

Oscar Leeser  
Mayor

Cary Westin  
Interim City Manager



CITY COUNCIL  
Brian Kennedy, District 1  
Alexandra Anello, District 2  
Cassandra Hernandez, District 3  
Joe Molinar, District 4  
Isabel Salcido, District 5  
Art Fierro, District 6  
Henry Rivera, District 7  
Chris Canales, District 8

## NOTICE OF WORK SESSION OF THE EL PASO CITY COUNCIL

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**July 17, 2023**  
**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY**  
**9:05 AM**

**Teleconference phone number 1-915-213-4096**

**Toll free number: 1-833-664-9267**

**Conference ID: 416-371-243#**

Notice is hereby given that a Work Session of the City Council of the City of El Paso will be conducted on July 17, 2023 at 9:05 A.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

**At the prompt please enter the corresponding Conference ID: 416-371-243#**

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following link:

<https://app.smartsheet.com/b/form/cc20aad8258146ab8f63761079bd1091>

**A quorum of City Council must participate in the meeting.**

### **AGENDA**

1. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

**[23-960](#)**

**All Districts**

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

- 2. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso. [23-959](#)

**All Districts**

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

- 3. Provide a quarterly presentation to the City Council on operations of the water and wastewater utilities. [23-957](#)

**All Districts**

El Paso Water, John E. Balliew, (915) 594-5501

- 4. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on June 7, 2023. [23-976](#)
  - 1. Discussion and action on 2023 City Council Fuel Card Purchases Report.
    - Motion made by Representative Molinar, seconded by Representative Annello and approved by Representative Kennedy, Representative Annello, Representative Fierro and Representative Molinar to accept the results of the 2023 City Council Fuel Card Purchases Report and send it forward to City Council.

**All Districts**

Members of the City Council, Representative Brian Kennedy, (915) 212-1001

**EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
- Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

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

**Discussion and action on the following:**

- EX1.** Bryant Byrd; Claim 55; (551.071) [23-978](#)  
City Attorney's Office, Evan D. Reed, (915) 212-0033
- EX2.** Jessica Weaver individually and as representative of the Estate of A.M., minor v. ASM Global, LLC d/b/a Destination El Paso, ASM Global Parent, Inc., and City of El Paso; Cause No. 2023DCV2119 (551.071) [23-983](#)  
City Attorney's Office, Evan D. Reed, (915) 212-0033
- EX3.** The City of Houston v. the State of Texas; (551.071) [23-984](#)  
City Attorney's Office, Evan D. Reed, (915) 212-0033
- EX4.** El Paso Electric Company's Notice of Application to Reconcile Fuel Costs; HQ # UTILITY-15 (551.071) [23-985](#)  
City Attorney's Office, Donald C. Davie, (915) 212-0033
- EX5.** TGS GRIP Reimbursement; HQ#UTILITY-13 (551.071) [23-986](#)  
City Attorney's Office, Donald C. Davie, (915) 212-0033
- EX6.** Application of El Paso Electric Company to Implement a Voluntary Texas Business Solar Power Program; HQ#UTILITY-14 (551.071) [23-987](#)  
City Attorney's Office, Donald C. Davie, (915) 212-0033
- EX7.** E.R., a minor, and Olga Alcantara, as her next friend and on her own behalf v. Marco Jasso, Jose Rivas, Ricardo Villagran, and Jane Doe; USDC; 3:18-CV-298-FM; Matter No. 18-1026-9962 (551.071) [23-992](#)  
City Attorney's Office, Evan Reed, (915) 212-0033
- EX8.** Aguilar Jolande v. City of El Paso et. al; Cause No. 2017DCV3624; Matter No. 17-1049-328.001 (551.071) [23-982](#)  
City Attorney's Office, Mayra Stanton, (915) 212-0033
- EX9.** Albert Lopez and Lexby Lopez v. City of El Paso. Matter No. 17-1036-1318 (551.071) [23-981](#)  
City Attorney's Office, Mayra Stanton, (915) 212-0033
- EX10.** Robert Kaufman v. TDPS, Steve McCraw, City of El Paso, Mayor Dee Margo, Officer Ruvalcaba, El Paso Police Department, Cause No.:2019DCV4173; Matter No. 19-1026-10878 (551.071) [23-979](#)  
City Attorney's Office, Mayra Stanton, (915) 212-0033

**EX11.** Guadalupe Ramirez, et al v. the City of El Paso and the State of Texas, Cause No. 2007-2568; Matter No. 07-1005-001 (551.071) [23-980](#)  
City Attorney's Office, Matt Marquez, (915) 212-0033

**EX12.** Discussion on potential economic development opportunities in Central El Paso, HQ 23-1056 (551.072) (551.087) [23-988](#)  
Economic and International Development, Elizabeth Triggs, (915) 212-0095  
Aviation, Sam Rodriguez, (915) 212-7301

## **ADJOURN**

### **NOTICE TO THE PUBLIC:**

If you need Spanish Translation Services, you must email [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) at least 72 hours in advance of the meeting.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET THURSDAY PRIOR TO THE MEETING AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-960, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** July 17, 2023  
**PUBLIC HEARING DATE:** July 17, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** DCM, Mario M. D'Agostino, (915) 212-1069

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 2. Set the Standard for a Safe and Secure City  
**SUBGOAL:** 2.1 Maintain standing as one of the nation's top safest cities

**SUBJECT:**

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

**BACKGROUND / DISCUSSION:**

On December 27, 2022 the United States Supreme Court issued an order allowing the injunction to remain in place until further review of the case can be carried out. The Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border.

**PRIOR COUNCIL ACTION:**

On June 20, 2023 the Mayor and City Council of the City of El Paso (the "City") passed the extension Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso".

**AMOUNT AND SOURCE OF FUNDING:**

None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** City Manager's Office

**SECONDARY DEPARTMENT:** Fire

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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**ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY  
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN  
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE  
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS  
MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

**WHEREAS**, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

**WHEREAS**, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

**WHEREAS**, on the eve of the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

**WHEREAS**, the Southwest had 169,244 land border encounters in the month of May, 2023; and

**WHEREAS**, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 26,057 land border encounters in the month of May, 2023 and a total of 334,283 encounters for federal fiscal year 2023; and

**WHEREAS**, when the CBP Central Processing Center is over capacity and the non-governmental organizations (NGOs) space is unavailable, that is when the potential for street releases arises; and

**WHEREAS**, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

**WHEREAS**, in the month of June 2023, approximately 200 migrants have been released into the community weekly; and

**WHEREAS**, in response to the street releases, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist

**ORDINANCE NO. \_\_\_\_\_**

as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO's largest hospitality site; and

**WHEREAS**, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with over 40 staff currently assigned; and

**WHEREAS**, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

**WHEREAS**, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

**WHEREAS**, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City's Migrant Welcome Center, was over 1,000 on a daily basis; and

**WHEREAS**, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services and meals to over 19,300 migrants through October 20, 2022, and

**WHEREAS**, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

**WHEREAS**, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

**WHEREAS**, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; and

**WHEREAS**, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

**WHEREAS**, on March 12, 2023, border officials barricaded and closed down the Paso

**ORDINANCE NO.** \_\_\_\_\_



del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; and

**WHEREAS**, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

**WHEREAS**, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

**WHEREAS**, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of the El Paso International Airport (“EPIA”) and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

**WHEREAS**, EPIA in recent past, became saturated with migrants awaiting air travel and could need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

**WHEREAS**, the City of El Paso is home to 4 international ports of entry between Texas and Mexico; and

**WHEREAS**, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

**WHEREAS**, the encampment of large groups of migrants on City rights of way, parks and other City property has led to street closure and cessation of the streetcar service; and

**WHEREAS**, in awaiting the due support of the federal government, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

**WHEREAS**, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and

**ORDINANCE NO.** \_\_\_\_\_

23-334-Fire Dept. | TRAN495973

Emergency Ordinance – July 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

Page 3 of 5

supplies, and transportation in light of the continued high number of community releases; and

**WHEREAS**, OEM and the City have and will continue to prepare and evaluate the need for mass emergency sheltering thanks to the expiration of Title 42 and other regional migration surges that may impact the El Paso region; and

**WHEREAS**, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

**WHEREAS**, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

**WHEREAS**, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

**WHEREAS**, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31<sup>st</sup> day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

*(Signature begin on Following Page)*

PASSED AND ADOPTED, this \_\_\_\_ day of July, 2023.


THE CITY OF EL PASO, TEXAS

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

\_\_\_\_\_  
Laura D. Prine  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

ORDINANCE NO. \_\_\_\_\_

23-334-Fire Dept. | TRAN495973

Emergency Ordinance – July 2023 Extension– Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

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**File #: 23-959, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

*No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Mario M. D'Agostino, (915) 212-1069

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** July 17, 2023  
**PUBLIC HEARING DATE:** July 17, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:** DCM, Mario M. D'Agostino, (915) 212-1069

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 2. Set the Standard for a Safe and Secure City  
**SUBGOAL:** 2.1 Maintain standing as one of the nation's top safest cities

**SUBJECT:**

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

**BACKGROUND / DISCUSSION:**

On May 11, 2023 Title 42 was lifted and the Federal Government continues to anticipate a significant increase in the flow of migrants through our area. The City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City. Pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration.

**PRIOR COUNCIL ACTION:**

On June 20, 2023 the El Paso City Council passed the extension Emergency Ordinance No. 019485 "Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the "City").

**AMOUNT AND SOURCE OF FUNDING:**

None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** City Manager's Office

**SECONDARY DEPARTMENT:** Fire

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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**ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE  
EXTENDING EMERGENCY ORDINANCE NO. 019485 DUE TO A  
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS  
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 8, 2023, the El Paso City Council passed Emergency Ordinance No. 019485 “Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the “City”)”; and

**WHEREAS**, for federal fiscal year 2023, Southwest encounters were at 1,410,801 of which 545,409 were Title 42; and

**WHEREAS**, the El Paso sector of CBP had 29,285 land border encounters in the month of May, 2023; and

**WHEREAS**, thousands of migrants from Latin America gathered at or near the U.S.- Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19; and

**WHEREAS**, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,900 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

**WHEREAS**, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

**WHEREAS**, upon the migrants’ arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

**WHEREAS**, the number of migrants in need of shelter has exceeded the shelter space available through local, state, and federal partnerships; and

**WHEREAS**, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

**WHEREAS**, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

**ORDINANCE NO. \_\_\_\_\_**

HQ: #23-679-Fire | TRAN495974 | Emergency Ordinance extending Emergency ORD No. 019485 (July 2023)/May 2023 Migrant Crisis/JF/CLA

**WHEREAS**, U.S. Customs and Border Protection (CBP) has surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

**WHEREAS**, the primary challenge for the non-governmental organizations (NGOs) assisting in the effort is that the NGOs do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

**WHEREAS**, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

**WHEREAS**, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

**WHEREAS**, the number of migrants released into the community has been as high as 1,700 in a single day; and

**WHEREAS**, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

**WHEREAS**, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

**WHEREAS**, donations to the migrants from the public are best received at the assisting NGOs and shelters in lieu of delivery to spaces where migrants gather; and

**WHEREAS**, additional shelter space is being prepared for the thousands of migrants released into the community; and

**WHEREAS**, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

**WHEREAS**, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

**WHEREAS**, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

**WHEREAS**, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its

**ORDINANCE NO.** \_\_\_\_\_

HQ: #23-679-Fire | TRAN495974 | Emergency Ordinance extending Emergency ORD No. 019485 (July 2023)/May 2023 Migrant Crisis/JF/CLA

customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

**WHEREAS**, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

**WHEREAS**, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays; and

**WHEREAS**, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

**WHEREAS**, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

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

**WHEREAS**, the condition necessitating the declaration of a state of disaster continues to exist.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EL PASO, TEXAS:**

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

*(Signatures begin on following page)*

**ORDINANCE NO.** \_\_\_\_\_

HQ: #23-679-Fire | TRAN495974 | Emergency Ordinance extending Emergency ORD No. 019485 (July 2023)/May 2023 Migrant Crisis/JF/CLA



**PASSED AND ADOPTED, this \_\_\_\_ day of July, 2023.**

**THE CITY OF EL PASO, TEXAS**

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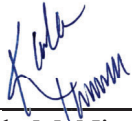
Oscar Leeser  
Mayor

**ATTEST:**

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Laura D. Prine  
City Clerk


**APPROVED AS TO FORM:**



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Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**



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Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

**ORDINANCE NO.** \_\_\_\_\_

HQ: #23-679-Fire | TRAN495974 | Emergency Ordinance extending Emergency ORD No. 019485 (July 2023)/May 2023  
Migrant Crisis/JF/CLA



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-957, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
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**All Districts**

El Paso Water, John E. Balliew, (915) 594-5501

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Provide a quarterly presentation to the City Council on operations of the water and wastewater utilities.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** July 17, 2023 – Council Work Session  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**  
John E. Balliew, P.E.; President & CEO, El Paso Water; (915) 594-5501

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** Goal 7 – Enhance and sustain El Paso's infrastructure network

**SUBGOAL:** Goal 7.1 – Provide reliable and sustainable water supply and distribution systems and stormwater management

**SUBJECT:**

Provide a quarterly presentation to the City Council on operations of the water and wastewater utilities.

**BACKGROUND / DISCUSSION:**

El Paso Water President & CEO John Balliew will provide a quarterly presentation to the city council on water resources, stormwater preparations, customer service improvements and construction projects updates.

**PRIOR COUNCIL ACTION:**

Council has received regular quarterly presentations from EPWater, most recently on March 13, 2023.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

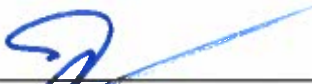
**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** El Paso Water  
**SECONDARY DEPARTMENT:**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



# Quarterly Presentation to City Council

July 17, 2023



# Presentation Topics

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- Water supply outlook for summer
- Monsoon season preparations
- Final pricing for 2023 bond sales
- Land sales
- Customer service update
- Construction update
- Grant funding successes
- Smart Meters Program
- Conservation success with business



# Water supply outlook



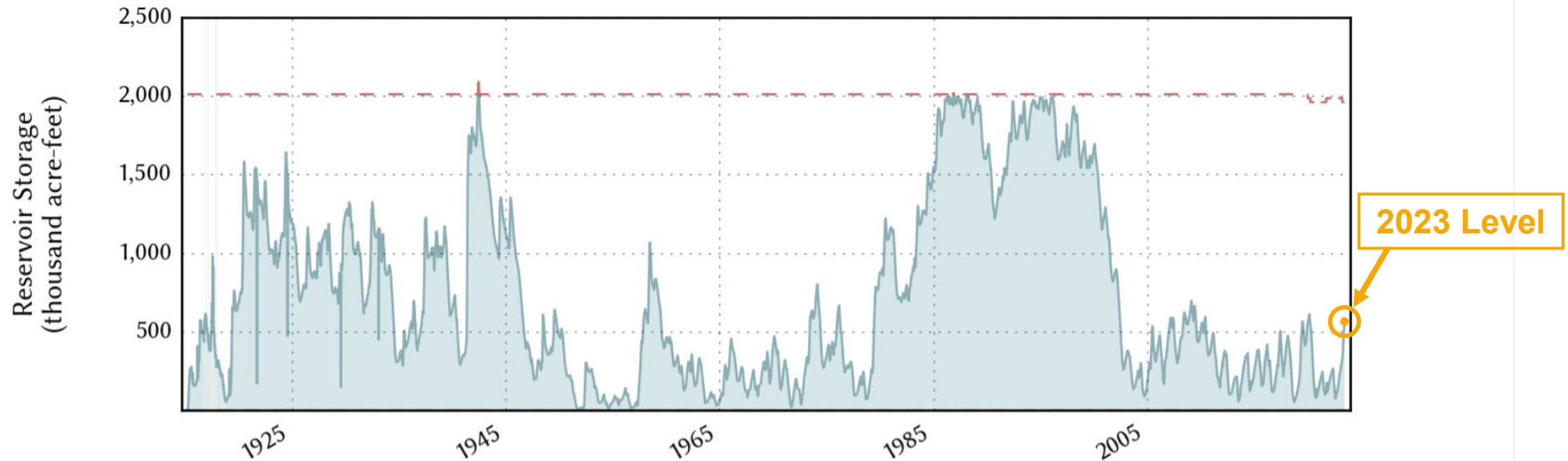
# Water supply outlook

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Increased runoff in Colorado and Northern New Mexico has led to a river water season that is almost back to normal for El Paso

- 55%+ of water supply is river water
- 2023 river water season runs from May to October
- Aquifer conservation is a key benefit of longer river season

# Elephant Butte storage levels have improved



- Storage levels at Elephant Butte are **28%** full – an increase of **17.6%** from one year ago. ***Despite improvements, we remain in drought conditions.***





el paso  
**WATER**

# Monsoon season preparations

# 2023 monsoon season has started

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- Monsoon season officially runs **June 15 – Sep. 30, 2023**
- National Oceanic and Atmospheric Administration on June 8 declared arrival of ***El Nino*** weather pattern
  - *El Nino* pattern occurs every 2-7 years
  - Expected to bring higher rainfall amounts
  - El Pasoans are urged to prepare for late summer flooding
- PSB approved an emergency resolution ahead of monsoon season
  - Allows for emergency allocation of funds to address damage from monsoonal storms
  - Only used when needed
  - Terminates Sep. 30, 2023

# *Turn Around Don't Drown* campaign

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PSAs urge drivers to avoid flooded streets

- **6 in. of water** can knock over a person
- **2 ft. of water** can carry most cars
- Rising water can reach above a car door in ***less than a minute***





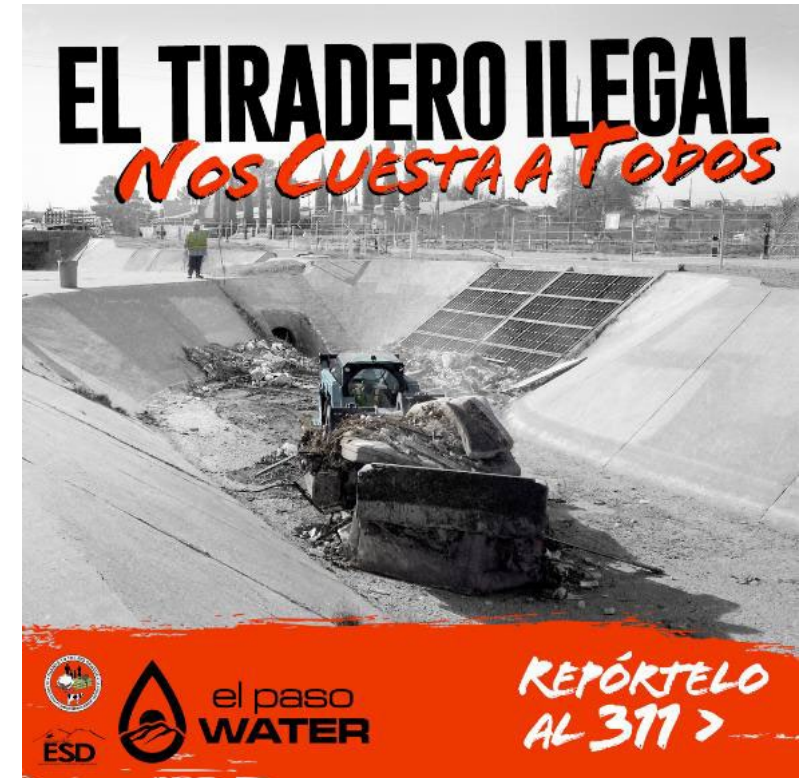
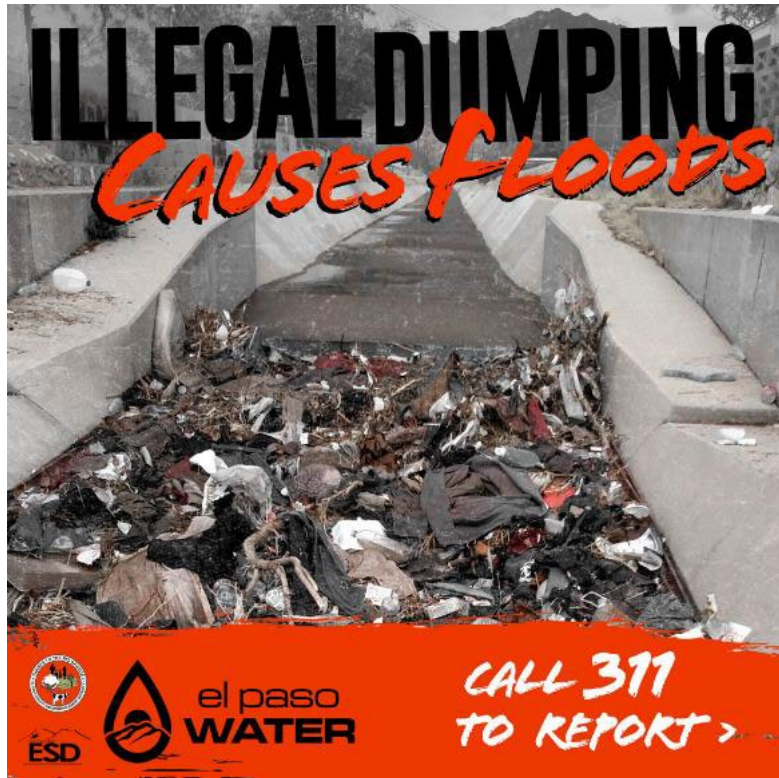
# Sandbags offered to help homeowners

- EPWater provides free sandbags to customers to help protect against minor flooding within their property.
- Sandbag distribution centers are located throughout the city
- Customers can collect up to 10 sandbags per visit

<b><u>LOCATION</u></b>		<b><u>DAYS &amp; HOURS</u></b>	
Central-Northeast:	Stormwater Operations Center 4801 Fred Wilson	Mon-Fri Sat-Sun	8 a.m. – 8 p.m. 2 p.m. – 8 p.m.
West:	Artcraft Booster Station 7830 Paseo del Norte	Mon-Sun	2 p.m. – 8 p.m.
East/Mission Valley:	Blackie Cheshier Park 9292 Escobar Drive	Mon-Sun	2 p.m.- 8 p.m.

# Illegal dumping raises flood risk

The bilingual campaign is a collaboration with City ESD and EPCWID and uses a variety of media to target key audiences to help raise awareness of this widespread problem. Outreach includes social media, radio, email, digital ads, bus ads, and print publication advertising.





# Pricing for recent bond sales

# Final pricing for 2023 Drainage Utility Bond Sales

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## 2023 Drainage Utility Bond Sales - Final Pricing Numbers

- Priced May 16, 2023
- Council approved the parameters ordinance as recommended by PSB
  - Maximum True Interest Cost – 5.75% **ACTUAL: 3.65%**
  - Principal Amount of Issue - \$25,330,000 **ACTUAL: \$22,870,000**

## 2023 Water & Wastewater Bond Sales - Final Pricing Numbers

- Priced May 16, 2023
- Council approved the parameters ordinance as recommended by PSB
  - Maximum True Interest Cost – 5.75% **ACTUAL: 3.99%**
  - Principal Amount of Issue - \$192,215,000 **ACTUAL: \$171,925,000**

***Thank you for your support in keeping water systems reliable and rates affordable***



# Land sales



# Pending sales coming to Council soon

Pending sale on land for NE Borderland Expressway to TXDOT – Phase I

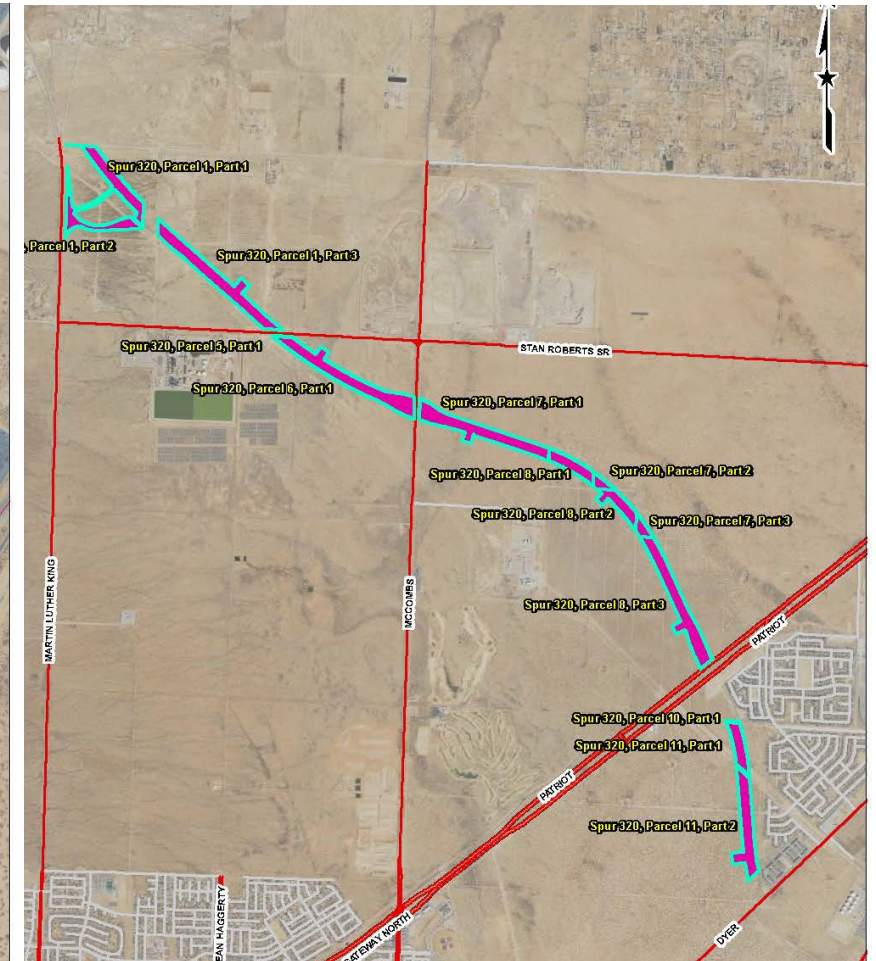
- PSB approved sale in June
- Coming to Council in next few months

Upper Valley land transfer to City

- Land swap with Catholic Diocese
- PSB approved land transfer in June



NE Expressway Phase I



NE Expressway – Future Phases



# Customer service improvements



# Customer service updates

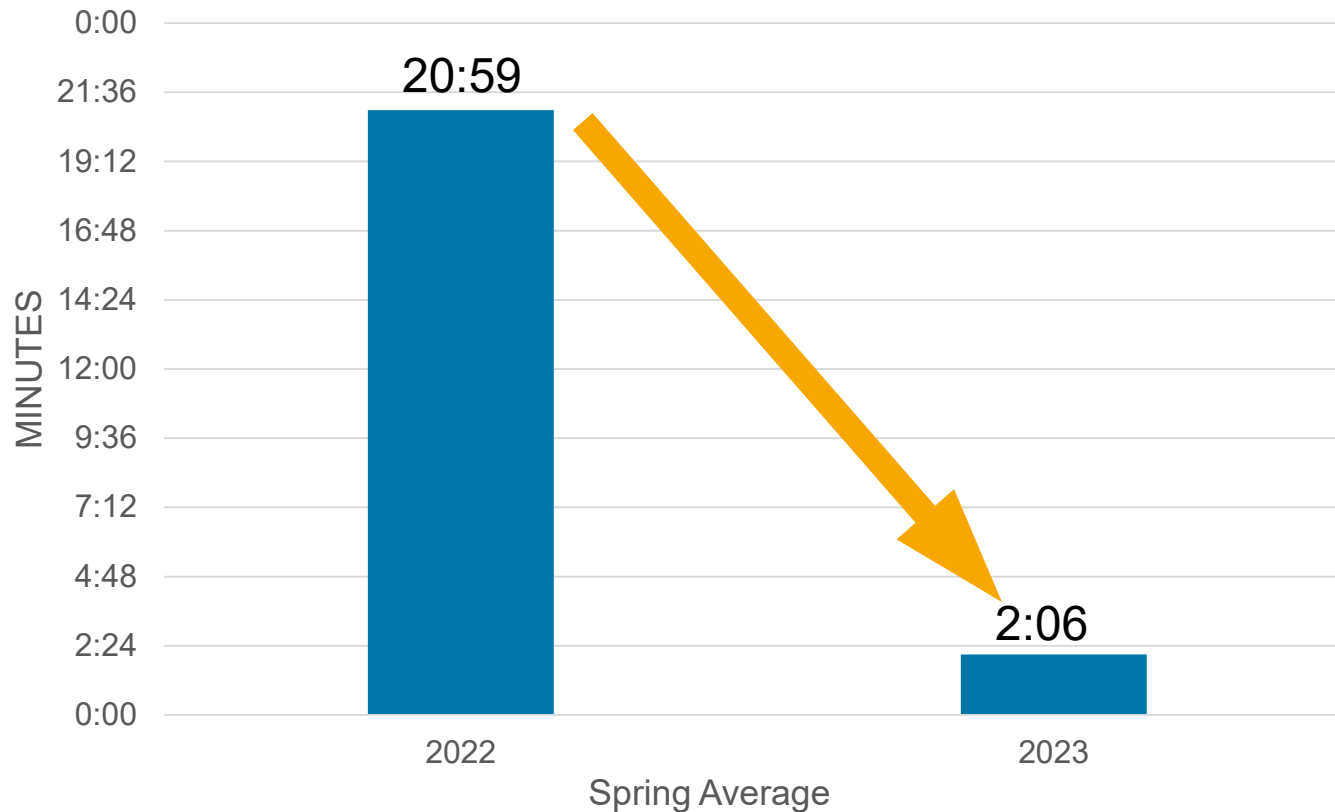
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New customer service facility is up and running

- All customer service staff in building as of April
- New phone system in use
  - New customer software with improved platform and customer interface
  - New system makes it easier to
    - research customer accounts
    - review balances
    - set up payment arrangements
    - review work orders

# Call center has seen major improvements

## Call wait time is down



## Staffing levels are up

Average number of call takers on staff:

- Spring 2022: **16.9**
- Spring 2023: **21.1**

Utility still has 10 vacancies in call center

Management is always working to fill open positions

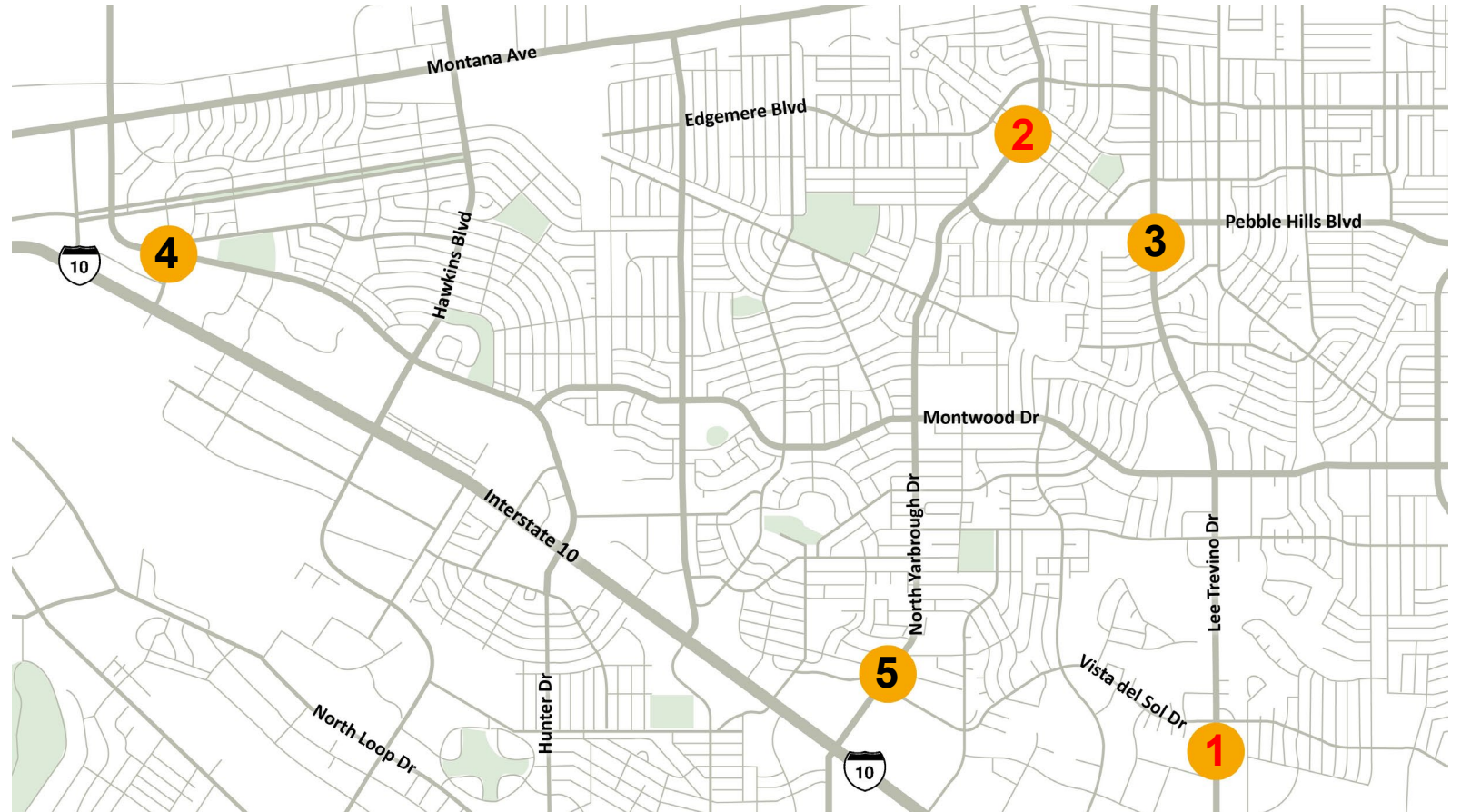


# Construction project updates

# Pipeline Protection Project is on track

5 locations for line replacements:

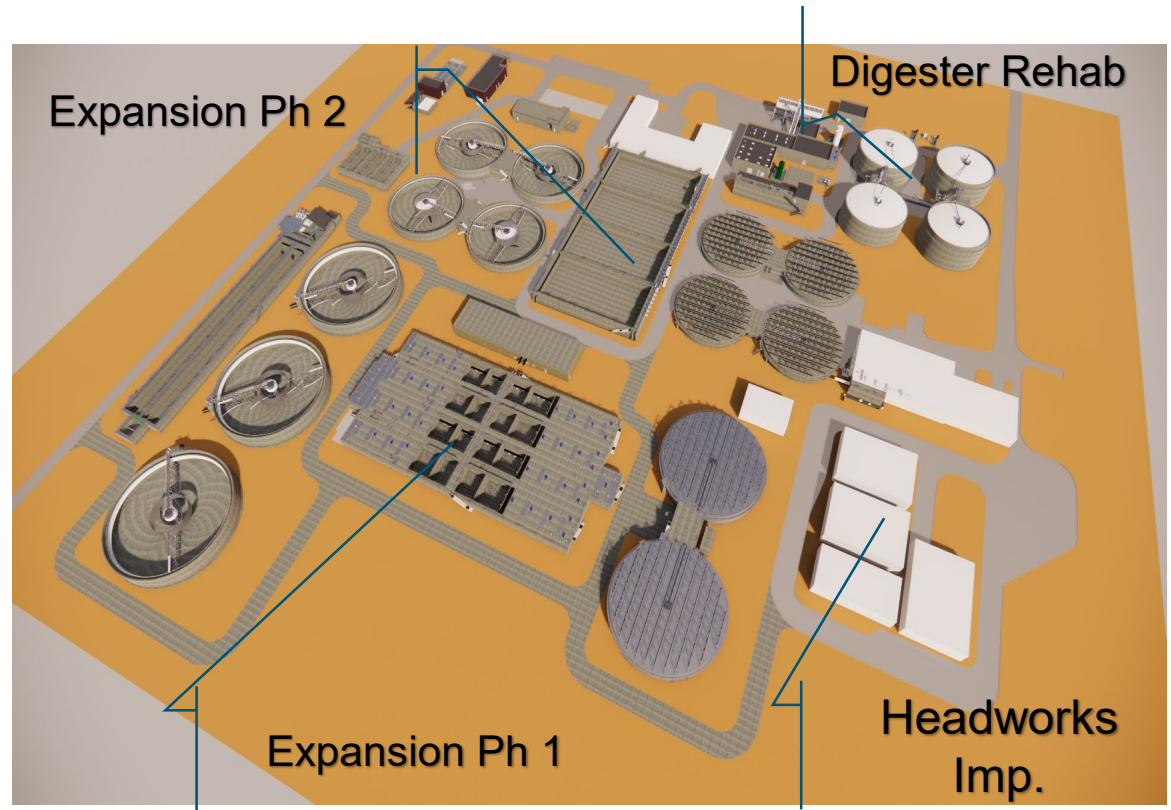
1. Lee Trevino / Vista del Sol  
**COMPLETE SOON**
2. Yarbrough / Kinross  
**STARTING SOON**
3. Lee Trevino / Pebble Hills
4. Viscount / Airway
5. Yarbrough / Vista del Sol



# Bustamante Plant project largest in EPWater history

The Bustamante Wastewater Treatment Plant serves majority of East Side and Mission Valley

- TCEQ requires expansion once plant reached 70% capacity
- Capacity is driven by East Side growth
- Project will expand capacity and improve reliability of the plant
- Total cost: over \$700 million





# Other featured construction projects

## Water

- Enhanced Arroyo Infiltration (ASR) - \$20 million
- Pipeline Protection Project (Milestone 1) - \$1.7 million
- Planned Water Line Replacement Phase 12A - \$8.2 million
- Delta Water Line Replacement - \$2.3 million

## Wastewater

- Lockett Wastewater Line Replacement - \$6 million

## Stormwater

- Pico Norte Pond - \$5.1 million



# Update on paving repairs

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Utility and City staff will report back to Council soon on joint improvements to speed up paving repairs.

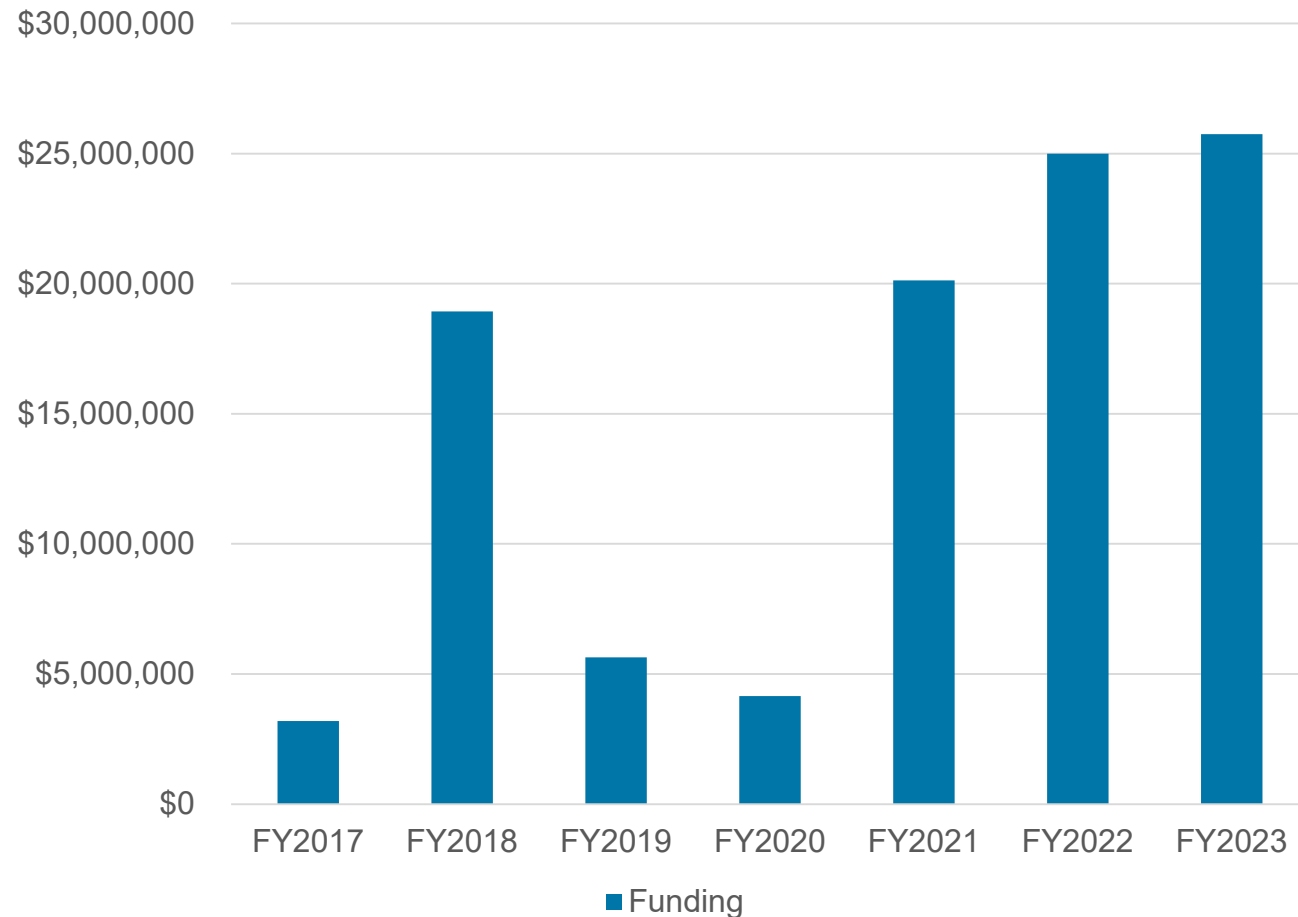
EPWater has made recent improvements in our own processes on paving repairs

- EPWater participated in a *Lean Six Sigma* project with City Streets staff and made changes to improve coordination
- PSB in May awarded new paving contracts to three vendors
- Created new dedicated paving team



# Grant funding

# Federal and state funding secured



Federal funding received focused on water supply and water efficiency; not available for rehabilitation projects.

## Recent Awards: (within last year)

### Federal

- \$20 Million for the Advanced Water Purification Facility
- \$2.5 Million toward KBH expansion (6<sup>th</sup> Skid)
- \$5 Million for Smart Meters

### State

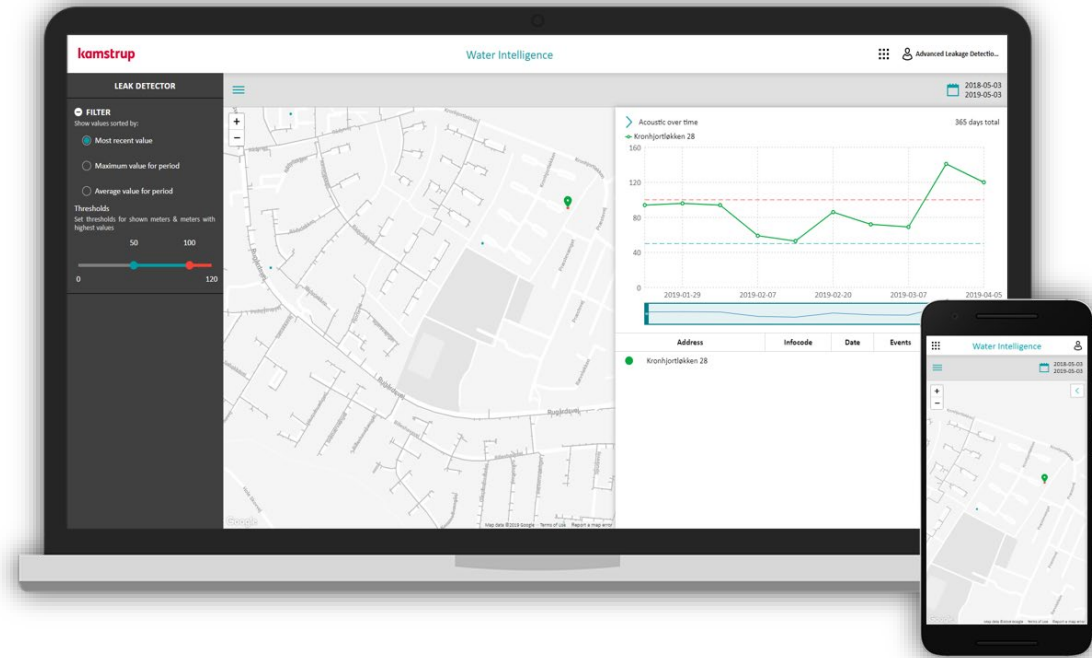
- \$20 Million for first time WW service at Montana Vista



**Smart Meter rollout has started**

# Transition from mechanical meters to smart meters

- More than 20,000 already installed out of total of about 240,000 meters
- Installation will follow standard meter replacement process
- No opt-in-or opt-out option
- No additional charge



## Benefits:

- **Conservation:** Faster leak detection on customer and utility lines, resulting in water saved (and \$\$ saved)
- **Fuel/Carbon Footprint savings:** Reduced vehicle miles and reduced greenhouse emissions with automated readings.
- **Longer lifespan of meters:** Smart meters last twice as long as mechanical meters, saving money.



# Conservation rebates return

# Helping our customers to conserve



The graphic features the El Paso Water logo at the top, which includes a stylized water drop icon. Below the logo, the text reads "WaterWise Business REBATE Program". Underneath, it asks "Are you a business looking to replace any of these?". At the bottom, there are four icons with labels: a car wash labeled "Car Wash Equipment", a washing machine labeled "Industrial Laundry Equipment", a restroom sign labeled "Restroom Fixtures", and a smart irrigation system labeled "Smart Water Irrigation".

el paso WATER

## WaterWise Business REBATE Program

Are you a business looking to replace any of these?

- Car Wash Equipment
- Industrial Laundry Equipment
- Restroom Fixtures
- Smart Water Irrigation



## Recent Recipients

- El Paso Airport Hilton Garden Inn
- Francis Properties
- Magoffin Home
- North Mesa Professional Center
- Prontowash Laundromat
- Supreme Laundry

# Saturday Hours are back at TechH2O



## Saturday Hours at TechH2O

- 10am – 2pm in June and July
- **Bring the family!** Pick up a showerhead and learn about rebates and other ways to conserve.
- More information at [epwater.org](http://epwater.org).





**Thank You**



Legislation Text

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File #: 23-976, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

Members of the City Council, Representative Brian Kennedy, (915) 212-1001

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on June 7, 2023.

1. Discussion and action on 2023 City Council Fuel Card Purchases Report.
  - Motion made by Representative Molinar, seconded by Representative Annello and approved by Representative Kennedy, Representative Annello, Representative Fierro and Representative Molinar to accept the results of the 2023 City Council Fuel Card Purchases Report and send it forward to City Council.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
AGENDA SUMMARY FORM**

**DEPARTMENT:**

Mayor and City Council

**AGENDA DATE:**

July 17, 2023

**CONTACT PERSON NAME AND PHONE NUMBER:**

City Representative Brian Kennedy, 915.212.0001

**DISTRICT(S) AFFECTED:**

All Districts

**STRATEGIC GOAL:**

Goal 6 Set the standard for sound governance and fiscal management

**SUBJECT:**

Formal Report of the Financial Oversight and Audit Committee meeting held on June 7, 2023.

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-978, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Evan D. Reed, (915) 212-0033

**AGENDA LANGUAGE:**

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Bryant Byrd; Claim 55; (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-983, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Evan D. Reed, (915) 212-0033

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Jessica Weaver individually and as representative of the Estate of A.M., minor v. ASM Global, LLC d/b/a Destination El Paso, ASM Global Parent, Inc., and City of El Paso; Cause No. 2023DCV2119 (551.071)



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-984, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Evan D. Reed, (915) 212-0033

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

The City of Houston v. the State of Texas; (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-985, Version: 1**

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**CITY OF EL PASO, TEXAS  
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City Attorney's Office, Donald C. Davie, (915) 212-0033

**AGENDA LANGUAGE:**

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El Paso Electric Company's Notice of Application to Reconcile Fuel Costs; HQ # UTILITY-15 (551.071)



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-986, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Donald C. Davie, (915) 212-0033

**AGENDA LANGUAGE:**

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TGS GRIP Reimbursement; HQ#UTILITY-13 (551.071)





El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-987, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Donald C. Davie, (915) 212-0033

**AGENDA LANGUAGE:**

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Application of El Paso Electric Company to Implement a Voluntary Texas Business Solar Power Program;  
HQ#UTILITY-14 (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-992, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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City Attorney's Office, Evan Reed, (915) 212-0033

**AGENDA LANGUAGE:**

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E.R., a minor, and Olga Alcantara, as her next friend and on her own behalf v. Marco Jasso, Jose Rivas, Ricardo Villagran, and Jane Doe; USDC; 3:18-CV-298-FM; Matter No. 18-1026-9962 (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-982, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Mayra Stanton, (915) 212-0033

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Aguilar Jolande v. City of El Paso et. al; Cause No. 2017DCV3624; Matter No. 17-1049-328.001 (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-981, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Mayra Stanton, (915) 212-0033

**AGENDA LANGUAGE:**

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Albert Lopez and Lexby Lopez v. City of El Paso. Matter No. 17-1036-1318 (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-979, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Mayra Stanton, (915) 212-0033

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Robert Kaufman v. TDPS, Steve McCraw, City of El Paso, Mayor Dee Margo, Officer Ruvalcaba, El Paso Police Department, Cause No.:2019DCV4173; Matter No. 19-1026-10878 (551.071)



El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 23-980, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Matt Marquez, (915) 212-0033

**AGENDA LANGUAGE:**

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Guadalupe Ramirez, et al v. the City of El Paso and the State of Texas, Cause No. 2007-2568; Matter No. 07-1005-001 (551.071)



El Paso, TX

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El Paso, TX

Legislation Text

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**File #: 23-988, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

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Economic and International Development, Elizabeth Triggs, (915) 212-0095

Aviation, Sam Rodriguez, (915) 212-7301

**AGENDA LANGUAGE:**

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Discussion on potential economic development opportunities in Central El Paso, HQ 23-1056 (551.072)  
(551.087)