

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
ART FIERRO, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CHRIS CANALES, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

SEPTEMBER 12, 2023
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Cassandra Hernandez, and Joe Molinar. Late arrivals: Art Fierro at 9:07 a.m. and Henry Rivera at 9:10 a.m. Isabel Salcido and Chris Canales requested to be excused. Early departure: Alexsandra Annello at 3:25 p.m. and Cassandra Hernandez at 5:55 p.m.

INVOCATION BY THE MINISTRY COORDINATOR FOR THE EL PASO COUNTY
SHERIFF'S OFFICE, AND CHAPLAIN EMERITUS FOR THE EL PASO POLICE
DEPARTMENT SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

National Recovery Month

Gold Out Child Cancer Awareness Month

National Surgical Technologists Week

El Paso Children's Hospital Childhood Cancer Awareness Month

2023 National Dance Alliance Spirit Rally D1A National Title Winners UTEP Dance Team Day

The Regular City Council meeting was **RECESSED** at 10:53 a.m. in order to take photos with the honorees and convene the Mass Transit Department Board meeting.

The Regular City Council meeting was **RECONVENED** at 11:46 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, 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 Kennedy, Annello, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Cassandra Hernandez

ABSENT: Representatives Salcido and Canales

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CONSENT AGENDA – APPROVAL OF MINUTES:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of August 29, 2023, and the Work Session of August 14, 2023.

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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**

*Motion made, seconded, and unanimously carried to **EXCUSE** Representatives Isabel Salcido and Chris Canales from the Regular City Council Meeting of September 12, 2023.

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CONSENT AGENDA – RESOLUTIONS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
.....

3. ***RESOLUTION**

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

That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Nutcracker Brands LLC, a Delaware limited liability company ("Assignor"), and Almond Opportunity, LLC, a Nebraska limited liability company ("Assignee") for the following described property:

A portion of Lots 4 and 5, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A", in the City of El Paso, Texas, commonly known as 8 Zane Grey, El Paso, Texas.

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

WHEREAS, the Homeland Security Investigations ("HSI"), El Paso Field Office, Special Response Team ("SRT") wishes to donate two (2) Endeavor Robotics 510 PackBots ("510 PackBot robots") to the El Paso Police Department ("EPPD"); and

WHEREAS, the 510 PackBot robot is valued at approximately \$98,000.00 each, and can perform bomb disposal, real-time surveillance and reconnaissance, HazMat Detection, and mapping.

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

1. That the City of El Paso accepts, with gratitude, the donation from HSI to EPPD of two (2) Endeavor Robotics 510 PackBot robots.
2. That the City Council also authorizes the City Manager to sign any necessary documentation required for this donation, including the Departmental Acceptance of Donated Property form, as long as such documentation does not affect the approved budget of the City of El Paso.
3. That the City of El Paso recognizes the donation to EPPD by HSI, which will provide new technology to assist EPPD in its mission of protecting the public.

5.

RESOLUTION

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

THAT the Mayor is hereby authorized to execute the Interlocal Agreement between the City of El Paso (the "City") and the Socorro Independent School District (the "District") to allow for the District's law enforcement Officers to issue parking citations as allowed by the El Paso City Code in areas at and surrounding the District's schools within the city limit to be administered through the El Paso Municipal Court under the provisions of the El Paso City Code Chapter 12.85, which will provide a mutual benefit of parking enforcement and safety to the community.

Mayor Leeser and Representative Annello commented.

Assistant Police Chief Victor Zarur commented.

Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Annello, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

ABSENT: Representatives Salcido and Canales

6.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas and the State of Texas, acting by and through the Texas Department of Motor Vehicles, described as the "Texas Motor Vehicle Records Data Contract," to allow the Municipal Court, Code Enforcement, and the Department of Environmental Services to access register vehicle ownership information at the rates set by 43 Texas Administrative Code Section 217.123.4 for purposes of parking citation reminders, ownership information regarding junked vehicles, illegal dumping, and other investigative work.

Mayor Leeser and Representative Annello commented.

Mr. Steve Alvarado, Code Enforcement Director, commented.

Lisa Turner, citizen, commented.

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

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

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

That the City Manager is authorized to sign a Landscape Maintenance Agreement between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"), whereby City agrees to maintain landscape improvements on the BRIO/RTS Bus Stop Irrigation/Landscaping project, limited to the portions along US 62/180 (Montana Avenue) from Geronimo to Tierra Este, and State agrees to allow City to utilize State right-of-way.

Lisa Turner, citizen, commented.

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CONSENT AGENDA – SPECIAL APPOINTMENTS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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8.

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

WHEREAS, by resolution dated September 3, 1996, the City of El Paso approved of the creation of the El Paso Downtown Management District ("District");

WHEREAS, pursuant to Chapter 375 of the Texas Local Government Code ("Code") the District was legally created by order of the Texas Natural Resources Conservation Commission on March 10, 1997;

WHEREAS, pursuant to Section 375.064(a) of the Code, the Board of Directors of the District ("Board") convened a meeting open to the public on August 24, 2023 for the purpose of recommending a slate of persons to serve as members of the Board; and

WHEREAS, pursuant to Section 375.064(b) of the Code, the City Council is required to approve or disapprove recommendations submitted by the Board.

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

That the City Council approve the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be named directors of the District for the terms indicated:

<u>Nominee</u>	<u>Term #</u>	<u>Expiration Date</u>
Maxey Scherr	1	August 2026
Manuel Burke	1	August 2026
Joanne Richardson	1*	August 2026

Yolanda Giner	1	August 2026
Kristi Daugherty	1	August 2026
Guillermo Garcia	1	August 2026
Patrick Merrick	1	August 2026

*Indicates candidate was appointed to a partial term and is being nominated for his/her first full term.

CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

9. *Motion made, seconded, and unanimously carried to **APPOINT** Lauren Hanson to the City Plan Commission by Representative Cassandra Hernandez, District 3.

Goal 6: Set the Standard for Sound and Fiscal Management

10. *Motion made, seconded, and unanimously carried to **APPOINT** Phillip Thomas Laign, Jr. to the Bond Overview Advisory Committee by City Representative Alexsandra Annello, District 2.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

11. *Motion made, seconded, and unanimously carried to **APPOINT** Donna Juarez to the Veterans Affairs Advisory Committee by Representative Cassandra Hernandez, District 3.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

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

12. *Motion made, seconded, and unanimously carried to **APPROVE** a tax refund for Lee Sukjin, in the amount of \$14,571.41 for an overpayment made on August 11, 2023 of 2022 taxes. (Geo. # C539-999-0180-0500).

Ms. Maria Pasillas, Tax Assessor and Collector, commented.

Lisa Turner, citizen, commented.

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community

13. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions of five hundred dollars or greater by Representative Joe Molinar in the amount of \$500.00 from Martha Gonzalez.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

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

RESOLUTION

WHEREAS, Community en Accion's Mission Statement is to mobilize Latino leaders to impact economic and social equity, educational opportunities, and cultural appreciation; and

WHEREAS, Community en Acción was organized in 2010 as a 501(c)(3) nonprofit organization; and

WHEREAS, Community en Acción's purpose is to improve the lives of El Paso's Latino community by instilling pride and providing leadership; and

WHEREAS, Community en Acción's recent programs have awarded scholarships to area students, and spearheaded the completion of the Men of Company E Monument honoring the memory of brave men from El Paso who sacrificed their lives during World War II; and

WHEREAS, Community en Acción annually conducts the Young Achievers Forum in partnership with the University of Texas at El Paso and New Mexico State University and touches the lives of thousands of students from area schools encouraging them to continue their education beyond high school; and

WHEREAS, Community en Acción's Latino Legacy Award recognizes individuals who are worthy of recognition at the highest level; and

WHEREAS, Community en Acción has named the following individuals as the recipients of the 2023 Latino Legacy Award:

1. Oscar Venegas: Founder and, until 2019, President of VEMAC, Inc., a successful and highly respected construction company, Mr. Venegas started the Alumni Association for Civil Engineering at the University of Texas at El Paso and has received numerous civic and business awards for his dedication and service to our community.
2. Maria Elena Flood: Mrs. Flood is a trailblazer in higher education and healthcare who advocated and worked tirelessly for the expansion of Texas Tech School of Medicine and Thomason Hospital in our community, resulting in improved healthcare for hundreds of thousands of persons in West Texas, Southern New Mexico, and Northern Mexico. In addition, Mrs. Flood has been an important part of numerous community organizations.
3. Modesto A. Gomez: Mr. Gomez was a World War I veteran and founder of the Marcos B. Armijo VFW Post 2753. He was an early civil rights leader, an original member of the El Paso Housing Authority Board of Directors, and instrumental in convincing federal and local governments of the urgent need for federal housing in our community. Mr. Gomez was an advocate for improving education for schools in South El Paso, as well as an entrepreneur and National President of the League of United Latin American Citizens in 1943. This award is presented posthumously.

WHEREAS, on September 16, 2023, Community en Acción is recognizing these exceptional members of our community at the Paso del Norte Hotel in El Paso Texas;

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

That the City of El Paso City Council congratulates Oscar Venegas, Maria Elena Flood, and the family of Modesto A. Gomez and encourages our community to join in honoring and celebrating the lives and accomplishments of the 2023 Latino Legacy Award recipients.

Representative Rivera read the resolution into the record.

Representative Kennedy commented.

The following members of the public and members of Community en Accion commented:

1. Ana Aleman, Executive Director of Community en Accion
2. Raul Gomez
3. Mary Martinez
4. Katherine Flood Rivera
5. Oscar Venegas
6. Sylvia Acosta

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

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

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- 15. ITEM:** Discussion and action to direct the City Manager to designate the second Monday in October of each year as Indigenous People's Day as part of continued efforts to address systemic racism towards Indigenous People and promote the closing of the equity gap for Indigenous People in our community.

Representative Annello commented.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried to **DIRECT** the City Manager to designate the second Monday in October of each year as Indigenous People's Day as part of continued efforts to address systemic racism towards Indigenous People and promote the closing of the equity gap for Indigenous People in our community.

AYES: Representatives Kennedy, Annello, Molinar, Fierro and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representatives Salcido and Canales

Goal 8: Nurture and Promote a Healthy, Sustainable Community

16. RESOLUTION

WHEREAS, hunger and poverty are issues of vital concern in Texas where 15% of people face hunger in our State and 1 in every 5 children do not know where their next meal will come from; and

WHEREAS, The City of El Paso is committed to taking steps to combat hunger in every part of our community and to provide additional resources to those struggling with hunger; and

WHEREAS, The City of El Paso is committed to working with El Pasoans Fighting Hunger and Feeding Texas, a member of the Feeding America® nationwide network of food banks, in educating people about the role and importance of food banks in addressing hunger

and raising awareness of the need to devote more resources and attention to issues relating to hunger and poverty; and

WHEREAS, El Pasoans Fighting Hunger has distributed nearly 100 million meals over the last 12 months to our neighbors through its network of food pantries, soup kitchens, shelters, and other community organizations; and

WHEREAS, the month of September has been designated “Hunger Action Month” in order to bring attention to food insecurity in our communities and to enlist the public in the fight to end hunger by taking action – including volunteer shifts, social media shares, and donations – to ensure that no one has to make the impossible choice between food and other necessities like medicine, utilities or childcare; and

WHEREAS, Feeding America food banks across the country, including El Pasoans Fighting Hunger – will host numerous events throughout the month of September to bring awareness and help end hunger in their local community.

NOW, THEREFORE, BE IT PROCLAIMED, by the El Paso Mayor and Council of the City of El Paso, that the month of September 2023 be recognized as **HUNGER ACTION MONTH**.

Representative Fierro read the resolution into the record.

Mayor Leeser commented.

Ms. Susan Goodell, Chief Executive Officer for El Pasoans Fighting Hunger, 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 Fierro, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

17.

RESOLUTION

WHEREAS, the City of El Paso has symbolized liberty, security, equality, opportunity for generations of immigrants, refugees, and asylum seekers by extending compassion and hospitality; and

WHEREAS, the success of the City of El Paso and its residents depends on making sure that all feel welcome here and are a vital part of our community—bringing fresh perspectives and new ideas, starting businesses, contributing to the economy, and creating a vibrant diversity that we all value; and

WHEREAS, regardless of where we are born or what we look like, we are El Pasoans, united in our efforts to build a stronger community, and by recognizing the contributions that we all make to create a vibrant culture and a growing economy, we make our community more prosperous and more inclusive to all who call it home; and

WHEREAS, we celebrate the spirit of unity, welcoming, hospitality, diversity, and harmony that is uniting neighbors across the nation this week, and we invite all El Paso residents and organizations to participate in “Welcoming Week” by reaffirming our dedication to our fundamental American values and by acting in the spirit of welcoming; and

WHEREAS, by working together, we can increase prosperity and create an environment where diverse individuals from all over the world can feel valued and want to establish a life, raise a family, and support and contribute to El Paso’s long-term economic growth; and

WHEREAS, the work of creating welcoming and inclusive communities is best shared by all of us—government and civil society, businesses, and nonprofits, at the federal, state, and local level—and we call on our fellow El Pasoans to join and uplift efforts to make ours a welcoming, inclusive place to live.

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of El Paso:

The City of El Paso recognizes the week of September 10 to September 16, 2023, as “Welcome Week” and calls upon the people of the City of El Paso and community organizations to join to build stronger communities.

BE IT FURTHER RESOLVED:

The City of El Paso is committed to ensure that all El Pasoans feel welcome and safe in our City and the City Council directs the City Manager to work with the Police Department to take necessary and appropriate steps to reinforce constitutional and legal protections for detainees, arrestees, and others, and create any appropriate policy that ensures any stops or arrests made by an EPPD officer are not made based on suspicion of a person’s immigration status and that collaborations between the police department and federal immigration agencies should be limited to criminal cases, and ensuring that all people who are questioned by EPPD officers about their immigration status or country of origin are well-informed, before answering such questions, that they have a constitutional right to remain silent and to refrain from answering such inquiries without retaliation.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to work with the Police Department to take necessary and appropriate steps to further ensure that the City’s policing resources are prioritized to ensure community policing values and safety, while the collaboration between the police department and federal immigration agencies be limited to criminal cases and not related to immigration status, unless required by law or there is a criminal or public safety concern involved. Any collaboration with federal agencies should be appropriately vetted to ensure minimal community impact in addition to the Police Department preparing a report that describes and analyzes any collaboration between the Police Department and federal immigration agencies each quarter and will make the report available on the El Paso Police Department website.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to take necessary and appropriate steps to ensure that the City does not provide sensitive information, for example social security numbers and home addresses, about people without their consent for the purposes of civil immigration enforcement only to the extent such disclosures are reasonable or necessary, or

otherwise required by law. Steps taken or implemented should further the City's goals as established by the City budget, the City Comprehensive Plan, and the City's Strategic Plan, and ensure that any request for sensitive information is appropriately vetted, with consideration for the urgency of the request, the City resources required to obtain and provide the information requested, and whether there is a criminal nexus or public safety concern involved.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to ensure that the public is informed about the procedures and practices of the El Paso Police Department as they relate to detaining foreign nationals and handling requests for assistance from federal immigration officials, and should inform City Council if additional steps or resources are necessary to educate the public.

Representative Annello read the resolution into the record.

The following members of the public commented:

1. Sofia Avant-Mier
2. Michael A. Gutierrez
3. Ivonne Diaz
4. Wesley Lawrence
5. Samantha Singleton
6. America Sanchez
7. Lisa Turner

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 Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

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

ITEMS 18 AND 19 WERE TAKEN TOGETHER

18.

R E S O L U T I O N

WHEREAS, according to the Human Rights Campaign, 2021 was the deadliest year on record for transgender and non-binary people; and

WHEREAS, there is no standardized process within the State of Texas for legal name and gender marker change, making it considerably more difficult and costly for transgender people to be appropriately identified by governmental authorities; and

WHEREAS, the National Transgender Discrimination Survey reported that one-third of survey respondents were not able to update any of their government-issued identifications or records to reflect their gender identity; and

WHEREAS, according to the National Center for Transgender Equality, lack of identification exposes people to a range of negative outcomes—from denial of employment, housing, public benefits, to harassment and physical violence; and

WHEREAS, according to the National Center for Transgender Equality, more than one in four transgender people have faced a bias-motivated assault, with rates higher for transgender women of color; and

WHEREAS, a national survey of transgender individuals published by the National Center for Transgender Equality and the National Gay and Lesbian Task force revealed that 46 percent of respondents were uncomfortable seeking help from police; and

WHEREAS, the Human Rights Campaign found that under-reporting and misidentification obscured the severity of disparities and bias-motivated violence against transgender people; and

WHEREAS, many police departments across the nation have implemented specific policies to better serve transgender persons; and

WHEREAS, a 2015 FBI Law Enforcement Bulletin on Law Enforcement and Transgender Communities states that training resources exist pertaining to police interactions with transgender communities, consistent with recent efforts by the U.S. Department of Justice Community Relations Service; and

WHEREAS, the City of El Paso wishes to seek clarity and consistency in the identification of individuals for public safety purposes and recognizes that legal documents may not always align with this goal; and

WHEREAS, additional recommendations from community stakeholders could further strengthen existing efforts by the El Paso Police Department to implement new policies and training intended to improve the quality of services that El Paso's LGBTQIA+ residents and visitors receive; and

WHEREAS, ensuring people are identified by their chosen name and pronouns upholds respect for transgender and gender-nonconforming individuals.

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

The City Council directs the City Manager and City Attorney to evaluate new policies and training to potentially improve how transgender and gender-diverse individuals are identified by the El Paso Police Department in its internal and external communications, and to present the results of that evaluation, along with proposed changes in policy and training, if any, to the Council no later than the last meeting in December 2023.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager and City Attorney to initiate a community stakeholder process, to include the Police Department's designated LGBTQ liaison, for the purpose of receiving input on potential improvements to the El Paso Police Department policy and training regarding identification of transgender and gender-diverse individuals; to invite participation in that process by appropriate organizations and individuals, including without limitation, the Borderland Rainbow Center, Sun City Pride, the Gender and Sexualities Alliance

Board, Texas Rising, and Planned Parenthood and to report the results of that process to the Council by no later than the last meeting in December 2023.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager and City Attorney to work with the Police Department and the Department's designated LGBTQ liaison to ensure that the El Paso Police Department's Policy Manual includes bias/hate crimes department policies and to come back with a report of proposed policies by the last City Council meeting in December 2023, and that the policies shall include, without limitation:

- A policy that establishes guidelines for the appropriate treatment of gender-diverse individuals who come in contact with the El Paso Police Department, and that the guidelines include, but are not limited to:
 - o Gender-diverse status is never by itself a lawful basis for a stop, search, or arrest;
 - o Employees will ask an individual about preferred name, gender identity, and pronouns, and will address and refer to gender-diverse individuals by their preferred names, gender identity, and preferred pronouns;
 - o Officers will not conduct any searches to determine an individual's sex;
 - o Two officers will be present for searches of gender-diverse individuals, except in the case of an emergency, such as when someone's life is in danger;
 - o Officers will inform gender-diverse individuals of their right to express a preference of officer gender for searches;
 - o Officers will not seize or remove appearance-related items, if those items will not typically be confiscated from non-gender-diverse individuals;
 - o Officers will transport and house gender-diverse individuals alone, whenever possible;
 - o When transferring custody of gender-diverse individuals to other law enforcement agencies or other facility, the officer will verbally advise the receiving agency/officer that the individual is gender-diverse and will relay any relevant identification related information, including how the individual would like to be addressed; and
 - o When completing official handwritten or electronic EPPD documents, the employee will include the individual's adopted name as the "Also Known As (A.K.A.)" name.
- Bias-free policing policies that ensures the Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner and ensures the department recognizes that bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, such characteristics include, but are not limited to, age, disability status, economic status, familial status, gender, gender identity, homelessness, mental illness, national origin, political ideology, race, ethnicity, or color, religion, or sexual orientation, and that these policies include:
 - o Every employee is responsible for knowing and complying with bias-free policing policies and the Chief of Police is tasked with reinforcing that bias-based policing is unacceptable through specific yearly training, regular updates, and such other means as may be appropriate;
 - o Officers will not engage in bias-based policing;
 - o The characteristics of an individual may be appropriately considered in limited circumstances, such as when a specific suspect description is based on trustworthy and relevant information that links a specific person to a particular unlawful incident and officers must articulate specific facts and circumstance that support their use of such characteristics in establishing reasonable suspicion or probable cause;
 - o Employees will call a supervisor in response to allegations of bias-based policing;

- o Employees will document all allegations of bias-based policing and the Department will outline a protocol to investigate such allegations; and
 - o The chief legal officer will prepare a report that describes and analyzes bias-based policing allegations during each quarter and the status of the Department's effort to prevent bias-based policing, and any disparate impacts of policing, and will make the report available to the public on the El Paso Police Department's website.
- A policy that outlines the Department's response to hate crime offenses, malicious harassment, and other incidents involving bias.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager and City Attorney to work with the El Paso Police Department, the Department's LGBTQ liaison, and the stakeholder task force, which includes, without limitation, the Borderland Rainbow Center, Sun City Pride, the Gender and Sexualities Alliance Board, Texas Rising, and Planned Parenthood, to implement a Safe Place Initiative to assist the victims of hate crimes and student bullying that originated in the City of Seattle and to work with the stakeholder task force to develop training for a pilot program, and to come back to City Council with a report on efforts to implement the Program no later than the last Council meeting in December 2023.

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

19.

R E S O L U T I O N

WHEREAS, President Joe Biden became the first American President to designate the Transgender Day of Visibility with a White House proclamation: "this designation recognizes the generations of struggle, activism, and courage that have brought our country closer to full equality for transgender and gender non-binary people that has given countless transgender individuals the bravery to live openly and authentically; shaping an increasingly accepting world in which peers at school, teammates and coaches on the playing field, colleagues at work, and allies in every corner of society are standing in support and solidarity with the transgender community"; and

WHEREAS, despite the advances made towards equality and acceptance, the Texas Legislature has recently enacted legislation that has unfairly targeted and attacked the transgender community, and these legislative actions have created barriers and discriminatory practices that infringe upon the rights and dignity of transgender individuals, stifling their ability to freely express themselves, be themselves, and feel accepted and seen in our society; and

WHEREAS, discriminatory and negligent attitudes towards the transgender community, especially against black, indigenous, and other women of color, foster high rates of violence, homelessness, and economic instability, and it is essential to develop policies that support the transgender community, develop public education to dispel misinformation and stigmas, myths, and to increase understanding of humanizing transgender people; and

WHEREAS, affirmation of their gender identity and freedom of expression is vital to how children, teens, and adults are respected in their communities and ensures a positive quality of life; and

WHEREAS, in July 5, 2022, the City Council pledged to keep working to protect transgender rights by adopting policies that protect transgender individuals from employment

discrimination in the City of El Paso, and enhanced existing housing policies to protect individuals from housing discrimination; and

WHEREAS, the City Council of the City of El Paso recognizes the importance of the act of correctly identifying an individual's gender and is committed to taking serious steps towards recognizing an individual's correct gender; and

WHEREAS, these policies include the same safeguards from discrimination that all Americans seek in employment, housing, healthcare, education, the justice system, and use of public facilities; and

WHEREAS, the City of El Paso will continue to promote and advocate for safe spaces within our facilities that welcome all transgender residents seeking help and services; and

WHEREAS, transgender individuals have always been a part of the fabric that makes El Paso beautiful and through visibility and acceptance that we continue to support the values of our community are an increasingly visible part of the fabric that makes El Paso what it is.

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

The City Manager or designee and City Attorney is directed to create a policy that ensures access for transgender individuals to freely use City facilities consistent with their gender identity and/or expression in City agency offices, public parks, pools, playgrounds, Sun Metro Transit stations, museums, and recreation centers, and any other City-owned facility.

BE IT FURTHER RESOLVED:

All City Departments shall post the new facility policy in conspicuous locations for employees and members of the public to see within three months.

BE IT FURTHER RESOLVED:

City Departments will train managers on the policy within one year and frontline staff within two years, will update agency Equal Employment Opportunity (EEO) plans to incorporate training requirements within three months, and will report on steps taken to comply with this resolution by the last meeting in October 2023.

BE IT FURTHER RESOLVED:

The City Manager and City Attorney is directed to return to Council no later than the last meeting in October 2023 with an ordinance amending City Code Title 5 to add a chapter relating to signage for single-user restrooms, with penalty.

- This article shall apply to single-user restrooms within commercial facilities that are not private or private use restrooms. This article shall be an additional requirement to those already required by the City Code.
- A single-user restroom subject to this article must have gender-neutral signage.
- A person with control over a commercial facility with at least one single-user restroom shall install and maintain gender-neutral signage for each single-user restroom.

Mayor Leeser and Representatives Annello and Hernandez commented.

The following City staff members commented:

- Ms. Kristen Hamilton-Karam, Deputy City Attorney
- Mr. Eric Gutierrez, Assistant City Attorney

The following members of the public commented:

1. Eric McNabb
2. Andi Rose Tiscareño
3. Sofia Avant-Mier
4. Michael A. Gutierrez
5. Ivonne Diaz
6. Wesley Lawrence
7. Lorena Edwards
8. Amber Perez
9. Aurelio Valdez, Jr.
10. Lisa Turner
11. Nydia Reveles

Motion made by Mayor Pro Tempore Anello, seconded by Representative Kennedy, and unanimously carried to **APPROVE** the Resolutions, **AS REVISED**.

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

20.

RESOLUTION

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

That the City Council declares that the expenditure of District 2 discretionary funds, in an amount not to exceed \$5,500.00, for Fall Festivals at Memorial Park Reserve, Sunrise Park, Grandview Park, and Seville Recreation Center, serves the municipal purpose of enhancing the quality of life of the citizens of El Paso through entertainment to citizens in El Paso, and by fostering community pride and encouraging civic engagement; and

Further, that the City Manager, or designee, be authorized to effectuate any budget transfers and execute any contracts and/or related documents necessary to ensure that the funds are properly expended for the municipal purpose.

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

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

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

21. **ITEM:** Discussion regarding the effect of resign-to-run by members of City Council.

Mayor Leeser and Representatives Kennedy, Anello, Hernandez, Fierro, and Rivera commented.

Ms. Kristen Hamilton-Karam, Deputy City Attorney, commented.

Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

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

- 22. ITEM:** Discussion and action to direct the City Manager to evaluate existing ordinances, policies, and procedures related to school zone safety in collaboration with the Vision Zero task force and the Mobility Advisory Committee to draft any necessary updates to ensure safe crossings, intersection treatments, and appropriate signage at all schools within the City.

Mayor Leeser and Representatives Annello and Molinar commented.

Mr. Joaquin Rodriguez, Capital Improvement Grant Funded Programs Director, commented.

Jessica Gonzalez, citizen, commented.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and unanimously carried to **APPROVE** the item.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

Goal 8: Nurture and Promote a Healthy, Sustainable Community

23. RESOLUTION

WHEREAS, the frequent recurrence to fundamental principles is of great importance to civic literacy and the preservation of liberty and a free government; and

WHEREAS, the week in which September 17 falls is designated by the State of Texas as Celebrate Freedom Week in public schools, and our community ought to support our students and join in the responsibility of teaching the rising generation to be free; and

WHEREAS, the Constitution of the United States of America, having been ordained and established to secure the blessings of liberty to its Framers and their posterity, ought to be recognized and celebrated on the anniversary of its signing; and

WHEREAS, all who partake in the blessings of liberty are encouraged to read the Declaration of Independence and the Constitution of the United States, reflect upon and honor the sacrifices made to establish and protect our Republic, join in ceremonies and activities commemorating the anniversary of the signing of the Constitution, and to celebrate the inalienable rights which the government of the people, by the people, and for the people, was formed to secure.

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

That the Mayor and Council of the City of El Paso hereby resolve to recognize September 17, 2023, as “Constitution Day,” and the week of September 17 - September 23, 2023, as “Celebrate Freedom Week”

Representative Kennedy read the resolution into the record.

Erin Tague, 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 Kennedy, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

24. TxDOT operational update on projects currently in design and estimated completion dates for construction projects to include reporting on aesthetic/landscaping elements.

Ms. Jennifer Wright, Public Information Officer for TxDOT, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representative Fierro commented.

NO ACTION was taken on this item.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

25. *Motion made, seconded, and unanimously carried to **DELETE** the management update on the Environmental Protection Agency’s Solar for All Grant Program opportunity.

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Rene Corral
2. Benjamin Alva
3. Ron Comeau
4. Barbara Valencia
5. Mark Fierro
6. Aurelio Valdez, Jr.
7. Veronica Carbajal
8. Irma Cruz
9. Susana Herrera

10. Margarita Arvizu
11. Rocio Estevane
12. Dulce Carlos
13. Rosa Avila
14. Samantha Singleton
15. Alan Lizarraga
16. Betty Camargo
17. Lisa Turner
18. Carmen Rodriguez, statement read into the record by the City Clerk
19. Elaine Prickett
20. John Poland
21. Teresa Orr
22. Linda Windbur
23. Bethany Rivera Molinar submitted a statement that was distributed to Council members.

.....
The Regular City Council meeting was **RECESSED** at 1:21 p.m. for a break.

The Regular City council meeting was **RECONVENED** at 1:35 p.m.

.....
REGULAR AGENDA – FIRST READING OF ORDINANCES:

.....
Motion made by Representative Rivera, seconded by Representative Fierro, 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 Kennedy, Anello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

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

-
26. An Ordinance vacating a 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: 12077 Banner Crest Dr.

Applicant: Elia A. Quiroga, SUET23-00002

-
27. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Texas Tech University Health Sciences Center, to the following and described parcel:

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.

.....
PUBLIC HEARING WILL BE HELD ON SEPTEMBER 26, 2023 FOR ITEMS 26 AND 27

.....
REGULAR AGENDA – OTHER BIDS, COTNRACTS, PROCUREMENTS:

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

28. Motion made by Representative Fierro, seconded by Representative Kennedy, and carried to **POSTONE TWO WEEKS** the discussion and action to request that the Managing Director of Purchasing & Strategic Sourcing to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63. This change order will add capacity due to increased usage that resulted from unexpected events such as the migrant crisis and to continue supporting events such as WinterFest activities.

Department: Streets and Maintenance
Award to: Leedsman Construction DBA Traffic Control Specialists Sales & Rentals
El Paso, TX
Total Estimated Award: \$241,795.13
Account No: 532 - 1000 - 524110 - 32120 - P3210
Funding Source: General Fund
District(s): All

This is a Low Bid, unit price contract

Mayor Leeser and Representatives Kennedy and Hernandez commented.

The following City staff members commented:

- Mr. Derek Russell, Senior Procurement Analyst
- Ms. Tracey Jerome, Senior Deputy City Manager
- Mr. Cary Westin, Interim City Manager
- Mr. Richard Bristol, Streets and Maintenance Director

AYES: Representatives Kennedy, Annello, Fierro, and Rivera

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Molinar

ABSENT: Representatives Salcido and Canales

REGULAR AGENDA – EMERGENCY ORDINANCES:

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

ITEMS 29 AND 30 WERE TAKEN TOGETHER

29. ORDINANCE 019536

AN EMERGENCY ORDINANCE EXTENDING EMERGENCY ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS MIGRATION THROUGH EL PASO

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the "City") passed an Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign

Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, on the eve of the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, the Southwest had 132,652 land border encounters in the month of July, 2023; and

WHEREAS, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 16,464 land border encounters in the month of July, 2023 and a total of 364,092 encounters for federal fiscal year 2023; and

WHEREAS, when the CBP Central Processing Center is over capacity and the non-governmental organizations (NGOs) space is unavailable, that is when the potential for street releases arises; and

WHEREAS, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

WHEREAS, in the month of August 2023, approximately 2,700 migrants have been released into the community weekly; and

WHEREAS, in response to the street releases, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City’s Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services and meals to over 19,300 migrants through October 20, 2022, and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

WHEREAS, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of the El Paso International Airport ("EPIA") and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

WHEREAS, EPIA in recent past, became saturated with migrants awaiting air travel and could need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

WHEREAS, the City of El Paso is home to 4 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property has led to street closure and cessation of the streetcar service; and

WHEREAS, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City have and will continue to prepare and evaluate the need for mass emergency sheltering thanks to the expiration of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31st day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

30.

ORDINANCE 019537

**AN EMERGENCY ORDINANCE
EXTENDING EMERGENCY ORDINANCE NO. 019485 DUE TO A
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, on May 8, 2023, the El Paso City Council passed Emergency Ordinance No. 019485 “Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the “City”)”; and

WHEREAS, for federal fiscal year 2023, Southwest encounters were at 1,646,077 of which 549,832 were Title 42; and

WHEREAS, the El Paso sector of CBP had 16,464 land border encounters in the month of July, 2023; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19; and

WHEREAS, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,900 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

WHEREAS, upon the migrants’ arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

WHEREAS, the number of migrants in need of shelter has exceeded the shelter space available through local, state, and federal partnerships; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, U.S. Customs and Border Protection (CBP) surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

WHEREAS, the primary challenge for the non-governmental organizations (NGOs) assisting in the effort is that the NGOs do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

WHEREAS, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, the number of migrants released into the community has been as high as 1,700 in a single day; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, donations to the migrants from the public are best received at the assisting NGOs and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

WHEREAS, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, the condition necessitating the declaration of a state of disaster continues to exist.

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.

2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

Assistant Fire Chief Jorge Rodriguez presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello, Molinar, and Rivera commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manager
- Mr. Mario D'Agostino, Deputy City Manager

Motion made by Representative Rivera, seconded by Representative Fierro, and carried that the Ordinances be **ADOPTED**.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

Mayor Leeser consented to the adoption of the Emergency Ordinances.

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

31. ORDINANCE 019538

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A TEN-FOOT AND A FIVE-FOOT PUBLIC UTILITY EASEMENT (0.0238 ACRES OF LAND) LOCATED WITHIN LOT 9, BLOCK 38, WEST HILLS UNIT 12, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Hernandez, seconded by Representative Molinar, 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 Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

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

32. The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) TO DELETE THE

CONSTRUCTION AND DEMOLITION MANIFEST REQUIREMENT IN SECTION 9.04.280 (MANIFEST REQUIREMENT) AND TO DELETE REFERENCES TO THE SAID MANIFEST IN SECTIONS 9.04.020 (DEFINITIONS), 9.04.460 (HAULER RECORDS) AND 9.04.480 (SUSPENSION, REVOCATION OF A HAULER PERMIT; APPEALS); THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE.

Mr. Cary Westin, Interim City Manager, commented.

Lisa Turner, citizen, commented.

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **POSTPONE** the item for **TWO WEEKS**.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

33.

ORDINANCE 019539

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING EL PASO BENCH ADS, LLC A NON-EXCLUSIVE FRANCHISE FOR WASTE CONTAINERS ON SIDEWALKS AND OTHER CITY PROPERTY.**

Mayor Leeser commented.

Lisa Turner, citizen, commented.

Motion duly made by Representative Fierro, seconded by Representative Rivera, 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 Kennedy, Molinar, Fierro, and Rivera

NAYS: Representative Hernandez

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

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

34.

ORDINANCE 019540

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A PORTION OF MOBILE STREET, MAP OF WESTLYN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Rivera, seconded by Representative Hernandez, 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 Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

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

REGULAR AGENDA – OTHER BUSINESS:

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

35. RESOLUTION

WHEREAS, on March 11, 2021, the federal government enacted the American Rescue Plan Act (“ARPA”), which established the Coronavirus State Fiscal Relief Fund & Coronavirus Local Fiscal Relief Fund (“CSLFRF”) and appropriated \$150 billion to the Fund to be used to address the economic fallout caused by the COVID-19 pandemic; and

WHEREAS, the City is a recipient of \$154,365,135 under the ARPA funding grant; and

WHEREAS, on May 9, 2022 the City Council appropriated ARPA funds to be used by the City in accordance with the requirements stipulated by the CSLFRF, ARPA and federal guidelines; and

WHEREAS, the City desires to enter into a Subrecipient Agreement with **PIONEERS 21 INC.**, a Texas 501(c)(3) tax-exempt, non-profit corporation, whereby PIONEERS 21, Inc., will provide Digital Solutions for El Paso Businesses and Startups, Website Development, Digital Marketing Series for Entrepreneurs, UTEP Internships and Mija Pioneers; and

WHEREAS, the City’s expenditure under this Agreement is, in the reasonable judgement of the City Council, a necessary expenditure incurred due to the public health emergency with respect to COVID–19, and which was not accounted for in the budget most recently approved as of the date of enactment of this section for the City; and

WHEREAS, the City’s expenditure under this Subrecipient Agreement is related to the provision of grants to address business interruptions to affected small businesses caused by the ramifications of the COVID-19 pandemic.

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

That the City Manager be authorized to execute a Subrecipient Agreement by and between the **City of El Paso** and the **PIONEERS 21 INC.**, a Texas 501(c)(3) tax-exempt, non-profit corporation, to provide Digital Solutions for El Paso Businesses and Startups, Website Development, Digital Marketing Series for Entrepreneurs, UTEP Internships and Mija Pioneers, for an amount not to exceed \$650,000.

The following City staff members commented;

- Ms. Mirella Craigo, Economic and International Development Assistant Director
- Mr. Cary Westin, Interim City Manager

The following members of the public commented:

1. Laura Butler
2. Amit Kumar Ghosh
3. Lisa Turner
4. Michelle Hollis

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

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

Goal 4: Set the Standard for Sound Governance and Fiscal Management

- 36. ITEM:** Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Strengthening Mobility and Revolutionizing Transportation (SMART) program for the ELP Airport City Lab Innovation Zone Project.

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **APPROVE** the item.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

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

- 37. ITEM:** Discussion and action regarding a solicitation for an executive search firm to conduct a national search for the hiring of a permanent City Manager, including but not limited to consideration of the scope of work for a national search.

Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director, and Ms. Mary Wiggins, Chief Human Resources Office, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello and Hernandez commented.

Lisa Turner, citizen, commented.

Motion made by Representative Rivera, seconded by Representative Kennedy, and unanimously carried to **APPROVE** the scope of work for a national search for the hiring of a permanent City Manager.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

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

38. RESOLUTION

WHEREAS, the 2012 Quality of Life Bond program included \$6 million dollars for paved trails in Northeast, East, and West El Paso; and

WHEREAS, the “Carolina to Emerson Trail” and the “Ellis Lateral Connection Trail” had been identified as proposed trails to be constructed; and

WHEREAS, City staff recommends the proposed “Carolina to Emerson Trail” and the proposed “Ellis Lateral Connection Trail” be deprogrammed from the 2012 Quality of Life paved trail program; and

WHEREAS, City staff recommends funding, in the amount of \$537,141.68, as identified on Exhibit “A,” intended for construction of the “Carolina to Emerson Trail” and the “Ellis Lateral Connection Trail” be reprogrammed for use on the “Rio Grande Trail North”, attached hereto; and

WHEREAS, City staff recommends that the engineering feasibility study to examine Avispa Canyon for inclusion in Mountain to River Trail be placed on hold.

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

That the City Manager, or designee, be authorized to deprogram the proposed “Carolina to Emerson Trail” and the proposed “Ellis Lateral Connection Trail”; and that the City Manager, or designee, be authorized to make necessary budget transfers and execute any and all necessary documents to reprogram the funding from the deprogrammed trails, in the amount of \$537,141.68, for use on the Rio Grande Trail North.

That City staff is hereby directed to put on hold the implementation of an engineering feasibility study to examine Avispa Canyon for inclusion in Mountain to River Trail.

EXHIBIT “A”

Project	Budget	Recommended Action
Ellis Lateral	\$232,724.24	Transfer budget to Rio Grande Trail North
Carolina to Emerson	\$304,417.44	
Total Recommended Transfer		\$537,141.68

Ms. Yvette Hernandez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Molinar and Rivera commented.

The following members of the public commented:

1. Sharon Miles-Bonart
2. Rick Bonart

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

AYES: Representatives Kennedy, Hernandez, Fierro, and Rivera

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representative Annello
ABSENT: Representatives Salcido and Canales

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 4:06 p.m. to discuss items **EX1, EX3, EX4, AND EX5** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representatives Salcido and Canales

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 6:02 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Kennedy, Salcido, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

ABSENT: Representatives Salcido and Canales

EX1. The City of Houston v. The State of Texas, Intervenors City of San Antonio and City of El Paso, Cause No. D-1-GN-23-003474 & No. 03-23-00531-CV (551.071)

NO ACTION was taken on this item.

EX2. Discussion on potential economic development opportunities in Northwest El Paso. HQ#23-1055; (551.087).

1ST MOTION

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Annello, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:00 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session item:

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera

NAYS: None

ABSENT: Representatives Salcido and Canales

2ND MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 12:27 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro
ABSENT: Representatives Salcido and Canales

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried to **APPROVE** a Term Sheet for a performance-based incentive of up to \$3,391,000 for the expansion of an existing manufacturing operation by Eaton Corporation in El Paso, Texas through the addition of a new manufacturing facility located at 1 Helen of Troy Drive in El Paso, Texas; such expansion will result in the creation of 575 new full-time jobs, the retention of 300 current full-time jobs, and a minimum investment of \$70,000,000.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Fierro, and Rivera
NAYS: None
ABSENT: Representatives Salcido and Canales

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EX3. Economic Incentives for Company Expansion and Headquarters to be located in the City of El Paso. HQ#23-939; (551.087).

NO ACTION was taken on this item.

.....
EX4. Economic Incentives for the expansion of a Manufacturing Company located in the City of El Paso. HQ#23-476; (551.087).

NO ACTION was taken on this item.

.....
EX5. Workplace Complaint submitted to the City by Chief Internal Auditor (551.071)

Ms. Karla Nieman, City Attorney, commented.

Lisa Turner, citizen, commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Kennedy, and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED** to retain outside counsel and any other necessary consultants, regarding the Workplace Complaint, Request for Grievance Process and Notice of Whistleblower Claim filed on July 21, 2023, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority

AYES: Representatives Kennedy, Molinar, Fierro, and Rivera
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez
ABSENT: Representatives Salcido and Canales

.....
<u>ADJOURN</u>
.....

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** this meeting at 6:04 p.m.

AYES: Representatives Kennedy, Molinar, Fierro, and Rivera
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez
ABSENT: Representatives Salcido and Canales
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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk