, in May 2014, the City and Tenet (“Parties) entered into a Chapter 380 Economic Development Program Agreement to help facilitate the development of the medical facilities located near the intersection of Transmountain Road and Resler Drive “the Hospital Site;” and

**WHEREAS**, the City is the owner of the Original Fire Station Parcel located directly adjacent to the Hospital site near Transmountain Road and Resler Drive, El Paso, Texas, more fully described in the attached agreement, and

**WHEREAS**, Tenet has now built a teaching hospital and medical office on the Hospital site; more particularly described in the attached agreement; and

**WHEREAS**, on in June 2014, the Parties entered into an Easement Agreement for use of the Original Fire Station Parcel, in order to allow for safer and more efficient traffic flow and to permit access of emergency vehicles the Parties agreed that a single median cut on Resler Drive to serve both the Hospital Site and the Original Fire Station Parcel was in the best interest of the City and the proposed use of the Original Fire Station Parcel as a fire station/emergency services station; and

**WHEREAS**, the size of the Original Fire Station Parcel was reduced to accommodate a portion of that Easement, which impedes the City’s ability to build a three bay fire station with pull through bays for better ingress and egress from the fire station and in order to meet the growing needs of the Far West Side of El Paso; and

**WHEREAS**, in consideration for that Easement, Tenet shall convey to the City Tenet’s fee interest in the surface estate of the Additional Fire Station Parcel, adjacent to the Original Fire Station Parcel so that the City may build a three bay fire station with pull through bays, which is more particularly described in the attached agreement; and

**WHEREAS**, the Parties agree that the June 2014 Easement needs to be amended for the mutual benefit of both Parties to continue to access the Hospital and the Original Fire Station Parcel and the Additional Fire Station Parcel; and

**WHEREAS**, the City is the owner of the Fire Station Parcel and has the legal right and authority to grant this Easement upon the terms and conditions hereinafter set forth.

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

That the City Manager is hereby authorized to sign the attached Restated Easement Agreement between the City of El Paso and Tenet Hospitals Limited, a Texas Limited Partnership, which allows access across City property from Resler Drive to the hospital site and the Original and Additional Fire Station Parcels, at the intersection of Transmountain Road and Resler Drive.

**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 and Lizarraga

NAYS: None

ABSTAIN: Representative Noe

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

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

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

**THAT** the City Manager be authorized to sign an agreement between the City and THE HOSPITALS OF PROVIDENCE TRANSMOUNTAIN CAMPUS to provide sexual assault examination services for the same reimbursement rate that the Texas Attorney General reimburses the City pursuant to the Texas Code of Criminal Procedure Article 56.06 for a term of two (2) years from the date this Agreement is executed and an option to extend for one (1) additional two-year period at the mutual agreement of the parties; and to authorize the City Manager or his designee to exercise the option to extend this Agreement.

**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** a Resolution.

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

NAYS: None

ABSTAIN: Representative Noe

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

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

**THAT** the City Manager be authorized to sign an agreement between the City and THE HOSPITALS OF PROVIDENCE MEMORIAL CAMPUS to provide sexual assault examination services for the same reimbursement rate that the Texas Attorney General reimburses the City pursuant to the Texas Code of Criminal Procedure Article 56.06 for a term of two (2) years from the date this Agreement is executed and an option to extend for one (1) additional two-year period at the mutual agreement of the parties; and to authorize the City Manager or his designee to exercise the option to extend this Agreement.

**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 and Lizarraga

NAYS: None

ABSTAIN: Representative Noe

4.3.

**\*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 between the City and THE HOSPITALS OF PROVIDENCE EAST CAMPUS to provide sexual assault examination services for the same reimbursement rate that the Texas Attorney General reimburses the City pursuant to the Texas Code of Criminal Procedure Article 56.06 for a term of two (2) years from the date this Agreement is executed and an option to extend for one (1) additional two-year period at the mutual agreement of the parties; and to authorize the City Manager or his designee to exercise the option to extend this Agreement.

**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 and Lizarraga

NAYS: None

ABSTAIN: Representative Noe

4.4.

**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 an agreement between the City and THE HOSPITALS OF PROVIDENCE SIERRA CAMPUS to provide sexual assault examination services for the same reimbursement rate that the Texas Attorney General reimburses the City pursuant to the Texas Code of Criminal Procedure Article 56.06 for a term of two (2) years from the date this Agreement is executed and an option to extend for one (1) additional two-year period at the mutual agreement of the parties; and to authorize the City Manager or his designee to exercise the option to extend this Agreement.

**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** a Resolution.

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

NAYS: None

ABSTAIN: Representative Noe

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**5. Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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**TAKEN WITH ITEMS 17.1 AND 17.2**

5.1.

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

**RESOLUTION AMENDING THE CITY OF EL PASO FY 2018 BUDGET RESOLUTION**

**WHEREAS**, the City Council adopted the Budget Resolution for FY 2018 on August 22, 2017; and

**WHEREAS**, paragraph 30 and 31 of the Budget Resolution establish a 4-10 work week for more than fifty percent (50%) of the employees assigned to work at City Hall or other facilities with administrative functions and established the business days of the City to be Monday, Tuesday, Wednesday and Thursday; and

**WHEREAS**, paragraph 31 of the Budget Resolution that any action by the City Council to change or revise the application of the 4-10 work week schedule during the fiscal year shall be made by simple resolution of the City Council; and

**WHEREAS**, the City Council desires to change the application of the 4-10 work week schedule to establish the business days of the City to be Monday, Tuesday, Wednesday, Thursday, and Friday.

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

That the City’s business days are Monday, Tuesday, Wednesday, Thursday, and Friday, but excluding city observed holidays and days in which more than 50% of employees assigned to work at City Hall 1 are not working, effective January 14, 2018.

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

The following City staff members commented:

- 1. Ms. Claudia Lujan, Assistant Director of Human Resources
- 2. Ms. Linda Ball Thomas, Director of Human Resources

Mr. Joe Gudenrath, citizen, commented.

**1ST MOTION**

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

**2ND AND FINAL MOTION**

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

AYES: Representatives Svarzbein, Hernandez-Brown, Morgan, Noe, Rivera and Lizarraga

NAYS: Representatives Annello and Ordaz Perez

5.2.

**\*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, Brahma Title & Escrow through Reverse Mortgage Servicing Dept. ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on September 23, 2013 in the amount of \$8.72 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 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 Brahma Title & Escrow through Reverse Mortgage Servicing Dept. showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$8.72 is approved.

5.3.

**\*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, Allegiance Title Company through David L. Navarrete ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on February 28, 2013 in the amount of \$44.60 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 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 Allegiance Title Company through David L. Navarrete showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$44.60 is approved.

5.4.

**\*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, Glenna R. Wilkerson (“Taxpayer”) has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on December 5, 2012 in the amount of \$1,143.67 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2012 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 Glenna R. Wilkerson showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$1,143.67 is approved.

5.5.

**\*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, Southern Nut Trading Co. LTD (“Taxpayer”) has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on May 9, 2013 in the amount of \$134.51 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2012 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 Southern Nut Trading Co. LTD showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$134.51 is approved.

5.6.

**\*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, L and J Parking LLC through Leon Woodward (“Taxpayer”) has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on March 12, 2014 in the amount of \$88.25 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2013 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 L and J Parking LLC through Leon Woodward showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$88.25 is approved.

5.7.

**\*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, Southern Nut Trading Co. LTD (“Taxpayer”) has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on May 9, 2013 in the amount of \$120.50 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2012 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 Southern Nut Trading Co. LTD showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$120.50 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, C and S Parking LLC through Leon Woodward (“Taxpayer”) has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on March 12, 2014 in the amount of \$53.55 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2013 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 C and S Parking LLC through Leon Woodward showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$53.55 is approved.

5.9.

**\*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, Lev Comm International through Martha L. Azcona (“Taxpayer”) has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on January 15, 2014 in the amount of \$66.33 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2013 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 Lev Comm International through Martha L. Azcona showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$66.33 is approved.

5.10.

**\*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, Lev Comm International through Martha L. Azcona (“Taxpayer”) has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on March 14, 2013 in the amount of \$17.98 for all taxing

entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 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 Lev Comm International through Martha L. Azcona showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$17.98 is approved.

5.11.

**\*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, Emo Ventures Properties LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on February 12, 2014 in the amount of \$141.29 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 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 Emo Ventures Properties LLC showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$141.29 is approved.

5.12.

**\*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, Lorenza Guillen ("Taxpayer") has applied for a refund with the tax assessor for their 2012 property taxes that were overpaid on March 31, 2013 in the amount of \$15.94 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2012 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 Lorenza Guillen showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2012 taxes and the tax refund in the amount of \$15.94 is approved.

5.13.

**\*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, FirstLight FCU ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on December 31, 2013 in the amount of \$201.39 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 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 FirstLight FCU showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$201.39 is approved.

5.14.

**\*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, PSRBB Industrial Group, Inc. ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on March 25, 2014 in the amount of \$502.98 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 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 PSRBB Industrial Group, Inc. showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$502.98 is approved.

5.15.

**\*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, Bank of America through Corelogic ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on November 29, 2013 in the amount of \$20.85 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 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 Bank of America through Corelogic showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$20.85 is approved.

5.16.

**\*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, Constantine Pihakis ("Taxpayer") has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on May 21, 2014 in the amount of \$12.69 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2013 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 Constantine Pihakis showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$12.69 is approved.

5.17.

**\*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, Moises Ramirez (“Taxpayer”) has applied for a refund with the tax assessor for their 2013 property taxes that were overpaid on March 25, 2014 in the amount of \$19.67 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer’s application for the overpayment of the 2013 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 Moises Ramirez showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2013 taxes and the tax refund in the amount of \$19.67 is approved.

.....  
**CONSENT AGENDA - BOARD APPOINTMENTS:**  
.....

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

**6.1.** \*Motion made, seconded, and unanimously carried to **RATIFY** the appointment of Gary Borsch to the Fire and Police Pension Fund Board of Trustees by City Manager Tommy Gonzalez.

**6.2.** \*Motion made, seconded, and unanimously carried to **APPOINT** David Marcus to the Ethics Review Commission by Representative Aleksandra Annelo, District 2.

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

**7.1.** \*Motion made, seconded, and unanimously carried to **APPOINT** Kate Helsten to the Building and Standards Commission, as a regular member, by Representative Aleksandra Annelo, District 2.

**7.2.** \*Motion made, seconded, and unanimously carried to **APPOINT** Sandra Hernandez to the City Plan Commission by Representative Henry Rivera, District 7.

**7.3.** \*Motion made, seconded, and unanimously carried to **DELETE** the appointment of Sergio Ramos to the Construction Board of Appeals by Representative Aleksandra Annelo, District 2.

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

**8.1.** \*Motion made, seconded, and unanimously carried to **APPOINT** George Stoltz to the Animal Shelter Advisory Committee by City Representative Aleksandra Annelo, District 2.

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

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

**9.1.** \*Motion made, seconded, and unanimously carried that the following tax refund be **APPROVED**, pending auditor approval.

1. River Oaks Properties, in the amount of \$4,076.83, made an overpayment on January 31, 2017 of 2016 taxes. (Geo. #T284-999-0070-0200)
2. River Oaks Properties, in the amount of \$47,272.92, made an overpayment on January 31, 2017 of 2016 taxes. (Geo. #T284-999-0070-0200)

This action would allow us to comply with state law which requires approval by the legislative body, of refunds of tax overpayments, greater than \$2,500.00.

.....  
**CONSENT AGENDA - BEST VALUE PROCUREMENTS:**  
 .....

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

- .....  
**10.1.** \*Motion made, seconded, and unanimously carried to **REJECT** all bids received for Solicitation No. 2017-1209 Food & Beverage Concessions – Athletic Fields as recommended by the Purchasing & Strategic Sourcing and Parks and Recreation Departments due to vendors failure to bid on all sites as requested within the solicitation. Specifications will be revised, and solicitation will be re-bid.  
 .....

.....  
**CONSENT AGENDA - BIDS:**  
 .....

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

- .....  
**11.1.** \*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2017-1270 (Animal Cages) to Schroer Manufacturing Company DBA Shor-Line for an estimated award of \$62,538.00. These animal cages will be used as replacement cages in high use areas and for temporary housing for new arrivals.  
 .....

Department:	Animal Services
Award to:	Schroer Manufacturing Company DBA Shor-Line Kansas City, KS
Item(s):	All
Estimated Award:	\$62,538.00
Total Estimated Award:	\$62,538.00
Account No.:	225-25110-2580-580090
Funding Source:	Furniture and Fixtures

This is a Low bid, unit price contract.

The Purchasing & Strategic Sourcing Department and Department of Animal Services recommend award as indicated to Schroer Manufacturing Company DBA Shor-Line, the lowest responsive, responsible bidder.

That Spectrum Paper Co. failed to extend their offer for further evaluation, therefore their bid expired.

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. Jud Burgess
2. Mr. Nicholas Anthony Vasquez
3. Mr. David Ochoa
4. Ms. Wally Cech

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

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

- 12.1. Motion made by Representative Ordaz Perez, seconded by Representative Hernandez-Brown, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue purchase orders to Revenue Markets, Inc. dba TRMI Systems Integration, the sole source provider for the Radio Frequency I.D. Tags with the stipulation that that the vendor provides an updated sole source letter and affidavit each year. The RFID Tags are for use in the Automatic Vehicle Identification System that reads the customer's ID and tolls are automatically reduced from the customer's account.

Department: International Bridges  
Award to: Revenue Markets, Inc. dba TRMI Systems Integration  
Accord, NY  
Total Estimated Award: \$180,000.00 (3 years)  
Account No.: 531000-564-3300-64830  
Funding Source: International Bridges Operations  
Sole Source No: 2018-767

This is a Sole Source purchase.

Mayor Margo and Representative Ordaz Perez commented.

Mr. Tommy Gonzalez, City Manager, commented.

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#### **13. Goal 2: Set the Standard for a Safe and Secure City**

- 13.1. Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AWARD** Solicitation No. 2017-1274 (Board and Secure Services) to Bella Luna Engineering and Building Maintenance for an initial term estimated award of \$307,440.00. The award is to include a two (2) year optional amount of \$204,960.00 for a total five (5) year award of \$512,400.00. This service is to board (enclose windows, doors and structural openings with plywood) and secure abandon residential and commercial structures that have been deemed a hazard to the public.

Department: Planning and Inspections  
Vendor: Bella Luna Engineering and Building

	Maintenance
	El Paso, TX
Item(s):	All
Annual Estimated Amount:	\$102,480.00
Initial Term Estimated Award:	\$307,440.00 (3 year)
Total Estimated Award:	\$512,400.00 (5 years)
Account No.:	532-32120-2305-522040-P3210
Funding Source:	Environmental Fee Fund – Environmental Contracts

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing, Planning, and Inspections Departments recommend award as indicated to Bella Luna Engineering and Building Maintenance, the sole vendor offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

- 
- 13.2.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and unanimously carried to **AWARD** Solicitation No. 2018-200 Janitorial Services – City Hall 1, 2, 3, 4 and UPTT to Francisco Corral DBA 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:	Francisco Corral DBA Eagle Janitorial Service
	El Paso, TX
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 Francisco Corral DBA 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 by modifying the scope of work

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

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**14.1.** Motion made by Representative Ordaz Perez, seconded by Mayor Pro Tempore Noe, and unanimously carried to **AWARD, AS REVISED** Solicitation No. 2017-1357R Self-Funded Comprehensive Health Plan Administration, Stop Loss, Employee Assistance Program, and Fully Insured Supplemental Benefit Plans to Aetna Life Insurance Company, Deer Oaks EAP Services, LLC, Metropolitan Life Insurance Company, Dearborn National Life Insurance Company, and Trustmark Voluntary Benefit Solutions, Inc. a division of Trustmark Insurance Company for a total estimated award of \$141,316,692.12. The award is to include a two two-year option amount of \$188,422,256.16 for a total seven (7) year award of \$329,738,948.28.

Department:	Human Resources
Award to: Vendor 1:	Aetna Life Insurance Company Hartford, CT
Items:	Groups E, F, G, H, I, J1, J2, L1
Option:	Two two-year options
Annual Estimated Award:	\$44,801,266.57
Initial Term Estimated Award:	\$134,403,799.70 (3 Years)
Option Total:	\$179,205,066.27 (4 Years)
Total Estimated Award:	\$313,608,865.97 (7 Years)
Award to: Vendor 2:	Deer Oaks EAP Services, LLC San Antonio, TX
Items:	Group K
Option:	Two two-year options
Annual Estimated Award:	\$59,379.84
Initial Term Estimated Award:	\$178,139.52 (3 Years)
Option Total:	\$237,519.36 (4 Years)
Total Estimated Award:	\$415,658.88 (7 Years)
Award to: Vendor 3:	Metropolitan Life Insurance Company Dallas, TX
Items:	Group L2
Option:	Two two-year options
Annual Estimated Award:	\$ 201,683.76
Initial Term Estimated Award:	\$ 605,051.28 (3 Years)
Option Total:	\$ 806,735.04 (4 Years)
Total Estimated Award:	\$1,411,786.32 (7 Years)
Award to: Vendor 4:	Dearborn National Life Insurance Company Downers Grove, IL
Items:	Groups M, N
Option:	Two two-year options
Annual Estimated Award:	\$ 1,902,790.30
Initial Term Estimated Award:	\$ 5,708,370.90 (3 Years)
Option Total:	\$ 7,611,161.20 (4 Years)
Total Estimated Award:	\$13,319,532.10 (7 Years)
Award to: Vendor 5:	Trustmark Voluntary Benefit Solutions, Inc. a division of Trustmark Insurance Company

Items:	Lake Forest, IL
Option:	Group O
Annual Estimated Award:	Two two-year options
Initial Term Estimated Award:	\$140,443.57
Option Total:	\$421,330.72 (3 Years)
Total Estimated Award:	\$561,774.29 (4 Years)
	\$983,105.01 (7 Years)
Total Annual Estimated Award:	\$ 47,105,564.04
Total Initial Term Estimated Award:	\$141,316,692.12 (3 Years)
Total Option:	\$188,422,256.16 (4 Years)
Total Estimated Award:	\$329,738,948.28 (7 Years)
Account No:	3500 – 521120 – 209 – 14045 – P1414
	3500 – 521370 – 209 – 14045 – P1414
	3500 – 521380 – 209 – 14045 – P1414
	3500 – 522000 – 209 – 14045 – P1414
	3500 – 521180 – 209 – 14045 – P1414
	3500 – 521190 – 209 – 14045 – P1414
	3500 – 521200 – 209 – 14045 – P1414
	3500 – 521410 – 209 – 14045 – P1414
	3500 – 521420 – 209 – 14045 – P1414
Funding Source:	Self-Insured Fund – Healthcare Providers Services, Stop Loss Insurance, Benefit Payments, Benefits Administrators (TPA), Dental Premium, Optical Premium, Life Premium, Life Premium, Pharmaceutical Admin, EAP Benefit Administrator

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Human Resources Departments recommend award as indicated to Aetna Life Insurance Company, Deer Oaks EAP Services, Metropolitan Life Insurance Company, Dearborn National Life Insurance Company, and Trustmark Voluntary Benefit Solutions, Inc. a division of Trustmark Insurance Company, the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

Purchasing & Strategic Sourcing and Human Resources Departments recommends GPCA, Inc. be deemed non-responsible because the proposer does not have a certificate of authority to act as a third party administrator. Therefore, the proposer is not capable of performing the services that the City is requesting.

Ms. Linda Ball Thomas, Director of Human Resources, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

Mr. Tommy Gonzalez, City Manager, commented.

Mr. Randy McGraw, Executive VP, HUB International, commented.

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

15.1. Motion made by Representative Ordaz Perez, seconded by Representative Annello, and carried to **AWARD** 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.

AYES: Representatives Svarzbein, Hernandez-Brown, Morgan, Noe, Ordaz Perez, Rivera and Lizarraga  
NAYS: Representative Annello

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 based on General Conditions 2L Section 7 – The bid was in a form other than the official bid form issued by the Owner. The award is contingent upon 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 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

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

The following City staff members commented:

1. Mr. Bruce Collins, Director of Purchasing and Strategic Sourcing
2. Ms. Sol Cortez, Assistant City Attorney, gave legal advice.

Ms. Chanel Crews, citizen, commented.

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

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

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**16.1. ORDINANCE 018743**

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The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE MASTER ZONING PLAN APPROVED ON JUNE 17, 2014, BY ORDINANCE NO. 018186 FOR THE REZONING TO RMU OF TRACT 23-A-3 AF MILLER SURVEY NO. 214, CITY OF EL PASO, EL PASO COUNTY, TEXAS, THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 4 DE LEON DRIVE. PROPERTY OWNER: WESTMOUNT ASSETS, INC. PZRZ17-00002.**

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, 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**.

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**16.2. ORDINANCE 018744**

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The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF LOTS 1 AND 2, BLOCK 1, ROCKET WAREHOUSE PARK UNIT 3, DYER ST. & AMEEN DR., AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: DYER ST. & AMEEN DR. OWNER: BOWLING, ENTERPRISES, LLC. PZDS17-00030.**

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, 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**.

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

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**17.1. ORDINANCE 018745**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065 (CIVIL SERVICE RULES AND REGULATIONS), RULE NUMBER 2, SECTION A, PARAGRAPH 22, PROVIDING FOR THE DEFINITION OF WORKING DAYS.**

Ms. Linda Ball Thomas, Director of Human Resources, commented.

Mr. George Stoltz, citizen, commented.

Motion duly made by Representative Mayor Pro Tempore Noe, 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, Hernandez-Brown, Morgan, Noe, Rivera and Lizarraga  
NAYS: Representatives Annello and Ordaz Perez

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

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**17.2. ORDINANCE 018746**

The City Clerk read an Ordinance entitled: **AN ORDINANCE ESTABLISHING DEADLINES AND PROCEDURES FOR PLACING MATTERS ON THE AGENDA FOR CITY COUNCIL MEETINGS AND REPEALING ORDINANCE NO. 18031.**

Mayor Margo and Representatives Annello, Svarzbein, Lizarraga, Noe, and Ordaz Perez commented.

The following City staff members commented:

1. Ms. Claudia Lujan, Assistant Director of Human Resources
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. Ray Mancera, owner, Mancera Group, commented.

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

NAYS: Representatives Annello and Ordaz Perez

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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**REGULAR AGENDA - OTHER BUSINESS**

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

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**18.1. RESOLUTION**

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

That the City Council hereby waives the two-factor requirement to designate a property with an infill development overlay pursuant to Municipal Code 20.10.280A for the following property legally described as Tract 5-A-2 & A Portion of Mike Lane R.O.W., JH. Johansson Survey No. 185, 216 Mike Ln., City of El Paso, El Paso County, Texas

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

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**19. MAYOR AND COUNCIL**

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**19.1.** For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on November 06, 2017.

a. Discussion on Audit Plan Updates.

b. Discussion and Action on the FY 2018 Annual Internal Audit Plan.

- Motion made by Representative Brown, seconded by Representative Ordaz Perez and approved by Representative Rivera, Representative Morgan, Representative Ordaz Perez and Representative Brown to move the Economic Development 380 Agreement Monitoring Audit from the 4th Quarter to the 2nd Quarter of the 2017-2018 Audit Plan.

- Motion made by Representative Ordaz Perez, seconded by Representative Brown and approved by Representative Rivera, Representative Morgan, Representative Ordaz Perez and Representative Brown to add an audit of the Office of Management & Budget with a focus on Budget Transfers. The Audit will be scheduled in the 4th Quarter of the 2017-2018 Audit Plan.

c. Discussion and Update on Hotel Occupancy Tax Audits.

d. Discussion on Client Surveys

Mayor Margo and Representative Morgan commented.

Mr. Edmundo Calderon, Chief Internal Auditor, commented.

**NO ACTION** taken on this item

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- 19.2.** Motion made by Representative Hernandez-Brown, seconded by Representative Ordaz Perez, and unanimously carried to **REMOVE** the action and have discussion only on the Memorandum of Understanding "MOU" between the City of El Paso and County of El Paso first-time offenders marijuana program agreement; and request the City Manager, Tommy Gonzalez, to provide a presentation, program overview, impact, and update on "MOU" between the City of El Paso and County of El Paso first-time offenders marijuana program agreement.

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

Police Chief Greg Allen commented.

The following members of the public commented:

1. Ms. Sandra Gonzalez
2. District Attorney Jaime Esparza

Mr. Ron Martin, President, El Paso Municipal Police Officers Association, commented.

**NO ACTION** taken on this item

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- 19.3.** Motion made by Representative Rivera, seconded by Mayor Pro Tempore Noe, and carried to **DELETE** regarding a Resolution in support of the County First Chance Program.

AYES: Representatives Morgan, Noe, Ordaz Perez, Rivera and Lizarraga

NAYS: Representatives Svarzbein, Anello, Hernandez-Brown

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- 19.4.** Motion made by Representative Svarzbein, seconded by Representative Lizarraga, and unanimously carried to **ESTABLISH** a Binational Task Force and reactivate the Committee on Border Relations.

Representative Svarzbein presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representative Ordaz Perez commented.

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

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**ITEMS 19.5 AND 19.6 TAKEN TOGETHER**

- 19.5.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Annello, and carried to **DELETE** the item to direct the City Manager to seek funding and/or apply for a grant application to the Office of the Governor of the State of Texas Criminal Justice Division for their Body-Worn Camera Program, upcoming Third Round Funding Announcement in December, 2017 or near future.

ABSTAIN: Representative Rivera

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

Assistant Police Chief Patrick Maloney commented.

- 
- 19.6.** Motion made by Mayor Pro Tempore Noe, seconded by Representative Annello, and carried to **DELETE** the item to direct the City Manager to establish a plan, policy, and process for use of body-worn cameras for the El Paso Police Department. To include, the City Manager to create/form a Body-Worn Camera (BWC) committee, that has representation of current El Paso Police Officers in the Patrol and/or Traffic Division to research issues and provide a report related to body worn camera system, implementation plan, camera deployment, information technology infrastructure needed, identify funding streams, and best practices.

ABSTAIN: Representative Rivera

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

Assistant Police Chief Patrick Maloney commented.

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- 19.7.** Discussion and action to direct the City Manager to provide a report on the current tasers in use by the El Paso Police Department to include their existing condition, number of outdated and/or inoperable, date of purchase(s), funding availability/possible funding streams and other related information/issues.

Representatives Rivera and Ordaz Perez commented.

Assistant Police Chief Patrick Maloney commented.

**NO ACTION** taken on this item

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## **20. MANAGEMENT UPDATES**

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### **20.1. Budget Update – Core Competencies**

Mr. Robert Cortinas, Interim Director of Municipal Finance, 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. Mr. Ted Marquez, Interim Deputy City Manager Public Works

**NO ACTION** taken on this item

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**20.2.** Employee Programs and Initiatives

Ms. Dionne Mack, Deputy City Manager Public Safety & Support Services, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

Representative Lizarraga commented.

Mr. Tommy Gonzalez, City Manager, commented.

**NO ACTION** taken on this item

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**20.3.** Lean Six Sigma Projects

Mr. Roman Sanchez, Performance Office, presented a PowerPoint presentation (copy on file in City Clerk's Office).

**NO ACTION** taken on this item

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**20.4.** First El Paso International Airport Holiday Social

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

**NO ACTION** taken on this item

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**20.5.** Celebration of Lights at San Jacinto

Mr. Tracy Novak, Director of Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

**NO ACTION** taken on this item

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**20.6.** Streetcar Implementation Plan Update

Mr. Jay Banasiak, Director of Mass Transit, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Anello, and Hernandez-Brown commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Carl Jackson, Assistant Director of Streetcar Operations

**NO ACTION** taken on this item

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**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 12:48 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 Representative Ordaz Perez, seconded by Representative Rivera, and unanimously carried to adjourn the Executive Session at 3:16 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

- EX1.** Application of El Paso Electric Company for Approval to Revise Its Energy Efficiency Cost Recovery Factor and request to establish Revised Cost Cap. For 2018, Public Utility Commission of Texas Docket No. 47125, SOAH Docket No. 473-17-3896 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and unanimously carried that the City Attorney is authorized on behalf of the City to agree to the Settlement Agreement in SOAH Docket 473-17-3896, Public Utility Commission of Texas Docket No. 47125, Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap, which resolves issues in the case for this year.

- EX2.** Communication on the Quality of Life Bond projects.(551.071 and 551.074)

**NO ACTION** taken on this item

- EX3.** Caples Land Company v City of El Paso. (551.071)

**NO ACTION** taken on this item

- EX4.** 212 Overland, El Paso, Texas. (551.071)

**NO ACTION** taken on this item

- EX5.** Carina Canaan and Levi Lane v. City of El Paso; Matter No. 16-1065-068 (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 Plaintiffs' settlement demand in the lawsuit styled *Carina Canaan and Levi Lane vs. City Of El Paso*, pending in the United States District Court for the Western District of Texas under Matter No. 16-1065-068.

**EX6.** Economic Incentives for a Financial Services Business to be located in the City of El Paso (17-1007-2021) (551.087)

**NO ACTION** taken on this item

**EX7.** Economic Incentives for the Retention and Expansion of a Transportation/Logistics Company in the City of El Paso (17-1007-2092) (551.087)

**NO ACTION** taken on this item

**EX8.** 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

**EX9.** 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

**EX10.** 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

**EX11.** Code Enforcement (551.071)

**NO ACTION** taken on this item

#### **ITEMS EX12 THROUGH EX16**

**EX12.** Veronica Rios; D/L: 09/18/14; Matter No. 14-1004-535 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried that the City Attorney be authorized to take any and all action to protect the City's interests including negotiating and accepting reasonable payment plans in restitution for property damages caused to City property, in the following matters:

Matter No. 14-1004-535; Veronica Rios

Matter No. 17-1036-1386; Magiali Adame

Matter No. 17-1036-1391; Patrick Steven Gomez

Matter No. 17-1036-1432; Trisha Fasolino

Matter No. 17-1036-1413; Cesar Velasco

This motion further grants the City Attorney authority, to sign all necessary documents to resolve these collection claims and to file liens or lawsuits if necessary to enforce collection.

**EX13.** Magiali Adame; D/L: 07/18/16; Matter No. 17-1036-1386 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried that the City Attorney be authorized to take any and all action to protect the City's interests including negotiating and accepting reasonable payment plans in restitution for property damages caused to City property, in the following matters:

Matter No. 14-1004-535; Veronica Rios

Matter No. 17-1036-1386; Magiali Adame

Matter No. 17-1036-1391; Patrick Steven Gomez

Matter No. 17-1036-1432; Trisha Fasolino

Matter No. 17-1036-1413; Cesar Velasco

This motion further grants the City Attorney authority, to sign all necessary documents to resolve these collection claims and to file liens or lawsuits if necessary to enforce collection.

**EX14.** Patrick Steven Gomez; D/L: 11/27/16; Matter No. 17-1036-1391 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried that the City Attorney be authorized to take any and all action to protect the City's interests including negotiating and accepting reasonable payment plans in restitution for property damages caused to City property, in the following matters:

Matter No. 14-1004-535; Veronica Rios

Matter No. 17-1036-1386; Magiali Adame

Matter No. 17-1036-1391; Patrick Steven Gomez

Matter No. 17-1036-1432; Trisha Fasolino

Matter No. 17-1036-1413; Cesar Velasco

This motion further grants the City Attorney authority, to sign all necessary documents to resolve these collection claims and to file liens or lawsuits if necessary to enforce collection.

**EX15.** Trisha Fasolino; D/L: 03/16/17; Matter No. 17-1036-1432 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried that the City Attorney be authorized to take any and all action to protect the City's interests including negotiating and accepting reasonable payment plans in restitution for property damages caused to City property, in the following matters:

Matter No. 14-1004-535; Veronica Rios  
Matter No. 17-1036-1386; Magiali Adame  
Matter No. 17-1036-1391; Patrick Steven Gomez  
Matter No. 17-1036-1432; Trisha Fasolino  
Matter No. 17-1036-1413; Cesar Velasco

This motion further grants the City Attorney authority, to sign all necessary documents to resolve these collection claims and to file liens or lawsuits if necessary to enforce collection.

**EX16.** Cesar Velasco; D/L: 04/03/17; Matter No. 17-1036-1413 (551.071)

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez and unanimously carried that the City Attorney be authorized to take any and all action to protect the City's interests including negotiating and accepting reasonable payment plans in restitution for property damages caused to City property, in the following matters:

Matter No. 14-1004-535; Veronica Rios  
Matter No. 17-1036-1386; Magiali Adame  
Matter No. 17-1036-1391; Patrick Steven Gomez  
Matter No. 17-1036-1432; Trisha Fasolino  
Matter No. 17-1036-1413; Cesar Velasco

This motion further grants the City Attorney authority, to sign all necessary documents to resolve these collection claims and to file liens or lawsuits if necessary to enforce collection.

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**ADDITIONS TO THE AGENDA**  
**EXECUTIVE SESSION**

**EX1.** Economic Incentives for a Convention Center Hotel located in the City of El Paso. (17-1007-1895) (551.087)

**NO ACTION** taken on this item

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**ADJOURN**

Motion made by Mayor Pro Tempore Noe, seconded by Representative Ordaz Perez, and unanimously carried to **ADJOURN** this meeting at 3:19 p.m.

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**APPROVED AS TO CONTENT:**

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Laura D. Prine, Interim City Clerk