

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

**December 7, 2021
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 9:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Aleksandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Ramon Benavidez Recognition Day

Jay J. Armes Day

NOTICE TO THE PUBLIC

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

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

NAYS: None

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of November 23, 2021, the Agenda Review Meeting of November 22, 2021 and the Work Session of November 22, 2021.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

NO ACTION was taken on this item

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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 Crosswinds Entertainment District Ground Lease by and between the City of El Paso ("Lessor") and ANZURES & SON, LLC ("Lessee") regarding the following described property:

All of Lot 15 and a portion of Lot 14, Block 5, El Paso International Airport Tracts, Replat of Unit 3, City of El Paso, El Paso County, Texas, more commonly referred to as 6631 Montana Avenue, El Paso, Texas.

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

WHEREAS, on March 3, 2020 the City of El Paso ("City") awarded Contract No. 2020-520 Water Parks Janitorial Service to Ace Government Services, LLC ("Vendor");

WHEREAS, pursuant to the provisions and requirements of the Purchase Order Terms and Conditions (Termination for Convenience) the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing & Strategic Sourcing Director is authorized to notify Vendor that the City is terminating Contract 2020-520 Water Parks Janitorial Service for convenience, pursuant to the provisions and requirement of a Purchase Order Terms and Conditions, and that the termination shall be effective as of December 7, 2021.

5. ***RESOLUTION**

WHEREAS, on January 7, 2020 the City of El Paso (“City”) awarded Contract No. 2020-546 Water Parks Concession to Borrego Enterprises, Inc (“Vendor”); and

WHEREAS, pursuant to the provisions and requirements of the Purchase Order Terms and Conditions (Termination for Convenience) the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing & Strategic Sourcing Director is authorized to notify Vendor that the City is terminating Contract 2020-546 Water Parks Concession for convenience, pursuant to the provisions and requirement of a Purchase Order Terms and Conditions, and that the termination shall be effective as of December 7, 2021.

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CONSENT AGENDA – SPECIAL APPOINTMENTS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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6. *RESOLUTION

WHEREAS, the City of El Paso (“City”) is entitled to appoint two members to the El Paso Central Appraisal District Board; and

WHEREAS, the City desires to appoint Jackie York as one of its members to the El Paso Central Appraisal District Board.

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

That Jackie York is hereby appointed to the El Paso Central Appraisal District Board of Directors to serve from January 1, 2022 through December 31, 2023.

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7. *RESOLUTION

WHEREAS, the City of El Paso (“City”) is entitled to appoint two members to the El Paso Central Appraisal District Board; and

WHEREAS, the City desires to appoint Tanny Berg as one of its members to the El Paso Central Appraisal District Board.

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

That Tanny Berg is hereby appointed to the El Paso Central Appraisal District
REGULAR CITY COUNCIL MEETING MINUTES DECEMBER 7, 2021 3

Board of Directors to serve from January 1, 2022 through December 31, 2023.

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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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- 8. *Motion made, seconded, and unanimously carried to **APPOINT** Jose L. Reyes to the City Plan Commission by Representative Henry Rivera, District 7.
- 9. *Motion made, seconded, and unanimously carried to **APPOINT** Diana E. Origel-Gutierrez to the City Plan Commission by Representative Joe Molinar, District 4.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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- 10. *Motion made, seconded, and unanimously carried to **APPOINT** Camille Maldonado-Rivera to the City Accessibility Advisory Committee by Mayor Oscar Leeser.

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CONSENT AGENDA – APPLICATION FOR TAX REFUND:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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- 11. *Motion made, seconded, and unanimously carried to **APPROVE** the Tax Refund to Corelogic Tax Services, in the amount of \$2,813.98 recorded as an overpayment on June 21, 2021 of 2019 taxes (Geo. # R220-000-0260-3500).

This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00.

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REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL
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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 by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, and unanimously carried that the City of El Paso **ACCEPTS** the donation of funds of \$4,446.42 from the Ann Richards Legacy Project to pay for commemorative and inspirational banners throughout downtown El Paso.

Representatives Annelo and Lizarraga commented.

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

NAYS: None

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATE
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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- 13. **Item:** Budget Update.

Ms. Nicole Cote, Director of Office of Management and Budget, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Svarzbein, Molinar, Rodriguez, and Rivera commented.

The following City staff members commented:

- Mr. Robert Cortinas, Chief Executive Officer
- Mr. Tommy Gonzalez, City Manager
- Mr. Sam Rodriguez, City Engineer

NO ACTION was taken on this item.

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The Regular City Council meeting was **RECESSED** at 11:56 a.m.

The Regular City Council meeting was **RECONVENED** at 12:03 p.m. to take Call to the Public.

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CALL TO THE PUBLIC – PUBLIC COMMENT:
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The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Abel Legaspy
3. Mr. Ron Comeau
4. Ms. Barbara Valencia
5. Mr. Michael Castro
6. Mr. Kristian Pina
7. Ms. Sabrina Soto
8. Mr. Carlos Mireles
9. Mr. Colt DeMorris
10. Mr. Rigo Macias
11. Ms. Liz Grow submitted a statement that was read into the record

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REGULAR AGENDA – FIRST READING OF ORDINANCES:
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Motion made by Representative Rivera, seconded by Representative Rodriguez, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing.

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

NAYS: None

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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14. An Ordinance amending Title 15 (Public Services) of the El Paso City Code to add a new Chapter 15.24 (Acquisition, Use, and Disposition of City property) to authorize the establishment use, purchase, and disposition of City property.

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PUBLIC HEARING WILL BE HELD ON DECEMBER 14, 2021
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REGULAR AGENDA – OTHER BUSINESS / BIDS, CONTRACTS, PROCUREMENTS
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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15. RESOLUTION
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WHEREAS, City of El Paso (City) is in need of various cleaning services for the restrooms and other common use areas of the El Paso International Airport terminal building;

WHEREAS, Professional Contract Services, Inc. (PCSI) is certified by Workquest as providing employment for the blind and severely disabled;

WHEREAS, City has determined that it is in the best interest of the citizens of El Paso to employ citizens with disabilities to perform the services requested herein; and

WHEREAS, the competitive bidding requirements of Texas Local Government Code Section 252.021 do not apply to this contract, which is in compliance with Chapter 122 of the Human Resources Code,

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

That the City Manager be authorized to sign a Contract for Cleaning Services by and between the City of El Paso, Workquest (formerly known as TIBH Industries, Inc.) and Professional Contract Services, Inc. for cleaning services at the El Paso International Airport Terminal, with a term from January 1, 2022 through December 31, 2024. This is a service requirement contract for an estimated amount of \$3,154,271.64 for the initial three year term with an option to extend the contract for two additional years for an estimated amount of \$2,262,893.40 for a total estimated amount of \$5,417,165.04.

Representatives Annelo and Hernandez commented.

Mr. Sam Rodriguez, City Engineer, commented.

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

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

NAYS: None

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Goal 2: Set the Standard for a Safe and Secure City
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16. Item: Discussion and action on the award of Solicitation 2021-1383 Fire Station 36 to Harrington Construction LLC dba HB Construction for an estimated award of \$7,399,000.00.
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This contract will allow the construction of the new Fire Station #36 to be located at 1960 Resler Drive.

Department:	Capital Improvement
Award to:	Harrington Construction LLC dba HB Construction
El Paso, TX	
Item(s):	All
Initial Term:	360 Consecutive Calendar Days
Base Bid I:	\$7,399,000.00
Total Estimated Award:	\$7,399,000.00
Account No.:	190 - 4820 - 29090 - 580270 - PCP20FDSTATIO36
Funding Source:	Public Safety Bond
District(s):	1

This is a Competitive Sealed Proposal, lump sum contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Harrington Construction LLC dba HB Construction the highest ranked offeror.

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

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

Representatives Svarzbein, Annello, and Hernandez commented.

The following City staff members commented:

- Ms. Claudia Garcia, Purchasing and Strategic Sourcing Assistant Director
- Mr. Sam Rodriguez, City Engineer
- Mr. Bruce Collins, Purchasing and Strategic Sourcing Director

Mr. Adam Pacheco, citizen, commented.

1ST MOTION

Motion made by Representative Molinar, seconded by Representative Rivera, and carried to **AWARD** Solicitation 2021-1383 Fire Station 36 to Harrington Construction LLC dba HB Construction for an estimated award of \$7,399,000.00. This contract will allow the construction of the new Fire Station #36 to be located at 1960 Resler Drive.

AYES: Representativas Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga.

NAYS: Representative Annello

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to **RECONSIDER THE ITEM** to allow public comment.

3RD AND FINAL MOTION

Motion made by Representative Rodriguez, seconded by Representative Lizarraga, and carried to **AWARD** Solicitation 2021-1383 Fire Station 36 to Harrington Construction LLC dba HB Construction for an estimated award of \$7,399,000.00. This contract will allow the construction of the new Fire Station #36 to be located at 1960 Resler Drive.

AYES: Representativas Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga.

NAYS: Representative Annello

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- 17. Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **AUTHORIZE** that the Director of Purchasing & Strategic Sourcing issue a Purchase Order to Siddons-Martin Emergency Group, LLC referencing Contract 2019-782 Pierce Proprietary Parts, Repair and Maintenance Training. This will be a change order to increase the contract by \$180,000.00 for a total amount not to exceed \$900,000.00 for the term of the contract. The change order increase will cover the volume needed for current operations.

Contract variance:

The cost for parts, repair and maintenance training remains the same as the original contract. There is no variance.

Department:	Fire
Award to:	Siddons-Martin Emergency Group, LLC. Houston, TX
Total Estimated Award:	\$180,000.00
Account No.:	322 - 22090 - 531180 - 1000 - P2216
Funding Source:	General Fund - Vehicle Maintenance Supplies
District(s):	All

This is a sole source contract.

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

NAYS: None

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

- 18. Motion made by Representative Molinar, seconded by Representative Lizarraga, and unanimously carried to **AUTHORIZE** that the Director of Purchasing & Strategic Sourcing Department issue Purchase Order(s) to M-B Companies, Inc., the sole and authorized distributor for the 2022-0221 Striper Parts and Service, for a term of three (3) years for an estimated amount of \$150,000.00, with a stipulation that M-B Companies, Inc. provides an updated sole source letter and affidavit each year. This contract will allow the purchase of parts and service for the truck mounted thermoplastic striping equipment owned by the City.

Contract Variance: N/A

Department: Streets and Maintenance
Vendor: M-B Companies, Inc.
Muncy, PA
Initial Term: 3 years
Annual Estimated Award: \$50,000.00
Total Estimated Award: \$150,000.00 (3 years)
Account No.: 532 - 3600 - 531210 - 37020 - P3701 (Parts)
532 - 3600 - 531250 - 37020 - P3701 (Service)
Funding Source: Internal Service Fund
District(s): All

This is a Sole Source contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to M-B Companies, Inc., the sole and authorized distributor.

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

NAYS: None

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19. Motion made by Representative Annello, seconded by Representative Salcido, and unanimously carried to **AWARD** Solicitation 2021-1037 Rojas Drive Widening to J.A.R. CONCRETE, INC. DBA JAR CONSTRUCTION, INC. for an estimated award of \$8,312,690.32. This project consists of the widening of existing Rojas Dr. from a four-lane roadway to a six - lane divided facility new construction of asphalt and concrete pavement, medians, illumination, signing and striping, shared use path, traffic signalization, landscaping, drainage improvements and ADA compliant facilities.

Department: Capital Improvement
Award to: J.A.R. CONCRETE, INC. DBA JAR CONSTRUCTION, INC.
El Paso, TX
Item(s): All
Initial Term: 337 Standard Work Week Days
Base Bid I: \$7,600,409.82
Base Bid II: \$712,280.50
Total Estimated Award: \$8,312,690.32
Funding Source: Federal Highway Administration, 2011 Certificates of Obligation and 2018 Certificates of Obligation
Accounts: 190-4950-38170-580270-PCP20TRAN05
190-4741-38290-580270- PCP20TRAN05
190-4530-28330-580270-PCP20TRAN05
190-4970-38230-580270-PCP20TRAN05
District(s): 6

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 JAR CONSTRUCTION, INC., the lowest responsive and responsible bidder.

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

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

Ms. Yvette Hernandez, CID Grants Funded Program Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following members of City staff commented:

1. Mr. Sam Rodriguez, City Engineer
2. Mr. Harold Russell, Senior Procurement Analyst

Representative Hernandez commented:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

20. ORDINANCE 019266

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN AN OFFER TO SELL, A DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY 59.022 ACRES OF LAND MORE OR LESS, BEING DESCRIBED AS TRACT 1A, SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS TO THE UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY.**

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

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

AYES: Representatives Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga.

NAYS: Representatives Svarzbein and Annello

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

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

21.

ORDINANCE 019267

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSES AND PERMIT REGULATIONS) TO CREATE CHAPTER 5.18 (CONVENIENCE STORE REGULATION) AND SUBSECTIONS THEREUNDER IN THE EL PASO CITY CODE RELATING TO THE REGISTRATION OF AND SAFETY AND PREVENTION REQUIREMENTS FOR CONVENIENCE STORES WITHIN CITY OF EL PASO; THE PENALTY AS PROVIDED IN SECTION 5.18.080 OF THE EL PASO CITY CODE.**

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

Mayor Leeser and Representatives Molinar and Lizarraga commented.

The following City staff members commented:

- Police Commander Juan Briones
- Police Officer Pamela Smith
- Mr. Eric Gutierrez, Assistant City Attorney

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Molinar and unanimously carried to **AMEND** the Ordinance as follows:

Addition to Page 3, Section 5.18.020 Definitions, Section C. "Days: means calendar days
Addition to Page 7, section 5.18.070 Appeal, Section C. An Administrative hearing shall be held no later than thirty (30) days after an appeal is received by the City Manager or his designee.

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

NAYS: None

2ND AND FINAL MOTION

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

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

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

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

22.

ORDINANCE 019268

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.04 (GENERAL PROVISIONS AND DEFINITIONS), SECTION 12.04.040 (BICYCLE) OF THE CITY CODE, TO AMEND, IN ITS ENTIRETY, THE DEFINITION OF "BICYCLE".**

Mr. Alfredo Austin, Bicycle Program Coordinator, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Hernandez commented.

Mr. Mike Osburn, citizen, commented.

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

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

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

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

Goal 3: Promote the Visual Image of El Paso

23.

ORDINANCE 019269

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST21-00012, TO ALLOW FOR A TELEVISION AND RADIO BROADCASTING ANTENNAE ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 1, BLOCK 2, PELLICANO COMMERCIAL UNIT THREE, 12285 PELLICANO DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.700 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. THE PROPOSED SPECIAL PERMIT MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH *PLAN EL PASO*, THE CITY'S**

**COMPREHENSIVE PLAN. SUBJECT PROPERTY: 12285 PELLICANO DRIVE
APPLICANT: MONTOYA OAK BUSINESS PARK, LP PZST21-00012**

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

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

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

NAYS: Representative Hernandez

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

24.

ORDINANCE 019270

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 8C, SECTION 29, BLOCK 80, TSP 1, TEXAS AND PACIFIC RR COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. THE PROPOSED REZONING MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN. SUBJECT PROPERTY: GENERALLY LOCATED EAST OF DYER STREET AND NORTH OF SEAN HAGGERTY DRIVE/ANGORA LOOP AVENUE APPLICANT: SITEWORK ENGINEERING C/O JORGE GARCIA, PZRZ21-00022**

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

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

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

NAYS: None

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

25.

ORDINANCE 019271

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER A PORTION OF SAN JOSE STREET, HIGHLAND PARK ADDITION AMENDED MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: EAST OF COTTON ST. AND NORTH OF MURCHISON DR. APPLICANT: SCENIC VIEW TOWNHOMES LLC, PATRICIA MENDOZA AND CITY OF EL PASO, SURW20-00004**

Ms. Armida Martinez, Senior Planner, presented a PowerPoint presentation, copy on file in the City Clerk's Office.

Representative Annello commented.

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

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

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

NAYS: None

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

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26.

ORDINANCE 019272

The City Clerk read an Ordinance entitled: **AN ORDINANCE RENEWING AND EXTENDING THE SPECIAL PRIVILEGE LICENSE GRANTED TO WESTERN REFINING COMPANY LLC (F/K/A WESTERN REFINING COMPANY L.P) BY ORDINANCE NO. 16272 TO ENCROACH ONTO PORTIONS OF CITY RIGHTS-OF-WAY WITHIN TROWBRIDGE DRIVE, MARATHON STREET AND NORTH LOOP DRIVE; AND AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO WESTERN REFINING COMPANY LLC TO PERMIT THE CONSTRUCTION AND INSTALLATION, MAINTENANCE AND OPERATION OF VARIOUS MULTI-PRODUCT PIPELINES AND UTILITY LINES ALONG PORTIONS OF CITY RIGHT-OF-WAY AT TROWBRIDGE DRIVE, MARATHON STREET AND TO ALLOW THE CONSTRUCTION AND ENCROACHMENT OF AN OVERHEAD BRIDGE ACROSS A PORTION OF PUBLIC RIGHT-OF-WAY ALONG TROWBRIDGE DRIVE FOR A TERM OF FIFTEEN YEARS WITH ONE (1) RENEWABLE FIFTEEN YEAR TERM. SUBJECT PROPERTY: 6500 TROWBRIDGE APPLICANT: WESTERN REFINING COMPANY LLC, NESV2020-00003**

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

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

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

NAYS: None

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27.

ORDINANCE 019273

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES) SECTION 12.88.030**

(SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE CITY CODE TO PROHIBIT PARKING ON PORTIONS OF PIEDRAS STREET; THE PENALTY BEING PROVIDED IN CHAPTER 12.84 OF THE CITY CODE.

Ms. Hannah Allen, Traffic Engineering Associate, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annelo and Rivera commented.

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

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

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

NAYS: None

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

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 4: Create an Environment Conducive to Strong, Sustainable Economic Development
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28. RESOLUTION

WHEREAS, the City of El Paso is required by Chapter 2258 of the Texas Government Code to determine the prevailing rate of per diem wages for each craft or type of worker within the geographic limits of the City for construction of public works;

WHEREAS, pursuant to Texas Government Code Section 2258.022(a)(1) and in conjunction with the other local governmental bodies, the City through the County of El Paso conducted a survey of wages received by classes of workers employed on projects of a character similar to the contract work performed within the El Paso city limits; and

WHEREAS, the City, along with a representative group of contractors and craft/union leaders, reviewed the survey results within the El Paso city limits and the rates established by the U.S. Department of Labor in accordance with the Davis Bacon Act, and agreed to recommend the rates attached hereto as Exhibit A** for each craft or type of worker for Building Construction Trades and the definitions of the work performed by each craft or type of worker hereto as Exhibit B**.

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

That the Director of Purchasing and Strategic Sourcing Department is authorized to specify the wage rates attached hereto as Exhibit A** for each craft or type of worker for Building Construction Trades and Heavy Construction in the call for bids for any public

works contract and in the contract itself and that the City Engineer be authorized to clarify the definitions of work performed by each craft or type of worker attached hereto as Exhibit B**, if necessary; and that the wage rates are effective December 7, 2021.

**Exhibits available in the City Clerk's Office

Ms. Yolanda Dion, Contract Development Coordinator, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Annelo commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Jerry DeMuro, Capital Improvement Assistant Director
- Mr. Sam Rodriguez, City Engineer

Ms. Lorena Rodriguez, El Paso County Contract Operations Manager, commented.

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Salcido, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

Goal 8: Nurture and Promote a Healthy, sustainable Community

29.

R E S O L U T I O N

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

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

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

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

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

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

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

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

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

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

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

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

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

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

create a Case Management for Persons Experiencing Homelessness Project (“Tenth Amendment”); and

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

WHEREAS, on September 28, 2021, the City amended the Annual Action Plan to reduce the Homeless Welcome Center Project for the Opportunity Center for the Homeless by no more than \$250,000 in ESG-CVII funds; and add no more than \$250,000 in ESG-CVII funds to supplement the Opportunity Center Shelter and HMIS Support Project, operated by the Opportunity Center for the Homeless.

WHEREAS, on November 23, 2021, the City amended the Annual Action Plan to add \$1,530,181 in CDBG-CVIII funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors; and

WHEREAS, December 1, 2021, the City of El Paso posted on its website public notice and allowed a 5-day public comment period regarding the proposed amendment to the 2019- 2020 Annual Action Plan and 45th Year CDBG-CV Program Budget and City Council has duly considered public comment if any.

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

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

1. That the 2019-2020 Annual Action Plan is hereby amended as follows: 45th Year Community Development Block Grant Coronavirus (CDBG-CV) Program Budget is hereby amended as follows:
 - a) Delete the Financial Counseling and Bankability project (\$137,500 CDBG-CV);
 - b) Delete the United Way Family Resilience Center project (\$30,000 CDBG-CV); and
 - c) Add \$167,500 in CDBG-CV to create a Homeless Youth Outreach and Case Management Project, operated by El Paso Center for Children.
2. That the Department of Community and Human Development, through the Director, be authorized to make the above changes to the 2019-2020 Annual Action Plan in the United States Department of Housing and Urban Development’s program system.

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

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

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

NAYS: None

ADJOURN

Motion made by Molinar, seconded by Representative Rodriguez, and unanimously carried to **ADJOURN** this meeting at 12:36 p.m.

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

NAYS: None

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk