

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
JOSH ACEVEDO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
ART FIERRO, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CHRIS CANALES, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

APRIL 9, 2024
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:03 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Joe Molinar, Isabel Salcido, and Henry Rivera. Late arrivals: Cassandra Hernandez and Art Fierro at 9:06 a.m., Josh Acevedo at 9:08 a.m., and Chris Canales at 9:25 a.m. Early departure: Cassandra Hernandez at 12:42 p.m.

INVOCATION BY EL PASO POLICE CHAPLAIN ROBERT HEMPHILL, JR. PH.D.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Occupational Therapy Month

Sexual Assault Awareness Month

National Public Safety Telecommunicators Week

Patti Diaz Day

Earth Day Celebration Month

The Regular City Council meeting was **RECESSED** at 9:47 a.m. in order to take photos with the honorees and convene the Mass Transit Department Board Meeting.

The Regular City Council meeting was **RECONVENED** at 10:40 a.m.

NOTICE TO THE PUBLIC

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

NAYS: None

.....
CONSENT AGENDA – APPROVAL OF MINUTES:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
.....

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of March 26, 2024, the Agenda Review Meeting of March 25, 2024, and the Work Session of March 25, 2024.

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

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS**

NO ACTION was taken on this item.

.....
CONSENT AGENDA – RESOLUTIONS:
.....

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

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 Underground Electrical and Transformer Pad Easement to accommodate an electrical transmission line to provide electrical power to property in the vicinity of the El Paso International Airport, said easement more particularly described as:

A PORTION OF LOTS 14 AND 15, BLOCK 3, UNIT 5, El Paso International Airport Tracts Replat of Unit 5, El Paso County Plat Records.

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

4. **RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Cooperation Agreement between the Department of Public Safety of the State of Texas ("DPS") and the City of El Paso ("City") to provide and establish an automated Failure to Appear ("FTA") system in the City of El Paso, El Paso County, Texas.

Ms. Annabelle Casas, Municipal Court Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy, Acevedo, Hernandez, Molinar, Fierro, Rivera, and Canales commented.

Representative Canales requested to have the following publications to be entered into the record:

- Research from Nikki Pressley, Texas State Director for Right on Crime, published on the Texas Public Policy Foundation, March, 2022 regarding Driver's License Regulation in Texas
- Publication from the Texas Fair Defense Project and Texas Appleseed, August, 2021 titled *Driven by Debt – The Failure of the Omnibase Program*.

The following City staff members commented:

- Ms. Lilia Worrell, Municipal Court Clerk
- Mr. Eric Gutierrez, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney

Ms. Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Acevedo

5.

***RESOLUTION**

WHEREAS, the city manager or designee is authorized to submit for grants through the Public Safety Office ("PSO") of the State of Texas; and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 3060709 for the El Paso Police Department project identified as "West Texas Anti-Gang Center"; and

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

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to Public Safety Office of the State of Texas, Homeland Security Grant Division, grant application number 3060709, for the City of El Paso Police Department project identified as "Texas Anti-Gang Center" to provide financial assistance to the City of El Paso.

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

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

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

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

6.

RESOLUTION

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

THAT the City Manager be authorized to sign Amendment No. **1** to the Articles of Agreement between the CITY OF EL PASO and the EL PASO MUNICIPAL POLICE OFFICERS' ASSOCIATION ("EPMPOA") for the contract period covering September **1**, 2023 through August 31, 2027.

Representatives Kennedy and Canales commented.

Chief of Police Peter Pacillas commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

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

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

NAYS: None

Goal 3: Promote the Visual Image of El Paso

7.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, LOZANO ALONSO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1858 Kentucky St, more particularly described as Lot N 40 Ft Of 13 To 16 (4000 Sq Ft), Block 84, Highland Park Subdivision, City of El Paso, El Paso County, Texas, PID #H453-999-0840-4500

to be \$343.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 28th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY THREE AND 50/100 DOLLARS (\$343.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, FIGUEROA LAURA L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

2728 San Diego Ave, more particularly described as Lot 14 & W 22 Ft Of 15 & E 24 Ft Of 13, Block 36, Manhattan Heights Subdivision, City of El Paso, El Paso County, Texas, PID #M056-999-0360-2500

to be \$530.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 8th day of November, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED THIRTY AND 50/100 DOLLARS (\$530.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, SOLIS IRMA & RIVERA ROSAURA & 1, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

3909 Monroe Ave, more particularly described as Lot 11 & 12 (6000 Sq Ft), Block 35, Morningside Heights Subdivision, City of El Paso, El Paso County, Texas, PID #M794-999-0350-3100

to be \$438.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 27th day of October, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED THIRTY EIGHT AND 00/100 DOLLARS (\$438.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, MADRID DAVID & MARTHA E, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply

with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

7104 Pear Tree Ln, more particularly described as Lot 14 (6000 Sq Ft), Block 4, Hidden Valley Subdivision, City of El Paso, El Paso County, Texas, PID #H413-999-004-02700

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 23rd day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GOMEZ CARLOS J & ROSALINDA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

5306 Trowbridge Dr, more particularly described as Lot 36 (6210 Sq Ft), Block 4, Del Mesa Subdivision, City of El Paso, El Paso County, Texas, PID #D346-999-0040-2500

to be \$1786.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 27th day of October, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE THOUSAND SEVEN HUNDRED EIGHTY SIX AND 00/100 DOLLARS (\$1786.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, PRESLEY B J L, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

6716 Heartstone Ct, more particularly described as Lot 46 (6272.55 Sq Ft), Block 14, Sherman #4 Replat Subdivision, City of El Paso, El Paso County, Texas, PID #S363-999-0140-6800

to be \$362.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 16th day of November, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED SIXTY TWO AND 50/100 DOLLARS (\$362.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, BARRAZA RAMON, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1116 Idaho St, more particularly described as Lot 31 & 32 (6000 Sq Ft), Block 8, Highland Park Subdivision, City of El Paso, El Paso County, Texas, PID #H453-999-0080-9600

to be \$481.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 8th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED EIGHTY ONE AND 00/100 DOLLARS (\$481.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, ANGUIANO ADELA O, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1824 E Cliff Dr, more particularly described as Lot 9 & 10 (5076 Sq Ft), Block 5, Golden Hill Subdivision, City of El Paso, El Paso County, Texas, PID #G537-999-0050-2500

to be \$338.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 11th day of October, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY EIGHT AND 00/100 DOLLARS (\$338.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, YANEZ ROMAN & INEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

2128 Atlanta Ave, more particularly described as Lot 12 (6933.59 Sq Ft), Block 33, Cotton Subdivision, City of El Paso, El Paso County, Texas, PID #C849-999-0330-5300

to be \$451.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 29th day of September, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIFTY ONE AND 50/100 DOLLARS (\$451.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

8.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, Gonzalez Guadalupe & Gicela, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the PLANNING AND INSPECTIONS DEPARTMENT, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building secure until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1.The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

8383 Black Dr., El Paso, Texas 79907-3803., more particularly described as Lomaland W 55 Ft of E 155 Ft of S 85 Ft of 23 & W 55 Ft of 24 (5489 Sq Ft) Lot , City of El Paso, El Paso County, Texas, PID #L60099900105700

to be \$980.35, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 25th day of September, 2023, and approves the costs described herein.

2.The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount Nine Hundred Eighty AND 35/100 DOLLARS(\$980.35) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3.The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4.All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, AGUILAR CARMEN G & ROBINSON YVETTE & 1, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the PLANNING AND INSPECTIONS DEPARTMENT, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building secure until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1.The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

316 N. CAROLINA DR., EL PASO, TX 79915-2841., more particularly described as ROSEDALE FARMS #4 32 & E 3 FT OF 33 EXC N 10 FT (0.858 AC) Lot , City of El Paso, El Paso County, Texas, PID #R75499900107000

to be \$4,610.50, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 30TH day of JUNE, 2023, and approves the costs described herein.

2.The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount FOUR THOUSAND SIX HUNDRED TEN AND 50/100 DOLLARS (\$4,610.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3.The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4.All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, Escobar Andres, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the PLANNING AND INSPECTIONS DEPARTMENT, under the Building

Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building secure until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1.The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

9341 Leonardo Ave., El Paso, TX 79907., more particularly described as North Valumbrosa #2 TR 137 (5150 Sq. Ft.) City of El Paso, El Paso County, Texas, PID #N52599900106200

to be \$2,345.00, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 27th day of November, 2023, and approves the costs described herein.

2.The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount Two Thousand Three Hundred Fourty Five AND 00/100 DOLLARS (\$2,345.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3.The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4.All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, Pina Matthew, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the PLANNING AND INSPECTIONS DEPARTMENT, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building secure until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1.The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

609 Bristol Dr., El Paso, TX 79912., more particularly described as 6 West Hills #2 Lot 20 (EXCLY 1 Ft.) 5840.75 Sq. Ft., City of El Paso, El Paso County, Texas, PID #W14599900602000

to be \$475.00, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 5th day of December, 2023, and approves the costs described herein.

2.The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount Four Hundred Seventy Five AND 00/100 DOLLARS (\$475.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3.The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4.All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, Westmount Assets Inc, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the PLANNING AND INSPECTIONS DEPARTMENT, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building secure until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1.The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1115 Myrtle Ave., El Paso, TX 79902., more particularly described as 15 Franklin Heights 23 & 24 (6000 Sq. Ft.) Lot , City of El Paso, El Paso County, Texas, PID #F60799901505700 to be \$1,880.00, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 4th day of December, 2023, and approves the costs described herein.

2.The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount One Thousand Eight Hundred Eighty AND 00/100 DOLLARS (\$1,880.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3.The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4.All records of the City Clerk's office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

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

9.

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

WHEREAS, Mariano Adame (hereinafter referred to as "Grantee") has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso's (hereinafter referred to as "the City") for the **IM Novelties Texas Pop Up Show on Saturday, May 4th, 2024 from 04:00 p.m. to 09:00 p.m** (hereinafter referred to as the "Event"); and

WHEREAS, The Event will utilize both City and State rights-of-way: and

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit, including **Texas Street** within El Paso, Texas; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the **IM Novelties Texas Pop Up Show from 3:00 p.m. to 10:00 pm on Saturday, May 4th, 2024**, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of **Texas Avenue between Mesa Street and Stanton Street** upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation.

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

10.

***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, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the Transportation Alternatives Set-Aside Program TA23 Connected Bike Lanes project, for the construction of new bicycle lanes and new signage along the corridors of Pebble Hills Boulevard, Montwood Drive, and Lomaland Drive to connect to the existing bicycle facility network, which has an estimated total project cost of \$1,934,910.82 of which the estimated local government participation amount is \$0.00 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

11.

***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, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the highway improvement project generally described as HSIP-Install Raised Median-McCombs Street from Woodrow Bean Transmountain to Railroad Drive, which has an estimated total project cost of \$478,241.00 of which the estimated local government participation amount is estimated at \$45,847.00 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

12.

***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, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the highway improvement project generally described as HSIP- Install Traffic Signal -Yarbrough Drive at San Paulo Drive, which has an estimated total project cost of \$476,902.76 of which the estimated local government participation amount is estimated at \$45,128.00 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

13.

***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, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Surface Transportation Program grant improvements project generally described as Reconstruct Existing Roadway

on Sun Valley Street (from Gateway Boulevard North to Kenworthy Street) for a total estimated project cost of \$6,176,887.08 of which the estimated local government participation amount is estimated at \$477,807.66 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

14.

***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, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the design and construction of the Congestion Mitigation and Air Quality Program grant improvements to Sunland Park Dr. Shared Use Path from Cadiz Street to SH20/Mesa Street for a total estimated project cost of \$5,292,041.20 of which the estimated local government participation amount is estimated at \$412,571.36 plus any cost overruns. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

CONSENT AGENDA – BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

15. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Brandon Carrillo to the City Plan Commission by Representative Chris Canales, District 8.
16. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Veronica Carrillo to the Fair Housing Task Force by Representative Chris Canales, District 8.

CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

17. *Motion made, seconded, and unanimously carried to **APPOINT** Audrey Gutierrez to the Zoning Board of Adjustment by Representative Isabel Salcido, District 5.

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

18. *Motion made, seconded, and unanimously carried to **DELETE** the appointment of Ofelia Mletzko to the Museums and Cultural Affairs Advisory Board by Representative Henry Rivera, District 7.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

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

19. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refund to Aztec Contractors, Inc., in the amount of \$11,136.68 for an overpayment made on February 1, 2024 of 2023 taxes, Geo. # 1113-999-1167-1634. This action would allow us to comply with state

law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00.

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

20. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Art Fierro in the amount of \$1,000 from Richard Aguilar, \$1,000 from Robert L. Bowling IV and \$1,000 from Robert and Paige Bowling.
21. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez in the amounts of \$500 from Norma and Ricardo Chavez, \$1,000 from Manuel Moreno, \$1,200 from Raquel Hernandez, \$1,000 from Heidi Avedician, and \$500 from Javier Camacho.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

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

22. RESOLUTION

WHEREAS, the annual El Paso Commission for Women Hall of Fame recognition will be held on March 23, 2024 to honor remarkable women who have made a significant contribution to our border community; and

WHEREAS, the El Paso Commission for Women recognizes women for their efforts in Civic Leadership, Education, Military, Public Relations, Public Service, Science/Health Care, Sports/Athletics and Volunteerism; and

WHEREAS, since its inception in 1985, the El Paso Commission for Women has continued to honor and acknowledge the impact of women in El Paso County; and

WHEREAS, the El Paso Commission for Women's purpose is to pursue a positive course of action for achieving equal rights and responsibilities for women and to provide scholarship funds for deserving El Paso women; and

WHEREAS, the El Paso Commission for Women is committed to understanding and respecting the cultural and ethnic diversity of the women in our community and to serve as a model for plurality and inclusiveness; and

WHEREAS, 2024 HONOREE NAMES are: Taneka L. Wilborn, Monica Tucker, Kim Diaz, Diane Williams, Adeeba A. Raheem, Manuela Gomez, Jetta Roberts, Campbell Bowden, Maggie Morales Moody and Bette Robinson join the 212 women that now form the El Paso Commission for Women Hall of Fame.

NOW, THEREFORE BE IT PROCLAIMED BY THE Mayor and Council of the City of El Paso that the Honorees shall be part of the El Paso Commission for Women Hall of Fame and that Tuesday, April 9, 2024 shall be known as:

EL PASO COMMISSION FOR WOMEN HALL OF FAME HONOREES DAY.

Representative Fierro read the resolution into the record.

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

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

NAYS: None

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

Goal 8: Nurture and Promote a Healthy, Sustainable Community

23. Presentation and discussion on El Paso Animal Services Animal Protection Officers.

Ms. Gina Ramirez, Field Operations Supervisor, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following members of the public commented:

1. Mr. Ron Comeau
2. Ms. Barbara Valencia
3. Ms. Patricia Osmond

NO ACTION was taken on this item.

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Ms. Elizabeth Crawford
2. Mr. Steven Strumer
3. Ms. Barbara Valencia
4. Mr. Ron Comeau
5. Ms. Patricia Osmond

REGULAR AGENDA – FIRST READING OF ORDINANCES:

Motion made by Representative Rivera, seconded by Representative Kennedy, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing.

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

NAYS: None

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

24. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) to add new uses for the Sidewalk Cafe

and Parking Parklet Programs and adopt the Right-Of-Way Cafe Design Guidelines. The penalty is as provided in Section 15.08.125.

-
25. An Ordinance of the City Council of the City of El Paso, Texas, approving amendment number twenty-three to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas, amending the plan to update the projected tax increment reinvestment zone revenue and establishing project cost categories.

-
26. An Ordinance amending Ordinance No. 016528 to modify requirements for membership on the Board of Directors of the Tax Reinvestment Zone Number Five, City of El Paso, Texas.

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

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27. An Ordinance Amending Title 9 (Health and Safety) Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.060 (Franchise - Application - Contents) To add a process for Denial of Franchise application; Section 9.85.070 (Franchise - Application; Review; Hearing) To add factors considered for Public convenience and necessity; Section 9.85.130 (Violation - Penalty) To move to Section 9.85.140 and be replaced with (Suspension; Revocation: Appeal) Giving Due Process after suspension or revocation, of the El Paso City Code.

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PUBLIC HEARING WILL BE HELD ON APRIL 23, 2024 FOR ITEMS 24 TO 27

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Goal 3: Promote the Visual Image of El Paso

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28. An Ordinance amending the Future Land Use Map (FLUM) contained in "*Plan El Paso*" for the properties legally described as a portion of Tract 12-B, Block 24, Socorro Grant, City of El Paso, El Paso County, Texas, from O-1, Preserve to G-7, Industrial and/or Railyards.

Subject Property: South of Winn Rd. and East of Southside Rd.
Applicant: City of El Paso - El Paso Water, PLCP24-00001

-
29. An Ordinance changing the zoning of a portion of Tract 12-B, Block 24, Socorro Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning request is based on the proposed Comprehensive Plan and Future Land Use Map (FLUM) amendment (PLCP24-00001) request of *Plan El Paso*, the City's adopted comprehensive plan.

Subject Property: South of Winn Rd. and East of Southside Rd.
Applicant: City of El Paso - El Paso Water, PZRZ23-00012

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PUBLIC HEARING WILL BE HELD ON MAY 7, 2024 FOR ITEMS 28 AND 29

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30. An Ordinance restating a Special Privilege License granted to the County of El Paso by Ordinance 019432 that authorized the construction, installation, future maintenance, use and repair of 540 linear feet of all necessary, desirable, subsurface wires, cables, underground conduit, manholes or other related infrastructure. Additionally, this ordinance will allow for the expansion of the infrastructure to include an additional 635 linear feet of 3" conduit for fiber optic cable and the addition of one more manhole for a term of five (5) years with two (2) renewable five (5) year terms.

Location: generally, along a portion of Ochoa Street, First Avenue and South Florence Street
Applicant: County of El Paso, PSPN23-00008

PUBLIC HEARING WILL BE HELD ON APRIL 23, 2024 FOR ITEM 30

31. An Ordinance granting Special Permit No. PZST23-00009, to allow for Infill Development with a reduction in rear yard setback and side street yard setback and 85% parking Reduction on the property described as a portion of Lots 14, 15, and 16, Block 118, Supplemental Map No. 1 of East El Paso Addition, 1205 N. Copia Street, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for 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: 1205 N. Copia
Applicant: Victor Robles, PZST23-00009

32. An Ordinance changing the zoning of the property described as Tracts 407 and 408, Sunrise Acres #1, 8935 Mercury Street, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development), pursuant to Section 20.10.360 and approving a detailed site development plan with reduction to side yard setback pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for a single-family dwelling and a triplex as permitted in the S-D (Special Development) zone district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning 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: 8935 Mercury Street
Applicant: Gary L. Herman and Shawn M. Schulz, PZRZ23-00026

33. An Ordinance changing the zoning of a portion of Tracts 63 and 64, Cinecue Park Subdivision, 471 Fresno Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). 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: 471 Fresno Drive
Applicant: Jose Angel Avila and Jacqueline Avila, PZRZ23-00030

PUBLIC HEARING WILL BE HELD ON MAY 7, 2024 FOR ITEMS 31 TO 33

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

34. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), to amend Section 2.92.020 Definition of Candidate and 2.92.080(E) to include a requirement for candidates to provide notice of contributions of \$500 or more for notation on the City Council Agenda in the same manner as Members of City Council.

PUBLIC HEARING WILL BE HELD ON APRIL 23, 2024 FOR ITEM 34

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

35.

R E S O L U T I O N

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and Consor Engineers, LLC, a Florida, USA, Foreign Limited Liability Company authorized to transact business in Texas, for a project known as “Project Management Services for the El Paso Public Safety and Fire Department Headquarters & Maintenance and Logistics Center Project ” for an amount not to exceed \$3,654,641.62;

That the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed \$50,000.00 and to approve Additional Services for an amount not to exceed \$50,000.00 if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of \$3,754,641.62; 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.

Ms. Yvette Hernandez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representative Hernandez commented.

Ms. Lisa Turner, citizen, commented.

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

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

NAYS: None

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

36.

ORDINANCE 019610

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 17C-174 AND 17C-175, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, SOUTH OF VISTA DEL SOL DRIVE AND WEST OF JOE BATTLE BOULEVARD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. THE PROPOSED REZONING MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE**

PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN.

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

NAYS: None

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

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 2: Set the Standard for a Safe and Secure City
.....

37. RESOLUTION
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That the City Manager, or designee, is authorized to effectuate the purchase and closing of the property commonly known as 7024 Cielo Vista Dr., El Paso, Texas, and legally described as a 13.2306-acre parcel situated within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of the block labeled "City School/Park", also known as "Unnumbered" Block, Cielo Vista Park Subdivision, including any and all improvements located on the Property for \$4.76 Million dollars.

Further, the City Manager or designee is authorized to: (1) execute a Contract of Sale with the Board of Trustees of the El Paso Independent School District for the purchase of the property; (2) sign any and all documents related and/or necessary to effectuate the purchase and closing of the property, (3) exercise all rights and obligations as provided in the Contract of Sale, (4) sign any documents necessary to effectuate any rights or obligations in relation to the purchase and closing of the property, (5) sign any contract amendments provided that such amendments do not increase the purchase price, and (6) use the 2019 Public Safety Bond funds and effectuate any budget transfers necessary to ensure the funds are obligated and fully expended in accordance with the bond requirements.

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

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

NAYS: None

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

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

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

39.

RESOLUTION

WHEREAS, on January 23, 2024, Supply El Paso Procurement Playbook (“Playbook”) was published in partnership with Aspen Institute and Nowak Metro Finance Lab of Drexel University; and

WHEREAS, the Playbook is a market-making initiative to help local businesses compete for contracts and grow; and

WHEREAS, the City of El Paso can serve as a national model for fostering local enterprise growth through effective procurement and focusing on key sectors like defense, energy and manufacturing; and

WHEREAS, unprecedented federal investments bring renewed opportunities for inclusive economic growth in the El Paso region; and

WHEREAS, there currently exists an opportunity to expand the local share of direct spending by focusing on ready-to-scale firms; and

WHEREAS, a procurement marketplace collective, the Supply El Paso Board (“Supply El Paso”), can help address issues facing local ready-to-scale firms in El Paso; and

WHEREAS, Supply El Paso’s focus on sectors at the intersection of large contracting opportunities and underutilized capacity, where there is potential for growth, provide a clear path forward to address many of the aforementioned needs; and

WHEREAS, the City of El Paso will hold an intrinsic role in the coordination and implementation of the Supply El Paso Playbook.

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

THAT, the City Council of the City of El Paso supports the tenets of the Supply El Paso Procurement Playbook, attached to this Resolution as Exhibit A**, including the creation of the Supply El Paso Board as a collective body comprised of City of El Paso leadership and representatives from other local governmental entities, financial and banking institutions, private agencies, businesses, chambers of commerce, and other key stakeholders that endeavors to bridge gaps between procurement opportunities, support organizations and regional vendors by fostering a strong marketplace for local firms.

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

Ms. Nicole Cote, Purchasing and Strategic Sourcing Managing Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leaser and Representative Canales commented.

Ms. Lupe Mares, El Paso Chamber of Commerce Foundation Director, commented.

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

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Hernandez

<u>ADJOURN</u>

Before Council moved to adjourn, Ms. Tracey Jerome, outgoing Senior Deputy City Manager, said her farewells and expressed her gratitude to the City of El Paso for the time she got to serve here.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried to **ADJOURN** this meeting at 12:55 p.m.

AYES: Representatives Kennedy, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Hernandez

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



TEXAS PUBLIC POLICY FOUNDATION

RESEARCH

MARCH 2022

by Nikki Pressley
*Texas State Director,
Right on Crime*

On the Road and Back to Work: Reforming Driver's License Regulations in Texas

Key Points

- While the majority of Americans depend on driving themselves to work, many are burdened by debt-based license suspensions and unnecessary limitations on renewing a license. When someone faces a driver's license suspension or is unable to renew a license due to regulatory measures, this poses a significant barrier to transportation and therefore employment. This burdens the individual and has a broader societal impact on families and the economy, exacerbating unemployment rates and recidivism for those exiting incarceration. Reforming current driver's license regulations and policies is necessary to help get Texans back on the road and back to work, further helping them achieve self-sufficiency and energizing the economy.
- When someone faces a driver's license suspension or inability to renew a license, they face substantial challenges to transportation and therefore employment, which provides purpose and self-sufficiency.
- Reforming current driver's license regulations and policies is necessary to help get Texans back on the road and back to work, further helping them achieve self-sufficiency and energizing the economy.

Executive Summary

While the majority of Americans depend on driving themselves to work, many are burdened by debt-based license suspensions and unnecessary limitations on renewing a license. When someone faces a driver's license suspension or is unable to renew a license due to regulatory measures, this poses a significant barrier to transportation and therefore employment. This burdens the individual and has a broader societal impact on families and the economy, exacerbating unemployment rates and recidivism for those exiting incarceration. Reforming current driver's license regulations and policies is necessary to help get Texans back on the road and back to work, further helping them achieve self-sufficiency and energizing the economy.

Introduction

Transportation is not only a matter of convenience but also a necessity in today's age. Simple tasks such as grocery shopping, dropping children off at school, and commuting to work heavily rely on an individual's ability to find reliable and affordable transportation. Although individuals have options for transportation, such as public transportation, walking, and biking, these methods can become unreliable or inconvenient depending upon variables such as location, commute time, and weather. Furthermore, most rural areas lack a robust public transportation system, and workers often face a longer commute due to fewer nearby employment options.

These combined factors make driving to work the most convenient and autonomous option. In fact, 86% of Americans choose to drive to work ([Free to Drive, n.d.](#)). As a result, when someone faces a driver's license suspension or inability to renew a license, they face substantial challenges to transportation, and therefore employment, which provides purpose, human dignity, and self-sufficiency. Ultimately, this burdens not only the individual but also the family and economy and is further exacerbated by state policies that use suspensions as a punitive measure for non-driving related incidents, rather than a targeted measure to protect public safety.

As of December 2021, Texas had an unemployment rate of 5%, with more than 700,000 people unemployed ([U.S. Bureau of Labor Statistics, n.d.](#)). Moreover, the formerly incarcerated struggle severely to obtain employment; the Prison Policy Initiative estimated the formerly incarcerated have an unemployment rate of about 27% ([Couloute & Kopf, 2018](#)). A recent study from the Bureau of

continued

Similarly to debt-related suspensions that can take years to pay off, especially if payment plans are not offered, arbitrary time restraints placed on renewing an expired license can be a barrier to getting back on the road.

Justice Statistics found that among the over 50,000 individuals released from federal prison in 2010, 33% never found employment within four years post-release ([Carson et al., 2021, p.1](#)). While other factors affect this disparity, such as having a criminal record, many exit incarceration to discover they cannot renew their driver's license due to state regulatory measures, such as arbitrary time limits on renewing an expired license. With no reliable transportation, in combination with a criminal record, opportunities are limited for both the job seeker and the employer. This should be resolved quickly in Texas and beyond by working to speed up the process to get a driver's license for those who were formerly incarcerated, so they are not inappropriately hindered from getting a job and flourishing.

Driver's License Suspensions and Regulatory Policies

While driver's license suspensions are a legitimate way to protect public safety when used in response to driving-related incidents, states across the nation have historically used these suspensions as a punitive measure for those who have failed to satisfy financial obligations associated with, oftentimes, non-driving related incidents, such as failing to pay fines and fees accrued from tickets, criminal charges, failing to appear in court, or failing to pay child support. One study found that, in New Jersey, among all license suspensions from 2004 to 2018, 91% were for non-driving related incidents—most commonly due to failing to pay a fine ([Joyce et al., 2020](#)).

These types of suspensions only further exacerbate the problem they aim to address by limiting an individual's ability to travel to work or community service—therefore making the individual unable to fulfill the obligation the state imposes upon them to reinstate their driver's license. To help alleviate the negative effects associated with the cyclical nature of debt-based driving restrictions, there has

been a bipartisan push to rescind debt-based suspensions across the nation, and many states have been successful. For example, California saw an 8.9% increase in court collections after eliminating debt-based suspensions and implementing income-based payment plans—bringing in over \$80 million more than the previous year ([Judicial Council of California, 2018, p. 2](#)). Since 2017, 22 states have passed legislation to help eliminate debt-related driving restrictions ([Jones, 2021](#)). Notably, two very conservative states, Kentucky and Mississippi, will no longer suspend, revoke, or prohibit renewal of a driver's license for failing to pay outstanding fines and fees ([Free to Drive, n.d.](#)).

Similarly to debt-related suspensions that can take years to pay off, especially if payment plans are not offered, arbitrary time restraints placed on renewing an expired license can be a barrier to getting back on the road. Renewing an expired driver's license can be onerous, time-sensitive, and time-consuming. While policies vary across the states, many have time limits on renewing an expired license; if that time limit is exceeded, an individual must go through the process of applying and testing for a new license as if they were new drivers applying for their first license. For example, Texas currently prohibits the renewal of a license that has been expired for more than two years—meaning if an individual's license expired more than two years ago, they must go through the process of applying for a new license and retake a driving test ([Gerrick, n.d.](#)). This poses a substantial issue for formerly incarcerated individuals as many exit with excessive court debt. This debt is acquired from any unpaid fines and fees they may have failed to pay prior to their incarceration, in addition to any new fees for parole or victim restitution. This debt, if left unpaid, can lead to a suspended license. If a license expired while incarcerated or becomes expired prior to paying the court fees that lead to the suspension, they only have two years to pay off all of their debt and become eligible to renew their license. This further contributes to unemployment and restricts their ability to complete mandated probation and parole activities such as community service or rehabilitation programming. However, some states have recognized this issue by expanding their time limits or, in some cases, completely eliminating them ([Gerrick, n.d.](#)).

Areas of Reform in Texas

Suspensions

As discussed above, driver's license suspensions can be a legitimate way to protect public safety when applied in response to driving-related incidents. On the other hand, suspensions based solely on unmet financial obligations only further exacerbate unemployment and recidivism,

while doing little to nothing to protect public safety. However, following the bipartisan push for reform seen in other states, Texas has begun to reform current policy to reduce debt-based suspensions.

The elimination of the Texas Driver Responsibility Program is one example of reform in Texas. Created in 2003, this program assessed and applied surcharges to individuals with certain traffic convictions—such as driving without insurance, driving without a license, or driving while intoxicated. For each conviction, the individual would pay a yearly surcharge for three years. Depending on the severity of the driving incident or the type of driving-related criminal conviction, these surcharges ranged from \$100 to \$2,000—on top of the base cost of the traffic offense. Additionally, individuals could also encounter surcharges if enough “points” were accrued through moving traffic violations; a moving violation would add two points to a person’s record, and a moving violation resulting in a crash would add three points to the person’s record. If the individual accumulated six points within three years, a \$100 fine would be assessed for each year the driver had six or more points on their record. If the driver failed to pay in full, create an installment plan, or missed an installment payment, their driver’s license would be suspended ([Texas Department of Public Safety, 2018](#)). After wide criticism, in 2019, the Texas Legislature repealed the Driver Responsibility Program, resulting in more than 600,000 Texans having their surcharges waived and becoming immediately eligible for a license reinstatement ([Closson, 2019](#)).

Despite the widespread impact seen after the repeal of the Driver Responsibility Program, many Texans failed to see their fees waived and subsequently failed to have their license reinstated due to many cities and counties choosing to use the state’s Failure to Appear Program. This program, operated by the Texas Department of Public Safety, contracts with a private vendor, OmniBase Services of Texas ([OmniBase Services of Texas, n.d.](#)). Similar to the Driver Responsibility Program, the OmniBase program is designed to issue a “hold” on an individual’s driver’s license, which then prevents the individual from renewing their license; the hold can be issued for unpaid court fines or failure to appear in court—most often related to traffic offenses. Unlike the former Driver Responsibility Program, OmniBase does not remove a “hold” from a license until the entirety of the individual’s debt is paid—even if they establish a payment plan or community service plan ([Texas Appleseed, 2021](#)).

According to [Section 706.002, Texas Transportation Code](#), municipal and county courts have the option to either opt

One example of reform seen in Texas is the elimination of the previous Texas Driver Responsibility Program. Created in 2003, this program assessed and applied surcharges to individuals with certain traffic convictions.

in or out of contracting with DPS and OmniBase Services of Texas. The goal of OmniBase is to increase revenue and court appearances. However, while approximately 670 cities opt in to using the program, recent research has shown that, on average, the program fails to increase revenue compared to cities that opt out of OmniBase ([Texas Appleseed, 2021](#)). Due to the counterproductive nature of OmniBase, Harris County and the city of Austin chose to opt out of the OmniBase program beginning in 2020.

In 2021, legislation was introduced that would have lifted holds imposed by OmniBase once a driver has entered into a payment plan or community service plan, with the purpose of incentivizing appearance in court and reducing the number of unlicensed drivers on the road ([HB 4191, 2021](#)). However, while the bill passed the House Committee on Homeland Security and Public Safety, the legislation was never voted on by the entirety of the Texas House of Representatives.

Expiration and Renewal

License renewal policies vary depending on the state, specifically in the associated costs and imposed time limits. For example, Wisconsin has an eight-year time limit and a \$5 late fee, while Louisiana has no time limit restriction but a \$15 late fee ([Gerrick, n.d.](#)). Currently, Texas has a two-year time limit for renewing an expired license ([Gerrick, n.d.](#)). However, this poses an issue for those exiting Texas prisons as the average length of stay in FY 2020 was more than four years; this could mean their license expired in prison and has surpassed the renewal period ([Texas Department of Criminal Justice, 2020](#)). Additionally, even for those serving shorter sentences in state jails or with a license that did not expire while incarcerated, some individuals exit with thousands of dollars in court debt due to traffic tickets or failure-to-appear fines that occurred prior to their incarceration. The weight of this court debt creates a barrier as many individuals cannot afford to pay off their

OmniBase license suspension in full immediately upon reentry, leading to limitations on finding employment (Kim, 2019). States that provide greater flexibility remove a barrier for the formerly incarcerated, providing them with more time to pay off court debts and reinstate their driver's license—helping them quickly return to work.

In 2021, the same piece of failed legislation that was intended to improve the OmniBase program also included a provision that would have extended the length of time a person's driver's license can be expired before having to start over with a new license. The legislation extended this time limit to 10 years past the expiration date rather than two years (HB 4191, 2021). The intent was to provide both the formerly incarcerated and those with debt-based suspensions with ample time to renew their driver's license without having to go through the lengthy process of obtaining an original driver's license.

Recommendation

Speed Up the Process to Obtain a Driver's License for the Formerly Incarcerated

- **Reform the OmniBase Program:** The Texas Legislature should reform the OmniBase program to remove a hold when a driver enters a payment plan or community service plan to pay existing fines and fees. This will help ensure the individual is given the opportunity to legally fulfill the obligations required to renew a driver's license in a timely manner.

- **Extend the Driver's License Renewal Period:** The Texas Legislature should extend the renewal period for an expired license from two years to ten years so that the individual can have more time to avoid going through the process of obtaining an original driver's license.

Conclusion

Reliable transportation is critical to obtaining employment and the majority of Americans choose to drive themselves to work due to reliability, convenience, or location. With current policies, many have their driver's licenses suspended through the OmniBase program, with no option for those who cannot afford to have it reinstated. Additionally, many individuals exit incarceration to find that their license is expired and cannot be renewed or there is an OmniBase hold on their license due to previous court debts—posing substantial barriers to reentry into society and building a career. Reforming current driver's license regulations and policies is a necessary step to help get Texans back on the road and back to work, further helping them achieve self-sufficiency and energizing the economy. ★

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DRIVEN BY DEBT

THE FAILURE OF THE OMNIBASE PROGRAM



Holds on Driver's Licenses for Unpaid Tickets Harm Communities and Fail to Increase Local Revenue

Cancel OmniBase Contracts and Work with
Individuals to Modify Traffic Violation Debt

AUGUST 2021



TFDP
Texas Fair Defense Project

Texas Fair Defense Project

Texas Fair Defense Project is a nonprofit legal organization that fights to end the criminalization of poverty in Texas. We work to create a world where people who are poor are provided with resources and systems of support, rather than systems of surveillance and punishment.

For more information, visit www.fairdefense.org.

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Guest Author: Emily Culp, Texas Fair Defense Project, Advocacy Fellow

Texas Appleseed

Texas Appleseed is a public interest justice center. Our nonprofit, celebrating our 25th anniversary in 2021, works to change unjust laws and policies that prevent Texans from realizing their full potential. We anchor a dynamic network of pro bono partners and collaborators to develop and advocate for innovative and practical solutions to complex issues. Texas Appleseed also conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change. The many issues on which we work are united by the goal of greater justice.

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INTRODUCTION

Emily Culp is a single mother, full-time student, and advocacy fellow with Texas Fair Defense Project. Emily currently cannot drive due solely to a hold on her driver's license under the OmniBase program for unpaid traffic tickets. Emily tried to pay off the tickets, but every time she drove to work to earn the money she needed to make the payments, she risked being stopped by police, receiving additional tickets for driving on an invalid license and incurring even more traffic-related fines. Eventually, she gave up on reclaiming her license and stopped driving except when absolutely necessary to provide for her children because she risked further fines.

Even so, as Emily explained in her testimony to the Texas Legislature this past session:

"Since I couldn't pay my tickets without risking getting more of them, the tickets turned into warrants for failure to pay and eventually I was arrested in front of my children.... [M]y kids begged the officers to let mommy go, that mommy isn't a bad guy. I then spent two weeks in jail, simply for unpaid tickets. In order to not get hurt, myself and many others were forced to do things that under no other circumstance would we ever have done, all to not be the one beat or stabbed that night. I was arrested for inability to pay tickets, and was released with the medical need to take cognitive therapy classes to deal with the trauma, anxiety and depression from that experience."

Currently, more than 400,000 Texans like Emily cannot drive because their licenses are expired or revoked, and they are unable to renew their licenses due to holds under the OmniBase Failure to Appear Program of the Texas Department of Public Safety¹ (OmniBase Holds). Holds on license renewals are triggered when license holders either fail to pay fines and costs or fail to appear in court, usually for traffic offenses. However, eventually all OmniBase Holds are incurred due to an inability to pay, because the only way to lift a hold is to completely pay off all underlying debt. Even those drivers currently in compliance with the court and paying or working off their debt cannot reclaim licenses, increasing the odds that they will receive more tickets, those tickets will convert to warrants for inability to pay, and the driver will be arrested.

Like Emily, many people burdened with OmniBase Holds also end up in jail for weeks at a time for driving with an invalid license (DWLI). And also, like Emily, many drivers with holds on their licenses are unaware of the OmniBase program and the accompanying severe penalties. Drivers with OmniBase Holds on their licenses are thrust into the criminal legal system, creating more unpayable court debt, prolonging the length of driver's license holds, and feeding the cycle of jail and debt that programs like OmniBase perpetuate.

The purported goal of the OmniBase program is to increase court compliance and collections by providing an enforcement tool that requires ticketed drivers to appear in court and pay owed court debt. However, there is no evidence that OmniBase accomplishes these goals. **In fact, self-reported data from more than 800 active municipal courts across Texas indicates that no relationship exists between use of the OmniBase program and revenue collection.**² To the contrary, the average collection rate per case for active courts in cities that use the OmniBase program is \$45.44 **less** than active courts in cities that choose not to use the program. Given the infrequency with which courts grant court debt waivers and reductions or allow people to satisfy court debt with community service, payment of court debt serves as a proxy for compliance; the reduced rate of collections represents a reduced rate of compliance in these jurisdictions.

Conflating court compliance with collection rates can cause courts to prioritize revenue collection and create a regressive taxation scheme that disproportionately affects the Black and Brown and low-income communities subjected to disparate police presence and arrests. For example, following the 2014 killing of Michael Brown by police in Missouri, the United States Department of Justice (DOJ) released *Investigation of the Ferguson Police Department*, in which the DOJ addressed the dangers of a local court

overly focused on fine and fee collection.³ The investigation explained that the Ferguson Municipal Court suspended driver's licenses and would not lift the suspensions until tickets were paid in full.⁴ When the tickets went unpaid, the Court imposed additional fines and fees for each missed payment or meeting, and only reluctantly considered "ability to pay" in either determining fine amounts or permitting alternative methods of compliance.⁵ Additionally, the court's instructions regarding fulfilling penalty obligations were unclear.⁶ These fines and fees snowball into mass surveillance and arrests. In a separate report, the Arch City Defenders found that in one year, the Ferguson municipal courts disposed of three warrants per resident.⁷ These practices mirror how many courts using OmniBase operate today and, in the DOJ's view, they undermine the courts' role as arbiters for fairness.

In this report, we show that the OmniBase program, despite harming people like Emily through punitive and compounding fines and fees, and requiring practices that cast the courts as debt collectors, nonetheless fails to increase revenue. Section I of this report explains our methodology in determining the comparative collection rates between jurisdictions that do and do not participate in the OmniBase program. In Section II, we examine possible reasons the OmniBase program is not associated with improved collection rates. In Section III, we make recommendations for what local governments can do to improve compliance rates. An appendix detailing the raw data used in our analyses is attached.

I. THE OMNIBASE PROGRAM IS NOT ASSOCIATED WITH INCREASED COLLECTION RATES

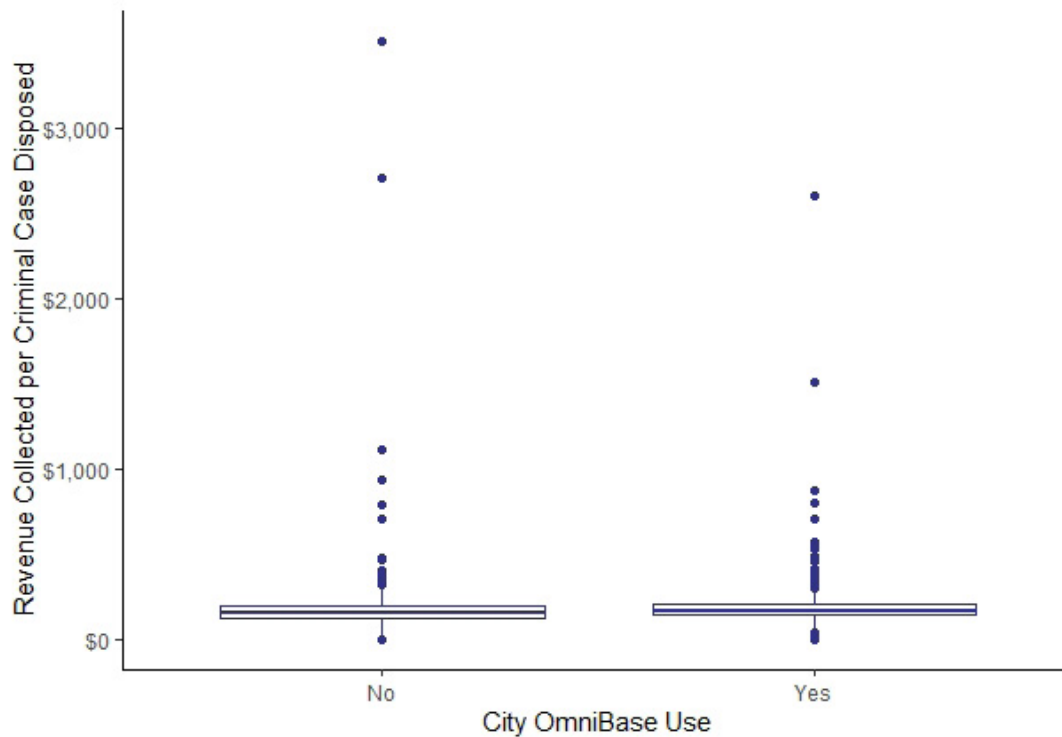
The stated purpose of the OmniBase program is to help local courts increase compliance rates and collections by taking away a person's driver's license until the court debt is completely paid off.⁸ Therefore, many jurisdictions hesitate to end participation in the OmniBase program due to fears over lost revenue.

There is no evidence, however, that using the OmniBase program increases either compliance or increases revenue.⁹ In fact, according to an analysis of self-reported data from over 800 active municipal courts across the state, the average amount collected per case is lower for active courts in cities that use the OmniBase program than for active courts in cities that do not. Even excluding courts that have very few criminal cases and criminal cases disposed (i.e., 10 or fewer cases), there is no significant difference in the amount of revenue collected between cities that use OmniBase and cities that do not.

This report draws on data from municipal and Justice of the Peace courts in Texas. Municipal courts have jurisdiction over violations of municipal ordinances; misdemeanor, fine-only offenses; and some civil offenses.¹⁰ Similarly, Justice of the Peace courts have jurisdiction in criminal misdemeanor, fine-only cases. These courts often utilize the OmniBase program in attempting to collect fines and other court debt.

Using data collected through public information requests to the Texas Department of Public Safety on jurisdictions with OmniBase cases and municipal court activity by city from the Office of Court Administration, we determined: (1) the cities that are and are not using the OmniBase program; and (2) the amount each of those cities collect per each criminal case disposed. **These analyses showed that there is no significant difference between active courts in cities that use the OmniBase program and active courts in cities that do not use the OmniBase program, for both the average amount collected per criminal case disposed and for the median ranks of costs collected per criminal case disposed.**

REVENUE COLLECTED PER CRIMINAL CASE DISPOSED BY OMNIBASE USE



The above boxplot shows the distribution of revenue collected per criminal case disposed for cities with the OmniBase program and cities without the OmniBase program. The box represents 50% of all values of revenue collected per criminal case disposed — the darker line in the middle of the box is the median value. The vertical lines outside of the box represent bottom and top 25% of the values of revenues collected. The dots represent potential extreme values — we opted to retain these values in our analyses since they represent real court collection practices and there is no indication that the values were incorrectly entered. The boxplot shows that the overall distribution of revenues collected per criminal case disposed is similar for active courts in cities that use OmniBase and active courts in cities that do not use OmniBase.

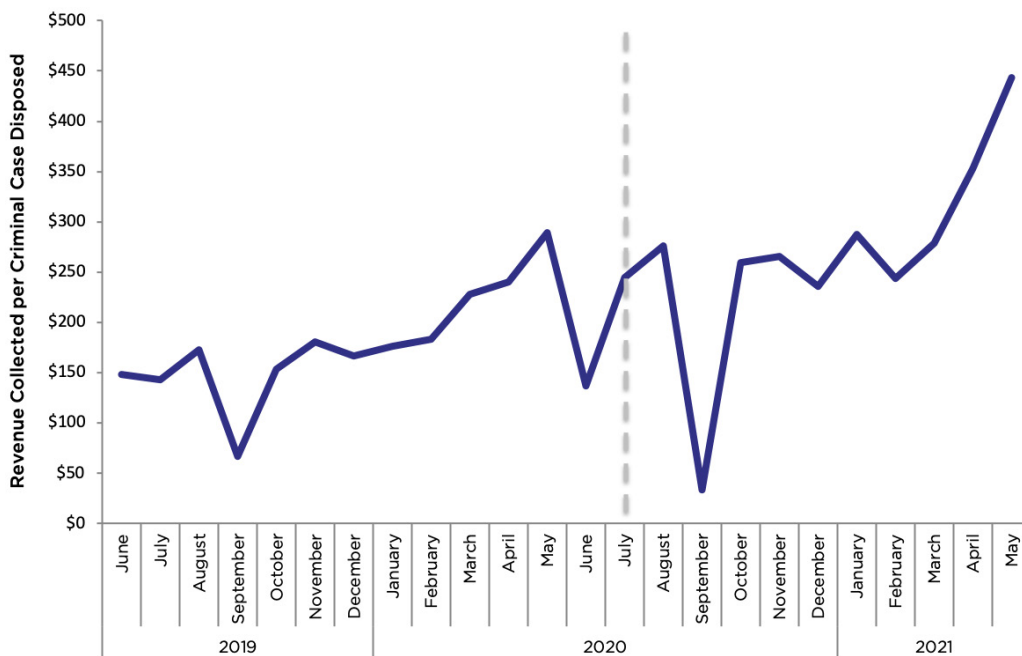
REVENUE COLLECTED PER CRIMINAL CASE DISPOSED BY OMNIBASE USE (2019)

City OmniBase Use	Count of Cities	Average Revenue Collected*	Median Revenue Collected*	Total Criminal Cases Disposed	Total Revenue Collected	Total Population
No	135	\$233	\$158	1,108,314	\$161,298,482	5,465,944
Yes	671	\$188	\$169	3,266,718	\$442,226,891	15,331,686

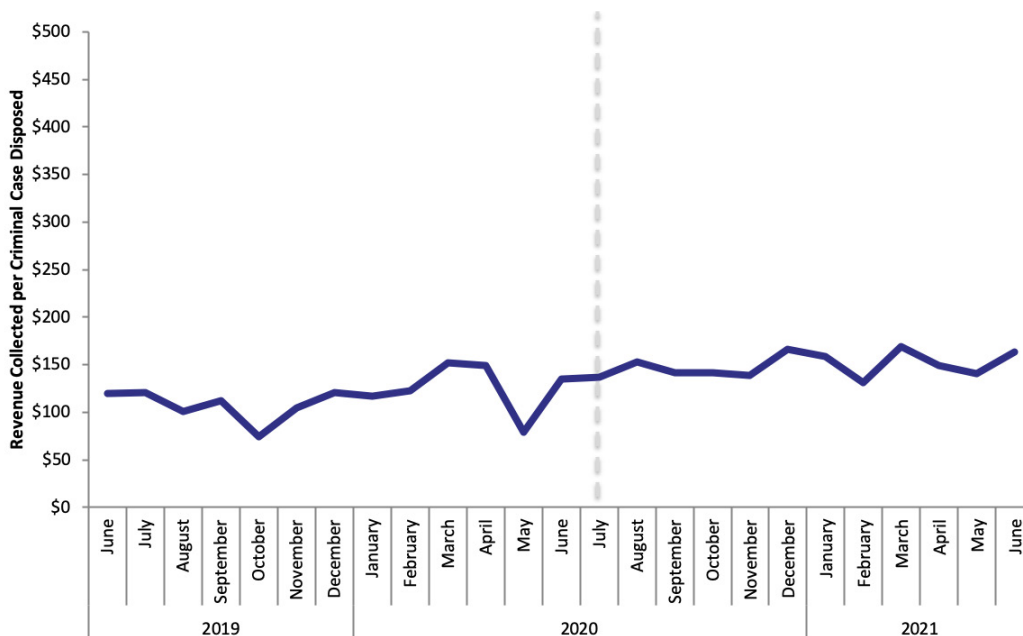
* Per criminal case disposed

In 2020, Harris County and the City of Austin chose to cancel their contract with the OmniBase program despite expressed concerns about the possibility of lost revenue.¹² The concerns were unfounded, however: Revenue per criminal case disposed of without OmniBase increased slightly after ceasing the contract with OmniBase.¹³

AUSTIN: REVENUE COLLECTED PER CRIMINAL CASE DISPOSED



HARRIS COUNTY: REVENUE COLLECTED PER CRIMINAL CASE DISPOSED

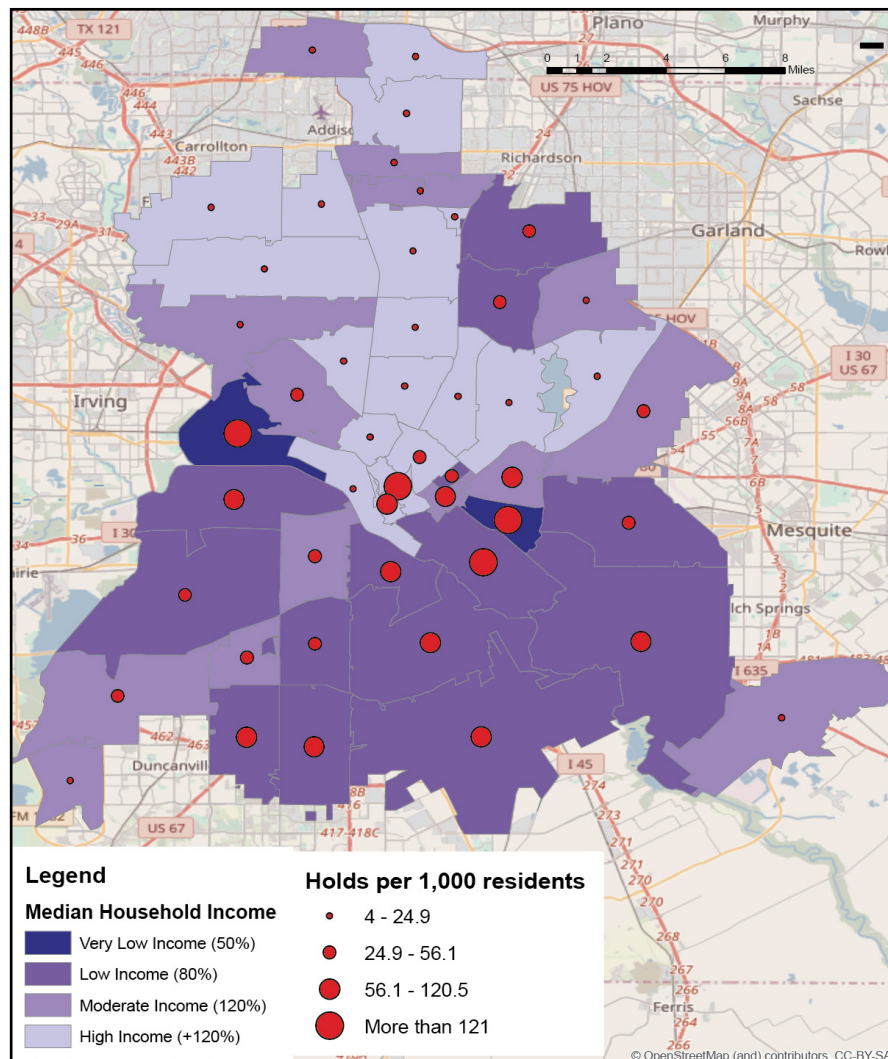


II. POSSIBLE EXPLANATIONS

The results are unsurprising. Our research revealed several reasons why the OmniBase program does not positively impact collection rates.

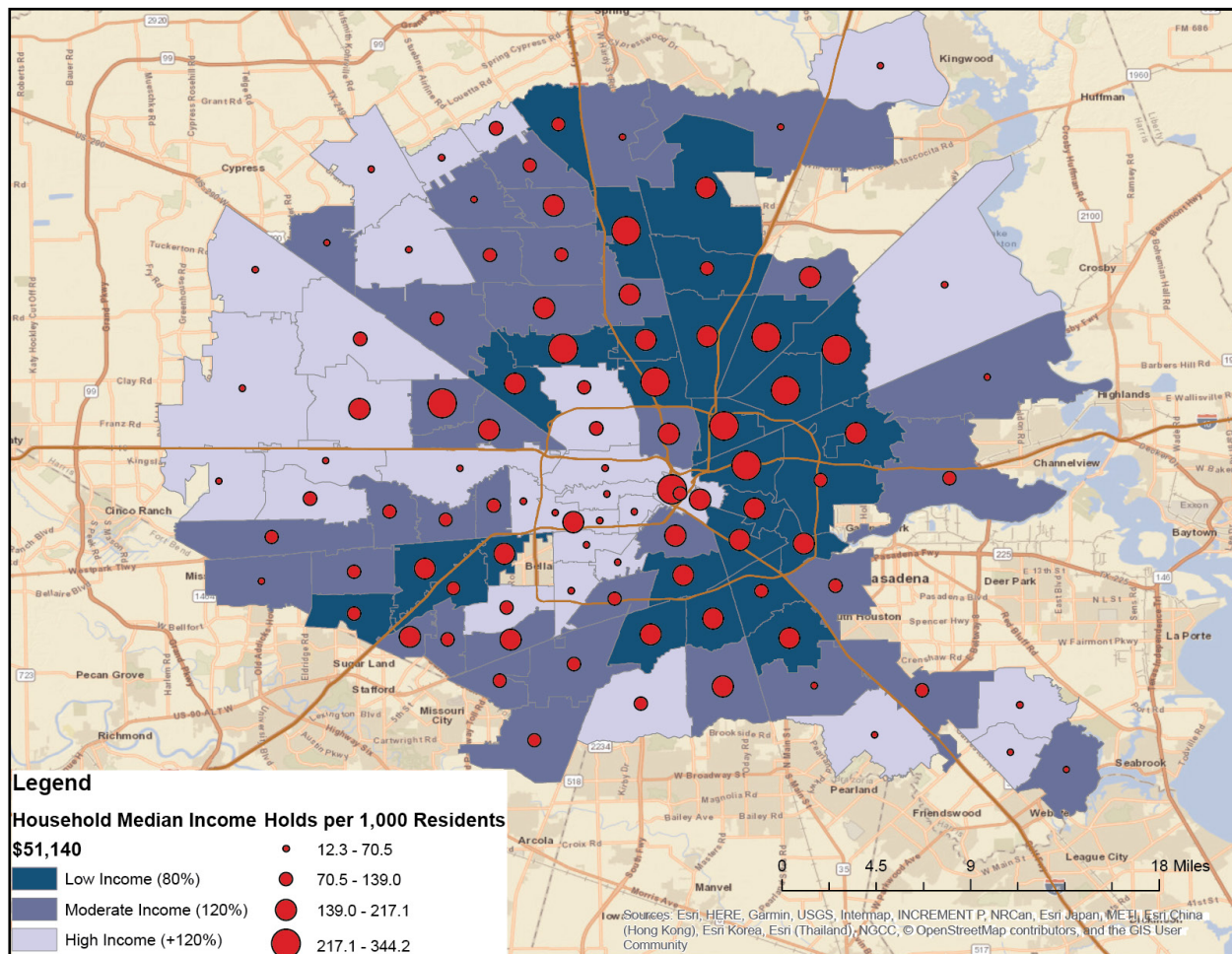
First, people who do not have the money to pay fines and costs will not be able to pay, no matter how punitive the consequences for nonpayment. This is especially true for Texans burdened with OmniBase holds, who are more likely to be indigent. The following maps show the distribution of outstanding OmniBase Holds where residential zip codes were within Dallas County and the city of Houston in 2017.¹⁴ These maps show that OmniBase Holds tend to be concentrated in lower-income zip codes.

RATE OF OMNIBASE HOLDS AND MEDIAN HOUSEHOLD INCOME BY ZIP CODE: DALLAS COUNTY (2017)¹⁵



Sources: Driver's license Holds data taken from open records requests to the Department of Public Safety. Income data taken from U.S. Census Bureau American Community Survey 2012-2016 5-Year Estimates. Zip code shapefile taken from U.S. Census Bureau 2012-2016 American Community Survey 5-Year Estimates.

RATE OF OMNIBASE HOLDS AND MEDIAN HOUSEHOLD INCOME BY ZIP CODE: HOUSTON (2017)¹⁶



Data also show that people with OmniBase Holds are not only more likely to be from lower-income areas but also to be people of color: Though Black people make up only 11% of licensed drivers in Texas, they comprise 29% of people with OmniBase Holds.¹⁷

Second, there is a “Catch 22” to the operation of the OmniBase program: People burdened with license renewal holds need to be able to drive to obtain the funds to pay incurred fines and fees. As indicated in Emily’s testimony, with her initial attempts to pay the money asked of her, she instead received an abundance of fees by trying to drive to work. Not only are people without licenses unable to drive to work legally, but also many employers require proof of a valid driver’s license before hiring.¹⁸

Third, OmniBase Holds often lead to warrants and jail time. Texans with OmniBase Holds are more likely to be ticketed for charges associated with the inability to renew their driver’s license, and these tickets convert to arrest warrants if they cannot pay them. People subject to arrest warrants are subject to arrest at any time, which makes it near impossible to hold down a steady job. Furthermore, the second time an individual with an invalid license due to the OmniBase program is pulled over, the DWLI charge can be enhanced to a Class B offense, which carries a steeper fine and the potential of a jail sentence. If convicted, the individual then has a criminal record which can make it even more difficult to find employment.

Fourth, the OmniBase program does not work as an incentive to pay fines and fees if the people who receive holds under the program are not aware of the program’s existence. The Texas Fair Defense Project and its pro bono network represent hundreds of people with OmniBase Holds across the state each year — nearly none of them know what the OmniBase program is or how it affects them. All they know is that

no matter how hard they try, they keep getting more tickets, more debt, and more warrants. If anything, this hopelessness and lack of information disincentivizes payment of fines and fees.

Finally, most payments occur before any enforcement tool is used. People with money to pay their tickets tend to pay within the first thirty days of receiving the ticket.¹⁹ People without money, by contrast, become overwhelmed by the increasing debt and are unable to pay no matter what enforcement tools are used, as discussed in the beginning of this Section.

III. IMPROVING COMPLIANCE RATES: ALTERNATIVES AND BETTER NOTIFICATIONS

Many municipal court judges and justices of the peace are puzzled by low appearance rates among people who cannot pay their fines and costs. Under Texas law, judges are required to consider a person's ability to pay fines and costs at sentencing or anytime the issue is raised, and assign alternatives where appropriate. These alternatives include payment plans, converting the debt into community service requirements, and reducing or waiving the amount owed. Some judges assert that if only indigent people would show up in court, they would work with them and turn their debt into something manageable.

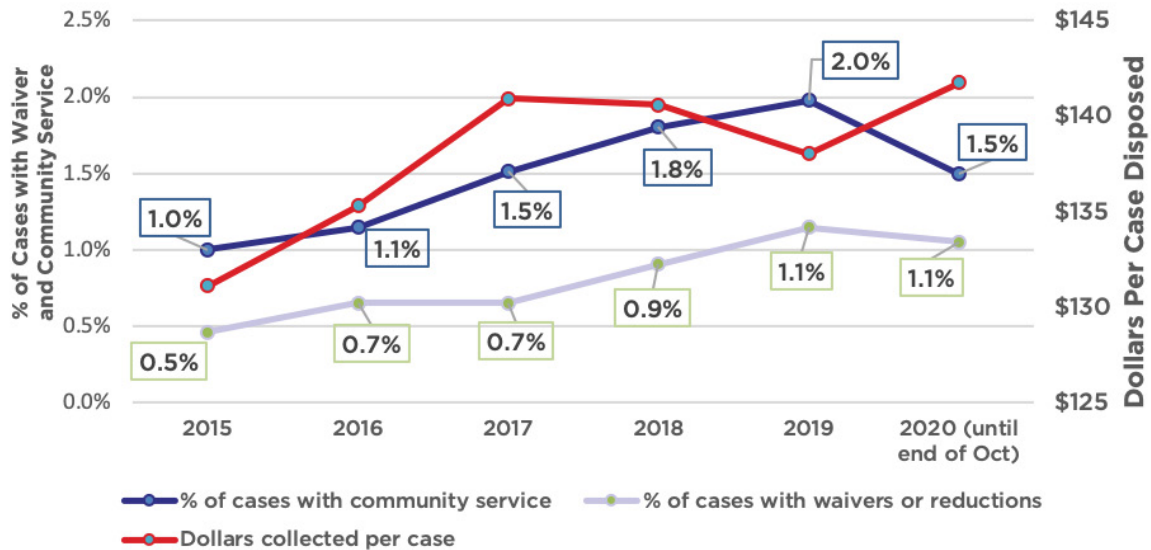
However, most people with outstanding ticket debt have no idea that these alternatives exist. Typically, people with holds are fearful of going to court since they have no hope of paying the thousands or even tens of thousands of dollars in debt that they owe. A recent survey by the City of Dallas found that fewer than 18% of respondents were aware that either community service or waiver options existed.²⁰

In fact, this lack of communication as to the options to payment of fines and fees is not due to a system flaw, but a system feature: Many judges and jurisdictions are hostile to granting alternatives to payment. Most jurisdictions do not mention community service, reduction, or waiver options on tickets or forms. Instead, most court forms contain a long list of payment methods, and detail penalties of arrest warrants if payment is not received. These forms also do not explain that individuals cannot and will not be arrested on their Class C misdemeanor warrants if they do appear in court.²¹ In the experience of Texas Fair Defense Project attorneys, these forms scare people who have warrants for unpaid tickets from attending court hearings: They do not want to risk being arrested. And even when people do appear in court or call the courts for information, they may receive misinformation from clerks and judges about their options for discharging the debt. Emily Culp, whose story began this report, said, "I had to go to two additional court dates just to be granted the opportunity of community service. Initially when I called the court to request community service, the court told me that was not an alternative to paying."

If courts want to increase compliance rates, they should provide clear notice to people in all communications that judges will work with them if they appear in court, and will consider affordable or manageable alternatives, such as converting fines and fees into community service, or reducing or waiving the amount owed. Increasing access and awareness to alternatives such as community service and waivers appears to increase revenue collected per case overall. This result is likely due to a commonly acknowledged fact in the private debt collection industry: Reduced debt allows people to pay what they can afford because there is a "light at the end of the tunnel." Debt collection letters often incentivize payment with reductions.

The same principle appears to be true in the court context, as is shown by examining the results of legislation passed in 2017 and 2019 to expand access to community service and waivers. The Texas Legislature passed important fines and fees reform bills in 2017 with SB 1913 (Zaffirini/Thompson) and HB 351 (Canales/Hinojosa) and in 2019 with SB 346 (Zaffirini/Leach). These bills were passed with the goal of reducing jail time and warrants and increasing waivers and community service for Class C and other offenses. At the time, there was a concern that these reforms would have a negative fiscal impact, which proved to be unfounded.

DOLLARS PER CASE UP, WAIVERS AND COMMUNITY SERVICE UP



The above chart was made using data that was self-reported by Texas courts to the Office of Court Administration (OCA). It shows that overall, as waiver and community service increased, so did the amount of funds collected per case.

CONCLUSION

The OmniBase program burdens the administration of local courts in that the program prioritizes revenue collection over public safety. It also creates additional, unnecessary hardship for poor Texans; exacerbates inequitable law enforcement practices; and disproportionately harms Black and Brown communities. The unjust outcomes caused by OmniBase license holds along with the failure to fulfill its very mission — increasing collection rates — is a damning indictment of the program. Local governments should immediately opt out of their participation in the OmniBase program.

Continuing to rely on punitive approaches to unpaid fines and fees results in a cycle of ever-increasing debt and jail time for those unable to pay. Jurisdictions working to increase court compliance and public safety should instead reduce barriers to resolving tickets by providing accessible avenues for fine and fee waivers, reductions, and alternatives to payment like community service. They should also redesign court forms to provide clarity about people's obligations and opportunities for relief.

ENDNOTES

1. Chapter 706 of the Texas Transportation Code
2. Active courts are defined as courts that had at least one active criminal case in 2019, and had at least one criminal case disposed in 2019.
3. United States Department of Justice Civil Rights Division (2015). Investigation of the Ferguson Police Department. Source: https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf
4. Id.
5. Id.
6. Id.
7. ArchCity Defenders: Municipal Courts White Paper, March 2019, Source: <https://www.archcitydefenders.org/wp-content/uploads/2019/03/ArchCity-Defenders-Municipal-Courts-Whitepaper.pdf>
8. Texas Department of Public Safety (2021). Failure to Appear, Failure to Pay Program. Source: <https://www.dps.texas.gov/section/driver-license/failure-appearfailure-pay-program>
9. For a detailed data methodology and analysis, please see Appendix.
10. State of Texas Judicial Branch (2014). Texas Courts: A Descriptive Summary. Source: <https://www.txcourts.gov/media/994672/Court-Overview.pdf>
11. See Appendix for analysis of courts that have more than 10 active cases.
12. Harris County voted to cancel their contract with OmniBase in July 2020, whereas Austin voted to cancel their contact with OmniBase in May 2020, with the official end date of July 16th, 2020.
13. These numbers should be considered with some degree of caution, however, since both jurisdictions ended their participation during the height of the COVID-19 pandemic, a period during which many courts paused dockets and changed many administrative practices. Fines, court costs, and other amounts collected, and criminal disposed cases were gathered from the Office of Court Administration Court Activity Reporting Directory System. Austin Community Court totals were added to the city of Austin totals.
14. For more information on the data in these maps and for an in-depth look at Dallas and Houston, see our previous report on Dallas, available at: <https://texasappleseed.org/sites/default/files/Driven%20By%20Debt%20Dallas.pdf> and Houston, available at: <https://texasappleseed.org/sites/default/files/DrivenByDebt-Houston-July2020.pdf>
15. Map was created in ArcMap. Median household income and population taken from US Census Bureau American Community Survey 2012-2016 5-Year Estimates. Driver's licenses holds data taken from open records request to the Department of Public Safety.
16. Map was created in ArcMap. Highway shapefile taken from TxDOT. Median household income and population taken from US Census Bureau, 2014-2018 American Community Survey 5-Year Estimates. Driver's license holds data taken from open records requests to Houston Municipal Court.
17. 2018 DPS data. See also our previous report, Driven by Debt: Dallas, available at: <https://texasappleseed.org/sites/default/files/Driven%20By%20Debt%20Dallas.pdf>
18. Andrea Marsh (2017). Rethinking Driver's License Suspensions for Nonpayment of Fines and Fees. National Center for State Courts. Source: <http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/787>
19. Based on analysis of Office of Court Administration's Post-implementation Collection Rate (PICR) Review for 16 different Texas jurisdictions (2013). Data on file with authors and available upon request.
20. City of Dallas, Impact of Fines and Fees Community Survey Summary (December 2020)
21. Class C misdemeanors are punishable by a fine of no more than \$500 and Arrest for class C warrants in court is forbidden. Tex. Gov't Code Ann. § 29.003 (West 2013).

APPENDIX: DATA METHODOLOGY

Data Collection

The total number of OmniBase cases data was pulled from a public information request to the Department of Public Safety. Data was received by the department on December 10th, 2019, and indicated the total number of open offenses and outstanding fees by jurisdiction. The municipal court data was pulled from the Office of Court Administration Court Activity Reporting Directory System. Specifically, the municipal court activity and additional activity by city was pulled for the 2019 calendar year.

Data Cleaning/Preparation

All cleaning and analyses were conducted in R or Excel. The three datasets (OmniBase data, municipal court activity, and municipal court additional activity) were merged based on the city. Instances where cities did not match (e.g., “Midland” in the OmniBase data and “Midland, city of” in the municipal court data) were manually matched. Austin Community Court, Mabank Police Department, and Marble Falls Municipal Court totals were added to Austin, Mabank, and Marble Falls cities, respectively. Data was dropped in instances where we could not determine whether a jurisdiction matched a city (e.g., Oak Ridge (North), Oak Ridge, City of, Oak Ridge, Town of).

In these analyses, any Justice of the Peace or county-level data was excluded; therefore, the final dataset represents the number of OmniBase cases and municipal court activity by city. Ninety cities were dropped from the final dataset because they were missing court data (i.e., the court data had blanks; if the court had inputted a 0, it was included in the final dataset). These ninety cities had 37,952 OmniBase cases. An additional 87 cities were dropped from the final dataset because they had either no active criminal cases in 2019 or had no criminal cases disposed; these cities had 7,303 OmniBase cases.

From the final city dataset, we calculated several additional variables:

- Uses OmniBase: A city was determined as not using the OmniBase program if it had blank data in the OmniBase fields (i.e., we did not receive any OmniBase information from DPS for that city)
- Revenue collected per criminal case disposed: This variable was calculated as the total fines and court costs divided by the total number of criminal cases disposed per each city

Data Analysis

To determine whether there were any differences in court revenue collected by OmniBase use, a series of analyses were conducted. First, t tests were conducted to determine whether there were any differences in the average amount collected between cities that use OmniBase and cities that do not use OmniBase. Results revealed there were no significant differences in the average amount collected for cities that use OmniBase ($M = \$187.70$, $sd = \$135$) compared to cities that do not use OmniBase ($M = \$233.14$, $sd = \$386$), $t(141) = 1.35$, $p = 0.18$.

In order to account for potential outliers and to account for non-normal distributions, additional Wilcoxon Mann-Whitney tests were conducted. Wilcoxon Mann-Whitney tests are a non-parametric statistic and analyze whether distribution shapes and medians differ. Results revealed that there were no significant differences in the distribution shapes (and median ranks) of the amount collected for cities that use OmniBase ($Mdn = \$169$) compared to the distribution of cities that do not use OmniBase ($Mdn = \$158$), $W = 40,706$, $p = 0.06$.

The earlier analyses examined cities that had at least one active criminal case in 2019 and one criminal case disposed. However, there were 109 cities that had 10 or fewer active criminal cases and 10 or fewer criminal cases disposed. These cities had 9,191 OmniBase cases.

REVENUE COLLECTED PER CRIMINAL CASE DISPOSED BY OMNIBASE USE: CITIES WITH >10 CRIMINAL CASES AND CRIMINAL CASES DISPOSED (2019)

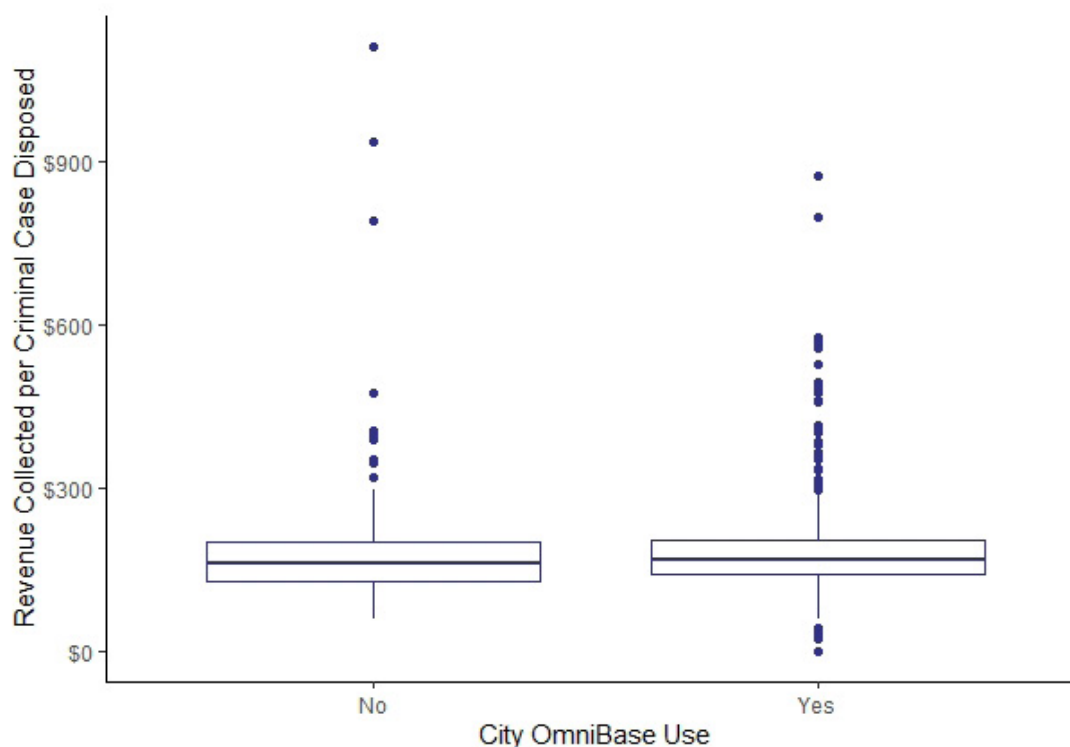
City OmniBase Use	Count of Cities	Average Revenue Collected*	Median Revenue Collected*	Total Criminal Cases Disposed	Total Revenue Collected	Total Population
No	121	\$191	\$162	1,108,051	\$161,250,634	5,446,957
Yes	663	\$181	\$169	3,266,582	\$442,180,991	15,313,856

* Per criminal case disposed

In order to determine whether these cities exerted an undue influence on the average amount collected (e.g., one city had just six criminal cases disposed and eight active criminal cases, resulting in \$3,511 collected per case), additional t tests were conducted where these cities were removed from the analyses. Results revealed similar conclusions, namely that even when cities with few cases are excluded, there is no statistical difference in the average amount collected in cities that use OmniBase ($M = \$181$, $sd = \$79.70$) compared to cities that do not use OmniBase ($M = \$191$, $sd = \$142$), $t(134) = 0.76$, $p = 0.45$.

Additionally, using a non-parametric approach, results revealed that there is no significant difference in the distribution of costs collected between cities that use OmniBase ($Mdn = \$169$) compared to the distribution of cities that do not use OmniBase ($Mdn = \$162$), $W = 36,719$, $p = 0.14$.

REVENUE COLLECTED PER CRIMINAL CASE DISPOSED BY OMNIBASE USE (CITIES WITH >10 CASES)





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