

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

February 15, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:09 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alessandra Annello, Joe Molinar, Isabel Salcido, and Henry Rivera. Cassandra Hernandez and Cissy Lizarraga participated via videoconference. Claudia Rodriguez requested to be excused. Early departure: Mayor Oscar Leeser at 9:30 a.m., Cissy Lizarraga at 12:21 p.m., and Cassandra Hernandez at 2:35 p.m.

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

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Career and Technical Education Day

Gilbert Trejo 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, Rivera, and Lizarraga

NAYS: None

ABSENT: Claudia Rodriguez

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of January 19, 2022, and the Agenda Review Meeting of January 31, 2022.

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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** Representative Claudia Rodriguez from the February 15, 2022 Regular City Council Meeting.

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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 THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a "First Amendment to Operating Agreement," in substantially the form attached hereto**, providing a one-year extension to those airlines having an existing "Operating Agreement" with the City of El Paso, provided that the subject airline is not in default of any of the terms of its Operating Agreement.

**Exhibit available in the City Clerk's Office.

4. ***RESOLUTION**

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

That the City Manager be authorized to sign a "Third Amendment to Operating Agreement," or a "Third Amendment to Airline Operating Agreement and Terminal Building Lease" in substantially the forms attached hereto**, providing two additional one-year extensions to airlines having either an existing "Operating Agreement" or an existing "Airline Operating Agreement and Terminal Building Lease" with the City of El Paso, provided that the subject airline is not in default of any of the terms of its existing agreement.

**Exhibit available in the City Clerk's Office.

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

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

A RESOLUTION THAT THE CITY OF EL PASO CONSENTS TO THE PASEO DEL ESTE MUNICIPAL UTILITY DISTRICT NO. 6 REQUEST TO SERVE AND ANNEX CERTAIN PROPERTY LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF EL PASO, TEXAS.

WHEREAS, the Paseo Del Este Municipal Utility District No. 6 (“District”) is a Municipal Utility District which exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, the Code Chapters, and/or the act; and

WHEREAS, the District has received a request from the landowners of the property described in **Exhibit “A”** attached hereto** (“Property”) to be annexed and included in the District; and

WHEREAS, the District has submitted a request to the City of El Paso for its consent to annex the Property into the District, see **Exhibit “B”** attached hereto**; and

WHEREAS, the Property is located in the Extraterritorial Jurisdiction of the City of El Paso, Texas; and

WHEREAS, El Paso Water Utilities understands the "Property" is within the District Service Area and does not object to the annexation of the Property into the District; and

WHEREAS, pursuant to Chapter 54 of the Texas Water Code and Chapter 42 of the Texas Local Government Code, a resolution authorizing such annexation/inclusion of the Property in the District must be passed by the City Council prior to inclusion of such land in the District; and

WHEREAS, the District’s request was presented to the City Plan Commission for its review and made recommendation in favor of the request; and

WHEREAS, the City Council has determined that it is in the best interest of the citizenry for the City to consent to the annexation and inclusion of the Property into the District.

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

Pursuant to the provisions of Chapter 54 of the Texas Water Code and Chapter 42 of the Texas Local Government Code, the City of El Paso, Texas hereby consents to the inclusion of the Property in the Paseo Del Este Municipal Utility District.

**Exhibits available in the City Clerk’s Office.

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

R E S O L U T I O N

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

That the City Manager be authorized to sign a Foundation Agreement between the City of El Paso and the El Paso Museum of Art Foundation (“Foundation”) regarding the Foundation’s financial support of the El Paso Museum of Art (“EPMA”) and the responsibilities of each Party to work collaboratively to sustain, enhance and improve the EPMA.

Representatives Svarzbein and Annello commented.

Mr. Ben Fyffe, Managing Director of Cultural Affairs and Recreation, commented.

Rebecca Krasne, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE THE ITEM** to the Regular Agenda.

2ND AND FINAL MOTION

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

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

NAYS: None

ABSENT: Representative Rodriguez

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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7.

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

WHEREAS, On August 11, 2009 the City of El Paso adopted Ordinance Number 017167 which requires that any vacancy in the membership of the El Paso Water Utilities Public Service Board of Trustees be filled by the City Council; and,

WHEREAS, On August 11, 2009 City Council adopted a Resolution establishing the El Paso Water Utilities Public Service Board Selection Committee (“PSB Selection Committee”) and the process for selection of El Paso Water Utilities Public Service Board Members in accordance with Texas Government Code Section 1502.070; and,

WHEREAS, on December 1, 2021 the El Paso Water Utilities Public Service Board made a recommendation to City Council of the top three (3) candidates for appointment to the Public Service Board; and,

WHEREAS, Section 7 of the Resolution allows City Council to either: specify a reasonable amount of time to allow for interviews of each candidate by each City Council Representative and schedule the voting session to select the member or members to fill each vacancy; or refer the matter to a City Council Legislative Review Committee to conduct interviews and schedule the vote; and,

WHEREAS, on January 18, 2022, El Paso Water Utilities presented a slate of three (3) eligible candidates for a vacancy on the Public Service Board to the El Paso City Council for consideration, and the City Council voted to postpone the item for four (4) weeks; and

WHEREAS, Representatives have an interest in interviewing the recommended candidate prior to voting on the appointment,

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

THAT, each of the City Council Representatives be given the opportunity to interview the following three candidates by February 15, 2022:

1. Marybeth Stevens,
2. Luis Rosas, and
3. Stefanie Block Uribarri.

That the voting session to fill the Public Service Board vacancy be held no later than February 15, 2022.

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CONSENT AGENDA – BOARD RE-APPOINTMENTS:
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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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8. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Joel Calderon to the Regional Renewable Energy Advisory Council by Representative Aleksandra Annelo, District 2.
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9. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Joseph Gutierrez to the Regional Renewable Energy Advisory Council by Representative Henry Rivera, District 7.
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10. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Gina Gagen to the Animal Shelter Advisory Committee by Representative Henry Rivera, District 7.
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CONSENT AGENDA – BOARD 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 **POSTPONE TWO WEEKS** the appointment of Victor Hurtado to the Historic Landmark Commission by Representative Aleksandra Annelo, District 2.
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Goal 4: Enhance El Paso’s Quality of Life through Recreational, Cultural and Educational Environments
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12. *Motion made, seconded, and unanimously carried to **APPOINT** Deborah Zuloaga to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Joe Molinar, District 4.
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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13. *Motion made, seconded, and unanimously carried to **APPOINT** Joe Gudenrath to the Ad Hoc Charter Advisory Committee by Representative Isabel Salcido, District 5.

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CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:
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14. *Motion made, seconded, and carried to **APPROVE** the following tax refunds:

1. Global Tel Link, in the amount of \$9,682.79 made an overpayment on December 28, 2021 of 2021 taxes. (Geo. # 1240-999-1213-7234)
2. Anita Sotelo, in the amount of \$2,804.47 made an overpayment on January 12, 2022 of 2021 taxes. (Geo. # C741-999-0290-6700)
3. Luis Tavera, in the amount of \$2,718.69 made an overpayment on January 19, 2022 of 2021 taxes. (Geo. # E222-999-1530-2600)
4. Deborah Peterson, in the amount of \$5,073.44 made an overpayment on January 30, 2022 of 2021 taxes. (Geo. # P358-999-0020-6500)
5. Gina Marie Ruiz, in the amount of \$3,736.28 made an overpayment on December 23, 2021 of 2021 taxes. (Geo. # S816-999-0120-6700)
6. Poe Toyota, in the amount of \$12,636.14 made an overpayment on January 11, 2022 of 2021 taxes. (Geo. # X266-999-S00A-1300)
7. Corelogic, in the amount of \$3,866.36 made an overpayment on December 20, 2021 of 2021 taxes. (Geo. # V893-999-5490-3500)

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CONSENT AGENDA – NOTICE FOR NOTATION
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Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community

15. *Motion made, seconded, and unanimously carried to **ACCEPT** the donation of \$3,087.56 from the County of El Paso for a holiday and community engagement event that was hosted in District 3.

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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

16. *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 Isabel Salcido in the amount of \$2,500.00 from Gayle G. Hunt and Woody L. Hunt.

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CONSENT AGENDA – REQUEST FOR PROPOSAL
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Goal 2: Set the Standard for a Safe and Secure City

17. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a purchase order to Justice Systems, Inc. referencing Contract 2013-211R Municipal Court Software Rebid. This change order is to increase the contract by \$60,475.50 for a total amount not to exceed \$2,677,355.50. The

change order will cover the expenses for maintenance and support for the Full Court Enterprise (FCE) operating system for 6 months.

Contract Variance:
No contract variance

Department: Municipal Court
Award to: Justice Systems, Inc.
Albuquerque, NM
Total Estimated Amount: \$60,475.50
Account No.: 111-521080-2535-11030-PMC00010
Funding Source: Municipal Court Restricted Technology Fund
District(s): All

This is a Request for Proposal, services contract.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

18. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2021-0885R Electronic Medical Records (EMR) System to CureMD.com, Inc., for a three (3) year initial term estimated amount of \$150,958.00. The award also includes a two (2) year option for an estimated amount of \$84,984.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$235,942.00. This contract will provide an EMR system from which care coordination efforts can be maximized, sustainability efforts can be accomplished, and quality improvement efforts can be driven for the care of City of El Paso residents.

Contract Variance:
The difference in cost, based on the comparison from previous contract is as follows: A decrease of \$181,421.60, which represents a 79.36% decrease for the same services.

Department: Public Health
Award to: CureMD.com, Inc.
New York, NY
Item(s): All
Initial Term: Three (3) years
Option to Extend: Two (2) years
Annual Estimated Amount: \$ 65,974.00 Year 1
\$ 42,492.00 Years 2 - 5
Initial Term Estimated Amount: \$150,958.00 (3 years)
Option to Extend Amount: \$ 84,984.00 (2 years)
Total Estimated Award: \$235,942.00 (5 years)
Funding Source: General Funds and Public Health Grants
Accounts: 341-522020-1000-41170
341-522020-2140-41262-G412245
District(s): All

This is a Request for Proposals (RFP), requirements contract.

The Purchasing & Strategic Sourcing and Public Health Departments recommend award as indicated to CureMD.com, Inc., 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.

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

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

Goal 3: Promote the Visual Image of El Paso

19. **ITEM:** Discussion and action to direct the City Manager to create a process to proactively and regularly address illegal dumping and to come back within 75 days to present costs and an implementation strategy.

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

Representatives Svarzbein, Annelo, Hernandez, Molinar, Rivera, and Lizarraga commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Assistant Police Chief Victor Zarur

Motion made Representative Annelo, seconded by Representative Molinar, and unanimously carried to **DIRECT** the City Manager to create a process to proactively and regularly address illegal dumping and to come back within 75 days to present costs and an implementation strategy.

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

NAYS: None

ABSENT: Representative Rodriguez

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

20. **RESOLUTION**

WHEREAS, a vacancy in the El Paso Water Utilities Public Service Board will occur on January 15, 2022 with the expiration of the second term of Christopher Antcliff, in the area of Consumer or Citizen Advocacy; and

WHEREAS, the City of El Paso adopted Ordinance Number 017167 which requires that any vacancy in the membership of the El Paso Water Utilities Public Service Board be filled by the City Council; and

WHEREAS, the City of El Paso by Resolution established the El Paso Water Utilities Public Service Board Selection Committee, to be comprised of the members of the Public Service Board and such additional members as appointed by the City Council to assist City Council in selecting eligible candidates to fill the vacancy; and

WHEREAS, under the Resolution, the El Paso Water Utilities Public Service Board Selection Committee reviews resumes submitted by persons interested in filling the vacant position and submits to the City Council the names and the ranking of three eligible candidates; and

WHEREAS, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on December 1, 2021 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation of eligible candidates for consideration and appointment by City Council;

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

THAT, a quorum of the El Paso Water Utilities Public Service Board Selection Committee met on December 1, 2021 pursuant to the Texas Open Meetings Act and approved the nomination, ranking and recommendation to the City Council the following candidates to fill a vacancy on the El Paso Water Utilities Public Service Board in the area of Consumer or Citizen Advocacy:

- Ranked 1st Marybeth Stevens
- Ranked 2nd Luis Rosas
- Ranked 3rd Stefani Block Uribarri

THAT, the El Paso City Council hereby appoints Stefani Block Uribarri to fill the vacancy on the El Paso Water Utilities Public Service Board in the area of Consumer or Citizen Advocacy. The term of appointment shall commence on February 9, 2022 and shall be for a four (4) year term.

Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rivera, and Lizarraga commented.

Stefani Block Uribarri, nominee, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and carried to **APPROVE** the Resolution.

- AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, and Rivera
- NAYS: Representatives Salcido and Lizarraga
- ABSENT: Representative Rodriguez

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The Regular City Council meeting was **RECESSED** at 10:17 a.m. in order to convene the Downtown Development Corporation Board of Directors meeting.

The Regular City Council meeting was **RECONVENED** at 11:12 a.m.

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

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21. Budget Update.

Mr. Robert Cortinas, Chief Financial Officer, and Ms. Yvette Hernandez, Capital Improvements Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Hernandez, Molinar, Salcido, and Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

Goal 3: Promote the Visual Image of El Paso

22. Update on the public engagement strategy related to a bond program in alignment with and the implementation of the City's Strategic Plan.

Ms. Daniela Quesada, Chief Architect, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, and Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Wally Cech
2. Rick Bonart
3. Ron Comeau
4. Jason Jones
5. Michael Castro
6. Steven Strummer

The Regular City Council meeting was **RECESSED** at 12:21 p.m.

The Regular City Council meeting was **RECONVENED** at 1:03 p.m.

REGULAR AGENDA – FIRST READING OF ORDINANCES:

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

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

23. An Ordinance authorizing the City Manager to sign the Third Amendment to Ordinance No. 019146, the Contract Of Sale between the City Of El Paso and VTRE Development, LLC to extend the deadline by which the buyer must submit building permit plans; amend the property boundaries to a 29.3651 acre parcel of land generally located at the Southeast Corner of Interstate 10 and Paseo Del Norte, legally described as a portion of Lot 1, Block 1, El Paso West, as filed in Book 57, Page 5 of the plat records of El Paso County, Texas; amend the purchase price to \$12,529,215.48; and extend the closing and termination dates.

*Motion made, seconded, and unanimously carried to **REVISE** the agenda posting from Page 6 to Page 5.

24. An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.020 (Applicability) to clarify the Reasonable Sensibilities Standard; Section 9.40.030 (Sound Level Violations) to clarify the maximum sound level, that sound levels apply to properties producing the noise, and the locations of sound readings; Section 9.40.040 (Vibration) to clarify that Vibration Violations can occur on any affected property; Section 9.40.070 (Penalties) to clarify that the city may seek civil action and penalties of up to \$1,000 per day; Section 9.40.080 (Enforcement) to clarify which departments have authority to enforce; the penalty as provided in Section 9.40.070 of the City Code.

25. An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Article I (General Provisions), Section 5.03.020 (A) and Section 5.03.020 (E) (Definitions), Article II (Permit Application Process) Section 5.03.040 (B) (3) (Permit Application Processing), Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.080 (B) (5) and Section 5.03.090 (A) (2), Article IV (Permit Standards), Section 5.03.110 (A) (Permit Standards), Article VI (Violation; Penalty) Section 5.03.130 (C) Violation and adding Section 5.03.130 (E); The penalty as provided in 5.03.130 of the El Paso City Code.

PUBLIC HEARING FOR ITEMS 23 THROUGH 25 WILL BE HELD ON MARCH 1, 2022

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

26. Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **APPROVE** a deductive change order in the amount of -\$343,430.79 to Arrow Building Corp. for Contract Number 2018-520R New Regional Aquatic Parks: Lost Kingdom & Chapoteo water parks.

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, and Rivera
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lizarraga
ABSENT: Representative Rodriguez

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

27. Motion made by Representative Anello, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2022-0377 Trowbridge Drive Improvements to J.A.R CONCRETE, INC. DBA J.A.R CONSTRUCTION, INC. for a total estimated award of

\$891,196.90. The project consists of street improvements on Trowbridge Drive between Alley East of Pershing Drive and 50 lineal feet from Gateway US-54.

Department: Capital Improvement
Award to: J.A.R CONCRETE, INC. DBA J.A.R CONSTRUCTION, INC.
El Paso, TX
Item(s): Base Bid I, Base Bid II, and Additive Alternate 1
Initial Term: 395 Consecutive Calendar Days
Base Bid I: \$526,683.00
Base Bid II: \$250,684.20
Additive Alternate 1: \$113,829.70
Total Estimated Award: \$891,196.90
Funding Source: Community Development Block Grant & Street Resurfacing
Accounts: 471-2400-71240-580270-G7144CD51
532-2560-32040-522270-P22STYR3ART
District(s): 2

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to J.A.R CONCRETE, INC. DBA J.A.R CONSTRUCTION, INC., the lowest responsive and responsible bidder and that Del Mar Contracting, Inc. be deemed non-responsible for failure to provide proper documentation a satisfactory performance record.

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.

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.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

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28. Motion made by Representative Salcido, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation of 2021-1380 General Cleaning Services - Parks and Recreation Facilities to Ace Government Services, LLC for a three (3) year initial term estimated amount of \$3,166,206.00. The award also includes a two (2) year option for an estimated amount of \$2,110,804.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$5,277,010.00. This contract will provide General Cleaning Services for City Park and Recreation facilities.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$522,162.60 for the initial term, which represents a 19.75% increase due to an increase in the number of facilities.

Department:	Parks and Recreation
Vendor:	Ace Government Services, LLC El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$1,055,402.00
Initial Term Estimated Award:	\$3,166,206.00 (3 years)
Total Estimated Award:	\$5,277,010.00 (5 years)
Account No.:	451-1000-522060-51230-P5106
Funding Source:	General Fund
District(s):	All

This is a Best Value, services contract.

The Purchasing & Strategic Sourcing and Parks and Recreation Departments recommend award as indicated to Ace Government Services, LLC the bidder offering the best value bid.

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

Representatives Annello and Molinar commented.

Ms. Claudia Garcia, Interim Director of Purchasing and Strategic Sourcing, commented.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

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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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DISCUSSION ON ITEMS 29 THROUGH 31 WAS TAKEN TOGETHER
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29. ORDINANCE 019300

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) SECTION 20.18.140 (PROHIBITED SIGNS) AND ADDING SECTION 20.18.320 (MOBILE BILLBOARDS) TO ALLOW MOBILE BILLBOARDS. THE PENALTY BEING AS PROVIDED IN SECTION 20.24 OF THE EL PASO CITY CODE.**

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30. ORDINANCE 019301
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The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15, (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), ESTABLISHING SECTION 15.08.160 (MOBILE BILLBOARDS) OF THE EL PASO CITY CODE TO ADD REGULATIONS FOR MOBILE BILLBOARDS. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.160 OF THE EL PASO CITY CODE.**

1ST MOTION

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

2ND AND FINAL MOTION

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

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

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

NAYS: Representative Lizarraga

ABSENT: Representative Rodriguez

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 3: Promote the Visual Image of El Paso
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**31. RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO
FY 2022 BUDGET RESOLUTION**
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WHEREAS, the City Council adopted the Budget Resolution for FY 2022 on August 24, 2021(the "Budget Resolution"); and,

WHEREAS, paragraph 50 of the Budget Resolution provides that any revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the City Council desires to amend Schedule C of the Budget Resolution to establish new fees authorized under the newly approved Section 15.10.160 of the El Paso City Code.

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

That Schedule C, attached to the Budget Resolution, shall be amended as shown in Exhibit A attached to this resolution**, effective immediately, to add Line No. 339.5 adding the annual fee for a Special Privilege Permit for Mobile Billboards, pursuant to Section 15.08.160 of the El Paso City Code.

Except as herein modified, the Budget Resolution, Schedule C of the Budget Resolution, and all Budget Resolution schedules remain in full force and effect.

**Exhibit available in the City Clerk's Office.

Representatives Svarzbein, Annello, Molinar, Salcido, Rivera, and Lizarraga commented.

The following City staff members commented:

- Mr. Raul Garcia, Project Manager
- Mr. Cary Westin, Senior Deputy City Manager
- Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Miriam Chavez
2. Ben Chavez

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representative Lizarraga

ABSENT: Representative Rodriguez

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

- 32.** Discussion and action requesting City Council support for the staff recommended project that has been selected to submit for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program for the Department of Transportation (DOT) to invest in road, rail, transit and port projects that promise to achieve national objectives

Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried to **SUPPORT** the staff recommended project.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

33. RESOLUTION

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

THAT the City Manager is authorized to enter into an Interlocal Agreement between The University of Texas at El Paso ("University") and City of El Paso ("City") by and through their duly authorized officials, pursuant to the Interlocal Cooperation Act, Article 79.001 *et seq.*, Texas Government Code, for a three (3) year term, whereby the University will, in accordance with the grant it received under the Economic Development Administration's Build to Scale Program provide all program personnel, perform all grant administration, and, via the El Paso Makes consortium, establish and operate an Aerospace and Defense Supply Chain Innovation Network to support growth of El Paso's small and medium

aerospace and defense supply chain enterprises; for which the City will pay the University an amount not to exceed \$500,000.00 per year for a maximum compensation not to exceed \$1,500,000.00 over the three year term to serve as a match for the \$1,500,000.00 award granted to the University by the Economic Development Agency's Build to Scale program.

Representatives Hernandez and Rivera commented.

Susie Byrd, citizen, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

34. ITEM: Discussion and action on the presentation related to the sale of land by Fort Bliss.

Ms. Elizabeth Triggs, Economic and International Development Interim Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Rivera commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Kevin Smith, Planning and Inspections Assistant Director

Motion made by Representative Annello, seconded by Representative Salcido, and unanimously carried to **DIRECT** the City Manager to work with the federal delegation and federal agencies to develop a path to the annexation of the land for sale at Fort Bliss.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

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

35. RESOLUTION

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

That the City Manager, or designee, be authorized to sign an Agreement for Professional Services by and between the City Of El Paso, and Countryman & Co. Architecture, a Texas professional limited liability company for a project known as "El Paso Police Department Headquarters Design-Build Owners Representative" for an amount not to exceed Two Million Forty One Thousand Three Hundred Ninety Eight And 13/100 Dollars (\$2,041,398.13).

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 the Agreement for Professional Services. In addition, the City Manager, or designee, is authorized to increase the contract amount up to \$50,000.00 and sign any amendments to the agreement.

Representatives Svarzbein, Annello, and Molinar commented.

The following City staff members commented:

- Mr. Jerry DeMuro, Capital Improvement Assistant Director
- Ms. Yvette Hernandez, Capital Improvement Grant Funded Programs Director
- Mr. Tommy Gonzalez, City Manager

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

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

36.

RESOLUTION

WHEREAS, by way of a Resolution on April 12, 2005, City Council adopted the 2014-2024 Public Art Master Plan dated October 28, 2014, as the primary guideline in determining and appropriating expenditures from the public art fund; and

WHEREAS, under the provisions of the City Code Chapter 2.40 (Department of Museums and Cultural Affairs) Section 2.40.70 (Art in Municipal Places) and Section 2.40.80 (Administration of the Public Art Program and Establishment of the Public Art Committee) the City of El Paso provided for art in municipal places, established a means of funding acquisition or commissioning of art for municipal places and established that the Public Art committee and the Museums and Cultural Affairs Advisory Board shall submit an annual Public Art Plan to the City Council; and

WHEREAS, the 2022 Public Art Plan (the “Plan”) attached hereto as Exhibit “A” ** was approved by the Public Art Committee (“PAC”) and the Museums and Cultural Affairs Advisory Board (“MCAAB”); and

WHEREAS, the City Council may accept or reject any portion of this Plan; and

WHEREAS, the City Council, having taken into consideration the recommendation of the PAC and MCAAB, determines that the Plan is reasonable and appropriately adopted and that said Plan serves the public purpose of enhancing the quality of life of the citizens of El Paso through the development of fine arts and cultural properties and by encouraging the integration of art in the architecture of municipal structures.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY

OF EL PASO:

1. That the 2022 Public Art Plan, attached hereto, be and is hereby officially adopted.
2. That 2022 Plan includes current art projects in progress initiated in 2021 and new projects to be initiated in Fiscal Year 2022 and on, and describes the planned location, proposed budget, timetable, and artist selection process for each project, and contains updates on public art projects in progress.
3. That adoption of the Plan is fully funded through 2010, 2011, 2012, 2013, 2017, 2018, and 2019 Certificates of Obligation; the 2012 Infrastructure and Quality of Life Bonds; and the 2019 Public Safety Bonds.
4. That the City Manager or a designee is authorized to enter into contracts and amendments to contracts to carry out the Amended Plan as described in Exhibit "A". If an artist identified in the Plan is unable or unwilling to finalize a contract with the City, then the City Manager is authorized to execute a contract and contract amendments with a new artist as selected by the Museum and Cultural Affairs Department approved by the Public Art Committee.

**Exhibit available in the City Clerk's Office.

Representatives Svarzbein and Annello commented.

Mr. Ben Fyffe, Managing Director of Cultural Affairs and Recreation, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

ABSENT: Representative Rodriguez

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

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37.

RESOLUTION

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

That the City Manager, or designee, be authorized to sign a two year On-Call Agreement for Professional Services to perform Geotechnical and Materials Testing services on a task order basis between the City of El Paso and each of the following four (4) consultants:

1. Wood Environment & Infrastructure Solutions, Inc.
2. CQC Testing and Engineering, LLC.
3. Intertek (PSI) Professional Service Industries, Inc.
4. Terracon Consultants, Inc.

Each On-Call Agreement will be for an amount not to exceed Five Hundred Thousand and No/00 Dollars (\$500,000.00). 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. In addition, the City Manager, or designee, is authorized to increase contract amounts up to \$50,000.00 each and sign any amendments to the agreements.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Salcido, and unanimously carried to **APPROVE** the Resolution as **REVISED**.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

ABSENT: Representative Rodriguez

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ADJOURN
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Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 2:40 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

ABSENT: Representative Rodriguez

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APPROVED AS TO CONTENT:
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Laura D. Prine, City Clerk