

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM 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

MINUTES FOR REGULAR COUNCIL MEETING

MARCH 26, 2024
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 9:03 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Joe Molinar, Isabel Salcido, Henry Rivera, and Chris Canales. Late arrivals: Josh Acevedo, Cassandra Hernandez, and Art Fierro at 9:06 a.m. Early departure: Cassandra Hernandez at 11:45 a.m.

INVOCATION BY EL PASO POLICE SENIOR CHAPLAIN DAVID MAYFIELD

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

STI Awareness Month

Diabetes Alert Day

El Paso Science Week

Autism Acceptance Month

Greater El Paso Association of Realtors Day

The Regular City Council meeting was **RECESSED** at 10:16 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 10:55 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Hernandez, 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, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera and Canales

NAYS: None

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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 March 12, 2024.

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CONSENT AGENDA – REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS**

NO ACTION was taken on this item.

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CONSENT AGENDA – RESOLUTIONS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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3. ***R E S O L U T I O N**

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

That the City Manager is authorized to sign a First Amendment to the Easement Agreement by and between the **CITY OF EL PASO, TEXAS** and **SFPP, L.P.** for the purpose of clarifying the Easement Agreement's termination date of June 19, 2043.

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Goal 2: Set the Standard for a Safe and Secure City
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4. ***R E S O L U T I O N**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Public Safety Office of the State of Texas ("PSO"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the grant/application number 2998210 for the El Paso Police Department project identified as "Local Border Security Program FY25"; and

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

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

1. **THAT**, the City Manager or designee be authorized to submit to the Public Safety Office of the State of Texas, grant application number 2998210, for the City of El Paso Police Department project identified as "Local Border Security Program FY25" to provide financial assistance to the City of El Paso.

2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.

3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant.

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the Public Safety Office of the State of Texas.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

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5. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** a Resolution authorizing the Mayor to sign an Interlocal Cooperation Agreement between the Department of Public Safety of the State of Texas ("DPS") and the City of El Paso ("City") to provide and establish an automated Failure to Appear ("FTA") system in the City of El Paso, El Paso County, Texas. This resolution is an amendment to add contract changes by the Department of Public Safety that were mandated in the 88th Legislative Session. Changes include: 1) Inclusion of indigency as mandated by House Bill 291, 88th Legislative Session, 2) Option to acquire occupational license while license on hold for 2 years plus additional 2 years, 3) change to provide clarity regarding specific responsibilities held by each party, and 4) language to account for future changes to the current statute ensuring agreement remains in compliance with the latest legal requirements.
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Goal 3: Promote the Visual Image of El Paso

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ODOM INVESTMENTS INC, 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:

1820 Alabama St, more particularly described as Lot 8 & 9 & 11 TO 16 & 27 TO 32 & W 5' OF (10 & 26) & CLSD ALLEY BTWN (46300.00 SQ FT), Block 76, HIGHLAND PARK Subdivision, City of El Paso, El Paso County, Texas, PID #H453-999-0760-8900

to be \$503.50, 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 7TH day of December, 2022, 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 FIVE HUNDRED THREE AND 50/100 DOLLARS (\$503.50) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MARTINEZ, PATRICIA, 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:

2701 Sparkman St, more particularly described as Lot S 70 FT OF 1 TO 4 (7000 SQ FT), Block 94, GRANDVIEW Subdivision, City of El Paso, El Paso County, Texas, PID #G686-999-0940-0800

to be \$610.12, 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 9TH day of December, 2022, 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 SIX HUNDRED TEN AND 12/100 DOLLARS (\$610.12) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JACOBO, OMAR A., 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:

3212 Titanic Ave, more particularly described as Lot 7(24700 SQ FT), Block 2, MOUNTAIN PARK Subdivision, City of El Paso, El Paso County, Texas, PID #M820-999-0020-3100

to be \$1,018.50, 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 21ST day of November, 2022, 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 ONE THOUSAND EIGHTEEN AND 50/100 DOLLARS (\$1,018.50) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, TAGGART, KEVIN M, 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:

1814 Marlys Larson St, more particularly described as Lot 8 5719.76 sq ft, Block 17, EAST GATE #1 Subdivision, City of El Paso, El Paso County, Texas, PID #E049-999-0170-0800

to be \$336.00, 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 6TH day of December, 2022, 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 THREE HUNDRED THIRTY SIX AND 00/100 DOLLARS (\$336.00) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, FANG SHI M, LIU ZHI W, 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:

204 Zenith Dr, more particularly described as Lot REPLAT 7 & SW 15 FT OF 6, Block 12, LOMAS DEL REY Subdivision, City of El Paso, El Paso County, Texas, PID #L624-999-0120-2600

to be \$484.50, 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 21s day of November, 2022, 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 EIGHTY FOUR AND 50/100 DOLLARS (\$484.50) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MUSIL, DANIEL E. & DENISE M, 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:

404 Crestmont Dr, more particularly described as Lot 7, Block 9, CRESTMONT HILLS Subdivision, City of El Paso, El Paso County, Texas, PID #C942-999-0090-3100

to be \$418.00, 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 5TH day of December, 2022, 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 EIGHTEEN AND 00/100 DOLLARS (\$418.00) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MORENO RICARDO, 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:

1500 Rocky Bluff Rd, more particularly described as Lot 6(15853 SQ FT), Block 6, RICHMAR Subdivision, City of El Paso, El Paso County, Texas, PID #R439-999-0060-1100

to be \$439.00, 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 29TH day of November, 2022, 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 THIRTY NINE AND 00/100 DOLLARS (\$439.00) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ESPARZA, ENRIQUE JR & CECILIA A, 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:

1512 Wyoming Ave, more particularly described as Lot 7 & W 1/2 OF 8(4500 SQ FT), Block 42, FRANKLIN HEIGHTS Subdivision, City of El Paso, El Paso County, Texas, PID #F607-999-0420-1300

to be \$791.50, 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 18TH day of November, 2022, 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 SEVEN HUNDRED NINETY ONE AND 50/100 DOLLARS (\$791.50) 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.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, COULTER, CHERYL, 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:

2200 N Florence St, more particularly described as Lot 19 & 20 & S 23 FT OF 18(9150.00 SQ FT), Block 168, ALEXANDER Subdivision, City of El Paso, El Paso County, Texas, PID #A462-999-1680-9100

to be \$488.50, 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 30TH day of November, 2022, 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 EIGHTY EIGHT AND 50/100 DOLLARS (\$488.50) 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 6: Set the Standard for Sound Governance and Fiscal Management
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7.

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

WHEREAS, pursuant to Section 33.01G)(I) of the Tax Code, the governing body of a taxing unit shall waive penalties and interest on a delinquent tax of the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency to the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date; and

WHEREAS, pursuant to Section 33.01I(d) a request for waiver of penalties and interest pursuant to Section 33.01I(d) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.01I(d) of the Tax Code, taxpayer, ADVANTAX INC, CARDINAL HEALTH 200 LLC ("Taxpayer") requested a waiver of penalties and interest on February 14, 2024, before the 181st day after the delinquency date, in the amount of \$23,274.17 for the 2023 delinquent taxes for the properties with the following legal description:

FURN MACH INV CMP SIGN (1320 DON HASKINS DR)
INV FURN CMP MACH VEHS (1 BUTTERFIELD TRAIL BLVD)
LEASED MACH IN TDC 34 (MISC FILE NO. 34)

WHEREAS, taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency to the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date.

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

THAT the Taxpayer, ADVANTAX INC, CARDINAL HEALTH 200 LLC, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2023 delinquent taxes pursuant to Section 33.01I(d) of the Tax Code in the amount of \$23,274.17, for the properties with the following legal description:

FURN MACH INV CMP SIGN (1320 DON HASKINS DR)
INV FURN CMP MACH VEHS (1 BUTTERFIELD TRAIL BLVD)
LEASED MACH IN TDC 34 (MISC FILE NO. 34)

8.

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

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, BEATRIZ MENDOZA ("Taxpayer") requested a waiver of penalties and interest on February 29, 2024, before the 181st day after the delinquency date, in the amount of \$474.40 for the 2023 delinquent taxes for the property with the following legal description:

183 TIERRA DEL ESTE #50 LOT 1 (6187.95 SQ FT)

WHEREAS, the Taxpayer paid the taxes owed on the property on February 29, 2024, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of the tax office.

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

THAT the Taxpayer, BEATRIZ MENDOZA has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2023 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$474.40, for the property with the following legal description:

183 TIERRA DEL ESTE #50 LOT 1 (6187.95 SQ FT)

9.

***RESOLUTION**

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, ROBIN LINDSEY ("Taxpayer") requested a waiver of penalties and interest on February 29, 2024, before the 181st day after the delinquency date, in the amount of \$366.55 for the 2023 delinquent taxes for the property with the following legal description:

BLK 60 TRES SUENOS #19 LOT 3

WHEREAS, the Taxpayer paid the taxes owed on the property on February 29, 2024, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of the tax office.

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

THAT the Taxpayer, ROBIN LINDSEY has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2023 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$366.55, for the property with the following legal description:

BLK 60 TRES SUENOS #19 LOT 3

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

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

THAT the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the project generally described as Railroad Crossing Improvements at Union Pacific Railroad at N. Piedras Street from San Jose Avenue to Pershing Drive, for a total estimated project cost of \$93,513.65 of which the estimated local government participation amount is \$0.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

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11. *RESOLUTION

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

THAT the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the project generally described as Railroad Crossing Improvements at Union Pacific Railroad at Zaragoza Road from Mellon Drive to Otyokwa Way, for a total estimated project cost of \$94,363.65 of which the estimated local government participation amount is \$0.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

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

WHEREAS, the Environmental Protection Agency (“EPA”) is currently accepting applications for the Climate Pollution Reduction Grants Program: Implementation Grants General Competition (“CPRG Implementation grant”); and

WHEREAS, the City of El Paso, Texas ("City") wishes to submit an application for the CPRG Implementation grant; and

WHEREAS, if awarded, the funds received under the CPRG Implementation grant will be used for the Paso Del Norte Trail Project (the “Project”), which is a community-driven, collaborative effort to develop a county-wide trail in El Paso County that expands into Hudspeth County; and

WHEREAS, the Project will create a regionally significant landmark that promotes active transportation, preserves the history and culture of our region, supports economic development and ecotourism, provides educational and recreational opportunities and therefore supports a high quality of life for the El Paso community.

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

1. That the City Manager or his designee is authorized to sign the documents related to the Environmental Protection Agency Climate Pollution Reduction Grant: Implementation Grants General Competition, and any agreements or verifications required to submit an application for this grant.

Ms. Lisa Turner, citizen, commented.

CONSENT AGENDA – BOARD APPOINTMENTS:

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

13. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** the board appointment of Ofelia Mletzko to the Museums and Cultural Affairs Advisory Board by Representative Henry Rivera, District 7.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

14. *Motion made, seconded, and unanimously carried to **APPOINT** Donald Brown to the Veterans Affairs Advisory Committee by Representative Art Fierro, District 6.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

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

15. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds greater than \$2,500 listed below:
1. Irvin Automotive, in the amount of \$5,864.91 made an overpayment on February 20, 2024 of 2023 taxes. (Geo. #20PP-999-1340-0042)
 2. Richard Sennessie, in the amount of \$5,579.29 made an overpayment on January 29, 2024 of 2023 taxes. (Geo. #A523-999-0010-0110)

3. Homeloanserv, in the amount of \$3,988.41 made an overpayment on February 13, 2024 of 2023 taxes. (Geo. #B686-999-0110-1000)
4. Yolanda Giner, in the amount of \$5,247.67 made an overpayment on January 28, 2024 of 2023 taxes. (Geo. #I256-999-0210-0300)
5. Alma D. Licon, in the amount of \$4,860.55 made an overpayment on December 30, 2024 of 2023 taxes. (Geo. #M996-999-0050-3300)
6. TexStar Escrow, in the amount of \$3,808.88 made an overpayment on January 26, 2024 of 2023 taxes. (Geo. #V893-999-2050-0100)
7. David Kaufmann, in the amount of \$14,292.03 made an overpayment on January 30, 2024 of 2023 taxes. (Geo. #X002-999-0110-1000)

CONSENT AGENDA – NOTICE FOR NOTATION:

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

16. *Motion made, seconded, and unanimously carried to **NOTE** the P-Card Transactions for the period of January 21, 2024 - February 20, 2024 for Mayor, City Council Representatives, City Attorney's Office, City Manager's Office and staff.

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

17. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,500.00 from El Paso Municipal Police Officers Association (EPMPOA).
18. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,000.00 from Robert Bowling.
19. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,000.00 from Randall Bowling.
20. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,000.00 from Dr. Richard Teschner.
21. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,000.00 from Brian Kennedy.
22. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,000.00 from Oscar Leaser.

23. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$1,000.00 from Rogelio Lopez.

24. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$500.00 from Dr. Max Grossman.

25. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$500.00 from El Paso County Sheriff's Officers Association (EPCSOA).

CONSENT AGENDA – BIDS:

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

26. *RESOLUTION

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

That the City Manager be authorized to sign Contract No. 2024-0151 R Stress Management for the Police Department between the City of El Paso ("City") and Integrity Employee Assistance, Inc., d.b.a. Well Connect for stress management services for Police Department employees for a three (3) year term from the effective date and one (1) option to extend for two (2) years under the same terms to be exercised by the City Manager or designee, for an estimated total cost of \$163,710 for the first term and an estimated total cost of \$272,850 including the option to extend; and that service provider is to be paid based on the services performed.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

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

27. RESOLUTION

WHEREAS World Down Syndrome Day is being observed in the City of El Paso, Texas on March 21, 2024, to promote awareness of the many ways that we benefit by ensuring that persons with Down syndrome are supported, encouraged, and included in our communities; and

WHEREAS, Down syndrome, the most commonly occurring chromosomal condition, occurs in individuals who have a full or partial extra copy of chromosome 21; one of every 700 babies born in the United States each year is born with Down syndrome; and

WHEREAS, Medical advances have significantly increased the life expectancy of people with Down syndrome, which is now approaching that of peers without the condition; in addition to the advantages of modern medicine, support groups and other resources are now available in nearly every community in the United States; and

WHEREAS, When provided with quality education programs, a stimulating home environment, good health care, and support from family and friends, people with Down syndrome can lead fulfilling and productive lives; much progress has been made through the

vision and hard work of parents, researchers, medical professionals, and other advocates, who have helped secure the rights of people with Down syndrome to live at home, attend schools, access appropriate health care, get married, find work, and contribute to society; while research and early intervention have dramatically improved the life span and quality of life of persons with the condition, more work remains to be done to fully comprehend the causes and to explore potential treatments; and

WHEREAS, In 2011, the United Nations General Assembly declared March 21 as World Down Syndrome Day; this year, the County of El Paso, Texas is joining with other counties, countries around the globe in recognition of this special event, and all citizens of El Paso County are encouraged to take part by helping to build a culture of greater respect and inclusion for those living with Down syndrome;

NOW, THEREFORE LET IT BE RESOLVED, that the Mayor and City Council of El Paso, Texas hereby recognizes March 21, 2024, as World Down Syndrome Day in the City of El Paso and honors the accomplishments and contributions made by men and women with Down syndrome.

Representative Kennedy read the resolution into the record.

The following representatives of GiGi's Playhouse, Down Syndrome Achievement Centers commented:

1. Judge Bill Moody
2. Ms. Melissa Moody

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

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera and Canales

NAYS: None

28.

RESOLUTION

WHEREAS, César E. Chávez was an American born on March 31, 1927 to Mexican immigrants and proudly served in the United States Navy; and

WHEREAS, César E. Chávez was an American farm worker, labor leader, and civil rights activist, who, with Dolores Huerta, co-founded the National Farm Workers Association that later became the United Farm Workers union; and

WHEREAS, for 30 years César E. Chávez tenaciously devoted himself to the problems of workers in America; and

WHEREAS, the social movement César E. Chávez inspired succeeded in raising salaries and improving working conditions for farm workers in California, Texas, Arizona, and Florida; and

WHEREAS, on March 28, 2014, President Obama proclaimed March 31st as the National César E. Chávez Day, a day devoted to the promotion of service to the community in honor of his distinguished lifetime work and for what he's taught us about making America a stronger, more just, and more prosperous nation; and

WHEREAS, on June 22, 2022, the City of El Paso unanimously approved designating March 31st as a municipal holiday in honor of the late civil rights leader and activist, César E. Chávez; and

WHEREAS, local organizations like Service Employees International Union (SEIU) honor César E. Chávez's legacy by standing in solidarity and improving employees' lives by addressing systemic barriers and racism; improving employment conditions; and fighting for equal and higher wages for union members; and

NOW, THEREFORE, BE IT RESOLVED: by the Mayor and Council of the City of El Paso that March 31, 2024 shall be known as:

"CÉSAR E. CHÁVEZ DAY"
¡Viva César E. Chávez!

Representative Rivera read the resolution into the record.

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

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera and Canales

NAYS: None

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

29.

R E S O L U T I O N

WHEREAS, there were **4,985 completed investigations** and **1,662 confirmed victims** of child abuse and neglect in the El Paso area in fiscal year 2023; and

WHEREAS, there were **1,869 youth served by DFPS prevention programs** in the El Paso area in fiscal year 2023; and

WHEREAS, child abuse and neglect can be reduced by making sure each family has the support they need to raise their children in a safe, nurturing, and healthy environment and by informing families about community resources and services available that could help prevent a family crisis or help them overcome one; and

WHEREAS, preventing child abuse and neglect is a community responsibility and finding solutions is contingent upon involvement among people throughout the community; and

WHEREAS, our community has taken a proactive approach in the prevention of child abuse with the formation of the Coalition of Prevention of Child Abuse that is comprised of over 70 agencies, organizations, schools, daycare centers, and businesses that are actively involved in preventing child abuse through education and advocacy; and

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

That the City of El Paso recognizes the importance of child abuse prevention through education and advocacy to our community and the month of April shall be known as "**Child Abuse Prevention Month**" and April 5, 2024, shall be known as, "**Go Blue Day.**"

Representative Rivera read the resolution into the record.

Ms. Victoria Colon, Community Engagement Specialist with the Texas Department of Family and Protective Services, commented.

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

AYES: Representatives Kennedy, Acevedo, Hernandez, Salcido, Fierro, Rivera and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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

- 30. ITEM:** Discussion and action on directing the City Attorney to prepare a resolution amending the City Council Rules of Order, specifically Section 13 - Right of Citizens to be Heard, to specify:

that public comment received in writing ("letters") submitted to become part of the record in accordance with the already established procedure shall, upon request of the submitter, be read into the record by the City Clerk or staff designee;

and that the duration of the reading of each submitted letter shall be limited to three minutes, after which point the reading will be truncated but the entirety of the text will still be included as part of the record;

and that the reading of such letters will occur during the public comment period but after all speakers participating either in-person or remotely/telephonically have had the opportunity to address the City Council.

Mayor Leeser and Representative Hernandez commented.

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, and carried to **DELETE** the item.

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

NAYS: Representatives Acevedo, Hernandez, and Canales

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- 31. ITEM:** Discussion of the progress toward implementation of the Targeted Code Assessment, adopted by Resolution by the City Council on October 10, 2023, to include current status, total funds expended, progress toward final review/adoption which is targeted for February/March 2024 in the Council approved timeline, and plan for completion.

Mayor Leeser and Representatives Kennedy, Hernandez, Fierro, and Canales commented.

The following City staff members commented:

- Mr. Sam Rodriguez, Chief Operations Officer
- Mr. Cary Westin, Interim City Manager

NO ACTION was taken on this item.

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32. ITEM: Discussion and action to direct the City Manager to facilitate the hosting of no less than three public community meetings with hybrid virtual participation options on the proposed adjustments to impact fees, to include presentations from the City Planning and Inspections Department and El Paso Water on the existing impact fee structure for water and wastewater services, the proposal to amend land use assumptions, the capital improvements plan, the calculated proposed impact fees, and the financial impact to ratepayers; and that such meetings should be held before the scheduled public hearing on April 23, 2024.

Mayor Leeser and Representatives Molinar, Fierro, and Canales commented.

The following El Paso Water and City staff members commented:

- Mr. Rene Leon, EP Water Legislative Liaison
- Mr. Kevin Smith, Planning and Inspections Assistant Director

Motion made by Representative Hernandez, seconded by Representative Canales, and unanimously carried to **DIRECT** the City Manager to facilitate the hosting of no less than three public community meetings with hybrid virtual participation options on the proposed adjustments to impact fees, to include presentations from the City Planning and Inspections Department and El Paso Water on the existing impact fee structure for water and wastewater services, the proposal to amend land use assumptions, the capital improvements plan, the calculated proposed impact fees, and the financial impact to ratepayers; and that such meetings should be held before the scheduled public hearing on April 23, 2024.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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

WHEREAS the National Association of Latino Elected & Appointed Officials (“NALEO”) is a diverse non-partisan organization that holds an annual conference which includes professional development sessions taught by many of the nation’s leading subject matter experts designed to enhance policymakers’ governance skills and understanding of critical policy issues; and

WHEREAS the NALEO is holding its 41st annual conference in Las Vegas, Nevada from June 18th through June 20th, 2024 (“Conference”); and

WHEREAS City Council representative for District 5 recommends the allocation of up to \$5,000 from District 5’s discretionary funds to fund the attendance and participation of District 5 employees to the Conference; and

WHEREAS the City Council finds that the expenditure of District 5 discretionary funds serves a municipal purpose of setting the standard for sound governance and fiscal management, as well as cultivating an environment conducive to strong economic development.

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

That the City Council declares that the expenditure of District 5 discretionary funds, in an amount not to exceed \$5,000.00 to fund the attendance and participation in NALEO's 41st annual conference for the employees of District 5, serves a municipal purpose of setting the standard for sound governance and fiscal management as well as cultivating an environment conducive to strong economic development; and

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

Ms. Lisa Turner, citizen, commented.

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

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Ms. Elizabeth Crawford
2. Ms. Patricia Osmond
3. Ms. Lisa Turner
4. Mr. Ron Comeau
5. Ms. Barbara Valencia
6. Mr. Mark Fierro

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, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

Goal 3: Promote the Visual Image of El Paso

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- 34.** An Ordinance changing the zoning of the property described as a portion of Lots 20 and 21, Block 92, Bassett Addition, 2607 Montana Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development), pursuant to section 20.04.360, and approving a detailed site development plan pursuant to section 20.04.150 and 20.10.360 of the El Paso City Code to allow for a business office as permitted in the S-D (Special Development) Zone District. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning and detailed site development plan meet 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: 2607 Montana Ave.
Applicant: Carlos Estrello Jr., PZRZ23-00040

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- 35.** An Ordinance changing the zoning of a parcel of land being a portion of Tract 1, now known as Track 1B1 and Portion of Track 1B, now known as Tract 1B, Block 8, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial), and imposing conditions. 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: 319 and 323 N. Zaragoza Rd.
Applicant: Albert Nabhan, PZRZ23-00014

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PUBLIC HEARING WILL BE HELD ON APRIL 23, 2024 FOR ITEMS 34 AND 35

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

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- 36.** Motion made by Representative Canales, seconded by Representative Fierro, and unanimously carried to **AWARD** Solicitation 2024-0039 to MIRADOR ENTERPRISES, INC. for a total estimated award of \$3,382,010.00. The project will consist of a partial demolition of the adjacent Lion Tail Macaque exhibition and rebuilding of foundation for relocated enclosure, reconnecting the public path between exhibitions and maintaining accessibility standards, provide two viewing shelters adjacent to public path, with controlled temperature to host two Komodo dragons, exterior habitat, and back of house improvements.

Department:	Capital Improvement
Award to:	MIRADOR ENTERPRISES, INC.
City & State:	El Paso, TX
Item(s):	Base Bid I
Contract Term:	330 Consecutive Calendar Days
Base Bid I:	\$3,832,010.00
Total Estimated Award:	\$3,832,010.00
Account(s):	190-4800-29020-580270- PCP13ZOOA15
Funding Source(s):	2012 Quality of Life
District(s):	2

This was a Competitive Sealed Proposal Procurement lump sum contract.

The Purchasing & Strategic Sourcing Department and Capital Improvement recommend award as indicated to MIRADOR ENTERPRISES, INC. the highest ranked offeror based on the evaluation factors established in the evaluation criteria for this procurement.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Representative Molinar commented.

Mr. Derek Russell, Senior Procurement Analyst, commented.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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- 37.** Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **AWARD** Solicitation 2024-0075 Barricade Services to Contractor's Barricade Service, Inc. dba Apache Barricade & Sign for an initial term of three (3) years for an estimated amount of \$1,458,648.00. The award also includes a two (2) year option for an estimated amount of \$972,432.00. The total contract time is for five (5) years for a total estimated amount of \$2,431,080.00. This contract will provide the City of El Paso Parks and Recreation Department traffic control equipment and zone protection for City events.

Contract Variance:

NA (New Contract)

Department:	Parks and Recreation
Award to:	Contractor's Barricade Service, Inc. dba Apache Barricade & Sign
City & State:	El Paso, Texas
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$486,216.00
Initial Term Estimated Award:	\$1,458,648.00
Option Term Estimated Award:	\$972,432.00
Total Estimated Award	\$2,431,080.00
Account(s)	451 – 1000 – 51220 – 522150 – P5101
Funding Source(s):	General Fund
District(s):	All

This was a Low Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing Department and Parks and Recreation Department recommend award as indicated to Contractor's Barricade Service, Inc. dba Apache Barricade & Sign the lowest responsive and responsible bidder.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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

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- 38. ITEM:** Discussion and action that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue Purchase Order(s) for solicitation 2024-0411 Hardwood Chips for Rhinoceros Bark Boys, Inc., for a two (2) year term for an estimated amount of \$200,000.00. This contract will provide hardwood chips for the rhinoceros habitat.

Contract Variance:	N/A
Department:	Zoo
Vendor #1:	Bark Boys, Inc.
City & State:	El Paso, TX
Item(s):	All
Initial Term:	2 years
Option Term:	NA
Total Contract Time:	2 years
Annual Estimated Award:	NA
Initial Term Estimated Award:	\$200,000.00
Option Term Estimated Award:	NA
Total Estimated Award:	\$200,000.00
Account(s):	452-3400-52140-531100-P5242
Funding Source(s):	Zoo Operating Fund
District(s):	All

Non-Competitive procurement is under Local Government General Exemption: Section 252.022, (3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property. This procurement is for hardwood chips made from maple and alder to protect City property to include the wellbeing of animals.

The Purchasing & Strategic Sourcing Department and Zoo Department recommend award as indicated to Bark Boys, Inc., under the exemption listed above.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the item.

2ND AND FINAL MOTION

Motion made by Representative Fierro, seconded by Representative Molinar, and carried to and carried to **AUTHORIZE** the Managing Director of Purchasing & Strategic Sourcing to issue Purchase Order(s) for Solicitation 2024-0411 Hardwood Chips for Rhinoceros Bark Boys, Inc., for a two (2) year term for an estimated amount of \$200,000.00.

AYES: Representatives Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: Representatives Kennedy and Acevedo

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

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39. Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **AWARD** Solicitation 2024-0024 Security Services for City Parks to Night Eyes Protective Services, Inc. for an initial term of three (3) year(s) for an estimated amount of \$337,896.00. The award also includes a two (2) year option for an estimated amount of \$225,264.00. The total contract time is for five (5) years for a total estimated amount of \$563,160.00. This contract will allow the Streets and Maintenance – Parks Land Management Division to provide security services for six park locations identified as having a high rate of vandalism, in order to curb unnecessary damages to playground equipment, restrooms, and skate boarding designated areas to ensure the safety of the citizens while enjoying the parks.

Contract Variance:

N/A

Department:	Streets and Maintenance
Award to:	Night Eyes Protective Services, Inc.
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$112,632.00
Initial Term Estimated Award:	\$337,896.00
Option Term Estimated Award:	\$225,264.00
Total Estimated Award	\$563,160.00
Account(s)	451 – 1000 – 51295 – 522120 – P5120
Funding Source(s):	General Fund
District(s):	All

This was a Best Value Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance departments recommend award as indicated to Night Eyes Protective Services, Inc. the highest ranked bidder based on the evaluation factors established in the evaluation criteria for this procurement.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:
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Goal 3: Promote the Visual Image of El Paso
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40. **ORDINANCE 019605**
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The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 32, BLOCK 14-C, VISTA DEL SOL UNIT 10, REPLAT B, 1150 VISTA DE ORO DRIVE,**

CITY OF EL PASO, EL PASO COUNTY TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-3 (COMMERCIAL), AND IMPOSING CONDITIONS. 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.

Representatives Acevedo and Rivera commented.

Mr. Raul Garcia, Planning and Inspections Program Manager

Motion duly made by Representative Rivera, seconded by Representative Fierro, 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, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Acevedo

NOT PRESENT FOR THE VOTE: Representative Molinar

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

41.

ORDINANCE 019606

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 92, MAP OF SUNRISE ACRES NO. 2, 4707 ATLAS AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT), AND IMPOSING A CONDITION. 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.

Mr. Ray Mancera, representative for the applicant, commented.

Motion duly made by Representative Acevedo, seconded by Representative Fierro, 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, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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

42.

ORDINANCE 019607

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 55 RANGERS REST NO. 2 AND A PORTION OF TRACT 3L, BLOCK 55, YSLETA GRANT SURVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). 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.

Motion duly made by Representative Rivera, 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 Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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

43.

ORDINANCE 019608

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15, (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.160 (MOBILE BILLBOARDS) OF THE EL PASO CITY CODE ENDING THE MOBILE BILLBOARD PILOT PROGRAM AND ALLOWING MOBILE BILLBOARD PERMITS TO BE ISSUED ON A YEARLY BASIS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 15.08.160 OF THE EL PASO CITY CODE.**

Mayor Leeser and Representatives Salcido and Canales commented.

The following City staff members commented:

- Mr. Raul Garcia, Planning and Inspections Program Manager
- Ms. Karla Nieman, City Attorney

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Rivera, seconded by Representative Fierro, 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, Acevedo, Molinar, Salcido, Fierro, and Rivera

NAYS: Representative Canales

NOT PRESENT FOR THE VOTE: 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**.

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO CENTRO DE SALUD FAMILIAR LA FE, INC. TO ALLOW THE SURFACE ENCROACHMENT OF AN EXISTING BACKFLOW PREVENTER OVER CITY RIGHT- OF-WAY LOCATED IN THE ALLEY BEHIND THE PROPERTY LOCATED AT 700 SOUTH OCHOA STREET, EL PASO, TEXAS: SETTING THE LICENSE TERM OF TEN YEARS (10) WITH ONE (1) RENEWABLE TEN (10) YEAR TERM.**

Motion duly made by Representative Canales, 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 Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

.....
REGULAR AGENDA – OTHER BUSINESS:

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

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement (“Agreement”) by and between **CITY OF EL PASO** (“City”) and **EATON Corporation, an Ohio Corporation** (“Applicant”) in support of a development project located at **1 Helen of Troy Dr., El Paso, TX 79912**. The project includes the construction or renovation of a development located on the Applicant’s real property. The Development is described in Exhibit B**, which is attached and incorporated for all purposes. The Agreement requires the Applicant to make a minimum investment of **\$70,000,000**. Over the term of the Agreement, the City shall provide economic incentives not to exceed **\$3,391,000** in the form of a Property Tax Rebate; a Development Fee Rebate; a Construction Materials Sales Tax Rebate; and Skills Training Grant.

**Exhibits available at the City Clerk’s Office.

Ms. Karina Brascalla, Economic and international Development Interim Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representative Canales commented.

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

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

THAT the City of El Paso City Council authorizes the submission of a grant application, which requires no match from the City, to the U.S. Economic Development Administration (EDA) FY 2023 Distressed Area Recompete Pilot Program Phase 2 (Recompete Phase 2) for the El Paso Recompete Network program ("Application"); and

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of the Application; and

THAT the City Manager, or designee, is authorized to sign any documents necessary to accept a grant resulting from the Application, after consultation with the City Attorney's Office; and

THAT the City Manager, or designee, is authorized to sign any documents related to a grant resulting from the Application, including, but not limited to, revisions to the project scope of work, and revisions that increase, decrease or de-obligate program funds, after consultation with the City Attorney's Office; and

THAT the City Manager, or designee, is authorized to explore funding sources and partnerships that leverage the strength of the Application and any grant resulting from the Application.

Ms. Adriana Pulecio, International Trade and Business Development Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Canales commented.

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

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

Goal 3: Promote the Visual Image of El Paso

47. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** the discussion and action on a Resolution approving an alternative site for the Multipurpose Cultural and Performing Arts Center and directing the Interim City Manager to take necessary steps in preparation and support of the project.

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

WHEREAS, on August 15, 2023, pursuant to Section 7.3D of the City of El Paso municipal code, the City Council approved the FY2024 City budget by resolution ("Budget Resolution"); and

WHEREAS, Section 6 of the FY2024 Budget Resolution authorizes the City Manager or designee to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department, not to exceed \$100,000, to the extent permitted by law and budget transfers between departments and/or non-enterprise department funds exceeding \$100,000 requiring City Council approval; and

WHEREAS, the El Paso Department requires a budget transfer in excess of \$100,000, which in accordance with Section 6 of the FY2024 Budget Resolution, require Council approval; and

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

THAT, the City Manager, or designee, be authorized to effectuate the listed budget transfer, attached to this Resolution as Exhibit A, for the El Paso Police Department in FY 2024.

Exhibit A
Capital Improvement Program (CIP)
Budget Transfer Request
FY 2024

BT Number	Justification	Fund	Amount	Funding Source
2024-0430	Increase budget for Municipal Vehicle Storage Facility for the purchase of police radios	2811	\$725,000	Police Tow Lot

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

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

- 49. ITEM:** Discussion and action on the award of Task Order 2 under solicitation 2023-0397 in support of the Wainwright Park Phase II project to Keystone GC LLC in an estimated award of \$721,242.31. Project will complete the park to include zip line playground equipment, landscaping, resurface of existing basketball court, and new metal canopy.

The following City staff members commented:

- Ms. Yvette Hernandez, City Engineer
- Mr. Cary Westin, Interim City Manager

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Salcido, seconded by Representative Molinar, and unanimously carried to **APPROVE** the item.

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

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 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 City of El Paso ("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 January 31, 2022 the City Council appropriated \$9,000,000 of the grant funds from the CSLFRF to fund services addressing Community Vulnerability: Homelessness and Family Stability in response to the COVID-19 public health crisis; and

WHEREAS, the City Council desires to appropriate the ARPA grant funds in accordance with the requirements stipulated in the U.S. Department of Treasury's Final Rule ("Final Rule").

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

THAT, as the recipient of ARPA grant funds in the above stated amounts, approves the appropriation of \$3,000,000 of the grant funds from the CSLFRF to fund services addressing Community Vulnerability, including but not limited to Housing, Homelessness, Family Stability, and Household Stability as well as to fund the City's administrative expenses incurred in the provision of services to effectively address community vulnerability, including but not limited to diversity and equity, as a response to the COVID-19 public health crisis and as allowed by the American Rescue Plan Act and federal guidelines in the Final Rule.

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 in accordance with the requirements stipulated by the American Rescue Plan Act and federal guidelines in the Final Rule.

Mr. Abraham Gutierrez, Community and Human Development Assistant Director presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leaser and Representative Canales commented.

The following members of the public commented:

1. Mr. John Martin
2. Ms. Angelica Mata Lindstrom

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

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

.....

<u>ADJOURN</u>

.....

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 12:47 p.m.

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk