

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 4, 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 9:01 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Alexsandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Peter Svarzbein participated via videoconference. Late arrival: Cassandra Hernandez at 9:03 a.m. Early departure: Claudia Rodriguez at 12:42 p.m. Cissy Lizarraga requested to be excused.

### INVOCATION

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS

Dr. Martin Luther King, Jr. Day

Elvira Nevarez Remembrance Day

The Regular City Council meeting was **RECESSED** at 9:19 a.m.

The Regular City Council meeting was **RECONVENED** at 9:33 a.m.

### REGULAR AGENDA - OTHER BUSINESS:

Election of Alternate Mayor Pro Tempore for the January 4, 2022 meeting during the absence of Alternate Mayor Pro Tempore Cissy Lizarraga and virtual participation of Mayor Pro Tempore Peter Svarzbein.

Mayor Leeser commented

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

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

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**NOTICE TO THE PUBLIC**

Motion made by Mayor Pro Tempore Hernandez, 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, and Rivera  
NAYS: None  
ABSENT: Representative Lizarraga

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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 Agenda Review Meeting of December 13, 2021.

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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:**

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Cissy Lizarraga from the Regular City Council Meeting of Tuesday, January 04, 2022.

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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, or designee, be authorized to sign an Agreement for Professional Services by and between the City of El Paso, and Professional Service Industries, Inc., a Delaware, USA Foreign for Profit Corporation, for a project known as "GEOTECHNICAL AND MATERIALS TESTING FOR TAXIWAY J & K2 RECONSTRUCTION", for an amount not to exceed \$224,664.96.

In addition, the City Manager, or designee, is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of the Agreement for Professional Services. In addition, the City

Manager, or designee, is authorized to increase the contract amount up to \$50,000.00 and sign any amendments to the agreement.

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**Goal 2: Set the Standard for a Safe and Secure City**  
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**4. \*RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso/District Attorney, 34<sup>th</sup> Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of criminal cases in connection with the District Attorney’s Information Management System (DIMS) program from January 1, 2022 through August 31, 2022. The City of El Paso will make monthly payments of \$19,888.77 to the County for the months that real-time, 24-hour screening under the DIMS program is being provided to the City.

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

The following City staff members responded to questions from Members of City Council:

1. Mr. Tommy Gonzalez, City Manger
2. Ms. Dionne Mack, Deputy City Manager of Public Safety
3. Police Chief Gregory Allen
4. Assistant Police Chief Humberto Talamantes
5. Mr. Eric Gutierrez, Assistant City Attorney

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**Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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**5. \*RESOLUTION**

**WHEREAS**, the City of El Paso, as trustee, acquired title to the properties described below by Sheriffs Tax Deed because no bids were received when the properties were offered for sale and the officer making the sale bid the properties off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

**WHEREAS**, the City of El Paso desires the sheriff of El Paso County to sell said properties in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

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

**THAT** the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code the following parcels of property described:

**Lot 2, Block 84, Cielo Vista Park, Unit “A”, an addition to the City of El Paso, El Paso County, Texas, according to the map**

or plat thereof, recorded in Volume 21, Page 5, Map Records of El Paso County, Texas.

Representative Rivera commented.

Ms. Karla Nieman, City Attorney, commented.

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

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

That the City Manager, or designee, be authorized to sign an Underground Electrical Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located between Global Reach Dr. and George Perry Boulevard, legally described as 0.196-acre parcel of land more or less being a portion of Lot 1, Block 1, Butterfield Trail Aviation Park Unit One, (File Clerk’s No. 98063155, Plats Records, El Paso County, Texas) City of El Paso, El Paso County, Texas.

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**7. \*RESOLUTION**

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

That the City Council approves a Change Order to the Montana Corridor RTS project, Contract No. 2018-836 with Venegas Engineering Management and Construction, Inc., in the amount of ONE HUNDRED THIRTY-THREE THOUSAND ONE HUNDRED FIFTY-FIVE AND 22/100 DOLLARS (\$133,155.22) for the additional cost related to the additional wiring with an increased gauge and additional conduit required to account for relocated electrical services. This notice provides for the additional scope of work, which allows for additional capacity to the awarded contract. The new contract sum, including this change order notice is Twenty Million Forty-Six Thousand One Hundred Seven and 45/100 Dollars (\$20,046,107.45). The City Manager is authorized to establish the funding sources and make any necessary budget transfers.

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**CONSENT AGENDA – BOARD RE-APPOINTMENTS:**  
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**Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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- 8.** \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Isabel Salcido to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser.

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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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9. \*Motion made, seconded, and unanimously carried to **APPOINT** Pamela Prieto Montoya to the Museums and Cultural Affairs Advisory Board by Representative Joe Molinar, District 4.

10. \*Motion made, seconded, and unanimously carried to **APPOINT** Benjamin Avalos to the Parks and Recreation Advisory Board by Representative Joe Molinar, District 4.

11. \*Motion made, seconded, and unanimously carried to **APPOINT** Christopher Hartnett Olivares to the Museums and Cultural Affairs Advisory Board by Mayor Oscar Leeser.

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

12. \*Motion made, seconded, and unanimously carried to **APPOINT** Joe Molinar to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser.

**CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:**

13. \*Motion made, seconded, and unanimously carried to **APPROVE** a tax refund to TK Elevator Corporation, in the amount of \$3,996.77 for an overpayment made on November 16, 2021 of 2021 taxes. (Geo. #0242-999-3003-0000)

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

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

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

**WHEREAS**, on Tuesday, November 2, 2021, the Ysleta High School volleyball team won the Bi-District Round against El Paso High School; and

**WHEREAS**, the Ysleta Indians win against the El Paso Tigers advanced them to the 5A Region 1 Area Championship Round in Pecos, TX against Lubbock Cooper; and

**WHEREAS**, for the first time in over 20 years, the Ysleta High School Volleyball team advanced past the Bi-District Round; and

**WHEREAS**, Ysleta High School sophomore, Mia Espinoza, received the District 2-5A 1st Team All District Setter Award for the 2021 season; and

**WHEREAS**, Ysleta High School senior, Charlize Lopez, received the District 2-5A 1st Team All District Libero Award for the 2021 season; and

**WHEREAS**, Ysleta High School senior, Laci Del Pino, received the District 2-5A 1st Team All District Middle Hitter Award for the 2021 season; and

**WHEREAS**, Ysleta High School senior, Victoria Ramos, received the District 2-5A 2nd Team All District Outside Hitter Award for the 2021 season; and

**WHEREAS**, Ysleta High School senior, Cassie Espinoza, received the District 2-5A 1st Team All District Most Outstanding Hitter Award for the 2021 season; and

**WHEREAS**, Ysleta High School junior, Abby Garcia and senior, Karoleena Rivera, received District 2-5A Honorable Mention Awards for the 2021 season.

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

1. commends the Ysleta High School volleyball team for advancing to the 5A Region 1 Area Championship Round;
2. recognizes the many achievements of the coaches and players of the Ysleta Indians;
3. recognizes the fans of the Ysleta Indians and the people of El Paso for their dedication and support; and
4. respectfully requests that the City Clerk submit an executed copy of this resolution to:
  - a. the head coach of the Ysleta High School volleyball team, Charlie Sanchez;
  - b. the athletic coordinator of Ysleta High School, Joe Martinez; and
  - c. the principal of Ysleta High School, Laura Calderon.

Representatives Rodriguez and Rivera commented and read the Resolution into the record.

Mr. Charlie Sanchez, Ysleta High School volleyball team head coach, commented.

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

\*Motion made, seconded, and unanimously carried to **MOVE THE ITEM** to the **FOREFRONT** of the Regular agenda.

**2<sup>ND</sup> AND FINAL MOTION**

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

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

NAYS: None

ABSENT: Representative Lizarraga

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**Goal 2: Set the Standard for a Safe and Secure City**  
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- 15. ITEM:** Discussion and action on a plan to secure Union Plaza area during winter months from winter weather and potential fire damage.

Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez, and Rivera commented.

The following City staff members commented:

- Ms. Karla Nieman, City Attorney

- Mr. Tommy Gonzalez, City Manager
- Mr. Cary Westin, Senior Deputy City Manager

The following members of the public commented:

1. Mr. Kenneth Bell
2. Ms. Yolanda Chavez Leyva
3. Ms. Adriana Montoya
4. Ms. Silvia Searfoss
5. Mr. Aby Perea
6. Ms. Angel Ulloa
7. Ms. Veronica Carbajal
8. Mr. Josh Simmons

Motion made by Representative Annelo, seconded by Representative Rodriguez, and unanimously carried to **DIRECT** staff to return at the January 18, 2022 Work Session with a plan to secure Union Plaza area during winter months from winter weather and potential fire damage.

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

NAYS: None

ABSENT: Representative Lizarraga

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**REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:**

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

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- 16.** Discussion on the development and timeline of a bond program in alignment with the implementation of the City’s Strategic Plan.

Mr. Alex Hoffman, Capital Improvement Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Svarzbein, Hernandez, Salcido, and Rivera commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Laura Cruz-Acosta, Strategic Communications Director

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

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

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- 17.** Strategic Communications Update and City TV.

Ms. Laura Cruz-Acosta, Strategic Communications Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Svarzbein commented.

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

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18. 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, began the presentation by highlighting the surge in new COVID-19 cases. He explained that hospitals are experiencing staffing shortages due to exposure to COVID-19; the current number of COVID-19 related hospitalizations is 375 which accounts for 18% of total hospital capacity. Mr. Gonzalez spoke about the increased demand for testing which has resulted in the need for more staff and expanded hours of operation to address testing requests. Mr. Gonzalez stated that the City continued to lead the State in vaccination rates adding that among children age 5 to 15, a total of 91% were partially vaccinated while 74% were fully vaccinated; he also added that the City will continue to work with the school districts to provide vaccinations for students.

**2. City Attorney Overview (Karla Nieman)**

- a) State Disaster Declarations
- b) Emergency Ordinances
- c) Greg Abbott, in his official capacity as Governor of Texas, v. City of El Paso and Statewide Mask Mandate Litigation
- d) Additional Updates

Ms. Karla Nieman, City Attorney, continued the presentation by briefing Council members on the extension of the Emergency Ordinances; Ms. Nieman explained she did not have an update related to the mask mandate against Governor Abbott and believed that the 8<sup>th</sup> Court of Appeals was waiting to see the outcome of similar litigation across the State. She mentioned that the mask mandates in Dallas and San Antonio remained in place while others were on hold.

Ms. Nieman stated that her office was also monitoring the case regarding the federal contractor vaccine mandate to be heard by the United States Supreme Court in the coming days and would report back on the outcome.

Before closing her presentation, Ms. Nieman added that most Courts in El Paso were meeting via Zoom which was causing a delay in some of the work handled by the City and she provided an update on the prosecution of COVID-19 violations filed with Municipal Courts.

**3. City Manager Wrap-up (Tommy Gonzalez)**

Mr. Gonzalez ended the presentation by stating that the pandemic would probably extend beyond three years, adding that the State and Nation were also dealing with hiring issues along with the City of El Paso. He closed by saying the City would remain proactive in

addressing the needs of the community as well as remain methodical in determining the use of ARPA federal funds and urged everyone to continue practicing safety protocols.

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

The following City staff members commented:

- Fire Chief Mario D'Agostino
- Mr. Cary Westin, Senior Deputy City Manager
- Ms. Laura Cruz-Acosta, Strategic Communications Director

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

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

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**19.** Budget Update.

Ms. Nicole Cote, Office of Management and Budget Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Svarzbein commented.

Mr. Tommy Gonzalez, City Manager commented.

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

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

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**20.** Quarterly presentation to the City Council on El Paso Water utility matters.

Mr. John Balliew, President and Chief Financial Officer for El Paso Water, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Hernandez commented.

Mr. Joe Garibay, citizen, commented.

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

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**REGULAR AGENDA – EMERGENCY ORDINANCES:**

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**Goal 6: Set the standard for Sound Government and Fiscal Management**

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**ITEMS 21 THROUGH 23 WERE TAKEN TOGETHER**

- 21.** **ORDINANCE 019277**  
**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 re-enactment taking place on December 6, 2021; and

**WHEREAS**, as of December 14, 2021, the number of COVID-19 active cases in El Paso is over 8,161; and

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

**WHEREAS**, Emergency Ordinance No. 019263 which re-enacts Emergency Ordinance No. 019035 is set to expire on January 4, 2022; 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.

22.

**ORDINANCE 019278  
AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019036 INSTITUTING EMERGENCY  
MEASURES, AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY  
ORDINANCE NO. 019151; AND FURTHER RE-ENACTED AND AMENDED BY  
EMERGENCY ORDINANCE NOS. 019156, 019169, 019191; 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, re-statement and amendment taking place on March 16, 2021 and with the most recent re-enactment taking place on December 6, 2021; and

**WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31<sup>st</sup> 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 Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, 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 re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, and 019191, penalty as provided in Section 8, is hereby re-enacted.

2. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, 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 City Charter Section 3.10 or until terminated by the City Council, whichever is sooner.

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.

23.

**ORDINANCE 019279  
AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019241;  
ALLOWING TEMPORARY USES ON THE PUBLIC RIGHT OF WAY AND PRIVATE  
PROPERTY BY SUSPENDING VARIOUS CITY ORDINANCES; PENALTY AS  
PROVIDED IN 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 monthly basis, with the most recent re-enactment taking place on January 5, 2021; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on January 5, 2021; 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 October 11, 2021, 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. 019241**"); 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**, City Council re-enacted Emergency Ordinance No. 019241, with the most recent re-enaction taking place on December 6, 2021 (Ord. No. 019265) (“Re-enacting Ordinance”); 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**, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect until February 3, 2022 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. 019241, 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 duly made by Representative Annello, seconded by Representative Molinar, and carried that the Emergency Ordinances be **ADOPTED**.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Lizarraga

**Mayor Leeser consented to the adoption of the Emergency Ordinances.**

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

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The Regular City Council meeting was **RECESSED** at 11:18 a.m. in order to convene the Mass Transit Board Meeting.

The Regular City Council meeting was **RECONVENED** at 11:22 a.m.

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The Regular City Council meeting was **RECESSED** at 11:22 a.m. for a lunch break.

The Regular City Council meeting was **RECONVENED** at 12:01 p.m.

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

The following members of the public commented:

- 1. Ms. Wally Cech
- 2. Mr. Ron Comeau
- 3. Ms. Barbara Valencia
- 4. Ms. Steven Strumer
- 5. Mr. Donald Shelton
- 6. Ms. Sabrina Soto
- 7. Mr. Michael Castro

**REGULAR AGENDA – FIRST READING OF ORDINANCES:**

Motion made by Representative Annelo, seconded by Representative Salcido, 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, Annelo, Hernandez, Molinar, Salcido, and Rivera.  
 NAYS: None  
 NOT PRESENT FOR THE VOTE: Representative Rodriguez  
 ABSENT: Representative Lizarraga

**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 WILL BE HELD ON JANUARY 19, 2022**

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

- 25. An Ordinance Amending Title 7 (Animals), Chapter 7.04 (Definitions And Administration), Section 7.04.010 (Definitions) to add Inclement Weather to the Definitions; Chapter 7.08 (Animals Generally), Section 7.08.050 (Standards For Animal Care) to add Inclement Weather Conditions to Unlawful Restraint Of A Dog; Chapter 7.12 (Dogs And Cats), Section 7.12.020 (Registration, Vaccination, and Microchips Required) to allow Veterinarians to exchange or return up to 100, unused, expired from the previous year Tags for current year tags; Chapter 7.15 (Grooming Services), Section 7.15.030 (Groomer License Application) to clarify the Contents of the Groomer’s Application; Chapter 7.15, Section 7.15.070 (Denial) to Amend Conviction Timeframe Ineligibility; Chapter 7.15 (Grooming Services), Section 7.15.080 (Groomer License Suspension Or Revocation) to clarify the type of Investigation and Corrective Action Timeframe; Chapter 7.15, Section 7.15.090 (Shop Registration Required) to Clarify the type of Background Check required and allowing documents relevant to Application, Background Check, and Supporting Documents be available for Inspection; Chapter 7.15 (Grooming Services), Section 7.15.100 (Shop Registration Application) to Clarify the Issuance of Shop Registration Requirements; Chapter 7.15, Section 7.15.140 (Denial) to Clarify Denial Reasons for

Permit Application; Chapter 7.28 (Animal Shelter Advisory Committee), Section 7.28.050 (Quorum And Procedures) to Amend Department; the Penalty as Provided in Section 7.04.080 of The El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JANUARY 19, 2022**

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**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:**  
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**Goal 7: Enhance and Sustain El Paso’s Infrastructure Network**  
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26. Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2022-0156 Motor Oil, Antifreeze, Lubricants, Transmission and Hydraulic Oils & Fluids to MJ Mader Enterprises, Inc. dba Bio Dyne Chemical Co. for a one (1) year initial term estimated amount of \$672,796.50. The award also includes a one (1) year option for an estimated amount of \$672,796.50. The total value of the contract is, including the initial term plus the option for a total of two (2) years, for an estimated amount of \$1,345,593.00. This contract will allow for the continual maintenance and upkeep of City owned vehicles for consistent, safe and efficient operation while maintaining maximum reliability.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$329,703.70 for the initial term, which represents a 96.10% increase due to price increases and the additional items.

Department:	Streets and Maintenance
Vendor:	MJ Mader Enterprises, Inc. dba Bio Dyne Chemical Co. El Paso, TX
Item(s):	All Groups
Initial Term:	1 year
Option to Extend:	1 year
Initial Term Estimated Award:	\$ 672,796.50 (1 year)
Total Estimated Award:	\$1,345,593.00 (2 years)
Account No.:	532 - 3600 - 531240 - 37020 - P3701
Funding Source:	Internal Service Fund
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to MJ Mader Enterprises, Inc. dba Bio Dyne Chemical Co., the lowest responsive, responsible bidder and that C&R Distributing LLC be deemed non-responsive for not providing the manufacturer information within the bid; and L.A. Professional Services, Inc. dba TEXSTAR be deemed non-responsive for not bidding on all the items for Group A and Senergy Petroleum, LLC be deemed non-responsive for not bidding on all the items for Group B.

Representative Hernandez commented.

Mr. Adrian Amaya, representative for C&R Distributing LLC, commented.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Lizarraga

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

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

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**27. ORDINANCE 019280**

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING AMENDMENT NUMBER TWENTY-ONE TO THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE (TIRZ) NUMBER FIVE, CITY OF EL PASO, TEXAS, TO PROVIDE FUNDING TO THE 309 MILLS, LLC IMPROVEMENT PROJECT OF THE PROPERTY LOCATED AT 309 MILLS AVENUE, 79901; SUBJECT TO THE EXECUTION OF A SEPARATE AGREEMENT BY AND BETWEEN THE CITY OF EL PASO AND THE PROJECT DEVELOPER(S); ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E) TEXAS TAX CODE.**

Ms. Melissa Chaidez, Economic Development Specialist, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Svarzbein commented.

Motion duly made by Representative Salcido, 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, Annelo, Hernandez, Molinar, Salcido, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Lizarraga

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 3: Promote the Visual Image of El Paso**

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**28. \*Motion made, seconded, and unanimously carried to **POSTPONE FOUR WEEKS** an Ordinance changing the zoning of the following real property known as:**

Parcel 1: a portion of Tracts 4B, 4B1, 5A, 5A1, and 6, Laura E. Mundy Survey 237; Tracts 9B and 9B1, Laura E. Mundy Survey No. 238; and portion of Enchanted Hills Unit Five,

City of El Paso, El Paso County, Texas, from R-MU(Residential Mixed Use) to R-5 (Residential) and, Parcel 2: a portion of Tracts 9B, 9B1, and 9B2, Laura E. Mundy Survey No. 238; and portion of Lots 2 thru 5, 9 thru 12, and 21 thru 24, Block 23, Enchanted Hills 5, City of El Paso, El Paso County, Texas, from R-3 (Residential), R-5/sp (Residential/special permit), and R-MU (Residential Mixed Use) to C-2 (Commercial); and, Parcel 3: a portion of Tract 9B2, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: Generally located north of Transmountain Road and east of Interstate 10

Applicant: Conde, Inc., PZRZ21-00024

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**REGULAR AGENDA – OTHER BUSINESS:**

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

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**29. RESOLUTION**

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

That the City Manager, or designee, be authorized to sign an Agreement for Professional Services to perform Construction Management Services for the Reconstruction of Taxiways J and K2 at the El Paso International Airport between the City of El Paso and Parkhill, Smith, and Cooper, Inc.

The Agreement will be for an amount not to exceed Seven Hundred and Twenty Thousand Nine Hundred Sixty-Two and No/00 Dollars (\$720,962.00). In addition, the City Manager, or designee, is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of this Agreement. In addition, the City Manager, or designee, is authorized to increase contract amounts up to \$50,000.00 each and sign any amendments to the agreements.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Lizarraga

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

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- 30.** Discussion and action on the timeline for the preservation of approximately 1,200 acres of City-owned land located in Northeast El Paso adjacent to the future Police Department and

Fire Training facility, including identified funding sources and a timeline for the establishment of a conservation easement on the property.

Ms. Karina Brasgalla, Economic Development Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

The following City staff members commented:

- Ms. Elizabeth Triggs, Economic Development Interim Director
- Ms. Karla Nieman, City Attorney

Mr. John Ballew, El Paso Water President and Chief Financial Officer, commented.

The following members of the public commented:

1. Mr. Rick Bonart
2. Ms. Sharon Miles Bonart
3. Mr. Joe Garibay

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

\*Motion made, seconded, and unanimously carried to **MOVE THE ITEM** before item 20 of the Regular agenda.

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

Motion made Representative Hernandez, seconded by Representative Annello, and unanimously carried to **APPROVE** the timeline for the preservation of approximately 1,200 acres of City-owned land located in Northeast El Paso adjacent to the future Police Department and Fire Training facility, including identified funding sources and a timeline for the establishment of a conservation easement on the property.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Lizarraga

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### **EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:58 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, and Rivera.

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Lizarraga

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 4:57 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, and Rivera.  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Rodriguez  
ABSENT: Representative Lizarraga

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**Goal 6: Set the Standard for Sound Governance and Fiscal Management**  
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**EX1.** Application of El Paso Electric Company to revise its Energy Efficiency Cost Recovery Factor (EECRF) and to request to establish revised cost caps, Public Utility Commission of Texas Docket No. 52081; Matter No. 21-1008-172 (551.071)

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

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**EX2** Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195; Matter No. 21-1008-174 (551.071)

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

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Motion made by Molinar, seconded by Representative Rivera, and unanimously carried to **ADJOURN** this meeting at 4:57 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, and Rivera,  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Rodriguez  
ABSENT: Representative Lizarraga

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk