

Oscar Leeser  
Mayor

Tommy Gonzalez  
City Manager



CITY COUNCIL  
Brian Kennedy, District 1  
Alexandra Anello, 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

**\*\*\* REVISED \*\*\***

## **AGENDA FOR THE REGULAR COUNCIL MEETING**

---

**January 03, 2023**

**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY  
9:00 AM**

**THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF  
MASKS IN ALL CITY FACILITIES AND INDOOR SPACES**

**Teleconference phone number: 1-915-213-4096**

**Toll free number: 1-833-664-9267**

**Conference ID: 538-535-254#**

Notice is hereby given a Regular Meeting of the City Council of the City of El Paso will be conducted on January 3, 2023 at 9:00 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 during public comment, and 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 Conference ID: 538-535-254#**

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

**For Call to the Public: <https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormPublic>**

**To speak on Agenda Items: <https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormItem>**

**The following members of City Council will be present via video conference:**

**Representatives Alexandra Anello and Henry Rivera**

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

## ROLL CALL

### INVOCATION BY EL PASO POLICE CHAPLAIN JOSEPH MARATTA

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS

#### Massing of the Colors Day

### REGULAR AGENDA - OTHER BUSINESS:

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

1. Discussion and action on the election of Mayor Pro Tempore and Alternate Mayor Pro Tempore. [23-29](#)

##### **All Districts**

City Clerk's Office, Laura D. Prine, (915) 212-0049

2. Discussion and action on a Resolution adopting the Rules of Order for City Council meetings. [23-31](#)

##### **All Districts**

City Clerk's Office, Laura D. Prine, (915) 212-0049

### NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

### CONSENT AGENDA - APPROVAL OF MINUTES:

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

3. Approval of the Minutes of the Regular City Council Meeting of December 13, 2022, the Agenda Review Meeting of December 12, 2022, and the Work Session of December 12, 2022. [23-26](#)

**All Districts**

City Clerk's Office, Laura D. Prine, (915) 212-0049

**CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

4. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS [23-25](#)

**CONSENT AGENDA - RESOLUTIONS:**

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

5. That the Planning & Inspection liens on the attachment posted with this agenda be approved. (See Attachment A). [22-1613](#)

**Districts 1, 2, 3, 7, 8**

Planning and Inspections, Tony De La Cruz, (915) 212-1589

6. That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment B). [23-01](#)

**All Districts**

Environmental Services, Ellen A. Smyth, (915) 212-6000

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

7. That the City Manager, or designee, be authorized to sign the second amendment to the Professional Services Agreement between the City of El Paso and Lloyd Gosselink Rochelle & Townsend, P.C. on behalf of attorney Sarah Glaser for the provision of on-call fact finding investigations for an amount not to exceed \$150,000. [23-21](#)

**All Districts**

Human Resources, Araceli Guerra, (915) 212-1401

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

8. That the City Council approve a change order in the amount of \$181,778.57 to J.A.R. Concrete, Inc. DBA J.A.R. Construction Inc. for the "Trowbridge Drive Improvements Contract 2022-0377", increasing the contract price from \$891,196.90 to \$1,122,889.30. The increase is for the cost associated with additional scope including the construction of the mid-blocks (bulb-outs) and additional irrigation and landscaping. [23-20](#)

**District 2**

Capital Improvement Department, Yvette Hernandez, (915) 212-0065

**CONSENT AGENDA - BOARD APPOINTMENTS:**

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

9. Marco A. Covarrubias to the Ethics Review Commission by Representative Alexandra Annello, District 2. [23-27](#)  
Members of the City Council, Alexandra Annello, (915) 212-0002

**CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:**

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

10. That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment C). [23-19](#)  
**All Districts**  
Tax Office, Maria O. Pasillas, (915) 212-1737

**CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:**

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

11. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contribution by Representative Joe Molinar in the amount of \$1,000.00 from JP & Mary Jon Bryan. [23-04](#)  
Members of the City Council, Representative Joe Molinar, (915) 212-0004

**CONSENT AGENDA - BIDS:**

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

12. The linkage to the Strategic Plan is subsection: 2.3 - Increase public safety operational efficiency. [23-34](#)

Award Summary:

Request that the City Manager be authorized to sign a Professional Service Agreement for Psychological Examination and Services No. 2022-0545R for the Fire Department by and between the City of El Paso and Integrity Employee Assistance, Inc., dba WellConnect, a Texas Corporation for a term of 36 months from the effective date of the Agreement and an option to extend for an additional 24 months, which may be exercised by the City Manager administratively, to be compensated on a per examination basis, for an

estimated contract amount of \$99,225.00 for the initial term and an estimated additional \$66,150.00 if the option to extend is exercised.

**Contract Variance:**

The difference based in comparison to the previous contract is as follows: An increase of \$24,225.00 for the initial term, which represents a 32.30% increase due to additional services required under this contract.

Department:	Fire
Vendor:	Integrity Employee Assistance, Inc., dba WellConnect El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	One (1), two (2) years
Annual Estimated Award:	\$33,075.00
Initial Term Estimated Award:	\$99,225.00 (3 years)
Total Estimated Award:	\$165,375.00 (5 years)
Account No:	322 - 521120 - 1000 - 22010 - P2202
Funding Source:	General Funds
District(s):	All

This is a Request for Qualifications, requirements contract.

**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote (915) 212-1092  
Fire, Chief Jonathan P. Killings (915) 493-5609

**REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL**

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

13. Discussion and action that the City of El Paso re-evaluate and repurpose as appropriate the now-insufficient funds for constructing a new Multipurpose Performing Arts and Entertainment Center, any sports facility or other building within the area bounded by West Overland Avenue to the north, South Santa Fe Street to the east, West Paisano Drive to the south, and Leon Street to the west and that no buildings within this area be condemned or demolished; and to begin examining the use of these funds specific to what the voters approved within existing City facilities that may be renovated or upgraded to honor the will of the voters.

[23-39](#)

**All Districts**

Members of the City Council, Representative Joe Molinar, (915) 212-0004  
Members of the City Council, Representative Aleksandra, Annello, (915) 212-0002

**REGULAR AGENDA - OPERATIONAL FOCUS UPDATES**

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

14. Discussion and action on the presentation providing prefinal results of the Multipurpose Arts and Performance Center Programming and Feasibility Study. [23-40](#)

**All Districts**

Capital Improvement Department, Sam Rodriguez, (915) 212-1845  
Capital Improvement Department, Yvette Hernandez, (915) 212-1860

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

15. Presentation, discussion and action by the City Manager's Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis. [23-11](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605  
Fire, Chief Jonathan P. Killings, (915) 493-5609

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

16. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts, and processes [23-10](#)

1. Overview (Tommy Gonzalez)
2. City Attorney Overview (Karla Nieman)
  - a) State Disaster Declaration
  - b) Emergency Ordinances
  - c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation
  - d) Additional Updates
3. Team Lead Report:
  - a) Health Focus (Hector Ocaranza, M.D.)
    - i. COVID-19 update
    - ii. Influenza Update
    - iii. RSV Update
4. City Manager Wrap-up (Tommy Gonzalez)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

17. Presentation and discussion on Community Cats. [23-38](#)

**All Districts**

Animal Services Department, Terry Kebschull, (915) 212-8742

## **CALL TO THE PUBLIC – PUBLIC COMMENT:**

Call to the Public will begin at 12:00 p.m. Requests to speak must be received by 9:00 a.m. on the date of the meeting. Sixty minutes in total will be devoted for Call to the Public. This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

Members of the public may communicate with Council during public comment, and regarding agenda items by calling 1-915-213-4096 or toll free number 1-833-664-9267 at the prompt please enter the following Conference ID: 538-535-254#

A sign-up form is available on line for those who wish to sign up in advance of the meeting at: <https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormPublic>

## **REGULAR AGENDA - EMERGENCY ORDINANCES:**

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

18. 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. [23-24](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

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

19. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency. [23-22](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

20. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019036 instituting emergency measures, as re-enacted, restated and amended by Emergency Ordinance No. 019151; and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191 and 019284; penalty as provided in Section 8. [23-23](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

21. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019241; allowing temporary uses on the public right of way and private property by suspending various city ordinances; Penalty as provided in [23-32](#)

Section 6.

**All Districts**

Capital Improvement Department, Sam Rodriguez, (915) 212-0065

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:**

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

22. The linkage to the Strategic Plan is subsection 7.5 - Set One Standard for Infrastructure Across the City.

[23-13](#)

Award Summary:

Discussion and action on the award of Solicitation 2023-0024 Motor Oil, Antifreeze, Lubricants, Transmission and Hydraulic Oils & Fluids to MJ Mader Enterprises, Inc. dba Bio-Dyne Chemical Company for an initial one (1) year term for an estimated amount of \$800,429.20. The award also includes a one (1) year option for an estimated amount of \$800,429.20. The total value of the contract is, including the initial term plus the option, for a total of two (2) years, for an estimated amount of \$1,600,858.40. This contract will allow for the purchase of lubricants for the Fleet Division.

Department:	Streets and Maintenance
Vendor	MJ Mader Enterprises, Inc. dba Bio-Dyne Chemical Company El Paso, TX
Item(s):	All
Initial Term:	1 year
Option to Extend:	1 year
Annual Estimated Award:	\$800,429.20
Initial Term Estimated Award:	\$800,429.20 (1 year)
Total Estimated Award:	\$1,600,858.40 (2 years)
Account No.:	532 - 3600 - 531240 - 37020 - P3701
Funding Source:	Internal Service Fund
District(s):	All

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$127,632.70 for the initial term, which represents a 18.97% increase due to increased prices.

This is a Low Bid, Unit Price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to MJ Mader Enterprises, Inc. dba Bio-Dyne Chemical Company, the bidder offering the lowest prices. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.



**All Districts**

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092  
Streets and Maintenance, Richard J. Bristol, (915) 212-7000

**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:**

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

- 23. An Ordinance granting a Franchise for STAR Inc., d/b/a Revive Mobile Health, to operate a non-emergency ambulance transfer service. [22-1595](#)

**All Districts**

Fire, Chief Jonathan Killings, (915) 495-5609

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

- 24. An Ordinance vacating a portion of Oregon Street located between Block 5 and Block 6, Mills Addition, City of El Paso, El Paso County, Texas. [22-1584](#)

Applicant: Kress Tunnel, LLC, SURW22-00009

**District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553  
Planning and Inspections, David Samaniego, (915) 212-1608

**EXECUTIVE SESSION**

**The following members of City Council will be present via video conference:**

**Representatives Aleksandra Annelo and Henry Rivera**

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.** Application of El Paso Electric Company to Change Rates for Rate Schedule No. 11, Time-of-Day Municipal Pumping Service, to Correct an Error, Public Utility Commission of Texas Docket No. 54476. Matter No. 21-1008-203 (551.071) [23-16](#)  
City Attorney's Office, Matthew Marquez, (915) 212-0033
- EX2.** Application of El Paso Electric Company for Approval of Limited Code of Conduct Waivers and Associated Amendments to its Code of Conduct and Compliance Plan, Public Utility Commission of Texas Docket No. 54383. Matter No. 21-1008-204 (551.071) [23-17](#)  
City Attorney's Office, Ayana Estrada, (915) 212-0033
- EX3.** Application of El Paso Electric Company for a 10MW Community Solar Expansion and Authority to Modify Schedule No. CS Community Solar Rate, Public Utility Commission of Texas Docket No. 54403. Matter No. 21-1008-205 (551.071) [23-18](#)  
City Attorney's Office, Donald Davie, (915) 212-0033

## **ADJOURN**

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

Sign Language interpreters are provided for regular City Council meetings. If you need Spanish Interpreter Services, you must email [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) at least 72 hours in advance of the meeting.

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

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