

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

February 2, 2021
3:30 PM

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Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference platforms.
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ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 3:34 p.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Claudia Rodriguez joined the meeting at 3:35 p.m.

NOTICE TO THE PUBLIC

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

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of January 19, 2021.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

NO ACTION was taken on this item.

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CONSENT AGENDA - RESOLUTIONS:
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Goal 2: Set the Standard for a Safe and Secure City
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3. *Motion made, seconded, and unanimously carried to **APPROVE** budget transfer to increase FY2021 Confiscated Funds and appropriations as follows: State Confiscated Funds Budget by \$1,092,167; Federal Confiscated Funds Budget by \$447,468.

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4. ***RESOLUTION**
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WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 3952702 for the El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program, FY 2022" (the "Grant"); and

WHEREAS, the Grant does not require matching funds by the City;

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant/application number 3952702, for the City of El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program, FY 2022" to provide financial assistance to the City of El Paso.
2. That, the Grant does not require matching funds by the City.
3. That, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said Grant.
4. That, the City Council agrees that in the event of loss or misuse of said Grant funds, the City of El Paso will return all funds for said Grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. That the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual Grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any Grant amendments, corrections or extensions of the Grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

5.

***RESOLUTION**

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

That the City Manager, or designee, is authorized to sign a Commercial Lease Addendum for Extension of Term between the City of El Paso and Cyndi Boaz for the lease of office space for the El Paso Police Department. This addendum extends the lease for an additional two years ending on February 28, 2023 with a monthly base rent of \$6,500. Further, that City Manager or designee is authorized to exercise all rights under the lease including termination of the lease. The City Manager or designee is also authorized to sign any amendments to the lease.

6.

***RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the City of El Paso (Governing Body) agrees to provide applicable matching funds for the said project as required by Homeland Security Program FY 2021-LETPA Project (Funding Source) grant application; and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950607 for the El Paso Police Department project identified as "State Homeland Security Program, FY2021" Law Enforcement Terrorism Prevention Activities ("LETPA") Project; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 2950607, for the City of El Paso Police Department project identified as "Homeland Security Program FY 2021- LETPA Project " to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

7.

***RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 3967902 for the El Paso Police Department project identified as "State Homeland Security Program, FY 2021 Sustainment of First Responders" and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT** the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, by and through the Public Safety Office (PSO), grant application number 3967902, for the City of El Paso Police Department project identified as "Homeland Security Program FY 2021- Sustainment of First Responders" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division, by and through the PSO.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant

contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

8.

***RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 3550602 for the El Paso Police Department project identified as "Crime Scene Investigation, FY 2022"; and

WHEREAS, the Grant requires no matching funds by the City; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3550602, for the City of El Paso Police Department project identified as "Crime Scene Investigation, FY 2022" to provide financial assistance to the City of El Paso.
2. That grant requirements for grant #3550602 require no matching funds for said grant; and
3. That the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. That the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. Further, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

9.

***RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 2592808 for the El Paso Police Department project identified as "General Victims Services" and

WHEREAS, the City is making a funding request of \$254,031.86 including \$63,507.97 of matching funds for a total amount of \$317,539.83; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 2592808, for the City of El Paso Police Department project identified as "General Victims Services" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

10.

***RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the City of El Paso agrees to provide applicable matching funds for the said project as required by HSGD grant/application; and

WHEREAS, the City of El Paso agrees that in the event of loss or misuse of the Office of the Governor funds, the City of El Paso assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950707 for the El Paso Police Department project identified as "State Homeland Security Program, FY2021 MATRIX El Paso Fusion Center Sustainment and Enhancement"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. That the City Manager or designee is authorized to submit grant application number 2950707, for the City of El Paso Police Department project identified as "Homeland Security Program FY2021, MATRIX El Paso Fusion Center Sustainment and Enhancement" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, correct, and/or terminate the grant; and
2. That the City of El Paso commits to provide all applicable matching funds for said grant; and
3. That in the event of loss or misuse of said grant funds, the City of El Paso assures it will return all funds for said grant to the State of Texas, Office of the Governor, Homeland Security Grant Division.

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

11. ***RESOLUTION**

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

That the City Manager or designee is authorized to dedicate for use of the public as public right-of-way portions of the following property: Portions of Lot 1, Block 4, Riverside International Industrial Center recorded in Volume 74 Page 3, Plat Records of El Paso County Texas; A portion of Lot 1, Block 2, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; A portion of Tract 5, Block 53, Ysleta Grant Survey; a portion of Tract 5A, Block 53, Ysleta Grant Survey; a portion of Tract 6A, Block 53, Ysleta Grant Survey as shown on Map dated July 1928; a portion of Tract 6A, Block 53, Ysleta Grant Survey, as shown on Map dated July 1928; Lot 1, Block 5, Riverside International Industrial Central, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; a portion of Lot 1, Block 3, Riverside International Industrial Center, recorded in Volume 74, Page 3, Plat Records of El Paso County Texas.

Further, the City Manager or designee is authorized to execute a dedication deed and to record such deed in the El Paso County records.

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

WHEREAS, CDV 34, LLC has proposed a development for the rehabilitation of 101 units of affordable rental housing located at 5453 Ridge Street, El Paso, Texas 79932, in the City of El Paso named Corona Del Valle; and

WHEREAS, CDV 34, LLC has submitted an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2021 4% Tax-Exempt Bond Housing Tax Credits for the Corona Del Valle project.

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

1. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:
 - i. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
 - ii. The Governing Body has had sufficient opportunity to obtain a response from CDV 34, LLC regarding any questions or concerns about the proposed Development; and
 - iii. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
 - iv. After due consideration of the information provided by CDV 34, LLC and public comment, the Governing Body **does not object** to the proposed Application.
2. That for and on behalf of the Governing Body, Laura D. Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

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13. *RESOLUTION

WHEREAS, on December 15, 2020 the City of El Paso provided the Housing Authority of the City of El Paso (HACEP) with a letter of support for the Texas Department of Housing and Community Affairs' (TDHCA) 2021 Competitive 9% Housing Tax Credits for the Sun Pointe Apartments project (Development); and

WHEREAS, the Texas Administrative Code (TAC) requires certain findings that were missing in the December 15, 2020 resolution.

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

1. That as provided for in 10 TAC §11.101(a)(3) of the Qualified Allocation Plan, it is hereby acknowledged that the proposed Development is located in a census tract that has a poverty rate above 55% for Developments in regions 13 for individuals; and
2. That the City of El Paso hereby confirms that its Governing Body has voted specifically to authorize the Development to move forward as evidenced by the Resolution of support issued by the City of El Paso on December 15, 2021.

14.

***RESOLUTION**

WHEREAS, on February 18, 2020, City Council authorized the City Manager to sign a Memorandum of Understanding (MOU) with Workforce Solutions Borderplex to certify a projected Child Care Local Match Contribution of \$90,000; and

WHEREAS, an amendment to the Child Care Local Match Agreement is necessary to amend the projected certification amount from \$90,000 to the actual expenditures of \$43,327.08 which reflect actual services provided from the 45th year Community Development Block Grant Funds (CDBG) awarded to the City of El Paso Parks and Recreation Department and the City of El Paso Parks and Recreation general funds.

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

That the City Manager be authorized to sign the Child Care Local Agreement Amendment for the certification of services provided in the amount of \$43,327.08 as part of the 45th year Community Development Block Grant Funds (CDBG) awarded to the City of El Paso Parks and Recreation Department and the City of El Paso Parks and Recreation general funds.

CONSENT AGENDA – SPECIAL APPOINTMENTS:

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

15.

***RESOLUTION**

WHEREAS, the City of El Paso is a member of the Texas Municipal League ("TML"), a statewide organization that represents the interests of Texas cities at the state and federal levels; and

WHEREAS, the TML Board of Directors governs and conducts the affairs of TML, promotes interest in municipal government on a regional level, and facilitates the exchange of information among cities across the region; and

WHEREAS, the TML Board of Directors is comprised of a president, regional directors, affiliate directors, directors-at-large, and past presidents; and

WHEREAS, the City of El Paso has a permanent director-at-large seat on the TML Board of Directors; and

WHEREAS, only city officials of member cities may serve as directors; and

WHEREAS, having representation on the TML Board of Directors would provide greater influence at the regional and state levels for the City of El Paso; and

WHEREAS, TML requires that cities endorse their selected Board member through official City Council action;

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

That District 6 Representative, Claudia L. Rodriguez, be appointed as the City's representative to the Texas Municipal League Board of Directors effective upon City Council approval.

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16.

***RESOLUTION**

WHEREAS, the City of El Paso is a member of the Texas Mayors of Military communities; and,

WHEREAS, the purpose of the Texas Mayors of Military Communities is to educate the legislature and public about the needs and benefits of communities that contain military installations; and,

WHEREAS, the Texas Mayors of Military Communities has been instrumental in advocating during the state legislative session for continued funding of the Defense Economic Adjustment Assistance Grant Program; and,

WHEREAS, the City of El Paso has received grant funding through the Defense Economic Adjustment Assistance Grant Program and has identified continued funding as a priority legislative initiative this legislative session;

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

That the Mayor elects to appoint District 1 Representative Peter Svarzbein to serve on the Texas Mayors of Military Communities committee.

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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Goal 3: Promote the Visual Image of El Paso

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17. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Ivan Lopez to the Historic Landmark Commission by Representative HenryRivera, District 7.

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

18. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Holly Wright to the Civil Service Commission by Representative Joe Molinar, District 4.

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

19. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Evi Marisa Licona to the Zoning Board of Adjustment in the Alternate Position by Representative Cissy Lizarraga, District 8.

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 3: Enhance and Sustain El Paso's Infrastructure Network

20. *Motion made, seconded, and unanimously carried to **APPOINT** Mark Wancho to the Open Space Advisory Board by Representative Aleksandra Annello, District 2.

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

21. *Motion made, seconded, and unanimously carried to **APPOINT** Fernando Delgado to the Parks and Recreation Advisory Board by Representative Claudia L. Rodriguez, District 6.

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

22. *Motion made, seconded, and unanimously carried to **APPOINT** Mark-Thomas Bray to the Ethics Review Commission by Representative Joe Molinar, District 4.

23. *Motion made, seconded, and unanimously carried to **APPOINT** Danny Perea to the El Paso Bond Overview Advisory Committee by Representative Cassandra Hernandez, District 3.

24. * Motion made, seconded, and unanimously carried to **APPOINT** Emma Acosta to the El Paso Bond Overview Advisory Committee by Representative Henry Rivera, District 7.

25. *Motion made, seconded, and unanimously carried to **APPOINT** Representative Cassandra Hernandez to the Financial Oversight Audit Committee by Mayor Oscar Leaser.

26. *Motion made, seconded, and unanimously carried to **APPOINT** Representative Joe Molinar to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leaser.

27. *Motion made, seconded, and unanimously carried to **APPOINT** Luis Yañez to the Civil Service Commission by Representative Cissy Lizarraga, District 8.

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

28. *Motion made, seconded, and unanimously carried to **APPOINT** Martina Lorey to the City Plan Commission by Representative Aleksandra Annelo, District 2.
29. *Motion made, seconded, and unanimously carried to **APPOINT** Daniel Carey-Whalen to the City Plan Commission by Representative Joe Molinar, District 4.
30. *Motion made, seconded, and unanimously carried to **APPOINT** William J. Ellis to the City Accessibility Advisory Committee by Representative Cissy Lizarraga, District 8.
31. *Motion made, seconded, and unanimously carried to **APPOINT** Kate Felzer to the Building and Standards Commission by Representative Aleksandra Annelo, District 2.

CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:

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

32. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below and posted on the attachment with this agenda:
1. The Shalom Group Tax Escrow, in the amount of \$27,028.34, made an overpayment on December 31, 2020 of 2020 taxes. (Geo. # C884-999-0010-0200)
 2. Corelogic, in the amount of \$5,576.40, made an overpayment on December 15, 2020 of 2020 taxes. (Geo. # N425-999-0450-2450)
 3. GECU Mortgage, in the amount of \$2,758.00, made an overpayment on December 18, 2020 of 2020 taxes. (Geo. # V893-999-4620-1500)

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

33. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contributions by Mayor Oscar Leeser: \$2,500 from Randall J. Bowling and \$2,500 from Robert L. Bowling IV.
34. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contribution by Representative Cassandra Hernandez: \$2,500 from Woody and Gayle Hunt.

CONSENT AGENDA – REQUEST FOR PROPOSAL:

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

35. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2020-975R Secure Messaging for First Responders to Infinite Convergence Solutions, Inc. for an initial three (3) year term estimated award of \$202,500.00.00. The award is to include two (2) one-year options in amount of \$135,000 for a total five (5) year award of \$337,500.00.

Contract Variance: N/A
Department: Police Department
Award to: Infinite Convergence Solutions, Inc. Rockville, MD
Annual Estimated Award: \$67,500.00
Initial Term Estimated Award: \$202,500.00 (3 years)
Total Estimated Award: \$337,500.00 (5 years)
Account No.: 321-21280-2811-522150
Funding Source: Confiscated Fund
Districts: All

This is a Request for Proposal, service contract. The Purchasing and Strategic Sourcing and Police Departments recommend award as indicated to Infinite Convergence Solutions, Inc. 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.

Goal 6: Set the Standard for a Safe and Secure City

36. *Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator to Empower Retirement, LLC for an initial five (5) year term. The award is to include a two (2), two (2) year optional terms for a total of nine (9) years.

Contract Variance: No cost to the City
Department: Human Resources
Award to: Empower Retirement, LLC Greenwood Village, CO
Items: ALL
Initial Term: 5 years
Option to Extend: Two, two (2) years
Annual Estimated Award: NA
Initial Term Estimated Award: NA
Total Estimated Award: NA
Account No.: NA
Funding Source: Employee Voluntary Contributions Only
Districts: All

This is a Request for Proposal, service contract. The Purchasing and Strategic Sourcing and Human Resources Departments recommend award as indicated to Empower Retirement, LLC 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.

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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Goal 6: Set the Standards for Sound Governance and Fiscal Management
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37. Budget Update.

Ms. Nicole Cote, Office of Management and Budget Director, presented a PowerPoint Presentation (on file in the City Clerk’s Office) and responded to questions from Members of the City Council.

Mayor Leeser and Representatives Svarzbein, Annelo, and Hernandez commented.

The following City staff commented and responded to inquiries:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Chief Financial Officer
3. Ms. Dionne Mack, Deputy City Manager for Public Safety

NO ACTION was taken on this item.

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CALL TO THE PUBLIC – PUBLIC COMMENT
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The following members of the public commented:

1. Mr. Jose Santiago
2. Ms. Lisa Turner

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REGULAR AGENDA - FIRST READING OF ORDINANCES
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Motion made by Representative Rivera, seconded by Representative Lizarraga, 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:

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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Goal 3: Promote the Visual Image of El Paso
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- 38.** An Ordinance changing the zoning of a portion of Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., City of El Paso, El Paso County, Texas from C-1/C/SC (Commercial /condition/special contract) to C-4/C/SC (Commercial/condition/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City’s Comprehensive Plan.

Subject Property: 1351 and 1355 Zaragoza Rd.

Applicant: Palo Verde Business Park, LLC; PZRZ20-00017

39. An Ordinance releasing all conditions placed on the property by Ordinance No. 7313 and 17870 which changed the zoning of Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 1351 and 1355 Zaragoza Rd.
Applicant: Palo Verde Business Park, LLC; PZCR20-00002

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2021 FOR ITEMS 38 AND 39

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

40. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code in its entirety to clarify the rules and procedures related to the ethical requirements of City officers and employees by reorganizing the structure to create three articles: Code of Ethics; Standards of Conduct; and Ethics Review Commission; to amend, clarify and add definitions, to define the jurisdiction of the Ethics Review Commission, and to streamline the complaint process. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is provided in Section 2.92.200 (Disposition) as amended in this Ordinance.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 16, 2021

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

41. Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation 2021-0260 Modesto Gomez Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC for an estimated award of \$1,986,506.88. Park Improvements are to include stabilization and reconstruction of the walking/jogging path, rehabilitation of the two baseball and two soccer fields, installation of a desert garden. In addition, picnic tables, trash receptacles, accessible park benches, entry plaza, trees in raised planters and berms, a pet waste station, and exercise stations will also be installed.

Department:	Capital Improvement
Award to:	MARTINEZ BROS. CONTRACTORS, LLC El Paso, TX
Item(s):	All
Initial Term:	350 Consecutive Calendar Days
Base Bid:	\$1,986,506.88
Total Estimated Award:	\$1,986,506.88
Account No.:	190-29010-4800-580220- PCP13PRKA14
Funding Source:	2012 Quality of Life

District(s): 8

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC lowest responsive and responsible bidder. It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award. Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term. As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint Presentation (copy on file in the City Clerk's Office) and responded to questions from Members of the City Council.

Mayor Leeser and Representatives Rivera and Lizarraga commented.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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

42. Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **AWARD** Solicitation 2020-036 Delta Drive Bridge Replacement to International Eagle Enterprises, Inc. for an estimated award of \$1,662,906.55. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

Department: Capital Improvement Award to: International Eagle Enterprises, Inc. El Paso, TX

Item(s): All

Initial Term: 180 Standard Workweek Days

Base Bid I: \$1,592,578.55

Base Bid II: \$58,800.00

Base Bid III: \$11,528.00

Total Estimated Award: \$1,662,906.55

Account No.: 190-580270-4743-38290-PCP18TRAN04
190-580270-4950-38170-PCP18TRAN04

Funding Source: 2018 Certificates of Obligation and Federal Highway Administration

District(s): 3

This is a Low Bid procurement, unit price contract. The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to International Eagle Enterprises, Inc., lowest responsive and responsible bidder. The award is contingent upon Texas Department of Transportation (TXDOT) concurrence of award. It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award, contingent upon concurrence of award from TXDOT. Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term. As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

43. *Motion made, seconded, and unanimously carried to **DELETE** the Public Hearing of an Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for "City", "Confidential Information", "Conducting Business with the City", "Days", "Mailbox Rule", "Ministerial Act", "Newly Discovered Evidence" and "Resident"; delete definition for "Negotiating Concerning Prospective Employment" and "Person"; update definition for "Board"; relocate definitions for "Clear and Convincing", "Designated Employee", "Frivolous Complaint", and "Honorarium"; delete Section 2.92.050(g) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the ethics review commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission member to recuse themselves if a member has engaged in Ex Parte Communications; add requirement for Ethics Review Commission Members

to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance. [POSTPONED FROM 01-05-2021]

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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44. ORDINANCE 019138

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 17 (HOUSING), CHAPTER 17.20 (FAIR HOUSING ORDINANCE) OF THE EL PASO CITY CODE TO AMEND IN ITS ENTIRETY THE CHAPTER TO CHANGE THE WORD HANDICAP TO DISABILITY AND TO INCLUDE PROTECTIONS AGAINST DISCRIMINATION FOR REASONS OF SEXUAL ORIENTATION AND GENDER IDENTITY.**

Mr. Mark Weber, Community Development Program Manager, presented a PowerPoint Presentation (copy on file in the City Clerk's Office) and responded to questions from Members of the City Council.

Representative Annello commented.

The following City staff members commented and responded to inquiries:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Nicole Ferrini, Community and Human Development Director

The following members of the public commented:

1. Ms. Jesus Zapata
2. Ms. Lisa Turner
3. Mr. Adriano Perez
4. Mr. Jonathan Macias
5. Ms. Claudia Gomez (submitted written notice in support of the item)
6. Mr. Isac Ponce (submitted written notice in support of the item)

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular Agenda.

2ND AND FINAL MOTION

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

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

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, 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 is hereby **ADOPTED**.

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REGULAR AGENDA – OTHER BUSINESS
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Goal 7: Enhance and Sustain El Paso’s Infrastructure Network
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45. RESOLUTION

WHEREAS, the City Council of the City of El Paso recognizes the need for an updated assessment of current public services, facilities, and infrastructure deficiencies on the Eastside of the City and as such has moved forward with the creation of the 2019 City of El Paso Eastside Growth Management Plan; and

WHEREAS, a primary objective of the Plan is to create a data driven growth management plan for the Eastside that results in a realignment of strategies and priorities to ensure concurrent delivery of facilities and services as part of a new development by providing an inventory and gap analysis of existing City services, facilities, and infrastructure as well as projected future needs.

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

1. That the 2019 City of El Paso Eastside Growth Management Plan (“Plan”), attached hereto, is hereby officially adopted.
2. That the Plan be used to, among other things, prioritize and guide the provision of services, facilities, and infrastructure to the Eastside area of El Paso.
3. That adoption of the Plan shall not commit the City of El Paso to specific funding levels or implementation strategies, but shall provide guidance for the City’s vision for growth and development of the Eastside of El Paso.
4. That the City Manager is directed to work with the Eastside City Representatives from Districts 3, 5, 6, and 7 in conjunction with the City Manager’s Eastside Policies Cross Functional Team to develop recommendations for the implementation of the Plan.

Mr. Alex Hoffman, Capital Improvement Department Assistant Director, presented a PowerPoint Presentation (copy on file in the City Clerk’s Office) and responded to questions from Members of the City Council.

Mayor Leeser and Representatives Svarzbein, Hernandez, Salcido, Rodriguez, and Rivera commented.

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

.....
MEMBERS OF THE CITY COUNCIL
.....

46.

**RESOLUTION ADOPTING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE FEBRUARY 2, 2021**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular, special and work session meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. RULES OF ORDER

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council that is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 4. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 5. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 6. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative.

In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 7. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 8. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk: (a) upon the announcement of the City Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 9. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 10. ORDER OF PRECEDENCE OF MOTIONS

The order of procedure of motions is set forth in Exhibit "A" attached hereto and fully incorporated by reference.

SECTION 11. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken.

SECTION 12. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the item under consideration.

For Regular City Council Meetings, in the debate, each member of Council has the right to speak twice on the same item on the same day, but cannot make a second speech on the same item as long as any member who has not spoken on that question desires the floor. No one can speak longer than ten minutes at a time without permission of a majority of Council. The City Clerk will keep time and will notify the Mayor if a Representative reaches the allotted time.

During Work Sessions, Special meetings, or Agenda Review meetings, there will not be a limit to the time allowed for each Representative to have the floor, and the Presiding officer has discretion to end discussion on an item, or to give the floor to another representative.

SECTION 13. RIGHT OF CITIZENS TO BE HEARD

Public Hearings/Agenda Items:

Any member of the public shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. If a member of the public addresses City Council through a translator into English, he or she will be granted six (6) minutes to present. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

Public Comment/Non Agenda Items:

A maximum of sixty (60) minutes will be allotted for a public comment portion of each regular City Council meeting. The City Council will designate time to allow members of the public to have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting either online or by using the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment. Members of the public are required to speak on the topic identified upon the sign-in sheet. If the speaker is a lobbyist, he or she must indicate that fact on the audience participation sheet and prior to commencing his/her comments in compliance with the City's Lobbying Ordinance. Members of the public may not grant their time to another nor may they purport to speak for another who is not present at the meeting. If someone would like a document or letter to become a part of the record, they may do so by providing the City Clerk with copies of the document or letter no later than 9:00 a.m. on the morning of the meeting, which will be distributed to the Council. It shall not be necessary to read the letter into the record. Interpretation services are only to be provided by the certified interpreter provided by the City.

A document camera and projection system ("Overhead Projector") is available for use for public comment on posted items and call to the public. Members of the public shall submit any document they wish to present on the Overhead Projector to the City Clerk no later than close of business on the previous City business day before the meeting date. Any document that contains insulting, profane, threatening or abusive language, nudity, or campaign material will be rejected. City Staff will assist members of the public in using the Overhead Projector during the meeting. In order to ensure cyber security, members of the public are prohibited from sending or utilizing presentations in any electronic format, including but not limited to email, and from using a Universal Serial Bus (USB) compact disk (CD) or digital versatile disk (DVD) for public comment and call to the public. A member of the public who wishes to make an electronic presentation may bring printed documents to the City Clerk's office no later than close of business on the previous City business day before the meeting date to be scanned for presentation during the meeting.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one-time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than three (3) minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each

person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action.

The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted sixty (60) minutes will otherwise be taken up by the others making comment.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak regarding an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place. If a member of the public wishes to speak regarding an item, but did not sign up by 9:00 am, he or she may notify the City Clerk at any time prior to the call to vote on the item.

Members of the public who do not desire to speak but want to register support or opposition to an item on the agenda may do so by indicating their position on the audience participation form. The City Clerk will notify the Council of the number of position statements received and the tally when the agenda item is announced.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 14. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached Exhibit "B".

Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 15. PARLIAMENTARIAN

The City Clerk and the Deputy City Clerk are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 16. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council shall not use any electronic devices other than the desk top computers provided by the City of El Paso located at their seats during any City Council

meeting or City Council work sessions. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff. During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

SECTION 17. TIME AND LOCATION OF MEETINGS

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga commented.

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular Agenda.

2ND AND FINAL MOTION

Motion made by Representative Salcido, seconded by Representative Lizarraga, and carried to **AMEND** the City Council's adopted Rules of Order, Section 12 - Obtaining the Floor, to limit debate during Regular City Council meetings to ten minutes at a time and each Representative may speak twice on an item. The City Clerk will monitor the time and alert the Mayor if a Representative reaches the allotted time. There will not be a time limit during Work Sessions, Special Meetings, or Agenda Review meetings.

AYES: Representatives Svarzbein, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representatives Annello and Molinar

.....
ADJOURN
.....

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** this meeting at 5:56 p.m.

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, Rivera,
and Lizarraga

NAYS: None

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APPROVED AS TO CONTENT:



Laura D. Prine, City Clerk