

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
PETER SVARZBEIN, DISTRICT 1  
ALEXSANDRA ANNELLO, DISTRICT 2  
CASSANDRA HERNANDEZ, DISTRICT 3  
JOE MOLINAR, DISTRICT 4  
ISABEL SALCIDO, DISTRICT 5  
CLAUDIA L. RODRIGUEZ, DISTRICT 6  
HENRY RIVERA, DISTRICT 7  
CISSY LIZARRAGA, DISTRICT 8

## MINUTES FOR REGULAR COUNCIL MEETING

August 2, 2022  
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY  
9:00 AM

### ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:11 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Late arrival and early departure: Claudia Rodriguez at 9:12 a.m. and 4:18 p.m. respectively.

### INVOCATION BY EL PASO POLICE CHAPLAIN JOE MARATTA

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS

El Paso Strong Day

Blood Donors Appreciation Day

Professional Engineers Day

### MAYOR'S RECOGNITION

Wally Cech

The Regular City Council meeting was **RECESSED** at 9:27 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 9:37 a.m.

### NOTICE TO THE PUBLIC

Motion made by Representative Rivera seconded by Representative Salcido, and unanimously carried to **APPROVE** all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga  
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 July 19, 2022, the Agenda Review of July 18, 2022, and the Work Session of July 18, 2022.

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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. **\*RESOLUTION**

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

That the City Manager be authorized to sign an Underground Electrical and Transformer Pad Easement for six (6) easements, hereinafter referred to as ("easement"), to accommodate an electrical transmission line to provide electrical power to property in the vicinity of the El Paso International Airport, said easement more particularly described as: A portion of Lot 1, Block 11, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas.

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**Goal 7: Enhance and Sustain El Paso’s Infrastructure Network**  
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4. **\*RESOLUTION**

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

**THAT** the City Manager be authorized to sign a Second Amendment to an On-Call Agreement for Professional Services with EMC Engineers, to provide for additional services at a cost not to exceed Forty-Eight Thousand Five Hundred Fifty Five Dollars (\$48,555.00), thereby increasing the contract amount from Three Hundred Fifty Thousand Dollars (\$350,000.00) to Three Hundred Ninety Eight Thousand Five Hundred Fifty Five Dollars (\$398,555.00); and 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 the Second Amendment.

- .....  
5. **\*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 PDN Trail Magoffin Shared Use Path project, which has an estimated total project cost of \$1,308,751.00 of which the estimated local government participation amount is estimated at \$253,264.00. 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.

6.

**\*RESOLUTION**

**WHEREAS.** on January 4, 2022, the City of El Paso ("City") awarded Contract No. 2022-156 Motor Oil, Antifreeze, Lubricants, Transmission and Hydraulic Oils and Fluids to the following vendor:

1. M. J. Mader Enterprises. Inc. dba Bio-Dyne Chemical Co.

**WHEREAS.** pursuant to Part 4, Section 8, Paragraph A of the contract (Termination for Convenience) the City is authorized to terminate the Contract for convenience: and

**WHEREAS.** the City desires to terminate the Contract for Convenience.

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

That the Purchasing Director is authorized to notify M J. Mader Enterprises. Inc. dba Bio-Dyne Chemical Co. that the City is terminating Contract No. 2022-0156 Motor Oil, Antifreeze, Lubricants, Transmission and Hydraulic Oils and Fluids for convenience pursuant to the provisions and requirements of Part 4, Section 8, Paragraph A of the Contract Clauses, and that the termination shall be effective as of August 2, 2022.

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

7.

**\*RESOLUTION**

**WHEREAS,** the City has determined that it is in the best interest of the residents of the City of El Paso, Texas, and other governmental entities it contracts with, to make provisions for the designation of the local rabies control authority, in accordance with Texas Health and Safety Code, §826.017; and

**WHEREAS,** state law allows for the authority designated to be the county health officer, municipal health officer, animal control officer, peace officer or any entity the City Council considers appropriate; and

**WHEREAS,** City Council finds that the Director for the Department of Animal Services is eligible to be the Local Rabies Control Authority for the City of El Paso in accordance with the Texas Health and Safety Code, §826.017.

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

The City Council designates the Director for the Department of Animal Services to be the Local Rabies Control Authority to enforce the provisions of the Texas Health and Safety Code, §826.017.

8.

**\*RESOLUTION**

That the City Manager or designee be authorized to sign a Local Government Approval for Nonprofit Organizations Conducting ESG Shelter Activities letter approving the emergency shelter activities provided by El Paso Human Services, Inc., within the City of El Paso.

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**CONSENT AGENDA – BOARD RE- APPOINTMENTS:**  
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**Goal 7: Enhance and Sustain El Paso’s Infrastructure Network**  
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9. \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Eugenia Posada to the Bicycle Advisory Committee by Representative Joe Molinar, District 4.

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**CONSENT AGENDA – BOARD APPOINTMENTS:**  
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**Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments**  
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10. \*Motion made, seconded, and unanimously carried to **APPOINT** Rene Hurtado to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Alexsandra Annelo, District 2.

11. \*Motion made, seconded, and unanimously carried to **APPOINT** Holly Packard Cobb to the Greater El Paso Civic, Convention, and Tourism by Representative Cissy Lizarraga, District 8.

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**Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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12. \*Motion made, seconded, and unanimously carried to **APPOINT** Valerie M. Armendariz to the Tax Advisory Committee by Representative Joe Molinar, District 4.

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**Goal 8: Set the Standard for Sound Governance and Fiscal Management**  
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13. \*Motion made, seconded, and unanimously carried to **APPOINT** Elisa Morales to the Women’s Rights Commission by Representative Cassandra Hernandez, District 3.

14. \*Motion made, seconded, and unanimously carried to **APPOINT** Nydia Correa to the Women’s Right Commission by Representative Cissy Lizarraga, District 8.

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**CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:**  
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**Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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15. \*Motion made, seconded, and carried to **APPROVE** the tax refunds listed on the attachment posted with this agenda.

1. Corelogic, in the amount of \$3,138.40 made an overpayment on December 20, 2021 of 2021 taxes. (Geo. # S373-999-002A-1100)
2. Citiso Investments, LLC, in the amount of \$19,887.78 made an overpayment on June 29, 2022 of 2021 taxes. (Geo. # S560-000-0004-0007)

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**16. \*RESOLUTION**

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Mills Escrow Company ("Taxpayer") has applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on December 31, 2017 in the amount of \$675.82 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2017 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Mills Escrow Company showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2017 taxes and the tax refund in the amount of \$675.82 is approved.

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

**WHEREAS**, pursuant to Section 31.11(c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Mills Escrow Company through Ramirez Perla C ("Taxpayer") has applied for a refund with the tax assessor for their 2018 property taxes that were overpaid on January 31, 2019 in the amount of \$424.50 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2018 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Mills Escrow Company through showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2018 taxes and the tax refund in the amount of \$424.50 is approved.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Mills Escrow Company ("Taxpayer") has applied for a refund with the tax assessor for their 2018 property taxes that were overpaid on January 25, 2019 in the amount of \$16.95 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2018 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Mills Escrow Company showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2018 taxes and the tax refund in the amount of \$16.95 is approved.

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

**WHEREAS**, pursuant to Section 31.111 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Mills Escrow Company through Sanchez Perla & Ruiz Joel ("Taxpayer") has applied for a refund with the tax assessor for their 2018 property taxes that were overpaid on January 31, 2019 in the amount of \$34.53 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2018 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Mills Escrow Company showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2018 taxes and the tax refund in the amount of \$34.53 is approved.

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

**WHEREAS**, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

**WHEREAS**, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

**WHEREAS**, taxpayer, Mills Escrow Company through Mills Escrow ("Taxpayer") has applied for a refund with the tax assessor for their 2018 property taxes that were overpaid on January 31, 2019 in the amount of \$26.35 for all taxing entities; and

**WHEREAS**, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2018 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Mills Escrow Company through Mills Escrow showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2018 taxes and the tax refund in the amount of \$26.35 is approved.

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**CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:**  
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**Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community**  
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- 17. \*Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.080 of the City Code, of receipt of campaign contribution by Representative Cassandra Hernandez of \$500 from the El Paso Association of Contractors
- 18. \*Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.080 of the City Code, of receipt of campaign contribution by Representative Joe Molinar in the amount of \$500 from the El Paso Chapter Associated General.
- 19. \*Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.080 of the City Code, of receipt of campaign contribution by City Representative Alexsandra Anello: El Paso Association of Contractors \$500.

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**REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL**  
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**Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments**  
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**20. RESOLUTION**

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

That the City Council declares that the expenditure of District 8 discretionary funds in an amount not to exceed \$2,500.00 for the Children's Camp Program at the El Paso Museum of History, serves a municipal purpose of enhancing the quality of life through recreational, cultural and educational environments for El Paso residents.

That the City Manager be authorized to effectuate any budget transfer necessary to ensure that the funds are properly expended for such purpose and to execute any related agreements and amendments to such agreements.

Representative Lizarraga commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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The Regular City Council meeting was **RECESSED** at 10:00 a.m. in order to convene the Mass Transit Department Board Meeting.

The Regular City Council meeting was **RECONVENED** at 10:54 a.m.

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**Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community**  
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**21. ITEMS 21 AND 22 WERE TAKEN TOGETHER**

**Item:** Update, discussion, action by City Clerk and City Manager on city staff progress in reviewing and certifying the “Climate Charter” petition submitted by Ground Game Texas.

- 22. Item:** Discussion and action on City readiness to consider an ordinance on August 16, 2022, to place the Climate Charter initiative on the November 8, 2022, general election ballot, in the event that the petition is certified by the City Clerk.

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

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Laura Prine, City Clerk
- Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Mr. Miguel Escoto
2. Ms. Rachel Ortega
3. Ms. Andi Tiscareno
4. Mr. Andrew Segura
5. Mr. Michael Siegel
6. Mr. Juan Josue Martinez – statement read into the record by Rep. Salcido
7. Mr. David Garcia
8. Ms. Ida Garcia
9. Ms. Fernanda Lugo
10. Ms. Ana Fuentes
11. Mr. Josh Simmons
12. Mr. Beco Salas-Porras
13. Ms. Kathleen Staudt – statement read into the record by Rep. Lizarraga
14. Ms. Atziri Reyes
15. Mr. Jesus Reyes
16. Mr. Adan Saenz
17. Ms. Vanessa Medrano
18. Mr. Sito Negron – statement read into the record by Rep. Lizarraga



19. Ms. Sharon Wilson
20. Mr. Rick Bonart
21. Ms. Carmen Rodriguez, statement read into the record by Rep. Lizarraga
22. Mr. Wesley Lawrence
23. Ms. Kristen Bowdre – statement read into the record by the City Clerk
24. Ms. Charlyne Hill
25. Mr. Creosote Huseby – statement read into the record by Rep. Lizarraga
26. Ms. Erika Latines
27. Mr. Aby Perea
28. Ms. Crystal Moran
29. Ms. Carla Palacios
30. Ms. Sapphire Ortega
31. Mr. Michael Gutierrez – statement read into the record by Rep. Anello
32. Ms. Veronica Carbajal – statement read into the record by the City Clerk
33. Ms. Angel Ulloa
34. Ms. Alyssa Garza – statement read into the record by Rep. Rivera
35. Ms. Kim Schulte – statement read into the record by the City Clerk
36. Mr. Richard Genera – statement read into the record by the City Clerk
37. Ms. Daisy Marquez – statement read into the record by Rep. Lizarraga
38. Ms. Graciela Blandon – statement read into the record by Rep. Svarzbein
39. Mr. Luis Enrique Miranda
40. Ms. Sabrina Bustillos
41. Senator Jose Rodriguez – statement read into the record by the City Clerk
42. Ms. Ivonne Diaz – statement read into the record by Rep. Salcido
43. Mr. Kenneth Bell – statement read into the record by the City Clerk
44. Mr. Christian Marquez – statement read into the record by Rep. Lizarraga

### **1<sup>ST</sup> MOTION**

Motion made by Representative Molinar, seconded by Representative Salcido, and unanimously carried to **RETIRE INTO EXECUTIVE SESSION** at 1:48 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following:

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

### **2<sup>ND</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Anello, and unanimously carried to **ADJOURN** the Executive Session at 4:00 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

### **3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Anello, seconded by Representative Rivera, and unanimously carried to **DIRECT** the City Manager to designate an appropriate staff member to communicate with a representative from the Sunrise Group to provide a monthly status update on the Climate Charter Petition.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga  
NAYS: None

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**REGULAR AGENDA – OPERATIONAL FOCUS UPDATES**  
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**Goal 7: Enhance and Sustain El Paso’s Infrastructure Network**  
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**23. Item:** Update from the El Paso County’s Planning and Development Department and Camino Real Regional Mobility Authority regarding the Pellicano Widening Project (TxDOT CSJ 0924-06-534).

Ms. Yvette Hernandez, City Engineer, Introduced the item.

Mr. Sal Alonzo, El Paso County Associate Director of Planning and Development, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Annello and Rodriguez commented.

Mr. Sam Rodriguez, Chief Operations Officer, commented.

**NO ACTION** was taken on this item.

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

1. Mr. Enrique Chavira Cantu
2. Ms. Carmen Rodriguez – statement read into the record by Representative Lizarraga
3. Mr. Ron Comeau

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**REGULAR AGENDA – FIRST READING OF ORDINANCES:**  
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Motion made by Representative Hernandez, seconded by Representative Svarzbein, and unanimously carried to **POSTPONE TWELVE WEEKS** the introduction of the following Ordinance:

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga  
NAYS: None

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**Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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**24.** An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments to Section 2.2C to allow persons to serve two full terms as Mayor or District Representative if such person carried out an unexpired term; Section 3.18 to allow City Council to authorize leases for 40 years or less by Resolution or Ordinance; Section 3.5A to allow Council to reschedule meetings for holidays and allow the Mayor to cancel a Council meeting if required due to Declared Emergency; Section 3.9B, 3.10B, and 6.1-12 to align to State law and update obsolete references; Section 3.11 to remove the requirement for a second petition in initiatives, and provide a procedure for citizens to initiate City Ordinances; Section 1.2, 3.5E, 3.6, 4.1B, 4.3 and 7.3 to authorize the Mayor to vote on all Council items, removing the tie-breaking and veto capacity; Section 6.1-4 to authorize the City to create a policy regarding membership on the Civil Service

Commission to reflect the community and City Workforce; Sections 6.2-2 and 6.2-3 to align the employee serving as Civil Service Commission Recorder with other employees carrying out similar duties; Section 6.7-1 and 6.8-1 to allow the City to establish more flexible policies in hiring employees; Section 6.13-11D to establish the City contribution to the Police and Fire Pension Fund of no less than 18% of the wages of the participants, and remove the limit on the City's contribution; such Election to be held within the City, on November 8, 2022; making provisions for the conduct of the Election; and authorizing a contract with El Paso County to furnish election services and equipment; providing for severability and setting an effective date.

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**PUBLIC HEARING WILL BE HELD ON NOVEMBER 8, 2022**  
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**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:**  
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**Goal 7: Enhance and Sustain El Paso's Instruction Network**  
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25. Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2022-0271 Ysleta Middle School Rapid Transit System (RTS) to ALLEN CONCRETE, LLC for an estimated award of \$625,384.55. The project consists of installation of school zone flashers along Independence Drive, Americans with Disability Act (ADA) ramps at multiple locations, and school zone signs will be upgraded to meet the Manual on Uniform Traffic Control Devices (MUTCD) standards at Ysleta Middle School. Bicycle lanes will be installed at Davis Dr. / Elvin Way between Alameda Avenue and Victor Lane. There will also be a hike & bike trail along Playa Lateral between Elvin Way and Jesuit Drive.

Department:	Capital Improvement
Award to:	ALLEN CONCRETE, LLC El Paso, TX
Item(s):	Base Bid I
Initial Term:	117 Consecutive Calendar Days
Base Bid:	\$625,384.55
Total Estimated Award:	\$625,384.55
Funding Source:	Capital Projects and Federal Highway Administration
Account:	190-4950-580270-38170- PCP21TRAN02
District(s):	7

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Department recommend award as indicated to ALLEN CONCRETE, LLC, 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.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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**REGULAR AGENDA – INTRODUCTION AND PUBLIC HEARINGS:**

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26.

**ORDINANCE 019357**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$441,000,000 FOR SYSTEM IMPROVEMENTS AND TO REFUND CERTAIN OBLIGATIONS ISSUED FOR SYSTEM IMPROVEMENTS; AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS.**

Ms. Marcela Navarrete, El Paso Water Vice President of Strategic, Financial and Management Services and Ms. Maria Urbina, Hilltop Securities Managing Director and Financial Advisor to El Paso Water, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representatives Svarzbein, Annelo, and Hernandez commented.

The following members of the public commented:

1. Ms. Sharon Miles Bonart
2. Mr. Rick Bonart

Motion duly made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Molinar, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Annelo, Hernandez, Molinar, Rivera, and Lizarraga

NAYS: Representatives Svarzbein and Salcido

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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

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27.

**ORDINANCE 019358**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2023” IN AN AMOUNT NOT TO EXCEED \$25,330,000 TO REFUND CERTAIN PREVIOUSLY ISSUED OBLIGATIONS OF THE CITY;**

**AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS.**

Ms. Marcela Navarrete, El Paso Water Vice President of Strategic, Financial and Management Services and Ms. Maria Urbina, Hilltop Securities Managing Director and Financial Advisor to El Paso Water, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser commented.

Mr. Rick Bonart, citizen, commented.

Motion duly made by Representative Molinar, seconded by Representative Lizarraga, 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 Annello, Hernandez, Molinar, and Lizarraga

NAYS: Representatives Svarzbein, Salcido, Rivera

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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

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**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:**  
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**Goal 3: Promote the Visual Image of El Paso**  
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**28. ORDINANCE 019359**  
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The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 9A1, 9B1, LAURA E. MUNDY SURVEY 238 AND A PORTION OF NELLIE D. MUNDY SURVEY NO. 244, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5/C (RESIDENTIAL/CONDITIONS) TO C-2/C (COMMERCIAL/CONDITIONS) AND FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-2 (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.**

Motion duly made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Molinar, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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

29.

**ORDINANCE 019360**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF THE EAST 300 FEET OF NORTH 150 FEET OF SOUTH 165 FEET OF TRACT 9-D, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE) 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.**

Motion duly made by Representative Annello, seconded by Representative Molinar, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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

30.

**ORDINANCE 019361**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO 1031 FIRESTONE, LLC TO PERMIT THE CONSTRUCTION, INSTALLATION, MAINTENANCE USE AND REPAIR OF AN AERIAL ENCROACHMENT OF AN OUTDOOR STAIRWAY FOR ADDITIONAL ACCESS TO THE PROPERTY LOCATED AT 1025 TEXAS AVENUE, EL PASO, TEXAS; SETTING THE LICENSE TERM FOR A TERM OF FIFTEEN YEARS (15) WITH ONE (1) RENEWABLE FIFTEEN (15) YEAR TERM.**

Motion duly made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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

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**Goal 7: Enhance and Sustain El Paso's Infrastructure Network**  
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**31. ORDINANCE 019362**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS), TO AMEND PARAGRAPH N (SPEED LIMITS ON THE FOLLOWING OF PERSHING DRIVE AND DYER STREET) SUBPARAGRAPH 2; AND TO AMEND BY DELETING PARAGRAPH N-(SPEED LIMITS ON THE FOLLOWING OF PERSHING DRIVE AND DYER STREET) SUBPARAGRAPH 3, TO AMEND BY DELETING PARAGRAPH N (SPEED LIMITS ON THE FOLLOWING OF PERSHING DRIVE AND DYER STREET) SUBPARAGRAPH 4; AND TO AMEND BY DELETING PARAGRAPH N (SPEED LIMITS ON THE FOLLOWING OF PERSHING DRIVE AND DYER STREET) SUBPARAGRAPH 5; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Molinar, seconded by Representative Annello, and carried that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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

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**REGULAR AGENDA – OTHER BUSINESS:**  
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**Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development**  
.....

**32. RESOLUTION**

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

That the Director of Aviation be authorized to sign and submit a grant application and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP) Project No. 3-48-0077-047-2022;

That upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, any related grant modifications, and other necessary documents when the form and substance of those documents have been reviewed and approved by the City Attorney's Office, and that such authorization will include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements;

That the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant.

The total grant amount shall include a federal estimated share of \$13,070,029 and an estimated match of \$2,002,565 to be paid for with Airport Enterprise Funds, totaling \$15,072,594 for the following projects:

- RWY 8R-26L & Connecting Taxiways Rehabilitation
- RWY 8R-26L Reconstruction - Taxiway U from Customs Ramp to TWY V Reconstruction.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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### **EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 5:38 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

Motion made by Representative Annello, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 5:53 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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**EX1.** Consultation with attorney regarding a petition for charter amendments. Matter No. 22-1065-153 (551.071)

**NO ACTION** was taken on this item.

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**EX2.** Rubio, Arturo vs. City of El Paso; Cause No. 2021DCV2074. Matter No. 21-1036-3478 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office in consultation with the City Manager be **AUTHORIZED** certain authority to negotiate a settlement of *Arturo Rubio v. City of El Paso*, pending in the County Court at Law 7 under Cause No. 2021DCV2074, in Matter Number 21-1036-3478, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.



AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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**EX3.** Application of El Paso Electric Company to Change Rates to Open Access Transmission Tariff, Federal Energy Regulatory Commission (FERC); Docket No. ER22-282-000. Matter No. 21-1008-183 (551.071)

**NO ACTION** was taken on this item.

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**EX4.** Application for Approval of Advanced Metering System (AMS) Deployment Plan, AMS Surcharge, and Non-Standard Metering Service Fees, Public Utility Commission of Texas Docket No. 52040. Matter No 21-1008-168 (551.071)

**NO ACTION** was taken on this item.

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**EX5.** Purchase, lease, exchange of real property located in El Paso, Texas. Matter No. 22-1004-1402 (551.072)

**NO ACTION** was taken on this item.

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**ADJOURN**

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Motion made by Representative Annelo, seconded by Representative Svarzbein, and unanimously carried to **ADJOURN** this meeting at 5:55p.m.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk