

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

March 15, 2022
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 9:01 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Alexsandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Peter Svarzbein participated via videoconference. Cassandra Hernandez requested to be excused.

INVOCATION BY POLICE CHAPLAIN ROBERT HEMPHILL, JR. PH.D.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Dolores Anguiano Recognition Day

NOTICE TO THE PUBLIC

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Annello, 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, Molinar, Rodriguez, Salcido, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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 March 1, 2022 and the Agenda Review Minutes of February 28, 2022.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Cassandra Hernandez from the Regular City Council Meeting of Tuesday, March 15, 2022.

CONSENT AGENDA - RESOLUTIONS:

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

3. *Motion made, seconded, and unanimously carried to **APPROVE** the budget transfer to increase FY2022 Confiscated Funds and appropriations as follows: State Confiscated Funds Budget by \$400,000; Federal Confiscated Funds Budget by \$150,000; Treasury Confiscated Funds Budget by \$200,000.

Goal 3: Promote the Visual Image of El Paso

4. ***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, LMO PROPERTIES, LLC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1107 Myrtle Ave, more particularly described as Lot 19 &20 (6000 Sq Ft), Block 15, Franklin Heights Subdivision, City of El Paso, El Paso County, Texas, PID #F607-999-0150-4300 to be \$409.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 26th day of March, 2021, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED NINE AND 50/100 DOLLARS (\$409.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

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

That the Mayor be authorized to sign a First Amendment to the Interlocal Agreement between the City of El Paso ("City") and the University of Texas at El Paso ("UTEP") regarding UTEP's assistance with the City's Intersection Safety Improvement Program, to extend the Term of the Agreement and update the project timelines accordingly, without any amendment to the compensation provisions of the Agreement.

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CONSENT AGENDA – BOARD RE-APPOINTMENTS:
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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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6. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Beatriz Castorena-Mata to the City Accessibility Advisory Committee by Representative Isabel Salcido, District 5.

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CONSENT AGENDA – BOARD APPOINTMENTS:
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Goal 3: Promote the Visual Image of El Paso
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7. *Motion made, seconded, and unanimously carried to **APPOINT** John J. Bryan II to the Building and Standards Commission by City Representative Cassandra Hernandez, District 3.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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8. *Motion made, seconded, and unanimously carried to **APPOINT** Victor M. Casas to the Veterans Affairs Advisory Committee by Representative Peter Svarzbein, District 1.

9. *Motion made, seconded, and unanimously carried to **APPOINT** Edmundo Rodriguez Jr. to the City Accessibility Advisory Committee by Representative Cissy Lizarraga, District 8.

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CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:
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10. *Motion made, seconded, and carried to **APPROVE** the following tax refunds:
1. Giles Volvo Cars El Paso LLC, in the amount of \$5,881.21 made an overpayment on December 31, 2020 of 2020 taxes. (Geo. # 20PP-000-5773-1022)
 2. George Marak, in the amount of \$5,295.71 made an overpayment on January 31, 2022 of 2021 taxes. (Geo. # C214-999-0020-5300)
 3. George Marak, in the amount of \$5,295.71 made an overpayment on January 24, 2022 of 2021 taxes. (Geo. # C214-999-0020-5300)
 4. M. Carmen Samaniego, in the amount of \$3,143.01 made an overpayment on January 26, 2022 of 2021 taxes. (Geo. # E054-999-0230-1700)
 5. El Paso Escrow Inc. DBA Commercial Escrow, in the amount of \$2,586.50 made an overpayment on January 20, 2022 of 2021 taxes. (Geo. #H793-024-0100-0230)
 6. Commercial Escrow, in the amount of \$2,586.50 made an overpayment on January 20, 2022 of 2021 taxes. (Geo. # H793-024-0100-0250)
 7. LNK Properties, LLC, in the amount of \$4,030.49 made an overpayment on January 4, 2022 of 2021 taxes. (Geo. # M842-999-0060-1900)
 8. El Paso Escrow Inc. DBA Commercial Escrow, in the amount of \$3,247.32 made an overpayment on January 20, 2022 of 2021 taxes. (Geo. # S533-000-0010-13W2)
 9. Oluwatosin Arowojolu, in the amount of \$3,209.10 made an overpayment on January 10, 2022 of 2021 taxes. (Geo. # V225-000-0050-0500)
 10. Ann Cereghino, in the amount of \$4,074.48 made an overpayment on February 6, 2022 of 2021 taxes. (Geo. # V893-999-061A-0100)
 11. LNK Properties, LLC, in the amount of \$7,720.23 made an overpayment on January 4, 2022 of 2021 taxes. (Geo. # W564-999-0040-5300)

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REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

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

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11. ITEMS 11 AND 19 TAKEN TOGETHER

ITEM: Discussion and action to direct the City Manager to apply for all available funding opportunities including ARPA funds in order to fund the Phase 2 of the Body Worn Camera program for the El Paso Police Department.

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

The following City staff members commented:

- Assistant Police Chief Zina Silva
- Ms. Dionne Mack, Deputy City Manager for Public Safety
- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Kristen Karam-Hamilton, Senior Assistant City Attorney

1ST MOTION

Motion made by Representative Salcido, seconded by Representative Molinar, and unanimously carried to **AMEND** the item by adding the words “and to **DIRECT** the City Manager to look at a study to implement the use of body cameras with code enforcement and City inspectors” to the end of the wording.

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

NAYS: None

ABSENT: Representative Hernandez

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Rodriguez, and unanimously carried to **DIRECT** the City Manager to apply for all available funding opportunities including ARPA funds in order to fund the Phase 2 of the Body Worn Camera program for the El Paso Police Department to **DIRECT** the City Manager to look at a study to implement the use of body cameras with code enforcement and City inspectors.

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

NAYS: None

ABSENT: Representative Hernandez

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

12. RESOLUTION

WHEREAS, in 1968, Interstate-10 was completed in El Paso; and

WHEREAS, in order to facilitate the construction of the freeway, entire neighborhoods were destroyed which had the effect of physically detaching thriving urban neighborhoods from our Downtown; and

WHEREAS, the ultimate location of the freeway and the neighborhoods it adversely affected were disproportionately those that were previously redlined on the basis of race and ethnicity and their status as being minorities in this country; and

WHEREAS, such actions had the effect of reinforcing and strengthening existing patterns of racial segregation and disinvestment in our downtown and throughout our City and others across the country; and

WHEREAS, the City’s Comprehensive Plan, *Plan El Paso*, identified as a priority the reimagining of the freeway as it traverses through downtown; and

WHEREAS, *Connecting El Paso*, the precursor to *Plan El Paso*, identified capping the freeway as vital to the success of downtown redevelopment; and

WHEREAS, *Plan El Paso* calls for reducing the overreliance on the automobile as a preferred mode of travel; and

WHEREAS, the City's *Street Design Manual* calls for the appropriate context-sensitive design of roadways by differentiating the design elements of roads located in urban, suburban and rural contexts; and

WHEREAS, the location of the freeway's proposed frontage roads in and around Downtown and adjacent neighborhoods to the east and west should consider its contextual surroundings by incorporating design elements that promote slower travel speeds and make it safe for pedestrians and cyclists using the roads for travel and to cross them; and

WHEREAS, to mitigate the physical and visual impacts of the freeway's location through downtown and adjacent neighborhoods, the freeway should be capped in order to physically reconnect the surrounding historic and adjacent urban neighborhoods that were destroyed when the freeway was initially constructed; and

WHEREAS, the proposed deck plaza is a viable method to achieve this through the concept's demonstrated success in cities across the country, including Klyde Warren Park in Dallas, Texas.

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

THAT in order to promote appropriate urban design to support and enhance our vibrant Downtown and neighborhoods and to reconnect the urban fabric currently separated by Interstate 10, the following design consideration be considered in the final design alternative for the Downtown segment and Segment 2 of Re-Imagine I-10:

- a. The elimination of frontage roads as currently conceived through Downtown and neighborhoods to be replaced with urban-context streets in alignment with the City's Street Design Manual;
- b. The removal of any "u-turns" through the downtown segment which present a safety hazard for pedestrians and cyclists;
- c. The new appropriately-scaled frontage roads should prioritize the safe passage of pedestrians and cyclists over the movement of freight and vehicles by reducing the width of the right-of-way to allow for safe crossing;
- d. Reduce design speeds of frontage roads to maintain the current 30 mph speed limit on Yandell Dr, Wyoming Ave, Missouri Ave, and Main St;
- e. Reduce the right-of-way width on the frontage roads to two lanes of vehicular travel and one lane of on-street parking;
- f. Enhance and support the existing downtown aesthetic through the provision of street trees in the adjacent parkways;
- g. Retain north-south connections of Oregon, Stanton and Campbell Streets;
- h. Maintain existing connections and enhance pedestrian and cyclist access to downtown from surrounding historic and adjacent urban neighborhoods;

i. Enhance structural supports and extend utility infrastructure to support future development on the deck including but not limited to parks and buildings;

j. Permit development to span the deck in order to physically reconnect Downtown and uptown.

Representatives Svarzbein, Annello, Rodriguez, and Rivera commented.

Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney, commented.

The following members of the public commented:

1. Robert Storch
2. Scott White

1st MOTION TO AMEND:

Motion made by Representative Annello, seconded by Representative Rodriguez, and carried to **APPROVE** the following amendments to the Resolution:

- Page 1 – 2nd to last paragraph – replace “**in Downtown**” with “**in and around Downtown and adjacent neighborhoods to the east and west**” ...
- Page 1 – last paragraph – after “the freeways location through Downtown insert “**and adjacent neighborhoods,**”
- Page 2 – preamble to the Resolution after “vibrant Downtown” insert “**and neighborhoods**” and after “Downtown segment” insert “**and Segment 2**”
- Page 2 – item a – after “Downtown” insert “**and neighborhoods**”.
- Page 2 – item d – after “Wyoming Ave” insert “**Missouri and Main**”

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

NAYS: Representative Molinar

ABSENT: Representative Hernandez

2nd MOTION TO AMEND:

Motion made by Representative Rodriguez, seconded by Representative Annello, to **AMEND** the Resolution as follows:

- Page 1, last paragraph – replace the word “should” with “could”

AYES: Representatives Annello, Salcido, and Rodriguez

NAYS: Representative Svarzbein, Molinar, Rivera, and Lizarraga

ABSENT: Representative Hernandez

THE MOTION FAILED

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried to **APPROVE** the Resolution **AS AMENDED**.

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

NAYS: Representative Molinar
ABSENT: Representative Hernandez

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES
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Goal 6: Set the Standard for Sound Government and Fiscal Management
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13. Budget Update.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Molinar and Salcido commented.

NO ACTION was taken on this item.

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14. Presentation and discussion providing a preview of the 2022 Strategic Plan Goal Team report series.

Ms. Julie Baldwin-Munoz, Performance Office Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Svarzbein and Annello commented.

NO ACTION was taken on this item.

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The Regular City Council meeting was **RECESSED** at 11:39 a.m. until noon for Call to the Public.

The Regular City Council meeting was **RECONVENED** at 12:03 p.m.

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

1. Efrain Saucedo
2. Ron Comeau
3. Elyse Mize
4. Benjamin Alva
5. Barbara Valencia
6. Marc Salazar
7. Sabrina Soto

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REGULAR AGENDA – FIRST READING OF ORDINANCES:
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Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Annello, 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, Annello, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

Goal 3: Promote the Visual Image of El Paso

15. An Ordinance changing the zoning of a portion of the Southwest ¼ of the Northwest ¼ of Section 16, Block 79, Township 3, Texas and Pacific Railway Company Surveys, 1500 Joe Battle Boulevard, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial). 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: 1500 Joe Battle Boulevard
Applicant: City of El Paso, PZRZ21-00009

16. An Ordinance releasing all conditions placed on property by Ordinance No. 8786 which changed the zoning of a portion of Lots 2 and 3 and all of Lots 4, 5, 6, 7 and 8, and the east 10’ of Lot 9, Block 7, Golden Hill Addition, 1519 and 1525 Golden Hill Terrace Street, 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: 1519 and 1525 Golden Hill Terrace Street
Applicant: ML Real Property LLC, PZCR21-00001

PUBLIC HEARING FOR ITEMS 15 AND 16 WILL BE HELD ON APRIL 12, 2022

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

17. ORDINANCE 019309

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.041 (SCHEDULE IVA - PARKING PROHIBITED DURING CERTAIN HOURS - SCHOOL DAYS ONLY) OF THE CITY CODE TO AMEND PARAGRAPH A TO DELETE CERTAIN STREETS AND TO ADD PARAGRAPH B TO PROHIBIT PARKING BETWEEN THE HOURS OF 7:00 A.M. TO 5:00 P.M. SCHOOL DAYS ONLY ON CERTAIN STREETS; AMENDING SECTION 12.88.030 (SCHEDULES III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), PARAGRAPH 355, TO AMEND THE PROHIBITED PARKING AREA; AMENDING SECTION 12.88.200 (SCHEDULES XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS) TO AMEND ZONE K TO DELETE CERTAIN STREETS; AMENDING 12.88.200 (SCHEDULES XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS) TO AMEND ZONE N TO AMEND PROHIBITED PARKING TIMES AND ADD CERTAIN STREETS; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.**

Ms. Hannah Allen, Traffic Engineer Associate, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Molinar, Rodriguez, and Rivera commented.

Mr. Richard Bristol, Street and Maintenance Director, commented.

Motion duly made by Representative Rodriguez, seconded by Representative Salcido, 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, Annelo, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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

18.

ORDINANCE 019310

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM, AS INCORPORATED INTO PLAN EL PASO, TO DELETE THE FUTURE EXTENSION OF BILL BURNETT DRIVE FROM MERCANTILE AVENUE TO PASEO DEL ESTE BOULEVARD.**

Motion duly made by Representative Rodriguez, 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 Svarzbein, Annelo, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Hernandez

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:

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

19.

ITEM 11 AND 19 WERE TAKEN TOGETHER

R E S O L U T I O N

WHEREAS, on March 13, 2020 the President of the United States declared a national emergency, Governor of the State of Texas declared a state of disaster, and the Mayor of the City of El Paso declared a local state of disaster in relation to Coronavirus Disease 19 (COVID-19); and

WHEREAS, on March 17, 2020 City Council issued an Emergency Ordinance Instituting Emergency Measures due to a Public Health Emergency (“Emergency Ordinance”); and

WHEREAS, on May 11, 2020 City Council approved appropriations for the CARES Act funds received by the City for eligible expenses from March 1, 2020 through August 31, 2021; and

WHEREAS, the City has on going COVID-19 related expenditures that have continued into FY 2022; and

WHEREAS, the COVID-19 pandemic is a public health crisis that has required immediate action from the City to relieve the emergency necessity of the municipality’s residents and to protect the health and safety of the community, resulting in expenditures by the City to respond to the COVID-19 public health emergency; and

WHEREAS, on March 11, 2021, the federal government enacted the American Rescue Plan Act (“ARPA”) which established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund (“CSLFRF”); and

WHEREAS, the Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of recovery funds not explicitly listed; and

WHEREAS, the City is a recipient of ARPA grant in the amount of \$154,365,135 from the fund to be received in two tranches, with the first received on May 12, 2021 in the amount of \$77,172,567.50, and the second half of equal value is expected to be received on or about May 12, 2022; and

WHEREAS, on July 27th, 2021 the City Council appropriated \$15,000,000 of ARPA grant funds; and

WHEREAS, on January 18th, 2022 the City Council appropriated \$7,821,018 of ARPA grant funds; and

WHEREAS, the City Council desires to appropriate the ARPA grant funds in the amount of \$6,600,000 in accordance with the requirements stipulated in the U.S. Department of Treasury’s Final Rule (“Final Rule”).

WHEREAS, the City Council now desires to fund a police Digital Video Recording System to promote public trust, enhance public safety, improve transparency and provide accountability for the safety and security of both the El Paso Police Department and the community it serves.

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

THAT as the recipient of the American Rescue Plan Act (“ARPA”) grant funds in the amount of \$154,365,135, the City Council approves the appropriation of \$6,600,000 of the grant funds from the CSLFR to cover expenses incurred for the purchase of Digital Video Recording System Funds in accordance and compliance with the requirements stipulated by the American Rescue Plan Act and federal guidelines in the Final Rule.

THAT, the above appropriation was obligated during the period starting March 3, 2021, and ending December 31, 2024.

THAT, the instant and previous appropriations are made in compliance with the Final Rule.

THAT, future appropriations of the remaining CSLFR funds shall be appropriated in a manner aligning to the needs and requirements of the City and in compliance with the Final Rule guidance.

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 American Rescue Plan Act (“ARPA”) grant funds are properly expended to respond to the COVID-19 public health emergency.

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

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

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

20. 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 two year On-Call Agreement for Professional Services to perform geotechnical and materials testing consulting services on a task order basis between the City of El Paso and the following consultant:

1. LOI Engineers

The On-Call Agreement will be for an amount not to exceed Five Hundred Thousand and No/00 Dollars (\$500,000.00). In addition, the City Manager, or designee, is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of the agreement. In addition, the City Manager, or designee, is authorized to increase contract amounts up to \$50,000.00 and sign any amendments to the agreement.

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

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

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21. Discussion and action that the City consents to the assignment of the rights, duties and obligations under the contract 2006-015 to Assignee, who agrees to perform all duties under

the contract as the Friedman contract is transferred to Waste Connections of El Paso, LB d/b/a BARCO. The termination clause will be amended such that the contractor shall have the option to require the City to reimburse it for any fees due and its unrecoverable investments in plant and facilities including its investment in real estate in the amount of \$160,000 (Termination/Transfer fee) 1) if the City exercises its right to terminate for convenience 2) if the Contractor suffers a material financial hardship from the contract as a result of significant changes in the scope or nature of the project or 3) if the Contractor terminates the Contract because of default by the City.

Representatives Svarzbein, Annello, Molinar, and Rodriguez commented.

Ms. Ellen Smyth, Managing Director of Environmental Services and Sun Metro, commented.

Mr. Scott Berry, Waste Connections District Manager, commented.

Mr. Rick Bonart, citizen, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried to **POSTPONE** the item for **TWO-WEEKS**.

AYES: Representatives Svarzbein, Annello, Salcido, Rodriguez, and Rivera

NAYS: Representatives Molinar and Lizarraga

ABSENT: Representative Hernandez

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ADJOURN
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Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 12:26 p.m.

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

NAYS: None

ABSENT: Representative Hernandez

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APPROVED AS TO CONTENT:
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Laura D. Prine, City Clerk