

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

December 8, 2020
9:00 AM

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

ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 9:03 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Alexandra Annello, Cassandra Hernandez, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Late joining the videoconference: Peter Svarzbein at 9:33 a.m. and Sam Morgan at 9:36 a.m.

NOTICE TO THE PUBLIC

Motion made by Alternate Mayor Pro Tempore Lizarraga, 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 Annello, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Morgan

CONSENT AGENDA - APPROVAL OF MINUTES:

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

- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of November 24, 2020, the Agenda Review Meeting of November 23, 2020, the Special Meeting of October 22, 2020, and the Work Session of November 23, 2020.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION was taken on this item.

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CONSENT AGENDA - RESOLUTIONS:
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3. Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development

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3.1. *RESOLUTION

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

That the City Council approves a construction Change Order to the EPIA- FBO Ramp Extension and TWY U&V Realignment Project, Contract No. 2020-206 with Jordan Foster Construction, LLC. (“*Contractor*”) in the amount of ONE HUNDRED FORTY-NINE THOUSAND SIX HUNDRED NINETY-ONE AND 92/100 DOLLARS (\$149,691.92) for the installation of improvements to Federal Aviation Administration communications infrastructure located within the project limits.

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

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4.1. *RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY2021 FEE SCHEDULE

WHEREAS, the City Council adopted the Budget Resolution for FY 2021 on August 18, 2020; and

WHEREAS, paragraph 48 of the Budget Resolution provides that any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council; and

WHEREAS, the City Council desires that the Municipal Court can charge a administrative fee as allowed under City Code Section 7.04.080(c); and

WHEREAS, this Amendment to Schedule C ensures cost recovery and sound fiscal management.

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

That Schedule C, attached to the FY 2021 Budget Resolution and effective September 1, 2020, shall be amended as set forth in Attachment A, to establish the administrative fee of \$10 for dismissal of certain City Code Violations regarding animals as allowed by City Code Section 7.04.080(c) effective December 8, 2020.

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4.2. *RESOLUTION

WHEREAS, the City of El Paso (the “City”), by and through the Fire Department, is a Medicare-Enrolled ambulance service provider; and

WHEREAS, the Centers for Medicare & Medicaid Services (“CMS”) is implementing an innovative payment and service delivery model, Emergency Triage, Treat and Transport Model (“ET3 Model”), that has the potential to reduce Medicare, Medicaid or Children’s Hospital Insurance Program (“CHIP”) expenditures while maintaining or improving the quality of care for patients; and

WHEREAS, the City applied and was accepted to participate in the ET3 Model.

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

That the City Manager, Fire Chief or designee, be authorized to sign the Participation Agreement between CMS and the City of El Paso, as well as all agreements, amendments, and other similar documents, including but not limited to all agreements with ET3 Partners, Downstream Practitioners, Billing Parties, and other entities, necessary to participate in the CMS Emergency Triage, Treat and Transport Model from January 1, 2021 through December 31, 2025.

4.3.

***RESOLUTION**

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

That the City Manager be authorized to sign a First Amendment to an Agreement for Professional Services by and between the **CITY OF EL PASO**, a Municipal Corporation organized and existing under the laws of the State of Texas (**the “Owner”**) and **BROWN REYNOLDS WATFORD ARCHITECTS, INC.**, a Texas Corporation (**the “Consultant”**), for Professional Services for a Project known as **“ARCHITECT AND ENGINEERING SERVICES FOR FIRE STATION 36”** referencing its original Agreement the parties desire to amend the Agreement to provide additional basic services at an additional total cost of \$98,617.00, thereby extending the contract amount from \$540,568.00 to \$639,185.00; 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 First Amendment.

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

- 5.1. *Motion made, seconded, and unanimously carried to **POSTPONE FOUR WEEKS** A Resolution approving a Detailed Site Development Plan for a portion of Tract 1, Block 5 and a Portion of Tract 1, Block 6, Christy Tract, 588 South Yarbrough, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed detailed site development plan meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City’s Comprehensive Plan. Subject Property: 588 South Yarbrough
Applicant: Sitework Engineering, LLC PZDS20-00026

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

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

WHEREAS, the Museum and Cultural Affairs Departments is a department of the City of El Paso; and

WHEREAS, the El Paso Community Foundation is a 501 (c) (3) non-profit corporation located in the City of El Paso; and

WHEREAS, the parties wish to enter into an agreement to establish a cooperative relationship for cultural programing initiatives and projects and preapproved reimbursement of expenses; and

WHEREAS, the agreement serves the City’s strategic goal of promoting the visual image of the City of El Paso.

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

1. That the City Manager be authorized to sign an Agreement Regarding Mutual Cooperation (the “Agreement”) with the El Paso Community Foundation.
2. That the City Manager be authorized to sign amendments to the Agreement provided that such amendments to do not obligate the City to any financial responsibility.
3. That the City Manager be authorized to delegate the authority under this Resolution.

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

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7.1. *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 Mayor be authorized to sign a Second Amendment to Interlocal Agreement for Shared Laboratory Services by and between the City of El Paso (“City”), a home rule municipal corporation and El Paso County Hospital District d/b/a University Medical Center of El Paso (“UMC”), to increase the sum of services amount by an additional \$425,000.00 in order for UMC to provide additional services pursuant to this Interlocal Agreement.

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CONSENT AGENDA - BOARD APPOINTMENTS:

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

- 8.1. *Motion made, seconded, and unanimously carried to **APPOINT** Johnny Escalante to the Greater El Paso Civic, Convention And Tourism Advisory Board by Representative Peter Svarzbein, District 1.

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

1. Mills Escrow Company, in the amount of \$5,185.92, made an overpayment on October 30, 2020 of 2020 taxes. (Geo. #X304-000-0000-1400)

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CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:
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10. **Goal 6: Set the Standard for Sound Governance and Fiscal Management**
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- 10.1. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contributions by Mayor Margo: \$500.00 from Robert Skov, \$100.00 from David & Patricia Palafox, \$100.00 from DM Fickett, \$1,000.00 from Christopher Antcliff, \$300.00 from Sandra Lowenfield, \$300.00 from RA Lowenfield, \$100.00 from Robert Kotarski, \$100.00 from Helen Knopp, \$25.00 from Patricia Carafano, \$100.00 from Stuart Kahn, \$250.00 from Gregory Trubowitsch, \$1,000.00 from Mike Hunt, \$1,000.00 from Ted Houghton, \$100.00 from Rita Baca, \$100.00 from Don Luciano, \$50.00 from C.C. Dunn Jr, \$500.00 from James Chestnut, \$20,000.00 from Betty Ruth Wakefield, \$1,000.00 from Robert Hoy, \$1,000.00 from Lane Gaddy, \$1,000.00 from Perry Barber, \$2,500.00 from Isha Rogers, \$500.00 from Donald Bowles \$1,000.00 from William P. Sanders, \$3,000.00 from Bruce Gulbas, \$5,000.00 from Woody Hunt, \$1,000.00 from Ruben Guerra, \$100.00 from Patrick Hernandez, \$1,000.00 from Marion Hunt, \$1,000.00 from E.C. Houghton, \$5,000.00 from Rick Francis, \$500.00 from William Lovelady, \$100.00 from Troy Wyatt, and \$2,500.00 from Richard Castro.

- 10.2. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez: \$500 from Forma, \$3,000 loan from Cassandra Hernandez; \$50 from Alyssa Benavides.

- 10.3. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Dr. Sam Morgan: \$2500.00 from Woody Hunt, \$1000.00 from Kathy Palacios, \$2500.00 from Raymond McDaniel, \$500.00 from Dan Olivas, \$500.00 from Oscar Venegas, \$300.00 from Eduardo Rodriguez, \$1000.00 from The El Paso Association of Firefighters, Local 51.

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CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:
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11. **Goal 8: Nurture and Promote a Healthy, Sustainable Community**
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- 11.1. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a Purchase Order to Legend & White Animal Health Corp., referencing Contract 2018-1586 Animal Food. This will be a change order to increase the contract by \$133,551.92 for a total amount not to exceed \$667,759.61 for the initial term. The change order will cover expenses for animal food from December 8, 2020 to October 29, 2021.

CONTRACT VARIANCE:

The cost for this change order is the same as in the original contract. There is no variance.

Department:	Animal Services
Award to:	Legend & White Animal Health Corp. Lincolnshire, IL
Total Estimated Award:	\$133,551.92
Account No.:	225-25110-531100-2580
Funding Source:	Animal Services
District(s):	All

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CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Dr. Carlo Hatem
2. Mr. David Ochoa

Ms. Karla Nieman, City Attorney, commented.

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REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera, 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 Annelo, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Morgan

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

- 12.1. An Ordinance changing the zoning of portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the adjacent Future Land Use designation south of the property and is in accordance with Plan El Paso, the City's Comprehensive Plan. Subject Property: East of Resler Dr. and South of Woodrow Bean Transmountain Rd. Applicant: CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros PZRZ20-00023

PUBLIC HEARING WILL BE HELD ON JANUARY 5, 2020

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

- 13.1. An Ordinance authorizing the City Manager to sign a Deed Without Warranty and any other documents necessary to convey 301.97 acres of land more or less, being described as a portion of Tract 18, Block 24, all of Tracts 3, 4, 5, and 8B, Block 25, and a portion of Tracts 8, 11, 12, 16A, and 17, and all of Tracts 9, 10, 13, 14A, 14B, 14C, 15A, 15B, 15C, and 16B, Block 26, all within Socorro Grant, City of El Paso, El Paso County, Texas to the El Paso County Water Improvement District No. 1.

PUBLIC HEARING WILL BE HELD ON DECEMBER 15, 2020

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

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

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

14.2. ORDINANCE 019120

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO CORRECT ORDINANCE 018955 ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF SECTION 28, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS. SUAX19-00001**

Motion duly made by Representative Rivera, seconded by Representative Salcido, and unanimously 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 Annelo, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Morgan

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

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

That the City Manager be authorized to sign a two year On-Call Agreement for Professional Services to perform geotechnical and materials testing consulting services on a task by task basis by and between the City of El Paso and each of the following consultants:

1. Wood Environment & Infrastructure Solutions, Inc.
2. CQC Testing and Engineering, LLC.
3. Terracon Consultants, Inc.
4. Professional Service Industries, Inc.
5. PAVETEX Engineering, LLC.

Each On-Call Agreement will be for an amount not to exceed Four Hundred Thousand and No/00 Dollars (\$400,000.00), 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 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.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Morgan

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16. MEMBERS OF THE CITY COUNCIL
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16.1. Discussion and update on the City's recycling program and plan for return to service.

Ms. Ellen Smyth, Environmental Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Annelo, Hernandez, and Rodriguez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Chief Financial Officer

The following members of the public commented:

1. Mr. Rick Bonart
2. Ms. Marilyn Guida

NO ACTION was taken on this item.

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The City Council Meeting was **RECESSED** at 10:23 a.m. in order to convene the Mass Transit Board Meeting.

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

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ADJOURN

Motion made by Representative Rivera, seconded by Representative Morgan, and unanimously carried to **ADJOURN** this meeting at 12:11 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk