

Oscar Leeser
Mayor

Tommy Gonzalez
City Manager



CITY COUNCIL
Peter Svarzbein, District 1
Alexandra Anello, 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

***** REVISED *****

AGENDA FOR THE REGULAR COUNCIL MEETING

January 04, 2022

**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM**

**THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF
MASKS IN ALL CITY FACILITIES AND INDOOR SPACES**

Teleconference phone number: 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 209-817-15#

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on January 4, 2022 at 9:00 A.M. Members of the public may view the meeting via the following means:

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

Via television on City15,

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

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

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

At the prompt please enter the corresponding Conference ID: 209-817-15#

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

**<https://www.elpasotexas.gov/city-clerk/meetings/city-council-meetings>
and
http://legacy.elpasotexas.gov/muni_clerk/Sign-Up-Form-Call-To-The-Public.php**

The following members of City Council will be present via video conference:

Representatives Peter Svarzbein and Isabel Salcido

A quorum of City Council must participate in the meeting.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Dr. Martin Luther King, Jr. Day

Elvira Nevarez Remembrance Day

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. Approval of Minutes of the Agenda Review Meeting of December 13, 2021. [22-01](#)

All Districts

City Clerk's Office, Laura D. Prine, (915) 212-0019

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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

CONSENT AGENDA - RESOLUTIONS:

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

3. That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and INTERTEK-PSI INC., a [22-10](#)

Delaware USA Foreign For-Profit Corporation, for a project known as "Geotechnical and Materials Testing El Paso International Airport Reconstruction of Taxiways J and K2." for an amount not to exceed TWO HUNDRED TWENTY FOUR THOUSAND SIX HUNDRED AND SIXTY FOUR AND 95/100 DOLLARS (\$224,664.95); that the City Engineer is authorized to approve additional Basic Services and Reimbursable Expenses for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00); and to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00); if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of Three Hundred Twenty Four Thousand Six Hundred and Sixty Four and 95/100 Dollars (\$324,664.95); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

All Districts

Capital Improvement Department, Sam Rodriguez (915) 212-1845

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

4. That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of criminal cases in connection with the District Attorney's Information Management System (DIMS) program from January 1, 2022 through August 31, 2022. The CITY shall make monthly payments of NINETEEN THOUSAND EIGHT HUNDRED EIGHTY- EIGHT AND 77/100 (\$19,888.77) to the County for the months that real-time 24-hour screening under the DIMS program is being provided to the City under this agreement.

[22-25](#)

All Districts

Police, Assistant Chief Z. Silva, (915) 212-4306

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

5. That the City of El Paso hereby requests the Sheriff of El Paso County to sell, in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code, the following described parcel:
 1. Lot 2, Block 84, Cielo Vista Park, Unit "A", an addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof, recorded in Volume 21, Page 5, Map Records of El Paso County, Texas.

[22-02](#)

All Districts

Tax Office, Maria O. Pasillas, (915) 212-1737

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

6. That the City Manager, or designee, be authorized to sign an Underground Electrical Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located between Global Reach Dr. and George Perry Boulevard, legally described as 0.196-acre parcel of land more or less being a portion of Lot 1, Block 1, Butterfield Trail Aviation Park Unit One, (File Clerk's No. 98063155, Plats Records, El Paso County, Texas) City of El Paso, El Paso County, Texas. [22-08](#)

District 3

Airport, Sam Rodriguez, (915) 212-7300

7. That the City Council approves a Change Order to the Montana Corridor RTS project, Contract No. 2018-836 with Venegas Engineering Management and Construction, Inc., in the amount of ONE HUNDRED THIRTY THREE THOUSAND ONE HUNDRED FIFTY FIVE AND 22/100 DOLLARS (\$133,155.22) for the additional cost related to the additional wiring with an increased gauge and additional conduit required to account for relocated electrical services. This notice provides for the additional scope of work, which allows for additional capacity to the awarded contract. The new contract sum, including this change order notice is Twenty Million Forty Six Thousand One Hundred Seven and 45/100 Dollars (\$20,046,107.45). The City Manager is authorized to establish the funding sources and make any necessary budget transfers. [22-17](#)

Districts 2, 3, and 5

Capital Improvement Department, Yvette Hernandez, (915) 212-1860

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

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

8. Isabel Salcido to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser. [22-31](#)
- Members of the City Council, Mayor Oscar Leeser, (915) 212-0021

CONSENT AGENDA - BOARD APPOINTMENTS:

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

9. Pamela Prieto Montoya to the Museums and Cultural Affairs Advisory Board by Representative Joe Molinar, District 4. [22-07](#)
- Members of the City Council, Representative Joe Molinar, (915) 212-0004
10. Benjamin Avalos to the Parks and Recreation Advisory Board by Representative Joe Molinar, District 4. [22-13](#)

Members of the City Council, Representative Joe Molinar, (915) 212-0004

11. Christopher Hartnett Olivares to the Museums and Cultural Affairs Advisory Board by Mayor Oscar Leaser. [22-34](#)

Members of the City Council, Mayor Oscar Leaser, (915) 212-0021

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

12. Joe Molinar to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leaser. [22-30](#)

Members of the City Council, Mayor Oscar Leaser, (915) 212-0021

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

13. Tax Refund to TK Elevator Corporation, in the amount of \$3,996.77 for an overpayment made on November 16, 2021 of 2021 taxes. (Geo. # 0242-999-3003-0000) [22-03](#)

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.

All Districts

Tax Office, Maria O. Pasillas, (915) 212-1737

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

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

14. Discussion and action on a Resolution formally commending and congratulating Ysleta High School on winning the Bi-District Playoff Round and advancing to the 5A Region 1 Area Championship. [22-11](#)

Districts 7 and 6

Members of the City Council, Representative Henry Rivera, (915) 212-0007

Members of the City Council, Representative Claudia Rodriguez, (915) 212-0006

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

15. Discussion and action on a plan to secure Union Plaza area during winter months from winter weather and potential fire damage. [22-05](#)

All Districts

Members of the City Council, Representative Claudia L. Rodriguez, (915) 212-0006

Members of the City Council, Representative Aleksandra Anello, (915) 212-0002

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

Goal 3: Promote the Visual Image of El Paso

16. Discussion on the development and timeline of a bond program in alignment with the implementation of the City's Strategic Plan. [22-19](#)

All Districts

Capital Improvement Department, Sam Rodriguez (915) 212-0065

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

17. Strategic Communications Update and City TV. [22-14](#)

All Districts

Communications and Public Affairs, Laura Cruz-Acosta, (915) 212-0033

18. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts, and processes. [22-21](#)

1. Overview (Tommy Gonzalez)
2. City Attorney Overview (Karla Nieman)
 - a) State Disaster Declarations
 - b) Emergency Ordinances
 - c) Greg Abbott, in his official capacity as Governor of Texas, v. City of El Paso and Statewide Mask Mandate Litigation
 - d) Additional Updates

3. City Manager Wrap-up (Tommy Gonzalez)

All Districts

City Manager's Office, Cary Westin, (915) 212-1063

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

19. Budget Update. [22-06](#)

All Districts

City Manager's Office, K. Nicole Cote, (915) 212-1092

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

20. Quarterly presentation to the City Council on El Paso Water utility matters. [22-12](#)

All Districts

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

REGULAR AGENDA - EMERGENCY ORDINANCES:

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

21. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency. [22-15](#)

All Districts

Fire, Chief Mario M. D'Agostino, (915) 212-5605

22. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019036 instituting emergency measures, as re-enacted, restated and amended by Emergency Ordinance No. 019151; and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191; penalty as provided in Section 8. [22-16](#)

All Districts

Fire, Chief Mario M. D'Agostino, (915) 212-5605

23. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019241; allowing temporary uses on the public right of way and private property by suspending various city ordinances; Penalty as provided in Section 6. [22-23](#)

All Districts

Capital Improvement Department, Sam Rodriguez, (915) 212-0065

CALL TO THE PUBLIC – PUBLIC COMMENT:

Call to the Public will begin at 12:00 p.m. Requests to speak must be received by 9:00 a.m. on the date of the meeting. Sixty minutes in total will be devoted for Call to the Public. This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

Members of the public may communicate with Council during public comment, and regarding agenda items by calling 1-915-213-4096 or toll free number 1-833-664-9267 at the prompt please enter the following Conference ID: 209-817-15#

A sign-up form is available on line for those who wish to sign up in advance of the meeting at: http://legacy.elpasotexas.gov/muni_clerk/signup_form.asp

REGULAR AGENDA - FIRST READING OF ORDINANCES:

INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY

CHARTER:

Public comment typically is not taken during the first reading of ordinances. Public comments are invited at the date of the scheduled public hearing.

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

Goal 3: Promote the Visual Image of El Paso

24. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.150 (Shared Mobility Devices), to update permit term and renewal requirements.

[22-24](#)

All Districts

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Kevin Smith, (915) 212-1566

PUBLIC HEARING WILL BE HELD ON JANUARY 19, 2022

Goal 8: Nurture and Promote a Healthy, Sustainable Community

25. An Ordinance Amending Title 7 (Animals), Chapter 7.04 (Definitions And Administration), Section 7.04.010 (Definitions) to add Inclement Weather to the Definitions; Chapter 7.08 (Animals Generally), Section 7.08.050 (Standards For Animal Care) to add Inclement Weather Conditions to Unlawful Restraint Of A Dog; Chapter 7.12 (Dogs And Cats), Section 7.12.020 (Registration, Vaccination, and Microchips Required) to allow Veterinarians to exchange or return up to 100, unused, expired from the previous year Tags for current year tags; Chapter 7.15 (Grooming Services), Section 7.15.030 (Groomer License Application) to clarify the Contents of the Groomer's Application; Chapter 7.15, Section 7.15.070 (Denial) to Amend Conviction Timeframe Ineligibility; Chapter 7.15 (Grooming Services), Section 7.15.080 (Groomer License Suspension Or Revocation) to clarify the type of Investigation and Corrective Action Timeframe; Chapter 7.15, Section 7.15.090 (Shop Registration Required) to Clarify the type of Background Check required and allowing documents relevant to Application, Background Check, and Supporting Documents be available for Inspection; Chapter 7.15 (Grooming Services), Section 7.15.100 (Shop Registration Application) to Clarify the Issuance of Shop Registration Requirements; Chapter 7.15, Section 7.15.140 (Denial) to Clarify Denial Reasons for Permit Application; Chapter 7.28 (Animal Shelter Advisory Committee), Section 7.28.050 (Quorum And Procedures) to Amend Department; the Penalty as Provided in Section 7.04.080 of The El Paso City Code.

[22-29](#)

All Districts

Animal Services Department, Ramon Herrera, (915) 212-8742

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

26. The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life

[22-04](#)

Award Summary:

Discussion and action on the award of Solicitation 2022-0156 Motor Oil, Antifreeze, Lubricants, Transmission and Hydraulic Oils & Fluids to MJ Mader Enterprises, Inc. dba Bio Dyne Chemical Co. for a one (1) year initial term estimated amount of \$672,796.50. The award also includes a one (1) year option for an estimated amount of \$672,796.50. The total value of the contract is, including the initial term plus the option for a total of two (2) years, for an estimated amount of \$1,345,593.00. This contract will allow for the continual maintenance and upkeep of City owned vehicles for consistent, safe and efficient operation while maintaining maximum reliability.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$329,703.70 for the initial term, which represents a 96.10% increase due to price increases and the additional items.

Department: Streets and Maintenance
Vendor: MJ Mader Enterprises, Inc. dba Bio Dyne Chemical Co.
El Paso, TX
Item(s): All Groups
Initial Term: 1 year
Option to Extend: 1 year
Initial Term Estimated Award: \$ 672,796.50 (1 year)
Total Estimated Award: \$1,345,593.00 (2 years)
Account No.: 532 - 3600 - 531240 - 37020 - P3701
Funding Source: Internal Service Fund
District(s): All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to MJ Mader Enterprises, Inc. dba Bio Dyne Chemical Co., the lowest responsive, responsible bidder and that C&R Distributing LLC be deemed non-responsive for not providing the manufacturer information within the bid; and L.A. Professional Services, Inc. dba TEXSTAR be deemed non-responsive for not bidding on all the items for Group A and Senergy Petroleum, LLC be deemed non-responsive for not bidding on all the items for Group B.

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

All Districts

Streets and Maintenance, Richard Bristol, (915) 212-7000

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-1218

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

27. An Ordinance approving amendment number twenty-one to the project plan and reinvestment zone financing plan for tax increment reinvestment zone (TIRZ) number five, City of El Paso, Texas, to provide funding to the 309 MILLS, LLC improvement project of the property located at 309 Mills Avenue, 79901; subject to the execution of a separate agreement by and between the City of El Paso and the project developer(s); adopting said amendments as required by section 311.011(E) Texas Tax Code. [21-1427](#)

District 8

Economic and International Development, Mirella Craigo, (915) 212-1617

Goal 3: Promote the Visual Image of El Paso

28. An Ordinance changing the zoning of the following real property known as: Parcel 1: a portion of Tracts 4B, 4B1, 5A, 5A1, and 6, Laura E. Mundy Survey 237; Tracts 9B and 9B1, Laura E. Mundy Survey No. 238; and portion of Enchanted Hills Unit Five, City of El Paso, El Paso County, Texas, from R-MU (Residential Mixed Use) to R-5 (Residential) and, Parcel 2: a portion of Tracts 9B, 9B1, and 9B2, Laura E. Mundy Survey No. 238; and portion of Lots 2 thru 5, 9 thru 12, and 21 thru 24, Block 23, Enchanted Hills 5, City of El Paso, El Paso County, Texas, from R-3 (Residential), R-5/sp (Residential/special permit), and R-MU (Residential Mixed Use) to C-2 (Commercial); and, Parcel 3: a portion of Tract 9B2, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [21-1414](#)

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 north of Transmountain Road and east of Interstate 10

Applicant: Conde, Inc., PZRZ21-00024

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Luis Zamora, (915) 212-1552

REGULAR AGENDA - OTHER BUSINESS:

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

29. Discussion and action on a Resolution that the City Manager be authorized to sign the Agreement for Professional Services Construction Management Contract by and between the City of El Paso and Parkhill, Smith and Cooper, Inc. for a project known as "EPIA Reconstruction of Taxiways J & K2", for an amount not to exceed Seven Hundred Twenty Thousand Nine Hundred Sixty-Two and No/100 Dollars (\$720,962.00); and that the City Manager or Designee be authorized to approve up to Fifty Thousand (\$50,000.00) in additional services for a total contract amount not to exceed Seven Hundred Seventy Thousand Nine Hundred Sixty Two and No/00 Dollars (\$770,962.00); and that the City Manager be authorized to establish the funding sources, make any necessary budget transfers, and execute any and all documents necessary for execution of the Agreement. Funding source: FAA Grant and Airport Enterprise. [22-32](#)

All Districts

Airport, Sam Rodriguez, (915) 212-7301

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

30. Discussion and action on the timeline for the preservation of approximately 1,200 acres of City-owned land located in Northeast El Paso adjacent to the future Police Department and Fire Training facility, including identified funding sources and a timeline for the establishment of a conservation easement on the property. [22-18](#)

District 4

Economic and International Development, Karina Bragalla, (915) 212-1570

Economic and International Development, Elizabeth Triggs, (915) 212-1619

EXECUTIVE SESSION

The following members of City Council will be present via video conference:

Representatives Peter Svarzbein and Isabel Salcido

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

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

Discussion and action on the following:

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

- EX1.** Application of El Paso Electric Company to revise its Energy Efficiency Cost Recovery Factor (EECRF) and to request to establish revised cost caps, Public Utility Commission of Texas Docket No. 52081; Matter No. 21-1008-172 (551.071) [22-26](#)
City Attorney's Office, Frances Engelbaum, (915) 212-0033
- EX2.** Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195; Matter No. 21-1008-174 (551.071) [22-27](#)
City Attorney's Office, Francis Engelbaum, (915) 212-0033

ADJOURN

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. If you need Spanish Interpreter Services, you must email CityClerk@elpasotexas.gov at least 48 hours in advance of the meeting.

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

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