

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

September 28, 2021
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 9:07 a.m. Mayor Pro Tempore Peter Svarzbein present and presiding and the following Council Members answered roll call: Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga. Aleksandra Annello participated via videoconference. Mayor Oscar Leeser requested to be excused.

INVOCATION BY POLICE, FIRE AND MINISTRY COORDINATOR FOR THE SHERIFF'S OFFICE, CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

El Paso Music Friendly Community Day

Teachers Day

NOTICE TO THE PUBLIC

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

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

NAYS: None

CONSENT AGENDA - APPROVAL OF MINUTES:

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

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1. *Motion made, seconded, and unanimously carried to **APPROVE** the minutes of the Regular City Council Meeting of August 31, 2021, the Regular City Council Meeting of September 14, 2021, the Agenda Review Meeting of September 13, 2021, the Work Session of August 30, 2021, and the Work Session of September 13, 2021.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Oscar Leeser from the meeting of September 28, 2021.

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CONSENT AGENDA - RESOLUTIONS:

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

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3. *RESOLUTION

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

That the City Manager, or designee, is authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso, Golden Peanut Company, LLC, and SNRA Commodities, Inc. for the following described property:

A portion of Lots 6 & 8, Block 3, Butterfield Trail Industrial Park Unit One, El Paso International Airport City of El Paso, El Paso County, Texas, and commonly known as 19 Founders Blvd., El Paso, Texas.

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

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4. *RESOLUTION

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

1. That a Cross Functional Team (CFT) be established to study the creation of environments throughout the city that are a balance between the services provided by entertainment/commercial establishments and residential neighborhood interests. The work will include consideration for the development of ordinances, policy and procedures for permitting, voluntary compliance, education of public and establishments, and enforcement when necessary.

2. That the CFT findings, without specific action by the City Council, shall not commit the City of El Paso to specific funding or implementation strategies, but shall provide guidance for the City's vision for entertainment/commercial establishments and residential neighbor interests throughout the City of El Paso.

3. That the City Manager is directed to work with the City Representatives from Districts 1, 2, 5 and 7 as members of the CFT established by this Resolution.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Dionne Mack, Deputy City Manager of Public Safety and Support Services

Ms. Lisa Turner, citizen, commented.

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5. *Motion made, seconded, and unanimously carried to **DELETE** that the Purchasing & Strategic Sourcing Director is authorized to notify C & R Distributing, LLC that the City is terminating Contract 2019-1072 Engine and Transmission Lubricants, Coolants, and Antifreeze (RE-BID) for convenience, pursuant to the provisions and requirements of Part 4, Section 8 (A) of the Contract Clauses, and that the termination shall be effective as of September 28, 2021.

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Goal 3: Promote the Visual Image of El Paso

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

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR LOT 27, BLOCK 1, 12300 MONTWOOD, MONTWOOD HEIGHTS UNIT FOUR, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, MONTWOOD HEIGHTS OFFICE BUILDING , LLC, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval as per SECTION 20.04.150. The detailed site development plan is subject to the development standards in the **C-4/c (Commercial/conditions) District** regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "B"** and is incorporated herein by reference for all purposes; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code:

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development plan submitted by the Applicant, to **allow an office warehouse** as required under the **C- 4/c (Commercial/conditions) District** as per Section **20.04.150**, on the following described property which is located in a **C-4/c (Commercial/conditions) District**:

LOT 27, BLOCK 1, 12300 MONTWOOD, MONTWOOD HEIGHTS UNIT FOUR,

City of El Paso, El Paso County, Texas.

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as **Exhibit "B"** and incorporated herein by reference.
3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C- 4/c (Commercial/conditions)** District regulations.
4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-4/c (Commercial/conditions)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Ms. Lisa Turner, citizen, commented.

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7.

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

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, ARMENDARIZ, OSCAR, 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 [ENVIRONMENTAL SERVICES], 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 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:

120 N Clark Dr C., more particularly described as PT OF 3(51.6 FT ON N 75 FT ON W 49.9 FT I S) TR 3 UNRECORDED MAP(3806.25 SQ FT), Block C, COLLINGSWORTH

SUBDIVISION, City of El Paso, El Paso County, Texas, PID
#C730-999-000C-1900

to be \$988.00, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Local Government Code Section 54.040. The City Council finds that the work was completed on the 30th day of July, 2021, 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 EIGHT AND 00/100 DOLLARS (\$988.00) 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, SEELIG, ANDREW, 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 [ENVIRONMENTAL SERVICES], 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 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:

2625 Morehead Ave, more particularly described as Lots 9 &
10 (6000 SQ FT), Block 26, MILITARY HEIGHTS
SUBDIVISION, City of El Paso, El Paso County, Texas, PID
#M436-999-0260-2800

to be \$8,713.62, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080

and the Texas Local Government Code Section 54.040. The City Council finds that the work was completed on the 23rd day of April, 2021, 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 EIGHT THOUSAND SEVEN HUNDRED THIRTEEN AND 62/100 DOLLARS (\$8,713.62) 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, JAIME H HERRERA, 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 [ENVIRONMENTAL SERVICES], 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 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:

8937 Mount Rushmore Ln. more particularly described as Lot
1829 (7245 SQ FT), Block 74, MOUNTAIN VIEW
SUBDIVISION, City of El Paso, El Paso County, Texas, PID
#M851-999-0740-6900

to be \$7,367.45, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Local Government Code Section 54.040. The City Council finds that the work was completed on the 2nd day of March, 2021, and approves the costs described herein.

2. The City Council, in accordance with with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount SEVEN THOUSAND THREE HUNDRED SIXTY SEVEN AND 45/100 DOLLARS (\$7,367.45) 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 in accordance with Chapter 2.38 of the El Paso City Code, RAYNOR PROPS LLC, 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 [ENVIRONMENTAL SERVICES], 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 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:

900 S St. Vrain St, more particularly described as Lots 11 TO 13 & PT OF 14 (.66 FT ON ST 45.0 FT ON N 1.33 FT ON E 45.0 FT ON S)(9640 SQ FT), Block 36, MAGOFFIN SUBDIVISION, City of El Paso, El Paso County, Texas, PID #M028-999-0360-5000

to be \$5,949.96, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Local Government Code Section 54.040. The City Council finds that the work was completed on the 5th day of March, 2021, 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 FIVE THOUSAND NINE HUNDRED FORTY NINE AND 96/100 DOLLARS (\$5,949.96) 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.

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

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

That the City Manager, or designee, is authorized to sign a License and use Agreement between the City of El Paso and Esperanto Developments, LLC for the use of the property known as all of Block 42, Mills Addition, municipally known and numbered as 401 East Mills and 400 East Main, City of El Paso, El Paso County, Texas for a term commencing Friday October, 1, 2021 at 5 P.M. and expiring on October 3, 2021 at 5 P.M. Mountain Time. Further, that the City Manager, or designee, be authorized to enter into amendments to the Agreement, exercise all rights and obligations under the Agreement and sign all permit applications necessary to allow the event.

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

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Village of Vinton, Texas, for the period of September 1, 2021, through August 31, 2022 for the provision of public health and environmental services by the City of El Paso to the Village of Vinton, for which the Village of Vinton shall pay to the City of El Paso an annual amount of EIGHTEEN THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS AND NO/100 (\$18,765.00)

10. ***RESOLUTION**

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

THAT the Mayor is hereby authorized to sign an Interlocal Agreement by and between the City of El Paso (the "City") and the County of El Paso, Texas (the "County") whereby the City shall provide Strategic National Stockpile ("SNS") pharmaceuticals to the County in the event of a public health emergency and the County shall dispense said pharmaceuticals in accordance with the County's mass prophylaxis dispensing plan to the County's employees and the employees' family members.

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CONSENT AGENDA – BOARD RE-APPOINTMENTS:
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Goal 3: Promote the Visual Image of El Paso
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11. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Isaac Rodriguez as an Alternate Member to the Zoning Board of Adjustment by Representative Cassandra Hernandez, District 3.

CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

- 12. *Motion made, seconded, and unanimously carried to **APPOINT** Gilbert Esparza III to the Districting Commission by Representative Joe Molinar, District 4.
- 13. *Motion made, seconded, and unanimously carried to **APPOINT** Romaree Friedman Herbert to the Open Space Advisory Board by Mayor Oscar Leeser.

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

- 14. *Motion made, seconded, and unanimously carried to **APPOINT** Michael Adjemian to the Parks and Recreation Advisory Board by Representative Cassandra Hernandez, District 3
- 15. *Motion made, seconded, and unanimously carried to **APPOINT** Carlos A. Loweree III to the Museums and Cultural Affairs Advisory Board by Representative Cassandra Hernandez, District 3.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

- 16. *Motion made, seconded, and unanimously carried to **APPOINT** Abel Legaspy to the Community Development Steering Committee by Representative Isabel Salcido, District 5.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

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

- 17. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below and posted on the attachment with this agenda:
 - 1. Weststar Title LLC, in the amount of \$3,492.84 made an overpayment on February 1, 2021 of 2020 taxes. (Geo. # M577-001-0030-0900)

18. RESOLUTION

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

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

WHEREAS, taxpayer, Wolff Family Rev. Living Trust ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on August 15, 2016 in the amount of \$4.31 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer: and

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

THAT THE City finds that Wolff Family Rev. Living Trust showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$4.31 is approved.

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

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

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

WHEREAS, taxpayer, Hidden Valley Estates LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on May 09, 2018 in the amount of \$30.00 for all taxing entities; and

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

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

THAT THE City finds that Hidden Valley Estates LLC, showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2017 taxes and the tax refund in the amount of \$30.00 is approved.

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

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

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

WHEREAS, taxpayer, Select Portfolio Servicing Inc. C/O Lereta LLC through Select Portfolio Servicing Inc. ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on March 31, 2017 in the amount of \$50.33 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer: and

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

THAT THE City finds that Select Portfolio Servicing Inc. C/O Lereta LLC, showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$50.33 is approved.

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CONSENT AGENDA – NOTICE FOR NOTATION:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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19. *Motion made, seconded, and unanimously carried to **ACCEPT** the donations of \$2,500 from Marathon Petroleum, \$2,000 from El Paso Disposal, \$1,000 from El Paso Electric, and \$1,500 from Texas Gas Service for the purpose of funding for a second year, COVID-19 safe holiday events and initiatives in District 3, to include a Halloween Drive-Thru Trick-or-Treat to deter door-to-door trick-or-treating during the pandemic, turkeys for families in need during Thanksgiving and Christmas gifts and grocery gift cards for a less-fortunate neighborhood in the district.

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CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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20. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contribution by Representative Cassandra Hernandez of \$2,000 from DEC PAC.
21. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Joe Molinar in the amount of \$250.00 from Regina Arnold.
22. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.080 of the City Code: receipt of campaign contributions by Representative Peter Svarzbein in the amount of \$1,000.00 by Eileen Karlsruher.

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CONSENT AGENDA – REQUESTS TO ISSUE PURCHASE ORDERS:
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Goal 2: Set the Standard for a Safe and Secure City
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23. *Motion made, seconded, and unanimously carried to **DELETE** the request that the Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to National Medical Service dba NMS Labs referencing Contract 2019-846R Crime Lab Services. This will be a change order to increase the contract by \$360,000.00 for a total amount not to exceed

\$3,901,320.00 for the initial term. The change order will allow for the changes in laboratory analysis and reporting related to Marijuana or delta-9 tetrahydrocannabinol containing seized materials based on the newly established requirements for criminal penalty in the State of Texas.

Contract Variance: N/A
Department: Police
Award to: National Medical Service dba NMS Labs
Horsham, PA
Item(s): All
Change Order Amount: \$360,000.00
Total Estimated Award \$3,901,320.00 (3 years)
Account No.: 321-1000-21200-522150
Funding Source: General Fund
District(s): All

This is a change order for a Request for Qualification, professional service contract.

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24. *Motion made, seconded, and unanimously carried to **AUTHORIZE** that the City Manager be authorized to sign a Service Agreement between the City of El Paso and Christopher Weed Sculpture, Inc., for an estimated amount of \$211,000.00 for the Flores del Desierto Repairs. The award of this contract will allow the Museums & Cultural Affairs Department to engage the original fabricator of the Flores del Desierto public art piece located on the Airway Median for repair and replacement of damaged Sculptures #1, 4, and 7.

Contract Variance No contract variance.
Department: Museums & Cultural Affairs
Award to: Christopher Weed Sculpture, Inc.
Colorado Springs, CO
Estimated Amount: \$211,000.00
Funding Source: Outside Contracts
Account No.: 454-4005-54320-522150-PBARTSTRET85
District(s): 3
Reference No.: 2022-0026

This is a non-competitive service agreement pursuant Exemption 252.022 (a) (3) procurement necessary because of unforeseen damage to public machinery, equipment, or other property of the Texas Local Government Code. Additionally, it is requested that the City Attorney's Office review and that the City Manager or designee be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

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Goal 8: Nurture and Promote a Healthy, Sustainable Community

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25. Discussion and action on the Renewable Generation Study completed by the El Paso Electric Company as required by Ordinance No. 019022, and a review of its mandated deliverables, including but not limited to: 1) the possible costs related to the integration of utility-scale renewable generation in the utility company's Texas service territory; 2) the legislative or regulatory changes that may be necessary to increase utility-scale renewable generation integration in the company's Texas service territory and the necessary legislative strategy to implement such changes; 3) the identification of grant opportunities for the company, the City, or both to increase the integration of renewable generation into the company's Texas generation portfolio; and 4) the identification of potential renewable generation programs to support low-income customers, such as incentives for distributed generation.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **POSTPONE** the item for **TWO WEEKS**.

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

NAYS: None

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

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

26. Presentation and Discussion on TXDOT Project Updates.

Mr. Sam Rodriguez, Chief Operations and Transportation Officer, introduced the item.

Ms. Jennifer Wright, TXDOT Public Affairs Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello and Molinar commented.

Mr. Tommy Gonzalez, City Manager, commented.

Mr. Tomas Trevino, TXDOT District Engineer, commented.

NO ACTION was taken on this item.

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

27. Police Incident Investigative Process.

Ms. Dionne Mack, Deputy City Manager of Public Safety and Support Services, introduced the item.

Assistant Police Chief Peter Pacillas presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annelo, Molinar and Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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

28. Presentation on the FY 2021 Capital Project Year-in-Review Report.

Mr. Gerald DeMuro, Assistant Director of Capital Improvement, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Rodriguez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Sam Rodriguez, Chief Operations and Transportation Officer
3. Mr. Harold Kutz, Streets and Maintenance Assistant Director

NO ACTION was taken on this item.

The Regular City Council meeting was **RECESSED** at 11:55 a.m.

The Regular City Council meeting was **RECONVENED** at 12:01 p.m. for Call to The Public

CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Mr. Richard Dayoub
2. Ms. Anne M. Giangliulio
3. Ms. Gloria Krahn
4. Ms. Lisa Turner
5. Mr. Colt DeMorris
6. Mr. Michael Castro
7. Ms. Sabrina Soto
8. Mr. Carlos Mireles
9. Ms. Wally Cech
10. Ms. Dora Villanueva
11. Ms. Elvira Ortega
12. Ms. Martha Roybali
13. Ms. Cristina Alarcon
14. Mr. Julio Aleman
15. Mr. Jose Barriga

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The Regular City Council meeting was **RECESSED** at 12:46 p.m.

The Regular City Council meeting was **RECONVENED** at 1:21 p.m.

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REGULAR AGENDA - FIRST READING OF ORDINANCES
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1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, 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 Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **RECONSIDER** the items.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

NAYS: None

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Goal 2: Set the Standard for a Safe and Secure City
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29. An Ordinance amending Title 10 (Public Peace, Morals and Welfare), Chapter 10.12 (Offenses against Public Peace), Section 10.12.050 (Alcohol Prohibited in Public Places), Subsection A to define "Homeless Shelter," "Possesses," and "Possession," and Subsection B to add Homeless Shelter to the area where offense can occur; the penalty being provided in Subsection 10.12.050 E of the El Paso City Code.

Representative Hernandez commented.

Assistant Police Chief Victor Zarur commented.

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Goal 3: Promote the Visual Image of El Paso
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30. An Ordinance to amend Title 5 (Business License and Permit Regulations) Chapter 5.09 (Sexually Oriented Businesses) Sections 5.09.020 (Definitions), 5.09.050 (A)(1) (Issuance of a License), 5.09.050 (B) (1) (Employee License), and 5.09.170 (D) (Prohibited Conduct); The penalty being as provided in Section 5.09.150 (Penalties and Enforcement) of the El Paso City Code.

Representative Hernandez commented.

Mr. Tony De La Cruz, Building Permits and Inspections Assistant Director, commented.

PUBLIC HEARING WILL BE HELD ON OCTOBER 12, 2021 FOR ITEMS 29 AND 30

31. An Ordinance changing the zoning of the following real property known as: Parcel 1: Tract 1, Section 4, Block 80, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-2 (Heavy Manufacturing); and

Parcel 2: Tract 3, Section 3, Block 80, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-2 (Heavy Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 7000 Stan Roberts
Applicant: City of El Paso, PZRZ21-00020

PUBLIC HEARING WILL BE HELD ON OCTOBER 26, 2021

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

32. Motion made Representative Rodriguez, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** the City Manager to sign a Service Agreement between the City of El Paso and Environmental Systems Research Institute, Inc., the sole source provider for geographic information systems (GIS) licensing software, maintenance, and on-line service with the stipulation that the vendor provides an updated sole source letter and affidavit each year. The Enterprise Agreement is a bundled package that includes existing goods and services to include additional needed software licenses, professional services, and training.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$117,743.24 for a one (1) year term, which represents a 106.79% increase due to additional services.

Department:	Information Technology Services
Award to:	Environmental Systems Research Institute, Inc. Redlands, CA
Annual Estimated Amount:	\$ 228,000.00 (Year 1) \$ 270,000.00 (Year 2) \$ 305,000.00 (Year 3)

Total Estimated Award: \$ 803,000.00 (3 Years)
 Account No.: 239-1000-15240-522020-P1506
 334-3100-34060-522020-P3405
 560-3200-60000-522150-P6003
 562-3000-62030-522020
 321-2710-21230-522250-P2104-GT2121FUS
 Funding Source: General Funds
 Environmental Services Enterprise Fund
 Sun Metro General Operations Enterprise Fund
 Airport Operations Enterprise Fund
 EPPD Matrix Fusion Grant
 District(s): All
 Reference No.: 2022-0002

This is a Sole Source, service contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager or designee be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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

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

33. Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation 2021-1339 Sunglow and Lockheed Median Improvements to MARTINEZ BROS. CONTRACTORS, LLC for a total estimated award of \$1,322,001.21. This project consists of median improvements along Sunglow Way and Lockheed Drive.

Department: Capital Improvement
 Award to: MARTINEZ BROS. CONTRACTORS, LLC
 El Paso, TX
 Item(s): Base Bid I and Base Bid II
 Initial Term: 240 Consecutive Calendar Days
 Base Bid I: \$572,088.65
 Base Bid II: \$749,912.56
 Total Estimated Award: \$1,322,001.21
 Funding Source: 2013 Street Infrastructure Certificates of Obligation and Airport Capital
 Account: 190-4740-28900-580270-PCP19ST014
 Account: 562-3010-62335-580220-PAP00981
 District(s): 3

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC, the lowest responsive and responsible bidder.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

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

NAYS: None

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:
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Goal 3: Promote the Visual Image of El Paso
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34. ITEMS 34 AND 35 WERE TAKEN TOGETHER
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The City Clerk read an Ordinance entitled: **An Ordinance changing the zoning of a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-2/sp/c (Commercial/special permit/conditions) and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. THIS IS A 211 CASE.**

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: 4625 Delta Drive
Applicants: The Upright Group LLC
PZRZ20-00013**

35. The City Clerk read an Ordinance entitled: An Ordinance granting Special Permit No. PZST21-00011, to allow for a small contractor’s yard on the property described as a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

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

**Subject Property: 4625 Delta Drive
Applicant: Erik Tijerina
PZST21-00011**

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

Representatives Annello, Hernandez, Molinar, Rivera and Lizarraga commented.

Ms. Karla Nieman, City Attorney, commented.

The following members of the public commented:

1. Mr. Francisco Ortega
2. Mr. Quirino Villa
3. Ms. Alicia Villa
4. Ms. Desirae Manzanares
5. Ms. Petra Licon
6. Ms. Carolina Carrera
7. Ms. Linda Zavala
8. Mr. Anastacio Zavala
9. Ms. Julia Onate
10. Ms. Annette Baeza
11. Mr. Miguel Juarez

1st MOTION

*Motion made, seconded, and unanimously carried to **MOVE THE ITEMS TO THE FOREFRONT** of the Regular Agenda.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried to **POSTPONE** the items for **TWO WEEKS**.

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

NAYS: Representative Rodriguez

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36. Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **POSTPONE TWO WEEKS** an Ordinance amending Title 19 (Subdivision and Development Plats) Sections: 19.01.010 (Authority, Purpose and Applicability), 19.01.020 (Types of plats required), 19.01.030 (Exemptions), 19.01.050 (Application and Procedures), 19.02.020 (Application and Procedures), 19.03.020 (Application and Procedures), 19.04.020 (Application and Procedures), 19.04.070 (Plat Recordation), 19.05.020 (Application and Procedures), 19.06.020 (Application and Procedures), 19.07.040 (Amending Plats), 19.10.020 (In General), 19.31.030 (City Development Director), 19.37.060 (Application Contents), and 19.37.070 (Application Fees) of the El Paso City Code to update references in the Title, correct typographical errors, provide for the submittal of electronic applications, clarify presentation of final plats to City Plan Commission, provide for signature of Planning and Inspections Director on final plats, update figures, and remove reduction of certain fees for properties located within the boundaries of Tax Increment Zones or Empowerment Zones. The penalty is as provided under Title 19, Chapter 19.42 of the El Paso City Code. (Citywide)

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

NAYS: None

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37. Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **POSTPONE TWO WEEKS** an Ordinance amending various sections of Title 20 (Zoning), Chapters 20.04 (Administrative Provisions), 20.08 (Permissible Uses), and 20.10 (Supplemental Use Regulations) to update Code reference language, delete language regarding fee reductions for detailed site development plans pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone. The penalty being as provided in Section 20.24 of the El Paso City Code.

The proposed amendments meet the intent of and are in accordance with *Plan El Paso*, the City's Comprehensive Plan.

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

NAYS: None

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38. Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **POSTPONE TWO WEEKS** an Ordinance amending Title 21 (SmartCode), Chapter 20.50 (Building Scale Plans), Section 20.50.060 (Building Disposition), to calibrate the SmartCode to the local character of the place and local conditions. The penalty being as provided in Section 21.60 of the El Paso City Code.

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

NAYS: None

39. **ORDINANCE 019235**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 113, VISTA DEL SOL UNIT SIXTEEN REPLAT "S", 11101 ARMOUR STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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

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

40. ORDINANCE 019236

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING FOR THE PROPERTY DESCRIBED AS A PORTION OF TRACT 4D, OF FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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

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

41. ORDINANCE 019237

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, EL PASO COUNTY, TEXAS.**

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

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

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

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

42. ORDINANCE 019238

The City Clerk read an Ordinance entitled: **AN ORDINANCE RENEWING AND EXTENDING THE SPECIAL PRIVILEGE LICENSE GRANTED TO THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE DEPARTMENT OF THE NAVY, NAVAL FACILITIES ENGINEERING COMMAND SOUTHEAST, AS OWNER OF THE NAVAL OPERATIONS SUPPORT CENTER (NOSC) EL PASO, TO PERMIT THE CONTINUED USE, MAINTENANCE AND REPAIR OF A SURFACE ENCROACHMENT OF CURBING, GUTTERING AND SECURITY FENCE OVER A PORTION OF CITY RIGHT-OF-WAY ALONG TRUMAN AVENUE AND ADJACENT TO THE NOSC EL PASO LOCATED AT 4810 POLLARD STREET, EL PASO, TEXAS; SETTING THE LICENSE TERM FOR A TERM OF ONE (1) YEAR WITH SEVEN (7) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS.**

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

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

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

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

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

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43. The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE CITY CODE, TO ADD PORTIONS OF SOUTH EL PASO STREET; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE. [POSTPONED FROM 09-14-21]**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rodriguez, and unanimously carried to **POSTPONE** the item for **TWO WEEKS**.

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

REGULAR AGENDA – OTHER BUSINESS:

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

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44. Discussion and action that the City Manager be authorized to sign a two year On-Call Agreement for Professional Services to perform energy management services on a task order basis by and between the City of El Paso and each of the following two (2) consultants:

1. Texas Energy Engineering Services, Inc.

2. Yearout Energy Services Company, LLC

Each On-Call Agreement will be for an amount not to exceed Three Hundred Thousand and No/00 Dollars (\$300,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager, or designee, is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

Representative Svarzbein commented.

Mr. Cary Westin, Senior Deputy City Manager, commented.

1ST MOTION

* Motion made, seconded, and unanimously carried to **DELETE** the item.

2ND MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annelo, and unanimously carried to **RECONSIDER** the item.

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

NAYS: Representative Rodriguez

3RD AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **DELETE** the item.

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

NAYS: None

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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45.

R E S O L U T I O N

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

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

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

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

WHEREAS, on August 18, 2020, the City amended the Annual Action Plan to delete the El Paso Child Guidance Center project (\$1,263,267), and delete the Parks and Recreation Summer Youth Program (\$65,000), and delete the Hotel and Motel for COVID-19 Positive Homeless project (\$125,000);

WHEREAS, on August 18, 2020, the City amended the Annual Action Plan to add \$1,263,267 to the existing contract with the Opportunity Center for the Homeless for continued operation of the temporary Delta Haven and Welcome Center;

WHEREAS, on August 18, 2020 the City amended the Annual Action Plan to add \$65,000 to the existing contract with the YWCA Paso del Norte Region for childcare services, and add \$125,000 to the Transportation for Homeless Individuals and Families project (“Fourth Amendment”); and

WHEREAS, on September 15, 2020, the City amended the Annual Action Plan to delete the CDBG-CV Economic Recovery Technical Assistance project (\$100,000); delete the YWCA CDBG-EN Children and Youth Services project (\$65,000); reduce the YWCA CDBG-CV Children and Youth Services project from \$250,000 to \$235,000;

WHEREAS, on September 15, 2020, the City amended the Annual Action Plan to add \$85,000 in CDBG-CV for a Veterans Permanent Supportive Housing Case Management project; and add \$30,000 in CDBG-CV and \$65,000 in CDBG-EN for a United Way Family Resilience Center project (“Fifth Amendment”); and

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

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

WHEREAS, on December 15, 2020, the City amended the Annual Action Plan to reduce the Project BRAVO-COVID-19 Emergency Housing Payment Assistance Program by \$1,000,000 in CDBG-CV; add \$1,000,000 in CDBG-CV to the El Paso Rent Help Rental Assistance Program operated by Under One Roof;

WHEREAS, on December 15, 2020, the City amended the Annual Action Plan to add \$1,100,000 in CDBG-CV to create the Inspira Hotel Emergency Shelter Project operated by Endeavors; and add \$3,021,341 in CDBG-CV to create a "hold project" for the remaining balance of CDBG-CV funds (“Eighth Amendment”); and

WHEREAS, on January 5, 2021, the City amended the Annual Action Plan to reduce the "hold project" for the remaining balance of CDBG-CV funds by \$341,160 in CDBG-CV; add \$341,160 in CDBG-CV funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors; add \$1,700,000 in ESG-CV funds to create a Rapid Rehousing Project; add \$500,000 in ESG-CV funds to create an Emergency Shelter Project; add \$430,000 in ESG-CV funds to create a Homeless Prevention Project; add \$234,248 in ESG-CV funds to create a Homeless Management Information System (HMIS) Project; add \$100,000 in ESG-CV funds to create a Street Outreach Project; and add \$1,000,000 in ESG-CV funds to create a Homeless Welcome Center Project ("Ninth Amendment"); and

WHEREAS, on April 27, 2021, the City amended the Annual Action Plan to add \$100,000 in CDBG-CVIII funds to create a COVID-19 Emergency Shelter Capacity Expansion Project; add \$350,000 in CDBG-CVIII funds to supplement the Transportation for Homeless Individuals and Families Project; and add \$250,000 in CDBG-CVIII funds to create a Case Management for Persons Experiencing Homelessness Project ("Tenth Amendment"); and

WHEREAS, on May 25, 2021, the City amended the Annual Action Plan to delete the COVID-19 Emergency Shelter Capacity Expansion Project for the Opportunity Center for the Homeless (\$100,000 CDBG-CVIII); and add \$550,000 in CDBG-CVIII funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors.

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2019-2020 Annual Action Plan to delete existing projects and add new projects; and

WHEREAS, on September 22, 2021 the City of El Paso posted on its website public notice and allowed a 5-day public comment period regarding the proposed amendment to the 2019-2020 Annual Action Plan and 45th Year CDBG-CVIII Program Budget and City Council has duly considered public comment if any.

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

1. That the 2019-2020 Annual Action Plan and 45th Year Emergency Solutions Grant Coronavirus Phase 2 (ESG-CVIII) Program Budget is hereby amended as follows:
 - a. Reduce the Homeless Welcome Center Project for the Opportunity Center for the Homeless by no more than \$250,000 in ESG-CVII funds; and
 - b. Add no more than \$250,000 in ESG-CVII funds to supplement the Opportunity Center Shelter and HMIS Support Project, operated by the Opportunity Center for the Homeless.
2. That the Department of Community and Human Development, through the Director, be authorized to make the above changes to the 2019-2020 Annual Action Plan in the United States Department of Housing and Urban Development's program system.

3. That the City Manager, or designee, be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.
4. Except as amended in the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment, Ninth Amendment, Tenth Amendment, Eleventh Amendment, and this Twelfth Amendment, to the 2019-2020 Annual Action Plan and 45th Year ESG Program Budget remains in full force and effect.

Mr. John Martin, citizen, commented.

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

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

NAYS: None

ADJOURN

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Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** this meeting at 2:46 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk