

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

January 5, 2021
9:00 AM

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Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference platforms.
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ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 9:15 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Aleksandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

REGULAR AGENDA - OTHER BUSINESS:

MEMBERS OF THE CITY COUNCIL

1. Discussion and action on the election of Mayor Pro Tempore and Alternate Mayor Pro Tempore.

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

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried to **ELECT** Representative Peter Svarzbein as Mayor Pro Tempore.

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

NAYS: None

2ND AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried to **ELECT** Representative Cissy Lizarraga as Alternate Mayor Pro Tempore.

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

2.

**RESOLUTION ADOPTING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE JANUARY 5, 2021**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular, special and work session meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. RULES OF ORDER

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council that is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 4. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 5. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 6. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 7. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 8. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk:

- (a) upon the announcement of the City Clerk that the electronic voting system is not working properly;
- (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 9. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the

Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 10. ORDER OF PRECEDENCE OF MOTIONS

The order of procedure of motions is set forth in Exhibit "A" attached hereto and fully incorporated by reference.

SECTION 11. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken.

SECTION 12. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the question under consideration. There will not be a time limit to the time allowed for each Representative to have the floor, however the Presiding officer has discretion to end discussion on an item, or to give the floor to another representative.

SECTION 13. RIGHT OF CITIZENS TO BE HEARD

Public Hearings/Agenda Items:

Any member of the public shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. If a member of the public addresses City Council through a translator into English, he or she will be granted six (6) minutes to present. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

Public Comment/Non Agenda Items:

A maximum of sixty (60) minutes will be allotted for a public comment portion of each regular City Council meeting. The City Council will designate time to allow members of the public to have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting either online or by using the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment. Members of the public are required to speak on the topic identified upon the sign-in sheet. If the speaker is a lobbyist, he or she must indicate that fact on the

audience participation sheet and prior to commencing his/her comments in compliance with the City's Lobbying Ordinance. Members of the public may not grant their time to another nor may they purport to speak for another who is not present at the meeting. If someone would like a document or letter to become a part of the record, they may do so by providing the City Clerk with copies of the document or letter no later than 9:00 a.m. on the morning of the meeting, which will be distributed to the Council. It shall not be necessary to read the letter into the record. Interpretation services are only to be provided by the certified interpreter provided by the City.

A document camera and projection system ("Overhead Projector") is available for use for public comment on posted items and call to the public. Members of the public shall submit any document they wish to present on the Overhead Projector to the City Clerk no later than close of business on the previous City business day before the meeting date. Any document that contains insulting, profane, threatening or abusive language, nudity, or campaign material will be rejected. City Staff will assist members of the public in using the Overhead Projector during the meeting. In order to ensure cyber security, members of the public are prohibited from sending or utilizing presentations in any electronic format, including but not limited to email, and from using a Universal Serial Bus (USB) compact disk (CD) or digital versatile disk (DVD) for public comment and call to the public. A member of the public who wishes to make an electronic presentation may bring printed documents to the City Clerk's office no later than close of business on the previous City business day before the meeting date to be scanned for presentation during the meeting.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one-time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than three (3) minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action.

The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted sixty (60) minutes will otherwise be taken up by the others making comment.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak regarding an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to “mark all” or to sign up for every item “just in case” they wish to speak when the discussion on an item takes place. If a member of the public wishes to speak regarding an item, but did not sign up by 9:00 am, he or she may notify the City Clerk at any time prior to the call to vote on the item.

Members of the public who do not desire to speak but want to register support or opposition to an item on the agenda may do so by indicating their position on the audience participation form. The City Clerk will notify the Council of the number of position statements received and the tally when the agenda item is announced.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 14. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached Exhibit “B”.

Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 15. PARLIAMENTARIAN

The City Clerk and the Deputy City Clerk are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 16. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council shall not use any electronic devices other than the desk top computers provided by the City of El Paso located at their seats during any City Council meeting or City Council work sessions. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices, cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication.

The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff.

During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

SECTION 17. TIME AND LOCATION OF MEETINGS

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

Ms. Kristen Hamilton, Senior Assistant City Attorney, and Ms. Laura D. Prine, City Clerk, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **AMEND** the Rules of Order to strikeout the following paragraph from Section 13, Right of Citizens to be Heard:

Any group of five (5) or more wishing to speak on the same topic will be asked to select one (1) representative to speak for the group and that individual will have three (3) minutes to address Council

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

NAYS: None

2ND MOTION

Motion made by Representative Annello, seconded by Representative Svarzbein and carried to **NOT TO ENFORCE** Robert's Rules of Order related to the 10-minute time limit to speeches.

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

NAYS: Representatives Rodriguez and Lizarraga

3RD AND FINAL MOTION

Motion made by Representative Annello, seconded by Representative Hernandez and unanimously carried to **APPROVE, AS REVISED**, the Rules of Order Resolution.

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

NAYS: None

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NOTICE TO THE PUBLIC

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried to **REVIEW** the Consent agenda items separately prior to taking the vote.

Representatives Hernandez and Molinar commented.

2ND AND FINAL MOTION

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

AYES: Representatives Svarzbein, Annello, 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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3. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of December 15, 2020, the Agenda Review Meeting of December 14, 2020, and the Work Session of December 14, 2020.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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4. **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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5. ***RESOLUTION**

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

That the City Manager is authorized to sign a Termination Agreement terminating the Chapter 380 Economic Development Program Agreement approved by the City of El Paso City Council on May 1, 2018 between the City of El Paso and Great River Commercial, LLC in support of the redevelopment of the property located at 1101 Texas Avenue, El Paso, Texas 79901.

Mr. Rafael Arellano, Business Services Coordinator, commented.

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6. ***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 Agreement for Professional Services to perform additional design and construction phase services, for the project known as " **FIXED BASE OPERATOR RAMP ADDITION AND TAXIWAY U & V REALIGNMENT**", for an increase in the estimated contract amount of \$40,622.00, for a total contract amount not to exceed \$804,489.00; and that the City Engineer is authorized to approve additional Basic Services and Reimbursables if such services are necessary for the proper execution of the project; 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 the execution of the Agreement.

Mayor Lesser commented.

Mr. Terry Sharpe, Assistant Director of Aviation, commented.

7.

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***RESOLUTION**

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

That the City Manager be authorized to sign an Affidavit of Debts, Liens and Possession by the City of El Paso ("Lessor") regarding the following described property:

Portions of Lot 1 and Lot 2, Block 13, El Paso International Airport Tracts Unit 8, Replat A, City of El Paso, El Paso County, Texas, generally depicted as Exhibit "A", attached hereto and incorporated herein by reference, and commonly known and numbered as 1600 Hawkins Blvd., El Paso, Texas.

Representative Rivera commented.

Mr. Terry Sharpe, Assistant Director of Aviation, commented.

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Goal 3: Promote the Visual Image of El Paso

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8. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution approving a Detailed Site Development Plan for a portion of Tract 1, Block 5 and a Portion of Tract 1, Block 6, Christy Tract, 588 South Yarbrough, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. The proposed detailed site development plan 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: 588 South Yarbrough Applicant: Sitework Engineering, LLC PZDS20-00026

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9. *Motion made, seconded, and unanimously carried to **DELETE** the Solid Waste liens on the attachment posted with this agenda.

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

10.

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***RESOLUTION**

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

THAT the City Manager 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 Ysleta Middle School SRTS project, for the design and construction of a hike and bike trail along Playa Lateral between Elvin Way and Jesuit Drive along with school zone flashers, ADA ramps, and school zone signs, which has an estimated total project cost of \$1,030,245.00 of which the estimated local government participation amount is \$0.00.

Ms. Yvette Hernandez, Grant Funded Program Director, commented.

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11.

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

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

THAT the City Manager 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 Sean Haggerty Drive Extension project, for the design of a four lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, which has an estimated total project cost for design of \$3,399,532.00 of which the estimated local government participation amount is \$241,435.00.

Representative Molinar commented.

Ms. Yvette Hernandez, Grant Funded Program Director, commented.

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12.

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

WHEREAS, on February 26, 2019, the City of El Paso (City) entered into an Interlocal Agreement with the Camino Real Regional Mobility Authority (CRRMA) for the construction of the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project (Project); and

WHEREAS, certain aspects of the Project were delayed due to a longer than anticipated property acquisition process, which required the use of eminent domain by the City; and

WHEREAS, the CRRMA, through its construction contractor, has incurred additional, unanticipated Project expenses due to the referenced delay; and

WHEREAS, the City therefore desires to grant authority to provide additional project funds to the CRRMA for use in a change order to account for such additional expenses in an amount not to exceed \$170,217.46.

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

THAT the City of El Paso hereby authorizes the City Engineer to approve the provision of additional project funds to the Camino Real Regional Mobility Authority for

the Zaragoza POE, Pan American Dr., Winn Rd. Improvement Project, in an amount not to exceed \$170,217.46, for an increase in cost due to the lack of full site access at the commencement of construction activities; the increased cost is justified and within the appropriate budget identified for the Project.

In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers.

Mayor Leeser commented.

The following City staff members commented:

1. Ms. Yvette Hernandez, Grant Funded Program Director
2. Ms. Karla Nieman, City Attorney

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:
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Goal 3: Promote the Visual Image of El Paso
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13. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Frank Hernandez to the Building and Standards Commission by Representative Cassandra Hernandez, District 3.

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CONSENT AGENDA - BOARD APPOINTMENTS:
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Goal 3: Promote the Visual Image of El Paso
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14. *Motion made, seconded, and unanimously carried to **APPOINT** Paulina Lagos to the Historic Landmark Commission by Representative Cassandra Hernandez, District 3.

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Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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15. *Motion made, seconded, and unanimously carried to **APPOINT** Lucio Glenn to the Museums and Cultural Affairs Advisory Board by Representative Cassandra Hernandez, District 3.

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CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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16. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refund listed below and posted on the attachment with this agenda:

1. Maria R. Chavez, in the amount of \$5,443.86, made an overpayment on November 9, 2020 of 2020 taxes. (Geo. #C518-999-1350-0500)

2. Priscilla Hernandez, in the amount of \$12,735.28, made an overpayment on November 30, 2020 of 2020 taxes. (Geo. # T287-999-0860-1600)
3. Member First Mortgage C/O Lereta, LLC., in the amount of \$2,611.67, made an overpayment on December 19, 2019 of 2019 taxes. (Geo. # V893-999-4110-1800)
4. River Oaks Properties, in the amount of \$4,683.39, made an overpayment on December 14, 2020 of 2020 taxes. (Geo. # W189-999-0010-0100)

17.

***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, Benjamin Gomez and Corinna Goron ("Taxpayer") has applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on December 06, 2017 in the amount of \$28. 96 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 Benjamin Gomez and Corinna Goron 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 \$28.96 is approved.

The City Council Meeting was **RECESSED** at 10:04 a.m. in order to convene the Mass Transit Board Meeting and the Downtown Development Corporation Meeting.

The City Council Meeting was **RECONVENED** at 10:37 a.m.

CONSENT AGENDA - NOTICE FOR NOTATION:

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

18. *Motion made, seconded, and unanimously carried to **ACCEPT** the donation of \$500 from El Paso Firefighters IAFF Local 51 to pay for COVID-19 safe Christmas activities within District 3.

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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19. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Aleksandra Anello: \$50 from Meryl Heyman, \$250 from Rick Bonart, \$1,400 from Aaron Montes, \$150 from Brian Kennedy, \$250 from Carlos Spector, \$25 from Jesus Marquez, \$3,000 from J.P. Bryan, \$50 from Michael Wyatt, \$250 from Deborah Kastrin, \$200 from Stuart Schwartz, \$250 from Ann Horak, \$50 from Octavio Dominguez, \$25 from German Hernandez, \$100 from Arturo Dominguez.

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:
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Goal 6: Set the Standards for Sound Governance and Fiscal Management
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20. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts and processes.

1. Overview (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

2. City Attorney's Office Update (Karla Nieman)
a) Governor Abbott's Proclamations & Orders
b) Emergency Ordinances
c) Texas Eviction Diversion Program

Ms. Karla Nieman, City Attorney, and Ms. Ana Schumacher, Assistant City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

3. CFT Operations (Chief Mario D'Agostino/Angela Mora)

Fire Chief Mario D'Agostino and Ms. Angela Mora, Public Health Director, presented a Power Point presentation (copy on file in the City Clerk's Office).

4. Team Lead Reports:

1. Health Focus (Hector Ocaranza, M.D.)
a. Community Task Force Recommendations Update

Dr. Hector Ocaranza, El Paso Health Authority and Ms. Dionne Mack, Deputy City Manager, updated Council members on this section of the presentation.

Mayor Leeser and representatives Svarzbein, Hernandez, Molinar, Rodriguez, Rivera, and Lizarraga commented.

The following City staff members commented and answered questions posed by Council:

1. Mr. Tommy Gonzalez, City Manager

2. Ms. Araceli Guerra, Managing Director Internal Services
3. Ms. Laura Cruz-Acosta, Strategic Communications Director
4. Ms. Karla Nieman, City Attorney

NO ACTION was taken on this item.

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

21. Update on the Conservation Easements for Knapp Land and Lost Dog.

Ms. Lisa Gala, Capital Improvement Redevelopment Manager, presented a PowerPoint presentation, (copy on file in the City Clerk's Office)

Representatives Svarzbein, Anello, and Molinar commented.

Mr. Sam Rodriguez, City Engineer, commented.

Dr. Rick Bonart, citizen, commented.

NO ACTION was taken on this item.

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Goal 6: Set the Standards for Sound Governance and Fiscal Management
.....

22. Discussion on a City Council Orientation presentation by the:

- a) City Manager that will include: Operational Overview (Organizational Transformation, Community of Excellence, Organizational Agility), Financial Overview and Capital Plan Update;

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office).

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Chief Financial Officer
3. Mr. Sam Rodriguez, City Engineer
4. Ms. Jessica Herrera, Economic and International Development Director

- b) City Attorney that will include: Type of City – Home Rule / Council-Manager form of government, El Paso City Charter, Rules of Order, City Code, and State Laws.

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office).

1. Ms. Karla Nieman, City Attorney
2. Ms. Kristen Hamilton, Senior Assistant City Attorney
3. Ms. Victoria Hayslett, Assistant City Attorney
4. Mr. Manuel Arambula, Senior Assistant City Attorney

NO ACTION was taken on this item.

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CALL TO THE PUBLIC – PUBLIC COMMENT
.....

The following members of the public commented:

1. Dr. Rick Bonart
2. Ms. Marcela Salido
3. Ms. Bernadette Arenivas
4. Ms. Neysa Hardin and two students from Americas High School
5. Ms. Yolanda Layva
6. Ms. Ana Reza
7. Ms. Lucia Martinez
8. Ms. Susan B. Barnum
9. Mr. Lee Onate
10. Ms. Barbara Zavala
11. Ms. Edna Zavala
12. Mr. Tim Cabalo
13. Ms. Dora Villanueva
14. Mr. Rick Flores
15. Ms. Grace Torres
16. Ms. Linza Zavala
17. Ms. Petra Licon
18. Ms. Hilda Lozano
19. Ms. Cemelli De Aztlan
20. Mr. Philip Arnold
21. Dr. Selfa Chew
22. Mr. Anastacio Zavala
23. Ms. Annette Baeza

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REGULAR AGENDA - FIRST READING OF ORDINANCES
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Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

NAYS: None

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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development:
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23. An Ordinance amending Title 14 (Aircraft and Airports) Chapter 14.24 (Commercial Air Carriers Rates and Charges) to add Section 14.24.130 Daily Cargo Parking and Building Use Fee.

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

24. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.150 (Shared Mobility Devices), to update permit term and renewal requirements.

PUBLIC HEARING FOR ITEMS 23 AND 24 WILL BE HELD ON JANUARY 19, 2021

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS
.....

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

25. Motion made by Representative Rivera, seconded by Representative Hernandez, and carried to **AWARD** Solicitation 2020-1081 Janitorial Services - Libraries to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$1,084,933.98. The award also includes two (2) year option for an estimated amount of \$723,289.32. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$1,808,223.30. The award of this contract will provide janitorial services for the libraries.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$229,599.66 for the initial term, which represents a 26.84% increase above the previous contract. The increase is due to the additional libraries being brought online.

Department:	Libraries
Award to:	Ace Government Services, LLC El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$361,644.66
Initial Term Estimated Award:	\$1,084,933.98 (3 years)
Total Estimated Award:	\$1,808,223.30 (5 years)
Account No.:	453-522120-1000-53030 453-522120-1000-53050 453-522120-1000-53060 453-522120-1000-53070 453-522120-1000-53080 453-522120-1000-53090 453-522120-1000-53100 453-522120-1000-53110 453-522120-1000-53120 453-522120-1000-53130 453-522120-1000-53140 453-522120-1000-53160 453-522120-1000-53310 453-522120-1000-53311
Funding Source:	General Funds

Districts: All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Public Library Departments recommend award as indicated to Ace Government Services, LLC the bidder offering the best value bid.

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

Mayor Leeser commented.

Mr. Bruce Collins, Purchasing and Strategic Sourcing Director, commented.

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

NAYS: Representative Rodriguez

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

26. Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **AWARD** Solicitation No. 2021-0039 Speed Cushions to Traffic Logix Corporation for an initial three (3) year term estimated award of \$581,025.00. The award also includes a two (2) year option for an estimated amount of \$387,350.00. The total value of the contract including the initial term plus the option is five (5) years for a total estimated award of \$968,375.00. The award will support the installation and maintenance of speed cushions citywide, by the Streets and Maintenance Department, in accordance with the Neighborhood Traffic Management Program (NTMP)

Contract Variance:

The difference in cost, based on the comparison from previous contract is as follows: an increase of \$433,650.00 for the initial term, which represents a 75% increase, due to additional speed cushions under this contract.

Department:	Street and Maintenance
Award to:	Traffic Logix Corporation Spring Valley, NY
Items:	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$193,675.00
Initial Term Estimated Award:	\$581,025.00 (3 years)
Total Estimated Award:	\$968,375.00 (5 years)
Account No.:	532-1000-532030-32020-P3250
Funding Source:	Public Access - Maintenance and Repairs
Districts:	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Street and Maintenance Departments recommend award as indicated to Traffic Logix Corporation, the lowest responsive, responsible bidder. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

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

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27. Motion made by Representative Annello, seconded by Representative Rodriguez, and unanimously carried to **AWARD** Solicitation 2020-037 Yarbrough Bridge Replacement to International Eagle Enterprises, Inc. for an estimated total award of \$2,031,462.75.

Department:	Capital Improvement
Award to:	International Eagle Enterprises, Inc. El Paso, TX
Items:	All
Initial Term:	220 Standard Workweek Days
Base Bid I:	\$1,786,245.75
Base Bid II:	\$189,422.00
Base Bid III:	\$34,125.00
Base Bid IV:	\$21,670.00
Total Estimated Award:	\$2,031,462.75
Account No.:	190-580270-4743-38290-PCP18TRAN05 190-580270-4950-38170-PCP18TRAN05
Funding Source:	2018 Certificates of Obligation and Federal Highway Administration Funds
Districts:	6

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to International Eagle Enterprises, Inc., 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, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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28. Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation No. 2021-0077 Guardrails and Wooden Posts to Gordon's Specialties, Inc. dba G.S.I. Highway Products for an initial three (3) years for an estimated amount of \$713,400.00. The award of this contract will allow for the continual repair and/or replacement of Guard Rails and Wooden Posts damaged by vehicles throughout the City.

Contract Variance:

The difference in cost, based on comparison from previous contract is as follows: An increase of \$213,510.00 for the initial term, which represents a 42.7% increase, due to increases in pricing and additional quantities.

Department: Streets and Maintenance
Award to: Gordon's Specialties, Inc. dba G.S.I. Highway Products
Hutchins, TX
Items: All
Initial Term: 3 years
Option to Extend: None
Annual Estimated Award: \$237,800.00
Total Estimated Award: \$713,400.00 (3 years)
Account No.: 532-32120-532030-1000-P3210
Funding Source: General Fund - Public Accesses Maintenance and Repair
Districts: All

This is a Low Bid, unit price contract.

The Purchasing and Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Gordon's Specialties, Inc. dba G.S.I. Highway Products, the lowest responsive, responsible bidder.

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

NAYS: None

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

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29. **ORDINANCE 019125**

AN EMERGENCY ORDINANCE

**RE-ENACTING EMERGENCY ORDINANCE NO. 019035
EXTENDING A DISASTER DECLARATION DUE TO A
PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting, life, health, property or the public peace; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and **WHEREAS**, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on December 14, 2020; and

WHEREAS, on December 6, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

WHEREAS, the number of COVID-19 active cases in El Paso is over 37,031; and

WHEREAS, El Paso is currently considered to be in an area with high hospitalizations according to Governor Abbott's Executive Order GA-32; and

WHEREAS, on December 3, 2020, the CDC Director predicted and the U.S. Surgeon General agreed that the next few months, specifically December, January and February, "are going to be the most difficult time in the public history of this nation"; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, Emergency Ordinance No. 019121 which re-enacts Emergency Ordinance No. 019035 is set to expire on January 13, 2020; and

WHEREAS, the condition necessitating a declaration of a state of disaster continues to exist.

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.

2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

Representative Svarzbein commented.

Ms. Ana Schumacher, Assistant City Attorney, commented.

Motion made by Representative Hernandez, seconded by Representative Salcido and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinance.

30.

ORDINANCE 019126

**AN EMERGENCY ORDINANCE
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,
AS RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019115,
AND FURTHER AMENDED BY EMERGENCY ORDINANCE NUMBERS 019118
AND 019122; PENALTY AS PROVIDED IN SECTION 8**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting, life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment taking place on December 14, 2020; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to amend Emergency Ordinance No. 019036 to allow call to the public to take place at 5:30 p.m. while the Rules of Order for the El Paso City Council are suspended; and

WHEREAS, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as restated and amended on November 9, 2020 (Emergency Ordinance No. 019115) and amended on November 23, 2020 (Emergency Ordinance No. 019118) and December 14, 2020 (Emergency Ordinance No. 019122) which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Nos. 019118 and 019122, penalty as provided in Section 8, is hereby re-enacted.
2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iv be amended to read as follows:
 - iv. The following sections of the Resolution Amending the Rules of Order for the El Paso City Council (the "Rules of Order"), Revised, as Effective March 3, 2020, including but not limited to exhibits, is hereby temporarily suspended and amended as follows:
 - a) All references to 9:00 a.m. are changed to 3:30 P.M.
 - b) All references to 12:00 noon are changed to 5:30 P.M.

Except as amended herein, the remainder of the Rules of Order are not suspended or amended, and remain in full force and effect. This Rule shall not be in effect the week of Thanksgiving through January 5, 2021; the City shall revert to its Original Rules of Order during this period.

3. Except as amended herein, Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Nos. 019118 and 019122, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner.
4. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinance.

31.

ORDINANCE 019127

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, AS AMENDED BY
EMERGENCY ORDINANCE NO. 019119; PENALTY AS PROVIDED IN SECTION 6**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 on a monthly basis, with the most recent re-enactment taking place on December 14, 2020; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on December 6, 2020; and

WHEREAS, El Paso City Charter Section 3.10 allows City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

WHEREAS, on August 31, 2020, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("Emergency Ordinance No. 019091"); and

WHEREAS, City Council has re-enacted Emergency Ordinance No. 019091, each month, with the most recent re-enaction taking place on December 14, 2020 (Ord. No. 019123) ("Re-enacting Ordinance"); and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to re-enact its August 31, 2020, Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119, which shall take effect immediately, and remain in effect until February 4, 2021, or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119 is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinance.

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

32. *Motion made, seconded, and unanimously carried to **DELETE** an Ordinance changing the zoning of the following parcels: Parcel 1: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-3/sp/c Commercial/special permit/conditions); and, Parcel 2: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to A-O/sp/c (Apartment/Office/special permit/conditions); and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL AND A 211 CASE.** Subject Property: 4625 Delta Drive. Applicant: The Upright Group, LLC PZRZ20-00013

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.

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33. *Motion made, seconded, and unanimously carried to **POSTPONE TWO WEEKS** an Ordinance changing the zoning of portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas from C-4/c (Commercial/conditions) to R-3A/c (Residential/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 adjacent Future Land Use designation south of the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: East of Resler Dr. and South of Woodrow Bean Transmountain Rd. Applicant: CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros PZRZ20-00023

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34. **ORDINANCE 019128**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 1, EL PASO WEST, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL), THE PENALTY BEING AS PROVIDED 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: SOUTH OF PASEO DEL NORTE BOULEVARD AND WEST OF NORTHWESTERN DRIVE APPLICANTS: FSW INVESTMENTS LP PZRZ20-00021

Motion duly made by Mayor Pro Tempore Svarzbein, 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 Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
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**.

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35. **ORDINANCE 019129**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST20-00008, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ON THE PROPERTY DESCRIBED AS TRACTS 15-D, 16-G, AND 16-H, BLOCK 8, UPPER VALLEY SURVEYS, 5545 WESTSIDE DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.470 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

THE PROPOSED SPECIAL PERMIT 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: 5545 WESTSIDE DRIVE APPLICANTS: DAVID FULLER AND NORMA GARZA PZST20-00008

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

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

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

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**.

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36. ORDINANCE 019130

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST20-00009, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 TO 5, BLOCK 8, SAMBRANO ADDITION, 6700 SAMBRANO AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

THE PROPOSED SPECIAL PERMIT 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: 6700 SAMBRANO AVENUE APPLICANTS: CITY OF EL PASO PZST20-00009

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

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

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

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**.

37. An Ordinance changing the zoning of Tract 2-A, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) and R-F/H (Ranch-Farm/Historic) to R-5 (Residential) and R-5/H (Residential/Historic). The penalty being as provided in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL**

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: South of Americas and West of Socorro Road Applicants: B&B Socorro, LLC PZRZ20-00019

Mr. Raul Garcia, Project Manager, read floor amendment into the record.

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

The following City staff members commented:

1. Mr. Philip Etiwe, Planning and Inspections Director
2. Mr. Cary Westin, Senior Deputy City Manager
3. Mr. Tommy Gonzalez, City Manager

The following members of the public commented:

1. Ms. Fabiola Campos Lopez
2. Mr. Bert Borsberry
3. Ms. Sylvia Carreon

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow the speakers additional time.

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

NAYS: None

2ND AND FINAL MOTION

Motion made by Representative Rodriguez, seconded by Representative Salcido, and unanimously carried to **DELETE** the Ordinance

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

NAYS: None

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38.

ORDINANCE 019031

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 17,18,19, AND THE WEST 15 FEET 7.5 INCHES OF LOT 20, BLOCK 30, FRANKLIN HEIGHTS ADDITION, 1301 & 1305 TEXAS AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO G-MU**

(GENERAL MIXED USE), APPROVING A MASTER ZONING PLAN. THE PENALTY BEING AS PROVIDED 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: 1301 & 1305 TEXAS AVENUE. APPLICANTS: LUCBAN, LLC. PZRZ20-00020

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

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

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

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**.

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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39. *Motion made, seconded, and unanimously carried to **POSTPONE FOUR WEEKS** an Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for "City", "Confidential Information", "Conducting Business with the City", "Days", "Mailbox Rule", "Ministerial Act", "Newly Discovered Evidence" and "Resident"; delete definition for "Negotiating Concerning Prospective Employment" and "Person"; update definition for "Board"; relocate definitions for "Clear and Convincing", "Designated Employee", "Frivolous Complaint", and "Honorarium"; delete Section 2.92.050(G) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the Ethics Review Commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission Panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission Member to recuse themselves if a member

has engaged in Ex Parte Communications; add requirement for Ethics Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance.

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REGULAR AGENDA – OTHER BUSINESS

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

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40.

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 of El Paso approves the list of projects on Exhibit "A" attached hereto, totaling approximately \$4,496,619.00, which updates the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark", as the established list of capital maintenance projects for the Ballpark also known as Southwest University Park for FY202 through FY2025 and that the City Manager be authorized to make all necessary transfers prior to the execution of the project.

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

The following City staff members commented:

1. Ms. Karla Nieman, City Attorney
2. Mr. Tommy Gonzalez, City Manager

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **AMEND** the item by adding a condition deferring all FY 2021 projects with the exception of those related to safety or security until FY 2022 (September 1, 2020) and to explore other avenues outside of the general fund for funding.

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

NAYS: None

2ND AND FINAL MOTION

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

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

NAYS: None

41.

RESOLUTION

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

That the El Paso City Council approved the list of projects on Exhibit "A" attached here to, totaling approximately \$111,137,651.00, which updates the document known as the "El Paso International Airport Proposed Five Year Capital Improvement Plan," as the established list of Airport Capital Improvement Program projects for FY 2021 through FY 2025 and the use of the identified funding sources and that the City Manager be authorized to make all necessary budget transfers prior to the execution of the projects.

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

AYES: Representative Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

Goal 8: Nurture and Promote a Healthy, Sustainable Community

42.

RESOLUTION

WHEREAS, on July 9, 2019, the City Council for the City of El Paso adopted the Final Action Plan for 2019-2020 and on that date Authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2019-2020 Annual Action Plan to include all certifications contained therein; and

WHEREAS, on March 17, 2020, the City amended the Annual Action Plan to add the Hueco Mountain Park Improvement Project ("**First Amendment**"); and

WHEREAS, on May 27, 2020, the City amended the Annual Action Plan to add projects under CARES Act Emergency Solutions Grant ("**Second Amendment**"); and

WHEREAS, on June 22, 2020, the City amended the Annual Action Plan to add the 45th Year Community Development Block Grant (CDBG-CV) and Housing Opportunities for Persons with HIV/AIDS (HOPWA-CV) funding ("**Third Amendment**"); and

WHEREAS, on August 18, 2020, the City amended the Annual Action Plan to delete the El Paso Child Guidance Center project (\$1,263,267), and delete the Parks and Recreation Summer Youth Program (\$65,000), and delete the Hotel and Motel for COVID-19 Positive Homeless project (\$125,000); and add \$1,263,267 to the existing contract with the Opportunity Center for the Homeless for continued operation of the temporary Delta Haven and Welcome Center, and add \$65,000 to the existing contract with the YWCA Paso del Norte Region for childcare services, and add \$125,000 to the Transportation for Homeless Individuals and Families project ("**Fourth Amendment**"); and

WHEREAS, on September 15, 2020, the City amended the Annual Action Plan to delete the CDBG-CV Economic Recovery Technical Assistance project (\$100,000); delete the YWCA CDBG-EN Children and Youth Services project (\$65,000); reduce the YWCA CDBG-CV Children and Youth Services project from \$250,000 to \$235,000; add \$85,000 in CDBG-CV for a Veterans Permanent Supportive Housing Case Management project; and add \$30,000 in CDBG-CV and \$65,000 in CDBG-EN for a United Way Family Resilience Center project ("**Fifth Amendment**"); and

WHEREAS, on October 13, 2020, the City amended the Annual Action Plan to reduce the CDBG Delta Haven and Welcome Center project by \$1,000,000; and add \$1,000,000 in CDBG for rapid rehousing of individuals and families experiencing homelessness ("**Sixth Amendment**"); and

WHEREAS, on October 27, 2020, the City amended the Annual Action Plan to reduce the CDBG-CV Financial Counseling and Bankability project by \$112,500; and add \$112,500 in CDBG-CV to create a Digital Expansion project for the purchase of mobile hotspots ("**Seventh Amendment**"); and

WHEREAS, on December 15, 2020, the City amended the Annual Action Plan to reduce the Project BRAVO-COVID-19 Emergency Housing Payment Assistance Program by \$1,000,000 in CDBG-CV; add \$1,000,000 in CDBG-CV to the El Paso Rent Help Rental Assistance Program operated by Under One Roof; add \$1,100,000 in CDBG-CV to create the Inspira Hotel Emergency Shelter Project operated by Endeavors; and add \$3,021,341 in CDBG-CV to create a "hold project" for the remaining balance of CDBG-CV funds ("**Eighth Amendment**"); and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2019-2020 Annual Action Plan to reduce existing projects and add new projects ("**Ninth Amendment**"); and

WHEREAS, on December 30, 2020 the City of El Paso posted on its website public notice and allowed a 5 day public comment period regarding the proposed amendment to the 2019-2020 Annual Action Plan and 45th Year CDBG-CV Program Budget and City Council has duly considered public comment if any.

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

1. That the 2019-2020 Annual Action Plan and 45th Year CDBG-CV Program Budget are hereby amended as follows:
 - a. Reduce the "hold project" for the remaining balance of CDBG-CV funds by \$341,160 in CDBG-CV;
 - b. Add \$341,160 in CDBG-CV funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors;
 - c. Add \$1,700,000 in ESG-CV funds to create a Rapid Rehousing Project;
 - d. Add \$500,000 in ESG-CV funds to create an Emergency Shelter Project;
 - e. Add \$430,000 in ESG-CV funds to create a Homeless Prevention Project;

- f. Add \$234,248 in ESG-CV funds to create a Homeless Management Information System (HMIS) Project;
 - g. Add \$100,000 in ESG-CV funds to create a Street Outreach Project;
 - h. Add \$1,000,000 in ESG-CV funds to create a Homeless Welcome Center Project.
2. That the Department of Community and Human Development, through the Director, be authorized to make the above changes to the 2019-2020 Annual Action Plan in the United States Department of Housing and Urban Development's program system.
 3. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.
 5. Except as amended in the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment and this Ninth Amendment, the 2019-2020 Annual Action Plan and 45th Year CDBG Program Budget remains in full force and effect.

Ms. Carol Bohle, citizen, commented.

Motion made by Representative Anello, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** the Resolution.

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

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MEMBERS OF THE CITY COUNCIL

43. RESOLUTION

WHEREAS, a vacancy in the El Paso Water Utilities Public Service Board will occur on December 31, 2020 with the expiration of the second term of Henry Gallardo, in the area of General Business Management; and,

WHEREAS, the City of El Paso adopted Ordinance Number 017167 which requires that any vacancy in the membership of the El Paso Water Utilities Public Service Board be filled by the City Council; and,

WHEREAS, the City of El Paso by Resolution established the El Paso Water Utilities Public Service Board Selection Committee, to be comprised of the members of the Public Service Board and such additional members as appointed by the City Council to assist City Council in selecting eligible candidates to fill the vacancy; and,

WHEREAS, under the Resolution, the El Paso Water Utilities Public Service Board Selection Committee reviews resumes submitted by persons interested in filling

the vacant position and submits to the City Council the names and the ranking of three eligible candidates; and,

WHEREAS, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on November 5, 2020 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation of eligible candidates for consideration and appointment by City Council;

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

THAT, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on November 5, 2020 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation to the City Council the following candidates to fill a vacancy on the El Paso Water Utilities Public Service Board in the area of General Business Management:

Ranked 1 st	John T. Hjalquist
Ranked 2 nd	Charlie Intebi
Ranked 3 rd	Sam Preckett

THAT, the El Paso City Council hereby appoints Charlie Intebi to fill the vacancy on the El Paso Water Utilities Public Service Board in the area of General Business Management. The term of appointment shall commence on January 6, 2021 and shall be for a four (4) year term.

Mayor Leeser and Representative Svarzbein commented.

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

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

NAYS: Representative Rodriguez

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EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 6:53 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

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Molinar, seconded by Representative Annello, and unanimously carried to adjourn the Executive Session at 8:35 p.m. and **RECONVENE** the meeting of the City Council during which time the following motions were made.

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

NAYS: None

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EX1. Proposed open space land acquisitions. (551.072) (20-1040-1094)

NO ACTION was taken on this item.

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EX2. Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso. (20-1007-2670) (551.087) (551.071)

NO ACTION was taken on this item.

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EX3. E.R., a Minor and Olga Alcantara v. Marco Jasso, Jose Rivas, Ricardo Villagran, and Jane Doe; Matter: 18-1026-9962 (551.70)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney be granted settlement authority in an amount up to \$10,000 to resolve the case entitled, E.R., a minor, and Olga Alcantara v. EPPD Police Officers Marco Jasso, Jose Rivas, Ricardo Villagran, and Jane Doe; In the United States District Court for the Western District of Texas, El Paso Division; Civil Action No. 3:18-CV-298-FM.

In addition to negotiating a settlement agreement, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 18-1026-9962.

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

NAYS: Representative Svarzbein

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EX4. Elizabeth Flores, et. Al. v. Jose Rivas and C. Sandoval; Mater: 18-1026-9855 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney be granted settlement authority in an amount up to \$25,000 to resolve the case entitled, Elizabeth Flores, et. al. v. EPPD Police Officers Jose Rivas and C. Sandoval; In the United States District Court for the Western District of Texas, El Paso Division; Civil Action No. 3:18-CV-297-KC-ATB.

In addition to negotiating a settlement agreement, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 18-1026-9855.

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

NAYS: Representative Rodriguez

ADJOURN

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Motion made by Representative Anello, seconded by Representative Svarzbein, and
unanimously carried to **ADJOURN** this meeting at 8:39 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:



Laura D. Prine, City Clerk