

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

November 23, 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 9:03 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Aleksandra Annello participated via videoconference. Early departure: Mayor Leeser at 11:33 a.m.

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Ralph Cloud Day

Buy El Paso 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, 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 9, 2021, the Agenda Review Meeting of November 8, 2021, and the Work Session of November 8, 2021.

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

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

NO ACTION was taken on this item

.....
CONSENT AGENDA - RESOLUTIONS:
.....

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

3. ***RESOLUTION**

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

That the City Manager, or designee, is authorized to dedicate for use of the public as public right-of-way the following property: a 0.0483 acre portion of Lots 14 and 15, Block 5, El Paso International Airport Tracts Replat of Unit 3, as filed in Volume 28, Page 46, El Paso County Plat Records more commonly known as a portion of 6631 Montana Avenue.

Further, the City Manager, or designee, is authorized to execute a dedication deed and to record such deed in the El Paso County records.

-
4. ***RESOLUTION**

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

That the City Manager is authorized to execute a License Agreement between the City of El Paso (41City") and Tikal Group, LLC, a Texas limited liability company (.. Licensee"), to allow Licensee to locate newsracks to dispense Licensee's newspaper in three areas of the El Paso International Airport, for a term of two years, in exchange for Licensee providing in-kind services equaling the value of the space and the License fee (\$15,000.00 annually), pursuant to the City's "In-Kind Services in Lieu of License Fees Payment", approved by the Director of Aviation on July 5, 2021.

-
5. ***RESOLUTION**

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

That the City Manager be authorized to sign an Office Space Rental Agreement by and between the City of El Paso {"Lessor") and ABM Aviation, Inc. {"Lessee") to lease office space totaling 284 square feet in the El Paso International Airport Terminal Building, located at 670 I Convair, El Paso, El Paso County, Texas, at \$43.60 per square foot per year, or as defined by the City budget resolution for the applicable space, for a term of three years, with an option to extend the Agreement for two additional one-year terms.

6.

***RESOLUTION**

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

THAT the City Manager is authorized to sign a Concession License Agreement between the City of El Paso ("City") and SWYFT ("Concessionaire") to allow Concessionaire to operate automated retail machines at the El Paso International Airport, with Concessionaire's payment to the City being the greater of an amount based on the square footage of the concession site or a percentage of the revenues derived from the automated retail machines, for a one year term, with an option to renew the Agreement for four additional one-year terms.

7.

***RESOLUTION**

THAT the City Manager be authorized to sign the Consent to Assignment of Contract No. 2015-002R Vehicle Rental Concessionaire by and between the City of El Paso, Budget Rent a Car System, Inc. ("Assignee") and Budget Rent a Car of El Paso, Inc. D/B/A Budget Rent A Car of El Paso ("Assignor").

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

8.

***RESOLUTION**

WHEREAS, the City of El Paso ("City") is eligible to apply for the Texas Office of the Governor, Public Safety Office FY2022 Enhancement of Special Operations Teams Capabilities Grant; and

WHEREAS, the City's Fire Department seeks to enhance its specialized teams capabilities to respond and protect the El Paso community and its sister city along the U.S./Mexico border from the consequences of all hazards, both natural and man-made; and

WHEREAS, there is a need to purchase and replace equipment that support the City's Fire Department's Special Response Teams (HazMat, ComSar, Water Rescue, Special Rescue 11 & Small Unmanned Aircraft Systems ("SUAS")); and

WHEREAS, the Grant requires no matching funds by the City; and

WHEREAS, the Enhancement of Special Operations Teams Capabilities Grant will assist the City's Fire Department Special Operations Response Teams protect the residents along the U.S./Mexico border.

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

1. That the City Manager or designee is authorized to submit the FY2022 Enhancement of Special Operations Teams Capabilities grant application for the project entitled "Enhancement of Special Operations Teams Capabilities" through the Texas Office of the Governor, Public Safety Office and all related documents, including but not limited

to, authorization of budget transfers, and/or revisions to the operations plan, and to accept, reject, amend, correct, extend and/or terminate the grant, in the amount of \$90,239.49, for the period from February 1, 2022 through January 31, 2023, for the City's Fire Department Special Response Teams to purchase necessary equipment intended to sustain and enhance current response capabilities locally and regionally on the border; and

2. That the City shall provide all applicable matching funds for said grant if applicable; and

3. That in the event of loss or misuse of the Office of the Governor's grant funds, the City assures that the funds will be returned to the Office of the Governor in full.

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

9.

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

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF LOT 1, BLOCK 2, MESA HILLS WEST , CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, NU ASA LLC, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval as per SECTION 20.04.150. The detailed site development plan is subject to the development standards in the C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B"*** and is incorporated herein by reference for all purposes; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code:

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development plan submitted by the Applicant, to allow a retail building as required under the C-1/SC (Commercial/special contract) District as per Section 20.04.150, on the following described property which is located in a C-1/SC (Commercial/special contract) District:

*A Portion of Lot 1, Block 2, Mesa Hills West, City of El Paso, El Paso County, Texas, and as more particularly described on the attached Exhibit "A"***.*

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.
3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/SC (Commercial/special contract) District regulations.
4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/SC (Commercial/special contract) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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

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

10.

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

WHEREAS, the El Paso Museum of Art Foundation ("Foundation") has proposed to commission a light sculpture installation *Star Ceiling* ("the Sculpture") by El Paso artist Leo Villareal, a site specific installation on the El Paso Museum of Art's ("Museum") south entrance plaza that encourages connection, communication and community;

WHEREAS, the Foundation, in support of the Museum pledges and promises to exercise its reasonable best efforts to raise funds sufficient to (i) provide finances to renovate the south entrance plaza (the South Plaza) to the Museum, (ii) construct and finance the installation of the Sculpture on the South Plaza, which will be designed and built by Leo Villareal, and (iii) permanently maintain the Sculpture (collectively, the Project);

WHEREAS, the Project is generally shown and described in the proposal attached hereto as Exhibit A**;

WHEREAS, upon completion of the Sculpture, the Foundation will donate it to the Museum;

WHEREAS, the Foundation will establish a permanent fund with the Paso del Norte Community Foundation entitled the "Star Ceiling Fund" ("the Fund") and all donations to the Fund will be used to pay for and support the Project;

WHEREAS, the Foundation plans to commence fundraising for the Project in November, 2021;

WHEREAS, subject to formalizing the mutually acceptable gift agreement and a successful fundraising campaign, the Foundation intends to commence the South Plaza renovation and Sculpture construction on a date agreed on in a subsequent agreement; and

WHEREAS, City Council wishes to accept this donation, which will be a cultural and recreational benefit to the residents and visitors of El Paso.

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

That the City of El Paso will exercise reasonable best efforts to enter into a formal gift agreement with the Foundation memorializing the parties respective rights and obligations relating to the Project, contingent upon the Foundation raising adequate funds for its completion.

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

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

11. *RESOLUTION

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

That the Guidelines for the City Employees Charitable Campaign be adopted, designating the United Way of El Paso County as the Local Campaign Manager, and designating the City's Human Resources Director or designee to act as the liaison to work with the Local Campaign Manager in the administration of the campaign.

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

12. *RESOLUTION

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

THAT the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for HSIP-F24-Hercules Avenue Safety Lights (Dyer | Railroad) project, which has an estimated total project cost of \$679,744.00 of which the estimated local government participation amount is estimated at \$75,283.00. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

.....
CONSENT AGENDA – BOARD RE-APPOINTMENTS:
.....

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

- 13. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Anne M. Giangiulio to the Museums and Cultural Affairs Advisory Board by Representative Aleksandra Annelo, District 2.

- 14. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Anna Alemán to the Parks and Recreation Advisory Board by Representative Aleksandra Annelo, District 2.

- 15. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Laura Valdez to the Museums and Cultural Affairs Advisory Board by Representative Aleksandra Annelo, District 2.

CONSENT AGENDA – BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

- 16. *Motion made, seconded, and unanimously carried to **APPOINT** Robert D. Garland III to the Building and Standards Commission by Representative Aleksandra Annelo, District 2.

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

- 17. *Motion made, seconded, and unanimously carried to **APPOINT** Edward Escudero to the Public Service Board Selection Committee by Representative Aleksandra Annelo, District 2.

CONSENT AGENDA – NOTICE FOR NOTATION:

Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community

- 18. * Motion made, seconded, and unanimously carried **ACCEPT** the donation of \$5,000 from Sierra Machinery to go towards holiday events and initiatives in District 3, to include turkeys for families in need during Thanksgiving and Christmas gifts and grocery gift cards for a less fortunate neighborhood in the district.

CONSENT AGENDA – REQUESTS TO ISSUE PURCHASE ORDERS:

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

- 19. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a Purchase Order to ProDIGIQ, Inc. referencing Contract 2016-009R Airport Lease Management. This will be a change order to increase the contract by \$46,334.87 for a not to exceed total contract amount of \$350,234.34. This award will ensure the airport meets the reporting requirements under GASB 87.

Department:	El Paso International Airport
Award to:	ProDIGIQ, Inc. Calabasas, CA
Total Estimated Amount:	\$46,334.87
Account No.:	562-522020-62030-3000

Funding Source: Airport Operations Fund
District(s): All

CONSENT AGENDA – BEST VALUE PROCUREMENTS:

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

20. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation of 2021-1389 Parks Permanent Restrooms Cleaning Services to Ace Government Services, LLC for a three (3) year initial term estimated amount of \$279,240.00. The award also includes a two (2) year option for an estimated amount of \$186,160.00. 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 \$465,400.00. This contract will provide restroom cleaning at City park sites.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: A decrease of \$238,618.39 for the initial term, which represents a -46.08% decrease due to decrease in pricing.

Department: Streets and Maintenance
Vendor: Ace Government Services, LLC
El Paso, TX
Item(s): All
Initial Term: 3 years
Option to Extend: 2 years
Annual Estimated Award: \$93,080.00
Initial Term Estimated Award: \$279,240.00 (3 years)
Total Estimated Award: \$465,400.00 (5 years)
Account No.: 451-1000-522060-51295-P5120
Funding Source: General Fund
District(s): All

This is a Best Value contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance 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.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

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

21. **ITEM:** Discussion and action to direct the City Manager to have City staff review the Neighborhood Traffic Management Program (NTMP) on speed cushion requirements such as; the Tier 1 process which consists of the study, implementation and monitoring for

residential and collector streets; and to have City staff review and/or update the process to allow for a less stringent manner in which neighborhoods may qualify for street cushions by modifying Section 3, Subsection D of eligibility criteria from 15% to 10% of vehicles meeting or exceeding 5 miles per hour over the posted speed limit; and to allow constituents whom are affected by vehicular accidents to their properties be able to request street cushions without the need of going through this process by providing proper documentation of such.

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

The following City staff members commented:

- Mr. Richard Bristol, Streets and Maintenance Director
- Mr. Tommy Gonzalez, City Manager
- Ms. Olivia Montalvo, Streets and Maintenance Lead Planner
- Mr. Robert Cortinas, Chief Financial Officer

Ms. Lorena Castaneda, citizen, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, and unanimously carried to **AMEND** the motion by adding “To also include research on establishing public/private partnerships for example by neighborhoods, communities, and neighborhood associations for expediting the installation of speed cushions that follows City approved policy and processes”.

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

NAYS: None

2ND AND FINAL MOTION

Motion made by Representative Rodriguez, seconded by Representative Salcido, and unanimously carried to **DIRECT** the City Manager to have City staff review the Neighborhood Traffic Management Program (NTMP) on speed cushion requirements such as; the Tier 1 process which consists of the study, implementation and monitoring for residential and collector streets; and to have City staff review and/or update the process to allow for a less stringent manner in which neighborhoods may qualify for street cushions by modifying Section 3, Subsection D of eligibility criteria from 15% to 10% of vehicles meeting or exceeding 5 miles per hour over the posted speed limit; and to allow constituents whom are affected by vehicular accidents to their properties be able to request street cushions without the need of going through this process by providing proper documentation of such to also include research on establishing public/private partnerships for example by neighborhoods, communities, and neighborhood associations for expediting the installation of speed cushions that follows City approved policy and processes.

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

NAYS: None

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

22. ITEM: Discussion and action to direct the City Manager to return to Council within 30 days with a timeline for acquisition of open space land adjacent to the Police Department / Fire Training facility in Northeast El Paso, and to identify funding sources and a timeline for a conservation easement of that open space land.

Representatives Svarzbein and Annelo commented.

The following members of the public commented:

- 1. Ms. Sharon Bonart
- 2. Mr. Rick Bonart

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **AMEND** the item to replace the words “30 days” with “60 days”.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **DIRECT** the City Manager to return to Council within 60 days with a timeline for acquisition of open space land adjacent to the Police Department / Fire Training facility in Northeast El Paso, and to identify funding sources and a timeline for a conservation easement of that open space land.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community

23. RESOLUTION

WHEREAS, the City of El Paso strives to foster an environment that is conducive to nurturing our youth; and

WHEREAS, “bullying” and “cyberbullying” of youth are harmful social phenomena that transcend school and student settings; and

WHEREAS, recognizing definitions of “bullying” and “cyberbullying” that transcends school and student settings promotes greater recognition and prevention of harm to youth; and

WHEREAS, there are currently limited definitions of “bullying” and “cyberbullying” for acts outside a school or student setting; and

WHEREAS, a semantic definition of “bullying” and “cyberbullying” is a workable solution to make protection of children outside a school and student setting an objective of a code of conduct.

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

- 1) That when the definitions of “Bullying” and “Cyberbullying” fall outside the definitions of Texas Education Code Section 37.0832, the City of El Paso may adopt for semantic purposes a revised definition of bullying and cyberbullying of a child or children outside a school or student setting, as follows:

A “child” is an unemancipated person younger than seventeen years of age; and

“Bullying” means a single significant act or a pattern of acts by one or more persons, directed at a child, that exploits an imbalance of power; and that

- i. has the effect or will have the effect of physically harming a child; and/or
- ii. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive environment for a child; and/or
- iii. discloses private information about a child that may be detrimental to the child’s safety or wellbeing; and/or
- iv. infringes on the rights of a child;

and in the more narrow case of “cyberbullying” involves engaging in such conduct through electronic means.

- 2) And that this Resolution be appended for reference to the Code of Conduct for the El Paso City Council and all other elected officials and board members, along with the following Anti-Bullying Statement:

The bullying or cyberbullying of a child or children as defined in this Resolution, is unacceptable conduct for Elected or Appointed Officials within the City of El Paso organization.

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

The following City staff members commented:

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

Ms. Maurine Molak, citizen, commented.

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to **AMEND** the Resolution by striking out the words “or of any person,” and to **DIRECT** the City Attorney and City Manager to bring back the amended Code of Conduct.

2ND AND FINAL MOTION

Motion made by Representative Lizarraga, seconded by Representative Hernandez, and unanimously carried to **APPROVE** the Resolution as Revised and to **DIRECT** the City Attorney and City Manager to bring back the amended Code of Conduct.

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

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

24. ITEM: Update, discussion, and action on the comprehensive constituent request system development timeline and implementation deadlines.

Ms. Carolyn Patrick, Information Technology Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Annello, and Rodriguez commented.

The following City staff members commented:

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

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Salcido, and unanimously carried to **APPROVE** the comprehensive constituent request system development timeline and implementation deadlines presented by staff.

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

.....
The Regular City Council meeting was **RECESSED** at 11:33 a.m.

The Regular City Council meeting was **RECONVENED** at 12:07 p.m.
.....

REGULAR AGENDA – OTHER BUSINESS
.....

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

25. RESOLUTION
.....

WHEREAS, the City Council adopted the Budget Policies on March 3, 2020 to approve the budget stabilization fund.

WHEREAS, the stabilization fund was established as a reserve of surplus revenues to be used with the purpose of 1) minimizing future tax rate impact, 2) protecting against raising charges for services and fees and 3) providing available funding for specific circumstances as needed to maintain the same levels of service.

WHEREAS, the stabilization fund serves as a source of financial support for the City's budget in times of slow or declining revenue growth, as a safeguard to continue funding priorities included in the strategic plan, and as the primary source of protection against having to make drastic cuts in City services in periods of economic downturns; and

WHEREAS, there was a surplus in revenues of \$29,946,829 from FY 2021 which City Council will establish appropriations in the FY 2022 budget for the one-time lump sum payments and expenses related to recent and future storm impacts.

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

1. **THAT** the City Manager or his designee is authorized to allocate \$24,946,829 to the Budget Stabilization Fund;

2. **THAT** the City Manager or his designee is authorized to allocate \$7,000,000 from the budget stabilization fund for the following use:

a. **THAT** the City Manager is authorized to approve the use of \$3,500,000 for a one-time lump sum payment for employees' continued service from the date of this resolution through December 3, 2021 by employees who have not submitted a notice of resignation or been terminated for any reason, as follows:

- A \$500 one-time lump sum payment to Full Time Employees.
- A \$250 one-time lump sum payment to Part-Time Employees.

Employees must be employed as of November 21, 2021, and remain in active status until December 3, 2021. The one-time lump-sum payment shall be reflected in the December 3, 2021 paycheck and be paid in accordance with the process established by the City's Human Resources Department. The one-time lump sum payment shall be subject to the availability of funds and other management factors as determined by the City Manager.

b. **THAT** the City Manager is authorized to approve the use of \$3,500,000 to be allocated to streets, infrastructure, and facility repairs as a result of recent and future storm impacts.

3. **THAT** the City Council hereby approves the reallocation of funds from the budget stabilization fund to reflect the above expenditures.

4. **THAT**, the City Manager, or designee, be authorized to effectuate any budget transfers and execute any contracts and/or related documents necessary to ensure that the funds are properly expended for such purpose.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

Mr. Tommy Gonzalez, City Manager, commented.

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

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

NAYS: None

.....
The Regular City Council meeting was **RECESSED** at 1:41 p.m. in order to convene the Mass Transit Department Board Meeting.

The Regular City Council meeting was **RECONVENED** at 1:43 p.m.

.....
CALL TO THE PUBLIC – PUBLIC COMMENT:
.....

The following members of the public commented:

1. Mr. Ron Comeau
2. Ms. Loretta Hyde
3. Mr. Joseph F. Acosta
4. Ms. Kristen Ortega
5. Mr. Mario Izquierdo
6. Ms. Wally Cech
7. Ms. Sabrina Soto
8. Mr. Michael Castro
9. Mr. Adam Daniel Lopez

.....
REGULAR AGENDA – FIRST READING OF ORDINANCES:
.....

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

Representative Hernandez commented.

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

NAYS: None
.....

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

- 26. 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.

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

- 27. 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.
- 28. 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".

Goal 3: Promote the Visual Image of El Paso

- 29. 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

- 30. 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

- 31. 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.

PUBLIC HEARING WILL BE HELD ON DECEMBER 7, 2021 FOR ITEMS 26 THROUGH 31

32. An Ordinance changing the zoning for the property described as Parcel 1: a portion of Tracts 5 and 6, N/K/A Tracts 5A5 and 6, Section 15, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, 12100 Dyer Street, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-5 (Residential) and Parcel 2: a portion of Section 15, N/K/A Tract 7A, Section 15, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, 12100 Dyer Street, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) 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: 12100 Dyer St.

Applicant: Joseph J. and George J. Ayoub, PZRZ21-00016

PUBLIC HEARING WILL BE HELD ON DECEMBER 14, 2021

REGULAR AGENDA – OTHER BUSINESS / BIDS, CONTRACTS, PROCUREMENTS

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

33. Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2022-0080 Reconstruction of Taxiways J & K2 (Re-Bid) to Jordan Foster Construction, LLC for an estimated award of \$5,617,975.00. The project consists of pavement improvements that will bring the taxiway geometry at the north cargo buildings into compliance with current FAA design standards. Taxiway K2 will be reconstructed and a new Taxiway J9 will be constructed to replace aging pavement and conform with current FAA requirements.

Department:	Aviation
Award to:	Jordan Foster Construction, LLC El Paso, TX
Item(s):	Base Bid
Initial Term:	220 Consecutive Calendar Days
Base Bid:	\$5,617,975.00
Total Estimated Award:	\$5,617,975.00
Funding Source:	Federal Aviation Administration and Airport Enterprise
Account:	562-3010-62330-580170-G62A204003 562-3080-62330-580170-G62A204003
District(s):	All

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Aviation Departments recommend award as indicated to Jordan Foster Construction, LLC, 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..

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

NAYS: None

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

34.

RESOLUTION

WHEREAS, on February 5, 2013 the City Council approved the "2012 Quality of Life Bond Proposed 3 Year Roll-out Plan" which included the Alligator Exhibit, African Bird Indoor Holding, Komodo Dragon Exhibit, and the Penguins Exhibit; and

WHEREAS, pursuant to the paragraph 8 of Budget Resolution for FY2022, the City Manager or designee is authorized to increase or decrease the budget for up to \$1,000,000.00 for any capital projects within a Capital Improvement Program (CIP) approved by the City Council; and

WHEREAS, the City desires to reallocate funds allocated to the following projects: Alligator Exhibit, the African Bird Indoor Holding, and the Komodo Dragon Exhibit; and

WHEREAS, the funds will be reallocated to the Penguins Exhibit.

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

That the City Manager, or designee, be authorized to reallocate funds from the projects identified in Exhibit A** of this Resolution to the Penguins Exhibit as shown in Exhibit A of this Resolution, for a total reallocation of funds in the amount of \$1,500,000; and that the City Manager, or designee, be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary.

Representative Svarzbein commented.

Mr. Gerald DeMuro, Capital Improvement Assistant Director, commented.

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

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

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

-
35. Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Salcido, and unanimously carried to **AWARD** Solicitation 2021-1422 Penguin Exhibit & SAP Restrooms (Re-Bid) to AZTEC CONTRACTORS, INC. for an estimated award of \$5,249,393.00. The Penguin exhibit will house Madagascar South America Penguins. The exhibit will include a fresh water exhibit pool, nests for penguin breeding, a quarantine and nursery pool, office space, beach area for the penguins, personal encounter space for guests and penguins, and stadium seating for guest shows. The SAP (South American Pavilion) Restrooms are new restrooms that will provide men and women restrooms, family restroom, and a nursing area room in the Americas section.

Department:	Capital Improvement
Award to:	AZTEC CONTRACTORS, INC. El Paso, TX
Item(s):	All
Initial Term:	450 Consecutive Calendar Days
Base Bid I:	\$4,630,393.00
Additive Alternate I:	\$ 5,000.00
Additive Alternate II:	\$ 12,000.00
Base Bid II:	\$ 603,000.00
Additive Alternate III:	\$ -1,000.00
Total Estimated Award:	\$5,249,393.00
Account No.:	452 - 4800 - 29010 - 580270 - PCP13ZOOA07 452 - 4800 - 29010 - 580270 - PCP13ZOOD04
Funding Source:	2012 Quality of Life Bond
District(s):	8

This is a Competitive Sealed Proposal, lump sum contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to AZTEC CONTRACTORS, INC. 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.

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

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

36. Motion made by Representative Rivera seconded by Representative Rodriguez, and unanimously carried to **AWARD** Solicitation 2021-0989 Playa Drain Trail Phase II to TAO INDUSTRIES INC., dba HAWK Construction for an estimated award of \$435,247.43. This project consists of construction of a new pedestrian trail, including trail amenities, providing ADA accessibility, and landscape and irrigation improvements.

Department: Capital Improvement
Award to: TAO INDUSTRIES INC., dba HAWK Construction
El Paso, TX
Item(s): Base Bid
Initial Term: 145 Standard Work Weeks
Base Bid I: \$435,247.43
Total Estimated Award: \$435,247.43
Funding Source: Federal Highway Administration, 2011
Certificates of Obligation, and 2018 Certificates of Obligation
Account: 190-4950-38170-580270-PCP21TRAN01
Account: 190-4530-28330-580270-PCP21TRAN01
Account: 190-4741-38290-580270-PCP21TRAN01
District(s): 6 & 7

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to TAO INDUSTRIES INC., dba HAWK Construction., 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

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

.....
REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:
.....

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

37.

ORDINANCE 019260

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT), SECTION 12.08.220 (IMPOUNDING VEHICLES) OF THE CITY CODE, IN ITS ENTIRETY, TO ALLOW AN EMPLOYEE DESIGNATED BY THE CITY TO REQUEST THE REMOVAL AND STORAGE OF ILLEGALLY PARKED AND ABANDONED VEHICLES.**

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**.

Goal 3: Promote the Visual Image of El Paso

38.

*Motion made by, seconded, and unanimously carried to **POSTPONE FOR THREE WEEKS** an Ordinance changing the zoning of the following real property known as: Parcel 1: Tract 1, Section 4, Block 80, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-2 (Heavy Manufacturing); and Parcel 2: Tract 3, Section 3, Block 80, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-2 (Heavy Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 7000 Stan Roberts

Applicant: City of El Paso, PZRZ21-00020 [POSTPONED FROM 10-26-2021]

39.

ITEMS 39 AND 40 WERE TAKEN TOGETHER

ORDINANCE 019261

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 1 THROUGH 20, BLOCK 266, CAMPBELL ADDITION, AND THE VACATED 20.00' ALLEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/C/SP (COMMERCIAL/CONDITIONS/SPECIAL PERMIT), A-2 (APARTMENTS), AND C-4/SP (COMMERCIAL/SPECIAL PERMIT) TO G-MU/C/SP (GENERAL MIXED**

USE/CONDITIONS/SPECIAL PERMIT) AND APPROVING A MASTER ZONING PLAN. 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: 405 MONTANA AVE.
APPLICANT: SLI ENGINEERING C/O GEORGES HALLOUL, PZRZ21-00001

40. **ORDINANCE 019262**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST21-00001, TO ALLOW FOR A 50% REDUCTION IN PARKING ON THE PROPERTY DESCRIBED AS ALL OF LOTS 1 THROUGH 20, BLOCK 266, CAMPBELL ADDITION, AND THE VACATED 20.00' ALLEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070.B 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 AND DETAILED SITE DEVELOPMENT PLAN MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN.

**SUBJECT PROPERTY: 405 MONTANA AVE.
APPLICANT: SLI ENGINEERING, C/O GEORGES HALLOUL, PZST21-00001**

Motion duly made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Salcido, 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, Rodriguez, Rivera, and Lizarraga
NAYS: None

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

.....
REGULAR AGENDA – OTHER BUSINESS:
.....

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

41. **RESOLUTION**

WHEREAS, the City of El Paso is committed to implementing equitable policies, programs, and practices to support entrepreneurship-led economic growth in our community; and

WHEREAS, the City Innovation Ecosystems Program aims to promote equitable economic growth in cities by facilitating the adoption of inclusive and entrepreneurship led policies, programs, and practices; and

WHEREAS, the City is committing to participate in quarterly coaching calls and surveys with NLC Program Experts, quarterly calls with other participating cities in the United States, conduct a landscape analysis of local ecosystem resources and presentation by April 2022, and implement a formal relationship with a Community Development Financial Institution (“CDFI”) and reform a policy or practice that results in local businesses securing CDFI financing by August 2022; and

WHEREAS, upon completion of the commitment-specific initiating activity, commitment-specific output, and Request for Information (“RFI”), the City is eligible to apply for \$15,000 in implementation funding in April 2022; and

WHEREAS, the City shall formally announce its commitment at the National League of Cities’ virtual City Summit Conference on November 17, 2021.

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

That the Mayor and City Council be authorized to sign a Letter of Commitment and Support between the City of El Paso, Texas, a Texas home rule municipal corporation, and the National League of Cities, a Washington D.C. nonprofit organization, to participate in the 2021- 2022 City Innovation Ecosystems program.

Representative Svarzbein commented.

Mr. Christian Lopez, Economic Development Specialist, commented.

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

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

NAYS: None

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

42.

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 two year On-Call Agreement for Professional Services to perform surveying services on a task order basis by and between the by City of El Paso and each of the following four (4) consultants:

1. Brock & Bustillos, Inc.
2. Cobb, Fendley & Associates, Inc.
3. Frank X. Spencer & Associates, Inc.
4. GRV Integrated Engineering

Each On-Call Agreement will be for an amount not to exceed Three Hundred Thousand and No/00 Dollars (\$300,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

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

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

Goal 8: Nurture and Promote a Healthy, sustainable Community

43.

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 delete the El Paso Child Guidance Center project (\$1,263,267), and delete the Parks and Recreation Summer Youth Program (\$65,000), and delete the Hotel and Motel for COVID-19 Positive Homeless project (\$125,000);

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 15, 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;

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, 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

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, November 17, 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-CVIII Program Budget and City Council has duly considered public comment if any.

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 Phase 3 (CDBG-CVIII) Program Budget is hereby amended as follows:
 - a. Add \$1,530,181 in CDBG-CVIII funds to supplement the Inspira Hotel Emergency Shelter Project, operated by Endeavors.
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, and this Thirteenth Amendment to the 2019-2020 Annual Action Plan and 45th Year CDBG-CVIII Program Budget remains in full force and effect.

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

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

.....
ADJOURN
.....

Motion made by Rivera, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** this meeting at 1:53 p.m.

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

.....
APPROVED AS TO CONTENT:
.....

Laura D. Prine, City Clerk