

Oscar Leeser  
Mayor

Dionne Mack  
City Manager



CITY COUNCIL  
Brian Kennedy, District 1  
Josh Acevedo, 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

## NOTICE OF WORK SESSION OF THE EL PASO CITY COUNCIL

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**October 21, 2024**  
**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY**  
**9:05 AM**

**Teleconference phone number 1-915-213-4096**  
**Toll free number: 1-833-664-9267**  
**Conference ID: 789-269-857#**

Notice is hereby given that a Work Session of the City Council of the City of El Paso will be conducted on October 21, 2024, at 9:05 A.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>  
Via television on City15,  
YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

**At the prompt please enter the corresponding Conference ID: 789-269-857#**

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following link:

<https://app.smartsheet.com/b/form/7086be5f4ed44a239290caa6185d0bdb>

**A quorum of City Council must participate in the meeting.**

### **AGENDA**

1. Discussion and action on 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

**[24-1395](#)**

resulting from a mass migration through El Paso.

**All Districts**

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

- 2. This is a follow-up presentation of Strategic and Legislative Affairs' State Legislative Update in preparation for the 89th Texas Legislative Session. [24-1385](#)

**All Districts**

City Manager's Office, Ian Voglewede, (915) 299-9409

- 3. Presentation on the final assessment of dedicated outdoor pickleball courts and the identified sites across the City of El Paso as recommended by the Parks and Recreation Department. [24-1394](#)

**All Districts**

Parks and Recreation, Pablo Caballero, (915) 212-0092

**EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

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

**Discussion and action on the following:**

- EX1.** Martinez Bros. Contractors, LLC v. City of El Paso; Cause No. 2023DCV1661 (551.071) [24-1454](#)

City Attorney's Office, Matt Marquez, (915) 212-0033

- EX2.** Public Utility Commission of Texas Staff's Petition to Establish a Secondary Cap on Performance Bonuses Under 16 TAC Sec. 25.182(e) for the 2024 Program Year; HQ#UTILITY-56 (551.071) [24-1456](#)

City Attorney's Office, Matt Marquez, (915) 212-0033

- EX3.** Application of El Paso Electric Co. for Authority to Implement an Interim Fuel Refund; PUC Dkt. 57194; HQ # UTILITY-57 (551.071) [24-1457](#)  
City Attorney's Office, Oscar Gomez, (915) 212-0033
- EX4.** Michael R. Aguirre, et al v. City of El Paso, Texas; Cause No. 2017DCV2260 (551.071) [24-1455](#)  
City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033
- EX5.** El Paso Firemen and Policemen Pension Fund request. HQ#3676 (551.074) [24-1458](#)  
City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033
- EX6.** Discussion on economic development opportunities in Downtown El Paso. HQ# 24-3197 (551.087) [24-1459](#)  
Economic and International Development, Karina Brascgalla, (915) 212-0094

## **ADJOURN**

### **NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for Regular City Council Meetings. If you need Spanish Interpretation Services, please email [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) by 12:00 p.m. on the Friday before the meeting.

Si usted necesita servicios de interpretación en español, favor de enviar un correo electrónico a [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) a mas tardar a las 12:00 p.m. del viernes previo a la fecha de la junta.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET THURSDAY PRIOR TO THE MEETING AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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File #: 24-1395, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on 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.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** October 21, 2024  
**PUBLIC HEARING DATE:** October 21, 2024

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, (915) 212-1069

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 2. Set the Standard for a Safe and Secure City  
**SUBGOAL:** 2.1 Maintain standing as one of the nation's top safest cities

**SUBJECT:**

Discussion and action on 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.

**BACKGROUND / DISCUSSION:**

On December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case can be carried out. 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.

**PRIOR COUNCIL ACTION:**

On September 23, 2024, the Mayor and City Council of the City of El Paso (the "City") passed 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".

**AMOUNT AND SOURCE OF FUNDING:**

None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** YES  NO

**PRIMARY DEPARTMENT:** City Manager's Office

**SECONDARY DEPARTMENT:** Fire

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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*Mario M. D'Agostino*

**ORDINANCE NO. \_\_\_\_\_**

**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**, 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 response to potential street releases and partly pursuant to Emergency Ordinance No. 019333, the El Paso City-County Office of Emergency Management (“OEM”) reallocated COVID-19 Operations staff to assist as migrant shelter surge staff and 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**, in the Fall of 2022, at least partly pursuant to the authority contained in Emergency Ordinance No. 019333, 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 Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operations 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**, from time to time during the migration waves, EPIA in recent past, has become saturated with migrants awaiting air travel and has needed 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 four international ports of entry between Texas and Mexico; and

**WHEREAS**, at times during the pendency of Emergency Ordinance No. 019333, border officials have barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge attributed to rumors about the relaxation of immigration restrictions circulated on social media sites, which has caused significant delays at the international ports-of-entry involving trade; and

**WHEREAS**, the encampment of large groups of migrants on City rights of way, parks and other City property at one point led to street closures and cessation of the streetcar service and reassignment of City staff required to ensure safety and sanitary conditions in that area; and

**WHEREAS**, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local non-governmental organizations (“NGOs”) with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; 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**, at that time and subsequent to that time, tens of thousands of migrants from Latin America and around the world 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 El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 482,095 land border encounters and over 174,000 community releases in the federal fiscal year 2023; and

**WHEREAS**, for federal fiscal year 2024, the Southwest had 2,033,260 migrant encounters; and

**WHEREAS**, when the CBP Central Processing Center is over capacity and the NGO space is unavailable, that is when the potential for street releases arises; 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**, there are significant public safety and security concerns related to the waves of migration, including but not limited to the risk of 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**, 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 these waves of migrants; and

**WHEREAS**, the White House issued a proclamation, effective June 5, 2024, limiting asylum eligibility, and increasing the consequences for crossing the southern border without authorization; 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 31<sup>st</sup> day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10; and

**WHEREAS**, this document reflects the authority of the City of El Paso's Office of Emergency Management in the handling of the local mass migration and is separate and apart from any authority possessed by any other jurisdiction on migrant issues.

**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.

**PASSED AND ADOPTED, this \_\_\_ day of October, 2024.**


**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

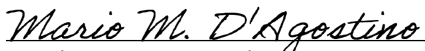
\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

9/30/2024

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 24-1385, Version: 2**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Ian Voglewede, (915) 299-9409

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

This is a follow-up presentation of Strategic and Legislative Affairs' State Legislative Update in preparation for the 89th Texas Legislative Session.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** October 22, 2024  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Ian Voglewede, Strat. and Legislative Affairs Director, 915-299-9409

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** No 6: Set the Standard for Sound Governance & Fiscal Management

**SUBJECT:**

Follow-up presentation of Strategic and Legislative Affairs' State Legislative Update in preparation for the 89<sup>th</sup> Texas Legislative Session.

**BACKGROUND / DISCUSSION:**

This presentation will focus on the interim updates ahead of the start of the 89<sup>th</sup> Texas Legislative Session. Updates include a state legislative timeline progress report, a recap of the City's top policy focal points, and an overview of the preliminary rider requests to be submitted to the state delegation.

**PRIOR COUNCIL ACTION:**

This presentation is a follow-up to Strategic and Legislative Affairs first State Legislative Update provided to City Council on May 21, 2024 (Item #34).

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Strategic and Legislative Affairs

**SECONDARY DEPARTMENT:**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** Ian Voglewede

*Stephen Ian Voglewede*

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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



El Paso, TX

300 N. Campbell  
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Legislation Text

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**File #: 24-1394, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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**All Districts**

Parks and Recreation, Pablo Caballero, (915) 212-0092

**AGENDA LANGUAGE:**

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Presentation on the final assessment of dedicated outdoor pickleball courts and the identified sites across the City of El Paso as recommended by the Parks and Recreation Department.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Parks and Recreation

**AGENDA DATE:** October 21, 2024

**PUBLIC HEARING DATE:** n/a

**CONTACT PERSON NAME AND PHONE NUMBER:** Pablo Caballero, (915) 212-0092

**DISTRICT(S) AFFECTED:** ALL

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

**SUBGOAL:** 4.3 Establish technical criteria for improved quality of life facilities

**SUBJECT:**

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

A presentation on the final assessment of dedicated outdoor pickleball courts and the identified sites across the City of El Paso as recommended by the Parks and Recreation Department.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The department was directed to conduct an assessment and provide the final results of the assessment on dedicated outdoor pickleball courts and the identified sites across the City of El Paso.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Yes – July 2<sup>nd</sup>, 2024 and August 12<sup>th</sup>, 2024

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

**REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:**

Report any contributions or donations made to City Council of an accumulated total of \$500 or more. Report the name of the elected official and the amount.

NAME	AMOUNT (\$)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



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Legislation Text

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**File #: 24-1454, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Matt Marquez, (915) 212-0033

**AGENDA LANGUAGE:**

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Martinez Bros. Contractors, LLC v. City of El Paso; Cause No. 2023DCV1661 (551.071)



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**File #: 24-1456, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Matt Marquez, (915) 212-0033

**AGENDA LANGUAGE:**

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Public Utility Commission of Texas Staff's Petition to Establish a Secondary Cap on Performance Bonuses Under 16 TAC Sec. 25.182(e) for the 2024 Program Year; HQ#UTILITY-56 (551.071)



El Paso, TX

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Legislation Text

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**File #: 24-1457, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Oscar Gomez, (915) 212-0033

**AGENDA LANGUAGE:**

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Application of El Paso Electric Co. for Authority to Implement an Interim Fuel Refund; PUC Dkt. 57194; HQ #  
UTILITY-57 (551.071)





El Paso, TX

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**File #: 24-1455, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033

**AGENDA LANGUAGE:**

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Michael R. Aguirre, et al v. City of El Paso, Texas; Cause No. 2017DCV2260 (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 24-1458, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Kristen Hamilton-Karam, (915) 212-0033

**AGENDA LANGUAGE:**

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El Paso Firemen and Policemen Pension Fund request. HQ#3676 (551.074)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 24-1459, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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*No Title's, No emails. Please use ARIAL 10 Font.*

Economic and International Development, Karina Brasgalla, (915) 212-0094

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion on economic development opportunities in Downtown El Paso. HQ# 24-3197 (551.087)