

OSCAR LEESER  
MAYOR



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

TOMMY GONZALEZ  
CITY MANAGER

**AGENDA REVIEW MINUTES**  
**February 1, 2021**  
**3:30 P.M.**

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

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The City Council met via videoconference on the above date. Meeting was called to order at 3:31 p.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Claudia Rodriguez requested to be excused.

The agenda items for the February 2, 2021 Regular City Council meeting were reviewed.

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**5. CONSENT AGENDA – RESOLUTIONS**

That the City Manager, or designee, is authorized to sign a Commercial Lease Addendum for Extension of Term between the City of El Paso and Cyndi Boaz for the lease of office space for the El Paso Police Department. This addendum extends the lease for an additional two years ending on February 28, 2023 with a monthly base rent of \$6,500. Further, that City Manager or designee is authorized to exercise all rights under the lease including termination of the lease. The City Manager or designee is also authorized to sign any amendments to the lease.

Representatives Annello and Lizarraga questioned the following City staff member:

- Ms. Lisa Gala, Capital Improvement Redevelopment Manager

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**6. CONSENT AGENDA – RESOLUTIONS**

A Resolution authorizing the City Manager or designee to submit a grant application number 2950607 for the City of El Paso Police Department project identified as the “Homeland Security Program FY 2021- LETPA Project ” through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$148,455.00, no cash match required. Grant period will be from September 1, 2021 - August 31, 2022.

Representative Annello questioned the following City staff member:

- Police Lieutenant Humberto Talamantes

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**7. CONSENT AGENDA – RESOLUTIONS**

A Resolution authorizing the City Manager or designee to submit grant application number 3967902 for the City of El Paso Police Department project identified as the “Homeland Security

Program FY 2021- Sustainment of First Responders” through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$160,000.00 no cash match required. Grant period will be from September 1, 2021 - August 31, 2022.

Representative Annello questioned the following City staff member:

- Police Lieutenant Humberto Talamantes

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**36. CONSENT AGENDA - REQUEST FOR PROPOSAL**

The linkage to Strategic Plan is subsection 6.3 - Implement programs to reduce organizational risk. This contract will continue to provide plans offered as a supplement to the City’s defined benefit pension plan.

Award Summary:

The award of Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator to Empower Retirement, LLC for an initial five (5) year term. The award is to include a two (2), two (2) year optional terms for a total of nine (9) years.

Contract Variance:	No cost to the City.
Department:	Human Resources
Award to:	Empower Retirement, LLC Greenwood Village, CO
Items:	ALL
Initial Term:	5 years
Option to Extend:	Two, two (2) years
Annual Estimated Award:	NA
Initial Term Estimated Award:	NA
Total Estimated Award:	NA
Account No.:	NA
Funding Source:	Employee Voluntary Contributions Only
Districts:	All

This is a Request for Proposal, service contract.

The Purchasing and Strategic Sourcing and Human Resources Departments recommend award as indicated to Empower Retirement, LLC the highest ranked proposer based on evaluation factors established for this procurement.

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

Mayor Leeser commented.

The following City Staff members commented:

- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Laura D. Prine, City Clerk

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**DISCUSSION ON ITEMS 40 AND 43 WERE TAKEN TOGETHER**

**40. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER**

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code in its entirety to clarify the rules and procedures related to the ethical requirements of City officers and employees by reorganizing the structure to create three articles: Code of Ethics; Standards of Conduct; and Ethics Review Commission; to amend, clarify and add definitions, to define the jurisdiction of the Ethics Review Commission, and to streamline the complaint process. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is provided in Section 2.92.200 (Disposition) as amended in this Ordinance.

Representatives Anello and Hernandez questioned the following City staff members:

1. Mr. Cary Westin, Senior Deputy City Manager
2. Ms. Karla Nieman, City Attorney

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

The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life.

Award Summary:

Discussion and action on the award of Solicitation 2020-036 Delta Drive Bridge Replacement to International Eagle Enterprises, Inc. for an estimated award of \$1,662,906.55. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

Department:	Capital Improvement
Award to:	International Eagle Enterprises, Inc. El Paso, TX
Item(s):	All
Initial Term:	180 Standard Workweek Days
Base Bid I:	\$1,592,578.55
Base Bid II:	\$58,800.00
Base Bid III:	\$11,528.00
Total Estimated Award:	\$1,662,906.55
Account No.:	190-580270-4743-38290-PCP18TRAN04-190-580270-4950-38170-PCP18TRAN04
Funding Source:	2018 Certificates of Obligation and Federal Highway Administration
District(s):	3

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to International Eagle Enterprises, Inc., lowest responsive and responsible bidder. The award is contingent upon Texas Department of Transportation (TXDOT) concurrence of award.

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, contingent upon concurrence of award from TXDOT.

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

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

Representative Hernandez questioned the following City staff members:

1. Mr. Derek Russell, Procurement Analyst
2. Ms. Yvette Hernandez, Grant Funded Program Director

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**DISCUSSION TAKEN WITH ITEM 40**

**43. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

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

Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance. **[POSTPONED FROM 01-05-2021]**

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**44. REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES**

An Ordinance amending Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code to amend in its entirety the Chapter to change the word handicap to disability and to include protections against discrimination for reasons of sexual orientation and gender identity.

Representative Annelo questioned the following City staff members:

1. Mr. Mark Weber, Community Development Program Manager
2. Ms. Laura Prine, City Clerk

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**46. MEMBERS OF THE CITY COUNCIL**

Discussion and action on amending the City Council's adopted Rules of Order, including but not limited to the rules governing debate.

Mayor Leeser and Representative Salcido commented.

Ms. Laura D. Prine, City Clerk commented.

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Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** this meeting at 3:58 a.m.

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

NAYS: None

ABSENT: Representative Rodriguez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk