

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** Tuesday, October 25, 2022

**CONTACT PERSON NAME AND PHONE NUMBER:**

City Representative Henry Rivera, District 7- 915.212.0007

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

**STRATEGIC GOAL:**

Goal 3 - Promote the Visual Image of El Paso

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action to direct the City Manager and City Attorney to create a permanent moratorium on Article XVII of the City's Municipal Code for residential property owners who have filed an over 65 or persons with disabilities exemption with the El Paso Central Appraisal District from July 15 to September 30 of every year. Calling it the "65 for 65+ Moratorium." The moratorium will protect a person over 65 years or disabled person from receiving a citation from the City for overgrown weeds at their homestead property during El Paso's monsoon season.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

As a result of the monsoon season and shortages in staffing, the City has been unable to keep up with the maintenance of overgrown weeds along medians and has been seeking volunteers for median clean-up days. In general, the monsoon season is considered to be from June 15- September 30 per the International Boundary and Water Commission. That said as we have seen this year it has extended well into October and could possibly continue further.

Keeping in mind our most vulnerable populations, this item seeks to provide relief, on an annual basis, for residential property owners who have filed an over 65 or persons with disabilities exemption with the El Paso Central Appraisal District.

While we do encourage for all property owners to comply with the code and maintain overgrown vegetation at their properties and on abutting parkways/alleys, we are sensitive to the fact that it is difficult for seniors and persons with disabilities to keep up with overgrown weeds during the monsoon season.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one? N/A**

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? N/A**

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

## ***Article XVII. Weeds and Vegetation***

### **9.04.850 Applicability.**

This article shall apply to owners or occupants of properties, including improved property and properties not defined as improved properties, within the city.

(Ord. No. 17380, § 1, 8-24-2010)

### **9.04.860 Weeds and vegetation prohibited.**

- A. Owners shall maintain properties as to prevent the growth of weeds and vegetation, other than those types of weeds and vegetation excepted under Section 9.04.870, under the following conditions:
  - 1. Any individual lot or tract of land smaller than three acres upon which weeds and vegetation exceed an average height greater than twelve inches.
  - 2. Any individual lot or tract of land three acres or greater upon which weeds and vegetation exceed an average height greater than twelve inches and are within one hundred fifty feet of the curb line of adjacent streets, and where no curb exists, to the edge of the street or road surface, or within one hundred fifty feet of any public or private property line.
  - 3. Regardless of lot size, any abutting parkways or alleys upon which weeds or vegetation exceed an average height greater than twelve inches.
- B. Any accumulation or growth of such weeds and vegetation on properties covered by this article, unless exempted under Section 9.04.870, is deemed to be deleterious to the public health, comfort and welfare and is declared to be a public nuisance, the prompt abatement of which is a public necessity. The abatement of said public nuisance shall not be conducted in a manner that exposes the site to wind or water erosion, including but not limited to leaving the site barren (without ground cover) or grading to avoid mowing.
- C. It is unlawful for any owner or person having the right of possession of any property within the city to cause or permit such public nuisance on the property or any abutting pathways or alleys.

(Ord. No. 17380, § 1, 8-24-2010; Ord. No. 17516, § 2, 3-29-2011)

### **9.04.870 Exceptions.**

The following weeds and vegetation in the city shall be exempt from the requirements of Section 9.04.860:

- A. Regularly cultivated ornamental, fruit bearing, vegetable bearing or flowering plants, bushes or trees, or native desert vegetation;
- B. Regularly cultivated crops grown on property that is classified as agriculture exempt according to the tax rolls;
- C. Pasture lands on property that is classified as agriculture exempt according to the tax rolls;
- D. Property that the director determines should be exempted because of the lack of harm to the public health, safety, and welfare (e.g., steep slopes, undeveloped properties, wet ponding areas or areas far

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removed from population centers and similar areas) or property that has been stabilized in accordance with an approved Grading Stabilization Plan pursuant to Title 18.44 (Grading); and

E. Naturally occurring vegetation on a lot that has never been graded.

(Ord. No. 17380, § 1, 8-24-2010; Ord. No. 17516, § 2, 3-29-2011)

#### **9.04.880 City abatement.**

- A. The director is authorized to notify the owner about the condition of the land constituting a public nuisance due to accumulation of solid waste, recyclables, weeds and vegetation, other waste, or any other unacceptable, unsightly or unsanitary matter in violation of this chapter. Such solid waste, recyclables, weeds and vegetation, other waste, or any other unacceptable, unsightly or unsanitary matter in violation of this chapter must be removed within seven calendar days after the receipt of such notice. Such notice will further state that if the current property condition is not corrected within the seven calendar days from the service of such notice, the city may, without further notice abate this public nuisance by cleaning the property, and charge the cost of expense incurred in doing such work to the owner of such property and fix a lien thereon as provided by this article.
- B. Such notice shall be in writing and delivered in person or sent by mail (or by any means authorized by state law) to the owner, or to any one or more of the owners if the land is owned jointly or in common at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located, or to any agency having the authority to lease, rent, sell, manage or take care of the land. If the correction notice cannot be hand delivered at the time of the investigation, or the owner's address recorded in the central appraisal district is unknown, notice may be given by publication at least once in a newspaper of general circulation, by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property which the violation relates, if the property contains no buildings.
- C. If the city mails a notice to a property owner in accordance with this section, and the United States Postal Services returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.
- D. The person given such a notice or their representative may request a hearing with the city manager or his designee within seven calendar days after the receipt of the notice, to present their reasons for which this ordinance should not be enforced.
- E. If the property owner or their representative fails to remove an accumulation of solid waste, recyclables, weeds and vegetation, other waste, or any other unacceptable, unsightly or unsanitary matter in violation of this chapter within seven calendar days after the receipt or posting of notice, the department shall arrange to have the cleaning, disposal or removal of solid waste, recyclables, weeds and vegetation, other waste, or any other unacceptable, unsightly or unsanitary matter in violation of this chapter done and assess the cost of such clean up, disposal or removal and all reasonable expenses at the owner's expense and to take any action as provided by this chapter. The notice shall state the cost to the city or other entity, to clean the property, including labor costs, administrative costs, transportation expenses, publication costs, expenses for use of equipment, and materials and other reasonable expenses. The notice shall be sent in writing by the director or city comptroller requesting payment to the city within thirty calendar days of receipt by the property owner. Failure to pay the costs associated with the cleanup will result in a request to city council to pass a resolution declaring the reasonable expenses which include the cost of clean up, disposal or removal, labor costs, administrative costs, transportation expenses, publication costs, expenses for use of equipment, and materials and other reasonable expenses, as well as the established authorized fee relating to the preparation of the required legal documents necessary for the creation of and release of lien, plus the cost of recording the resolution, to be a lien on the property payable within ten calendar days after adoption of the

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resolution, and thereafter bearing ten percent yearly interest until the debt is paid in full. If passed, a copy of the resolution, authenticated by the acknowledgement of the city clerk, shall be filed for record in the office of the county clerk. The city tax assessor and collector shall send a bill for the amount with all tax bills on the property until the debt is paid in full.

- F. The city may provide a notice to inform the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located, by mail (or by any means authorized by state law) and a posting on the property, or by personal delivery of correction notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety within a twelve-calendar month period from the date of the notice, the city without further notice may correct the violations at the owner's expense and assess the clean-up expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period and the city has not been informed in writing by the owner of an ownership change, then the city without further notice may take any action as provided by Chapter 342 of the Texas Health and Safety Code and assess its expenses as provided by Section 342.007.

(Ord. No. 17380, § 1, 8-24-2010; Ord. No. 17543, § 1, 4-26-2011; Ord. No. 18227, § 1, 8-19-2014; Ord. No. 18468 , § 1, 2-23-2016)

By [Brianna Perez](#)

September 29, 2022 1:24 AM

Published [September 28, 2022](#) 8:01 PM

# City seeks volunteers for weed clean-up event while battling staffing shortage

EL PASO, Texas– Monsoon season brings rains to the Borderland, but the weeds that are left have some city workers strained.

With several vacancies, the city is turning to a clean-up effort that serves as volunteer hours for high schoolers in the Borderland.

This week the city has come out with a plan to clear up some street medians with help from schools and non-profit organizations.

A weed clean-up event set to start this Saturday will bring volunteers together for a fundraising opportunity.

Nick Ybarra, an Assistant Director at the Environmental Services Department, said this will be a way to help beautify our streets while providing volunteer hours.

The city also offers an incentive for the school or non-profit organizations, with the most volunteers receiving \$500 dollars.

With the city median crew down about 40 percent of their staff, he said in the last six weeks, they have been able to clean up 30 medians out of 300.

“We are doing our best to try to take care of as many medians as possible, we are doing what we can with the workforce that we have,” said Ybarra.

Meanwhile, parents are concerned about where their taxpayer money is going and if it is safe for their children.

“Should our kids be volunteering when we're paying that much money in taxes for the city, not even to take care of it?” said parent Berta Ramirez.

Ybarra said he ensures safety at the event, the city will be closing off the street between Saul Kleinfeld and Bob Mitchell while volunteers work on the medians along Montwood.

"We will provide them gloves, the tools, racks, hoes, shovels. That way, they can assist with pulling the weeds, we are providing dumpsters nearby and containers so they can have somewhere to throw the weeds," said Ybarra.

He also said the city will provide snacks and drinks.

Ybarra said they understand it is done by the City of El Paso, they are just providing a volunteer opportunity.

After this event, the city said it will be hosting multiple weed cleanup events throughout the community throughout the fall on various dates.

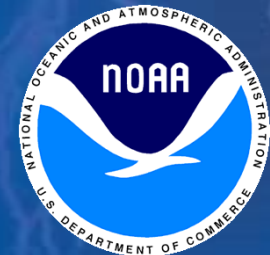
# Weather 101

## The North American Monsoon

Jason Laney

Warning Coordination Meteorologist

NWS El Paso





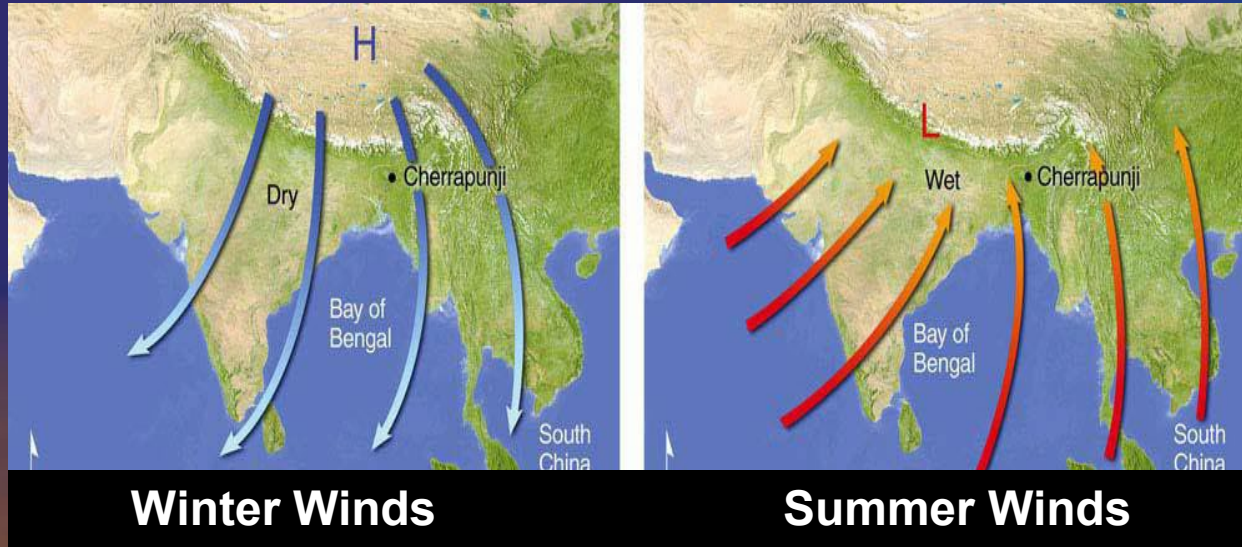
# North American Monsoon

- Is simply a season, lasting from June 15<sup>th</sup> until September 30<sup>th</sup> in the Southwestern US states.
- Used in conversation the same way as the word “Summer” or “Autumn”.
  - “I will be in Canada for the next 6 months, so I will miss the Monsoon.”
- **Does not** refer to an individual thunderstorm or group of thunderstorms.
- Comes from the Arabic word “mawsim” which means, “season”.



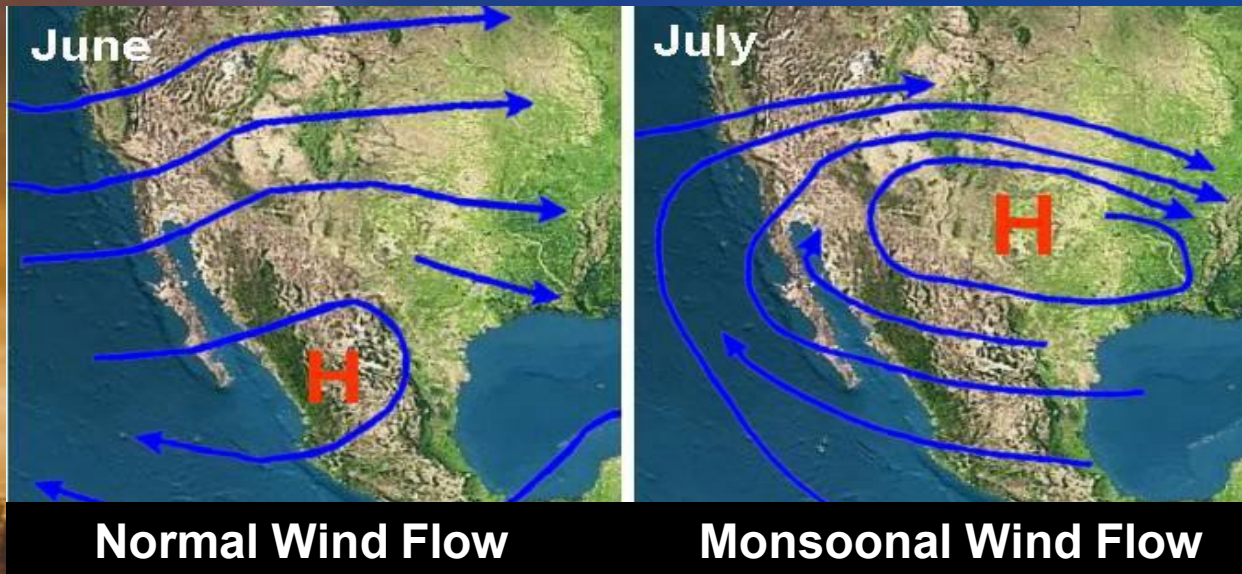
# What is a “Monsoon”?

- A Seasonal Wind Shift on a Regional Scale



## Asian Monsoon

- High pressure over Tibetan Plateau in Winter drives offshore winds
- Low pressure over land in Summer drives onshore winds
- Results in widespread heavy rainfall and flooding



## North American Monsoon

- High pressure south over Mexico with westerly flow aloft most of the year
- High pressure moves north over Four Corners and brings moisture into the southwest
- Generally weaker than the Asian Monsoon because the Mexican Plateau is not as high or as large





# Monsoon Progression

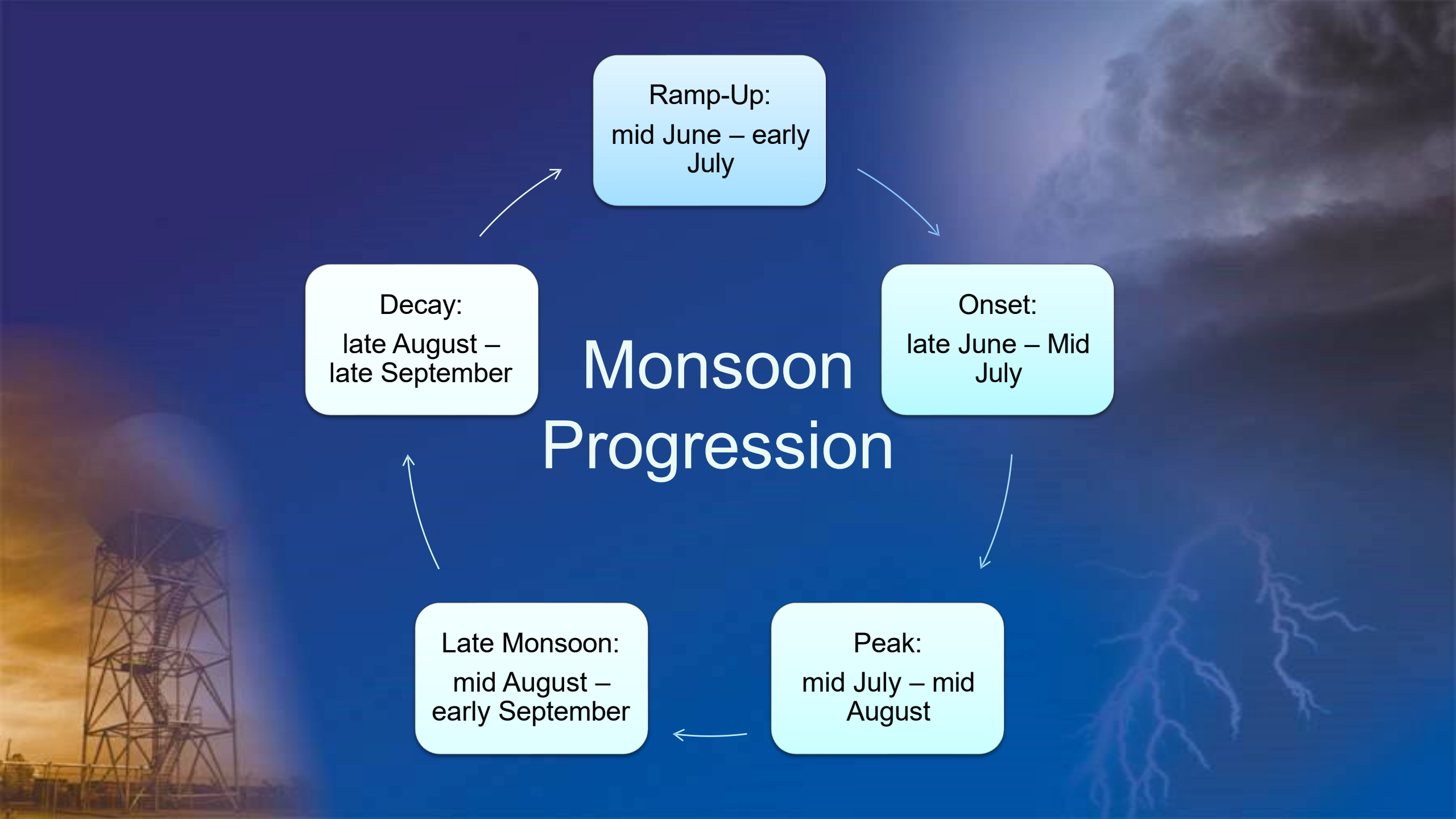
Ramp-Up:  
mid June – early  
July

Onset:  
late June – Mid  
July

Decay:  
late August –  
late September

Late Monsoon:  
mid August –  
early September

Peak:  
mid July – mid  
August



# Monsoon Progression

- Ramp Up
  - Tropical moisture starts to infiltrate the Sierra Madres
  - Ridge and wind direction can waver significantly
- Onset
  - Moisture increases over northern Mexico
  - Thunderstorms more organized, numerous and wet
- Peak
  - High pressure strongest and northernmost position
  - Daily storms with threat of flash flooding, wind damage and dust storms.

# Monsoon Progression

- Late Monsoon
  - Lowering sun angle starts to weaken high pressure
  - Upper level winds more variable
  - Tropical eastern Pacific starts to become a concern
- Decay
  - Ridge has significantly weakened
  - Transition season with cold fronts and the potential for supercells
  - Upper level winds become more westerly over time

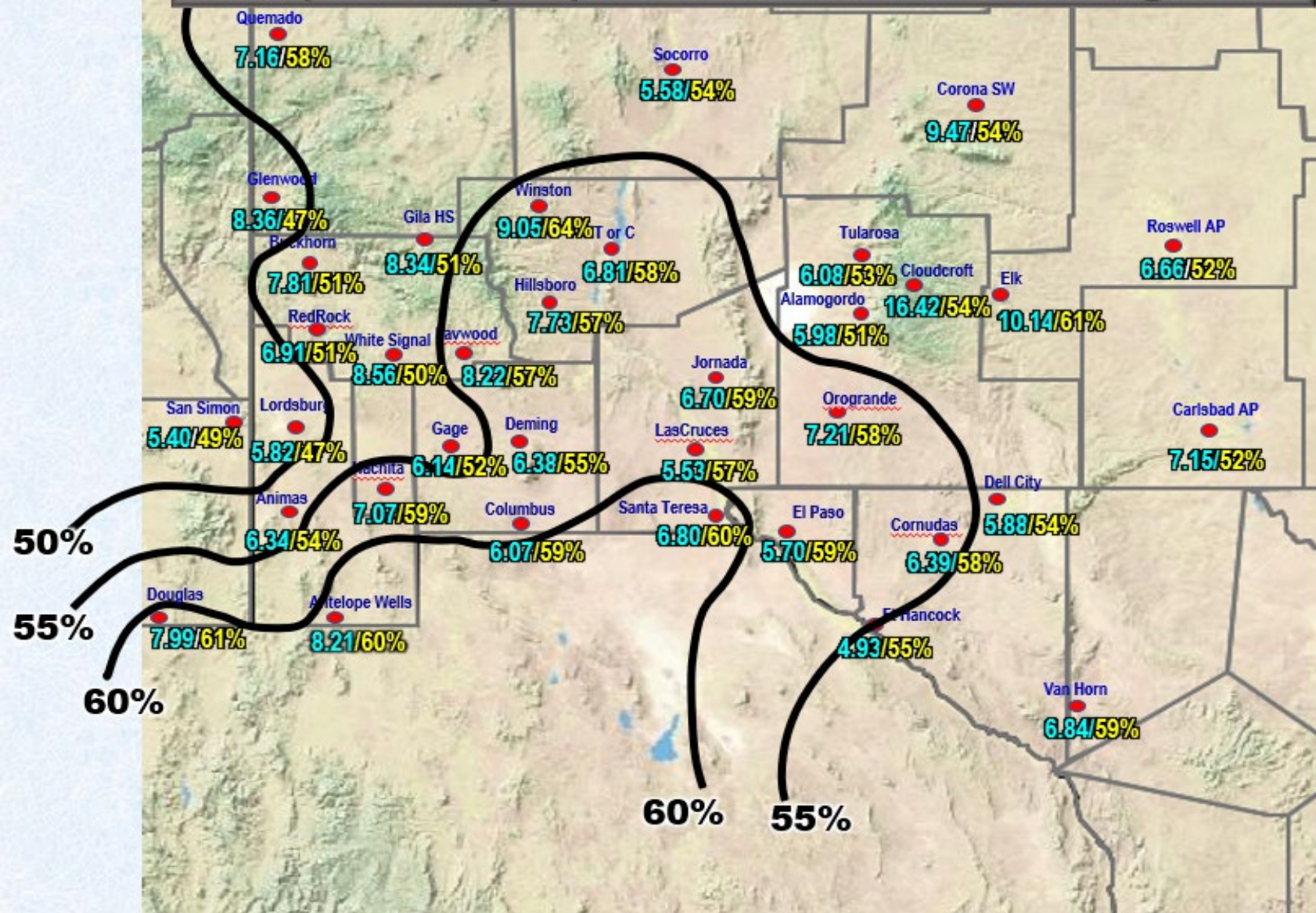
# MONSOON RAINFALL & VARIABILITY





# Why Monsoonal Rainfall Matters

**Rainfall (inches) and Percent of Annual Rainfall During NAM (Jun15-Sep 30) for El Paso Forecast Area Figure 1B**



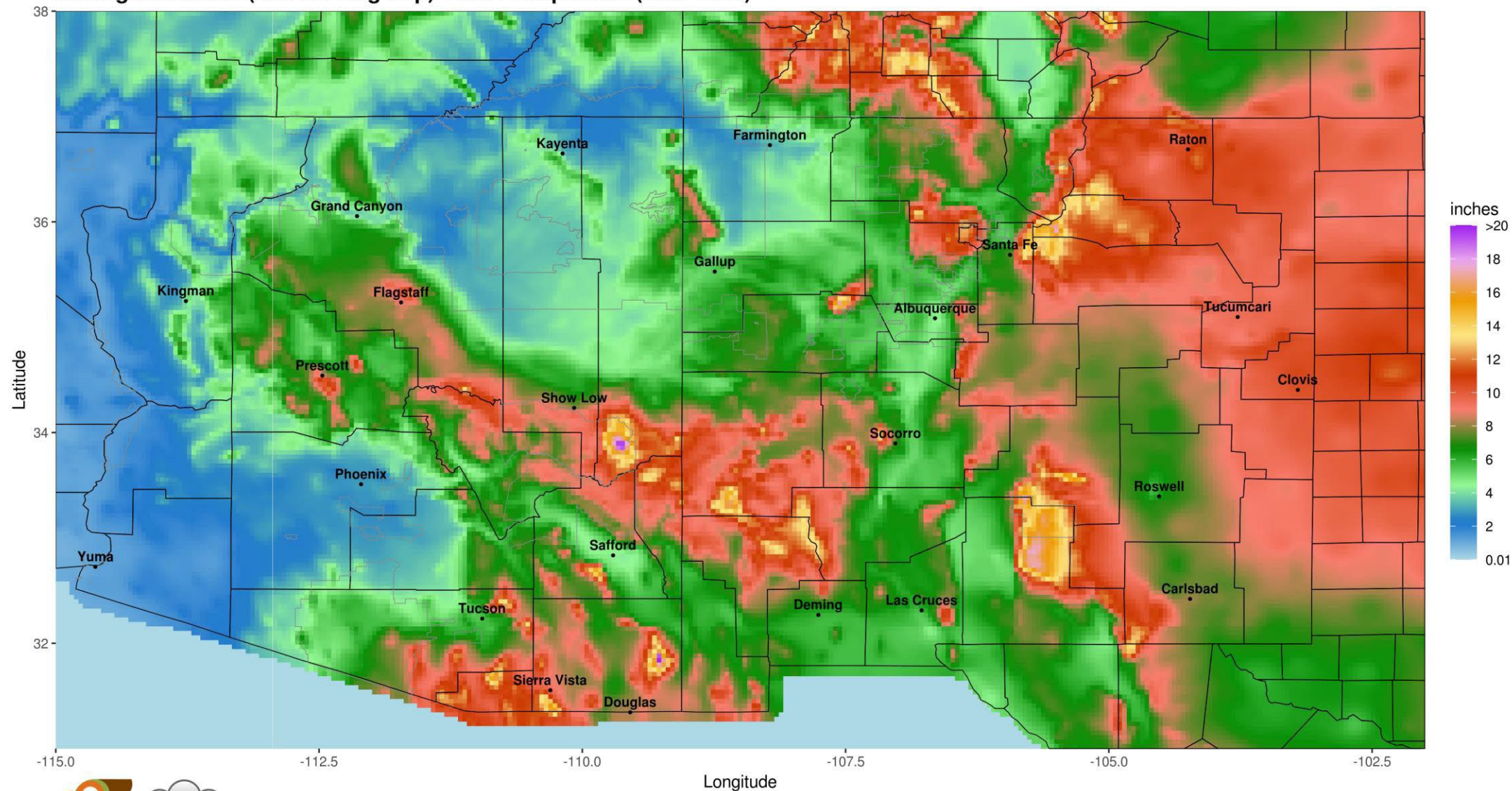
- ❑ 50-60% of our annual precipitation falls during the Monsoon
- ❑ Monsoon rainfall helps to replenish water levels at Elephant Butte/Caballo lakes
- ❑ The Monsoon can also be associated with weather hazards such as flash flooding, hail, and even wildfires.



# Monsoon Rainfall Normals in the Southwest (POR)

Location	June (15-30)	July	August	September	Total
Tucson	0.15"	2.25"	2.39"	1.29"	6.08"
Phoenix	0.02"	1.05"	1.00"	0.64"	2.71"
Yuma	0.01"	0.23"	0.53"	0.52"	1.29"
Albuquerque	0.45"	1.50"	1.58"	1.08"	4.61"
El Paso	0.56"	1.76"	1.71"	1.43"	5.46"
Flagstaff	0.21"	2.61"	3.11"	2.38"	8.31"

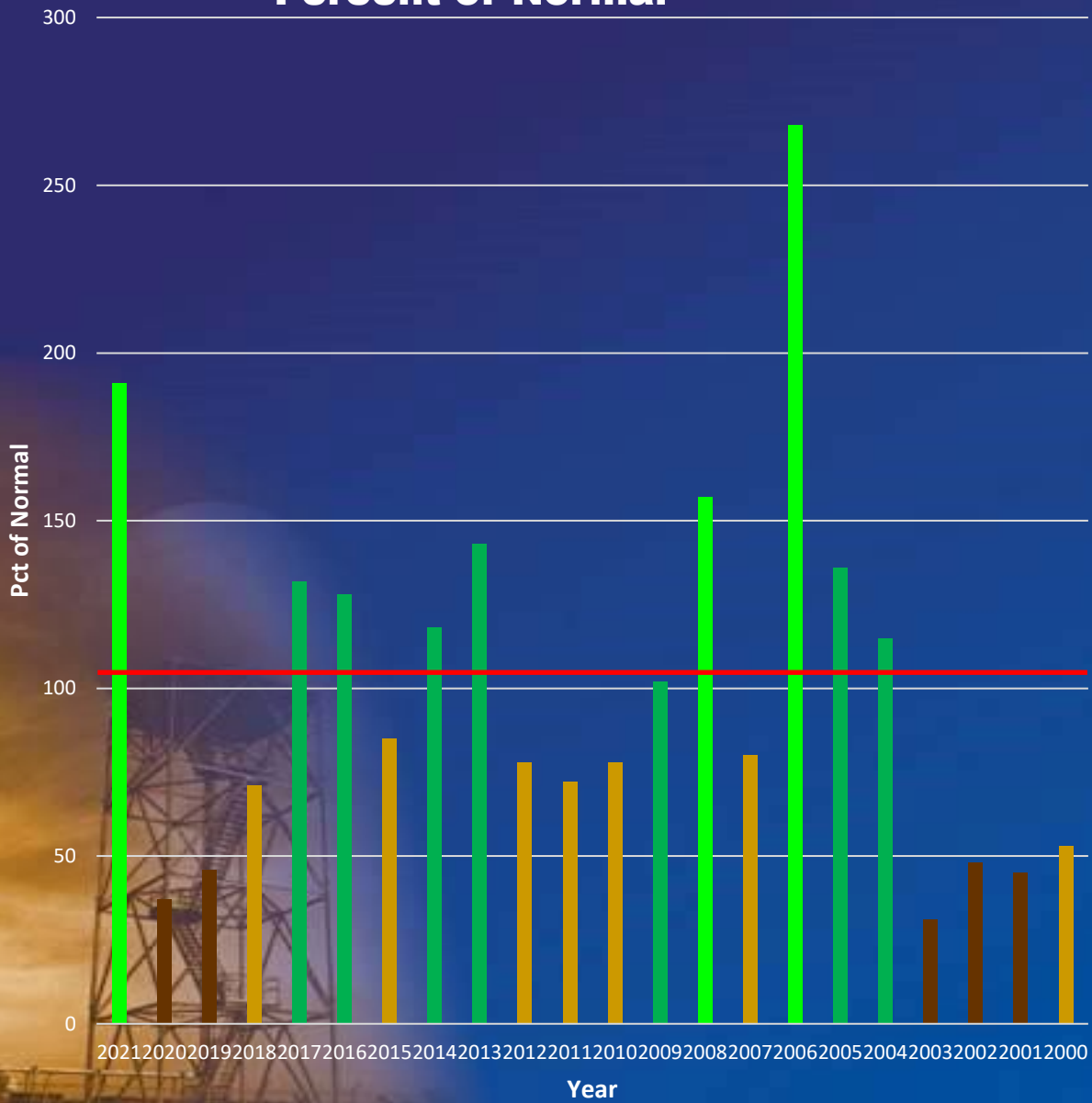
# Average Seasonal (Jun-Jul-Aug-Sep) Total Precipitation (1981-2010)



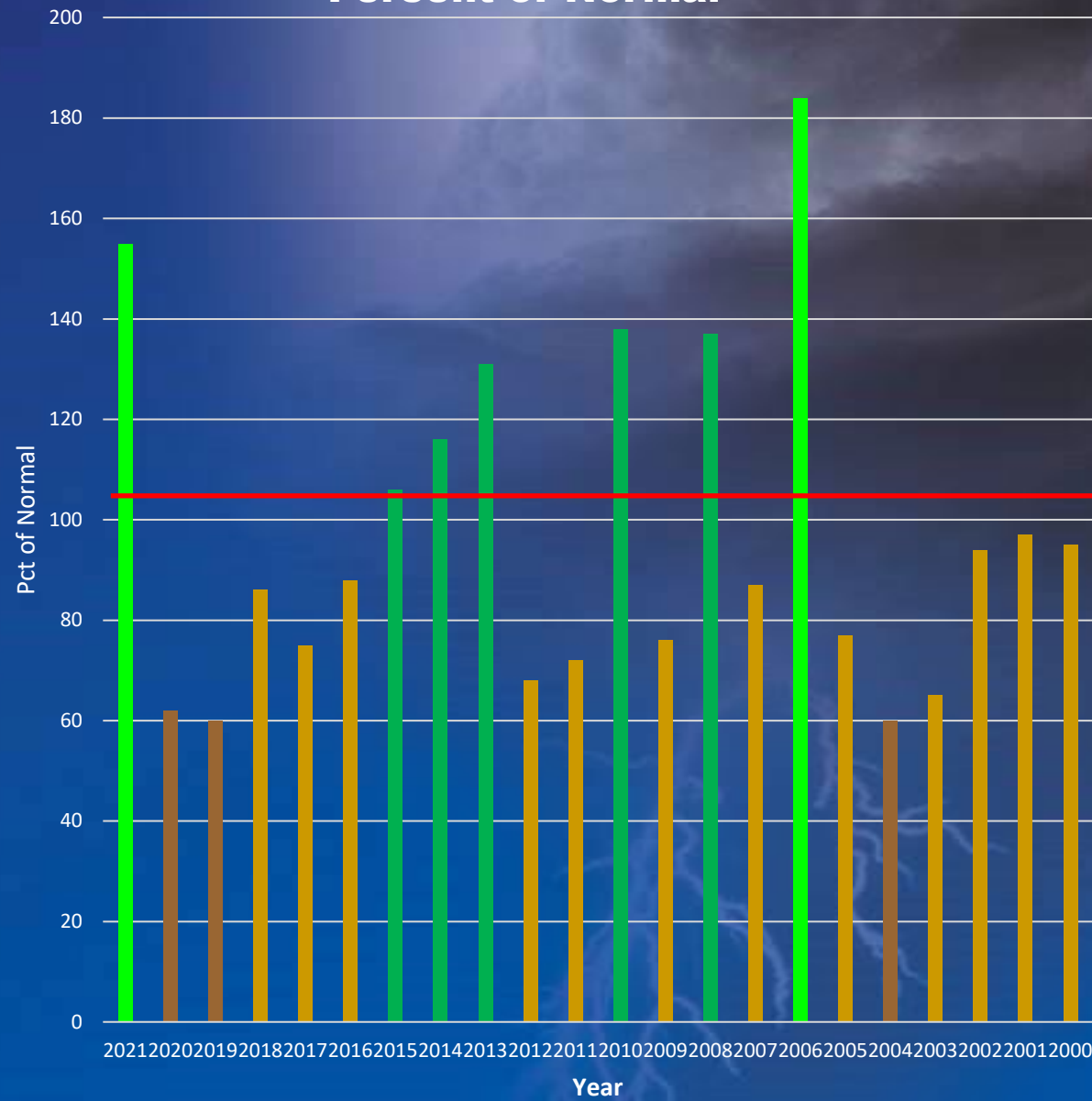
THE UNIVERSITY OF ARIZONA  
Cooperative Extension

Plot created: 2019-06-06  
The University of Arizona  
<https://cals.arizona.edu/climate/>  
Data Source: PRISM Climate Group

## El Paso Monsoon Percent of Normal



## Cloudcroft Monsoon Percent of Normal





# Monsoon Variability (El Paso)

- The driest monsoon season measured 0.23", and the wettest measured 15.28" in El Paso.
- Therefore, a variation between seasons of 15.05" exists, which is almost three times the normal monsoon precipitation at El Paso.
- Understanding the causes for this huge variation is the first step in developing an ability to forecast an upcoming monsoon season.

# Monsoon Variability (El Paso)

- Research within the past decade or so has investigated the possible causes behind North American Monsoon variability.
  - Sea surface temperatures & anomalies – El Nino and La Nina
  - Large-scale circulation patterns
  - Land surface conditions
  - Tropical convergence zones
  - Moisture transport mechanisms

# Monsoon 2022 Outlook...

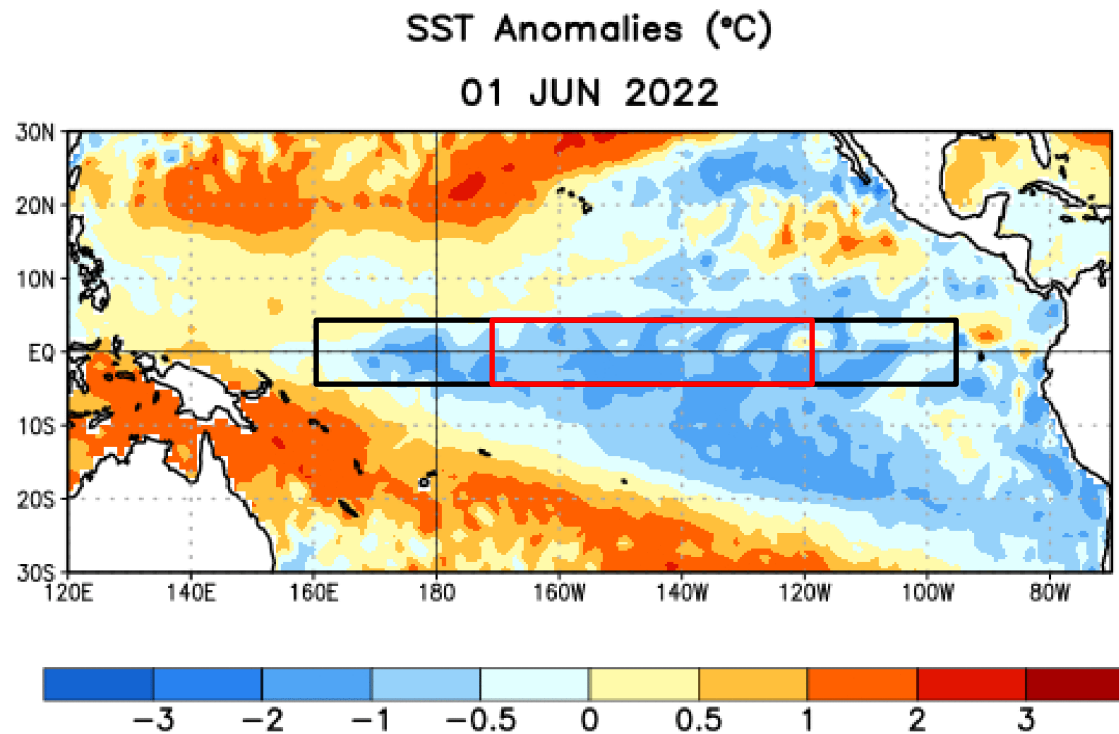
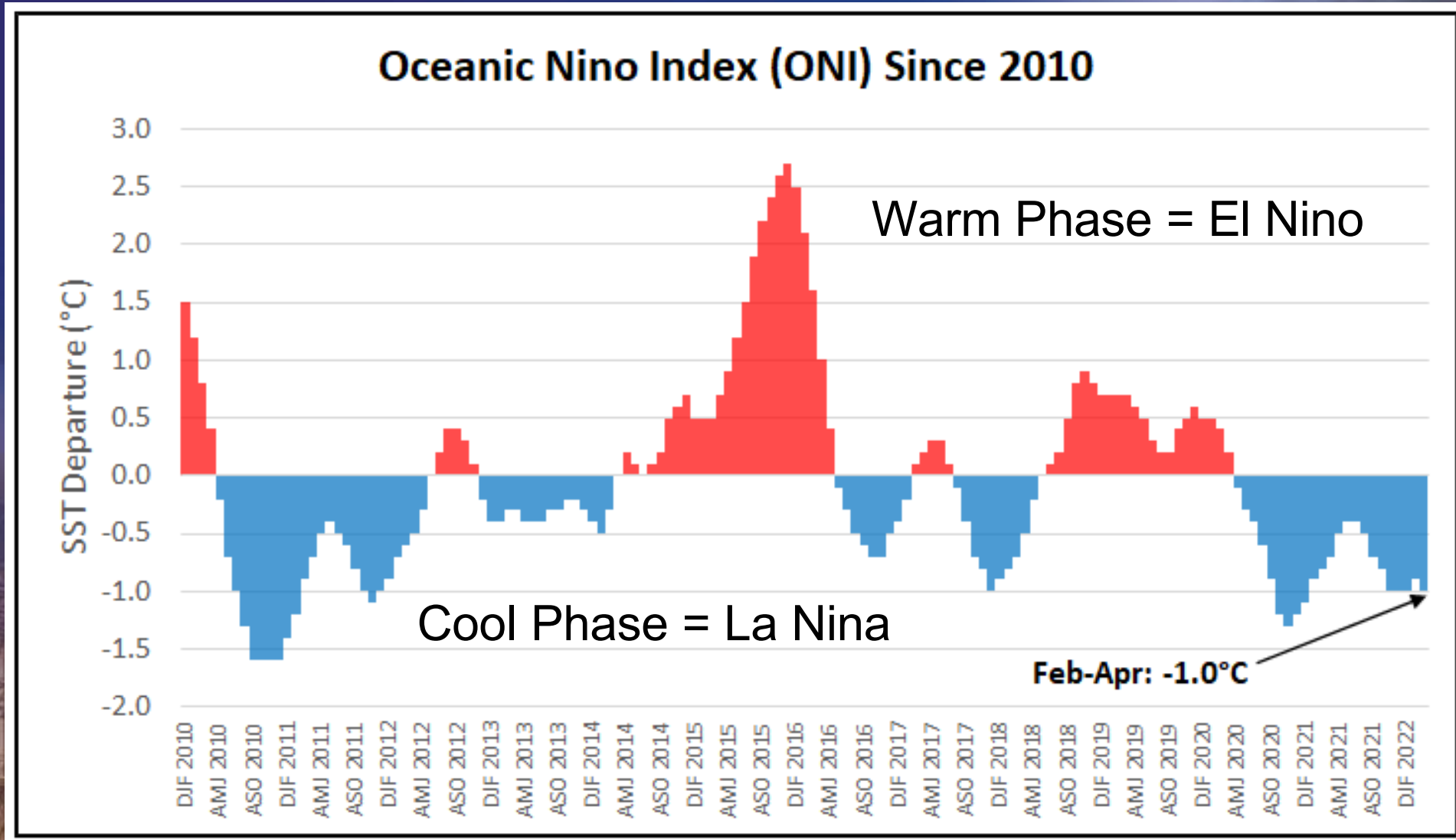


Figure 1. Average sea surface temperature (SST) anomalies (°C) for the week centered on 1 June 2022. Anomalies are computed with respect to the 1991-2020 base period weekly means.

# Monsoon 2022 Outlook... ENSO Connection?





# La Nina Likely...

La Nina didn't weaken during the Spring like usual.

Increasing chance that a third straight La Nina fall and winter are coming.

Three La Ninas in a row haven't happened since 2000.

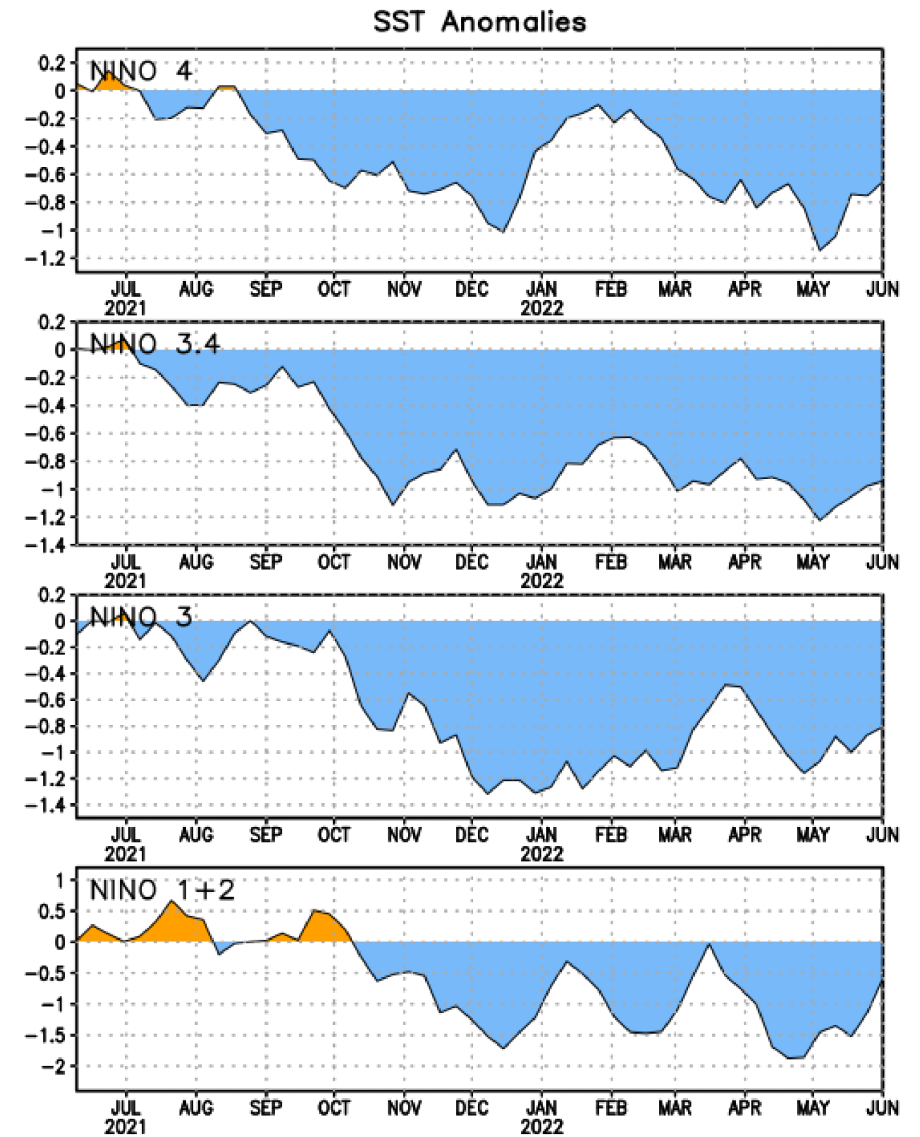
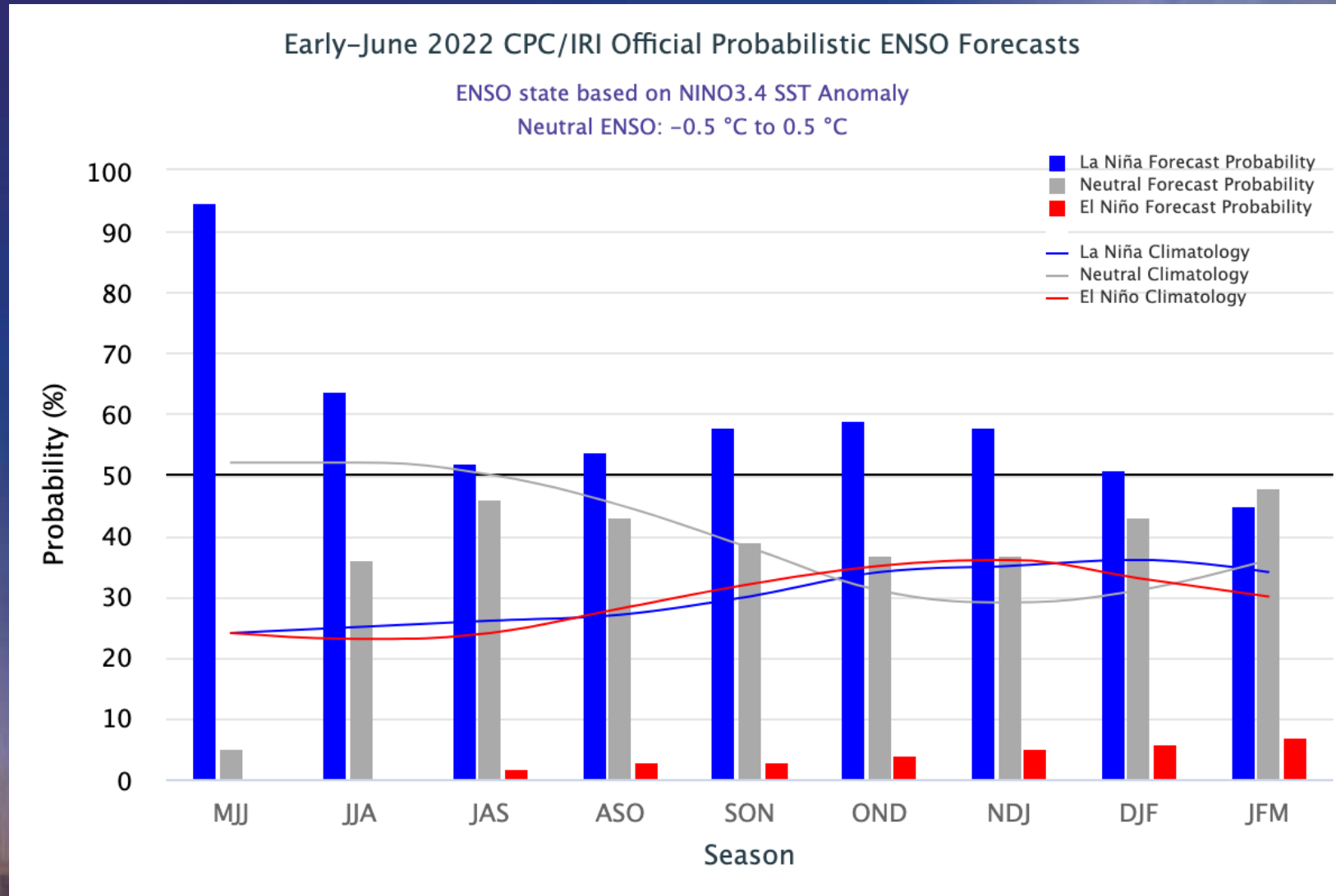


Figure 2. Time series of area-averaged sea surface temperature (SST) anomalies ( $^{\circ}\text{C}$ ) in the Niño regions [Niño-1+2 ( $0^{\circ}$ - $10^{\circ}\text{S}$ ,  $90^{\circ}\text{W}$ - $80^{\circ}\text{W}$ ), Niño-3 ( $5^{\circ}\text{N}$ - $5^{\circ}\text{S}$ ,  $150^{\circ}\text{W}$ - $90^{\circ}\text{W}$ ), Niño-3.4 ( $5^{\circ}\text{N}$ - $5^{\circ}\text{S}$ ,  $170^{\circ}\text{W}$ - $120^{\circ}\text{W}$ ), Niño-4 ( $5^{\circ}\text{N}$ - $5^{\circ}\text{S}$ ,  $150^{\circ}\text{W}$ - $160^{\circ}\text{E}$ )]. SST anomalies are departures from the 1991-2020 base period weekly means.



# La Nina Likely to Continue, but...

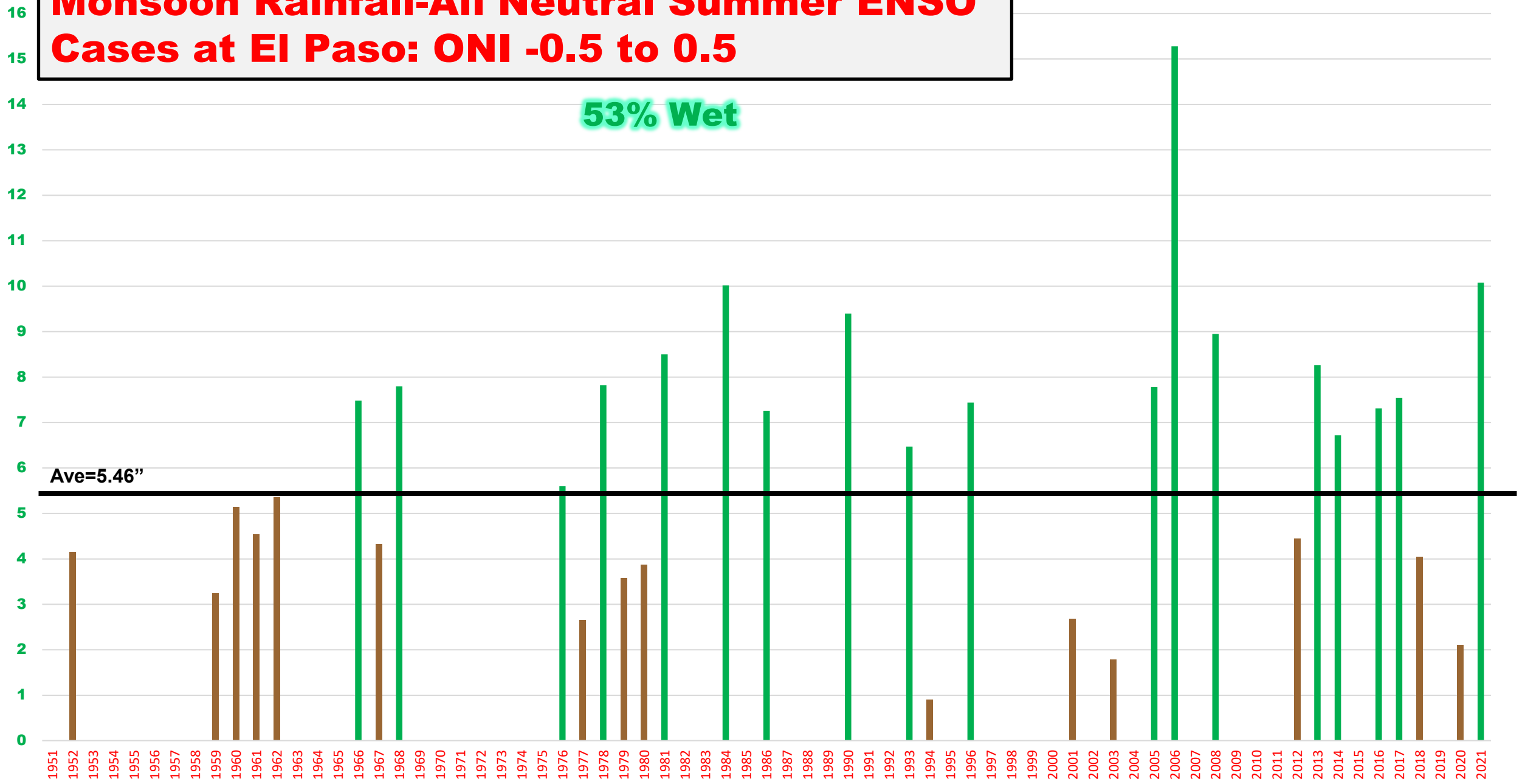
Latest forecast is for 52% chance that La Nina conditions decrease this summer.



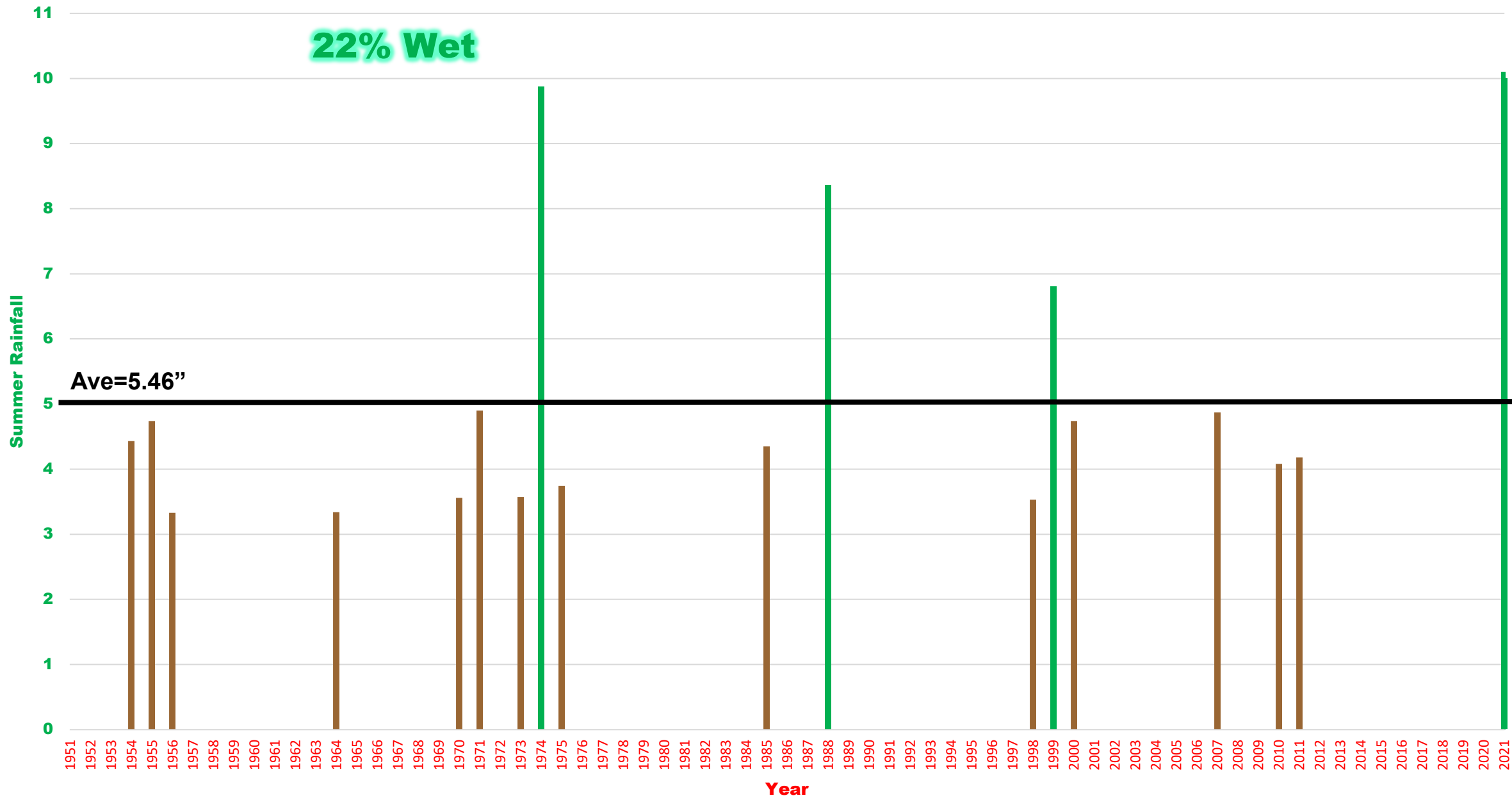
# Monsoon Rainfall-All Neutral Summer ENSO Cases at El Paso: ONI -0.5 to 0.5

53% Wet

Ave=5.46"



# Monsoon Rainfall – Summer La Niña Cases at El Paso

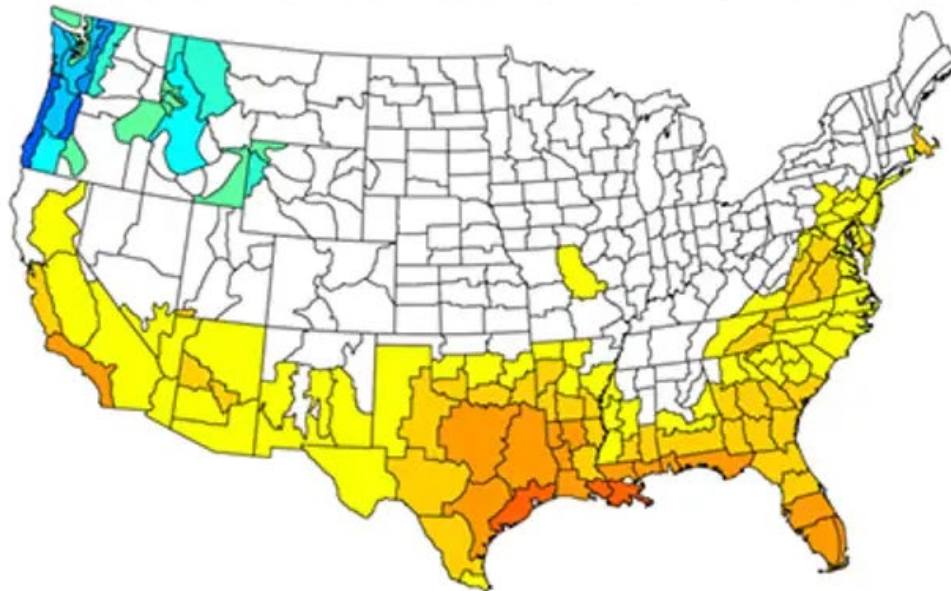


# La Nina Likely...

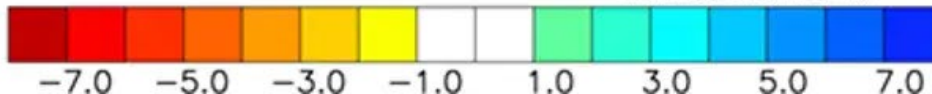
- Winter La Nina impacts are usually more predictable than Summer impacts.
- Normal La Nina winters are drier and warmer than normal.
- However in Summer, it can literally go either way.

NOAA/NCEI Climate Division Composite Precipitation Anomalies (in)  
Versus 1991–2020 Longterm Average

Nov to Apr 1954–55, 1955–56, 1964–65, 1970–71, 1971–72, 1973–74, 1974–75, 1975–76  
1983–84, 1984–85, 1988–89, 1995–96, 1998–99, 1999–00, 2000–01, 2005–06, 2007–08, 2008–09, 2010–



NOAA PSL and CIRES-CU



Cool season precipitation anomalies during La Nina years.

# North American Monsoon... Final Take (EPZ)

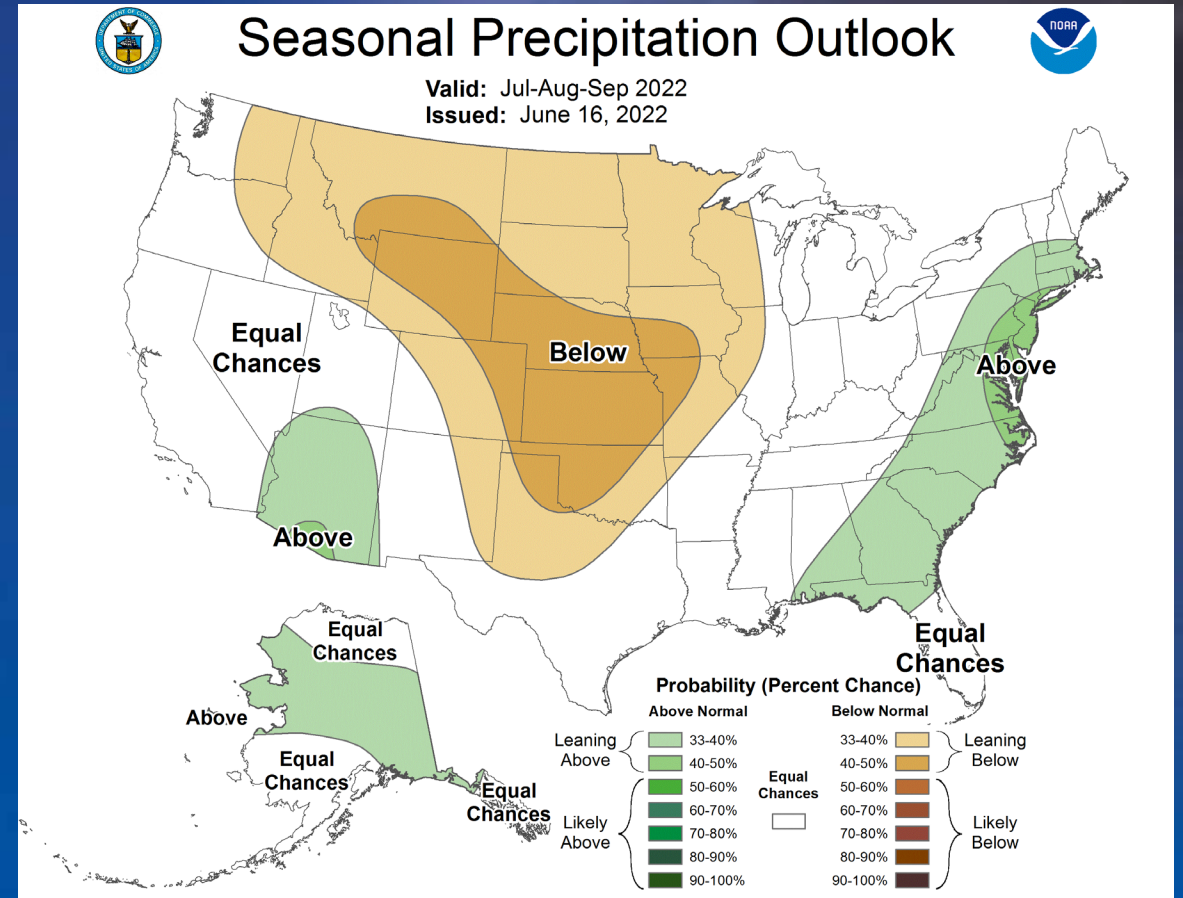
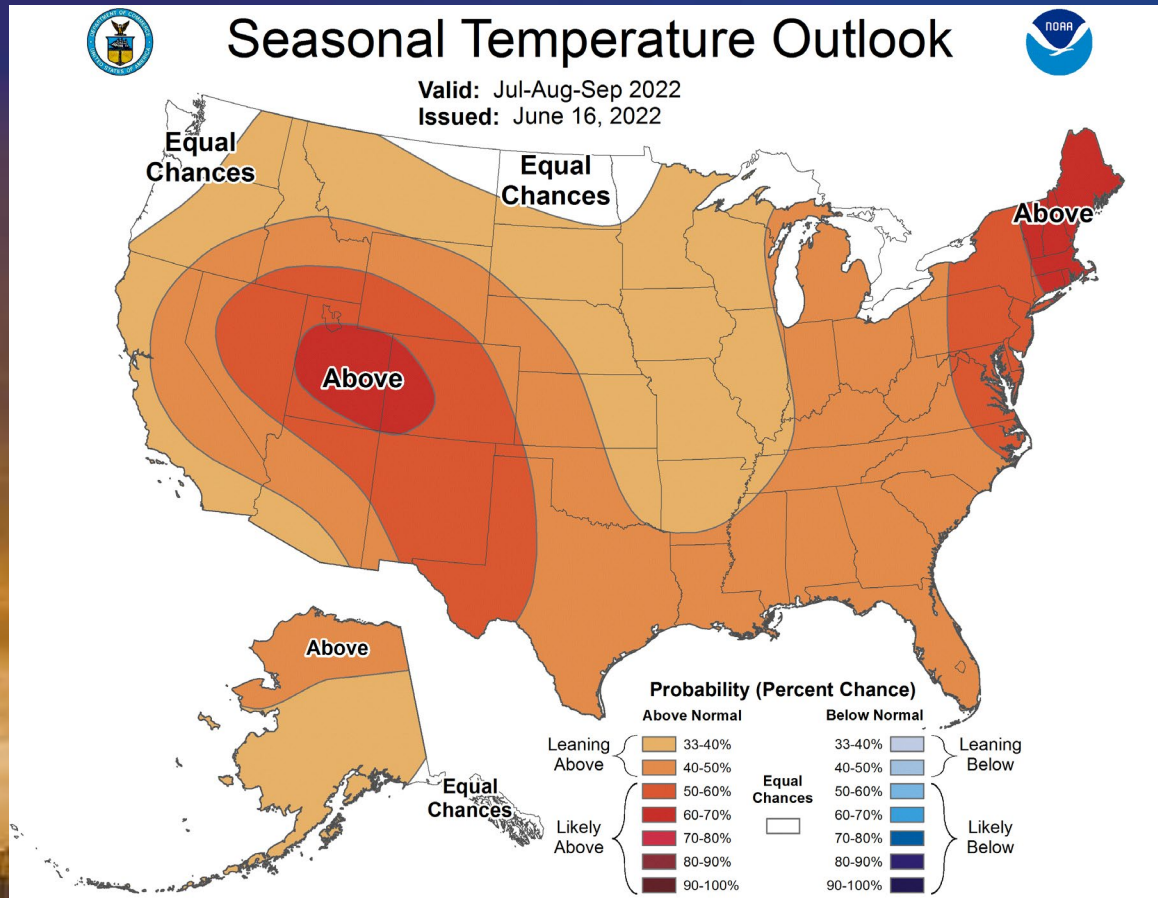
- Monsoons are naturally variable across the region. As such there is no clear cut science to determine Monsoon rainfall output with a high level of certainty.
- It seems apparent that La Nina conditions will continue through the summer and into the upcoming winter.
- Overall, current drought conditions will likely not improve much, even if the Monsoon is good to us as the winter months will likely be dry again.
- Best guess is we will have a near normal Monsoon season in terms of rainfall across southern New Mexico and far west Texas.





# Latest CPC Seasonal Outlook

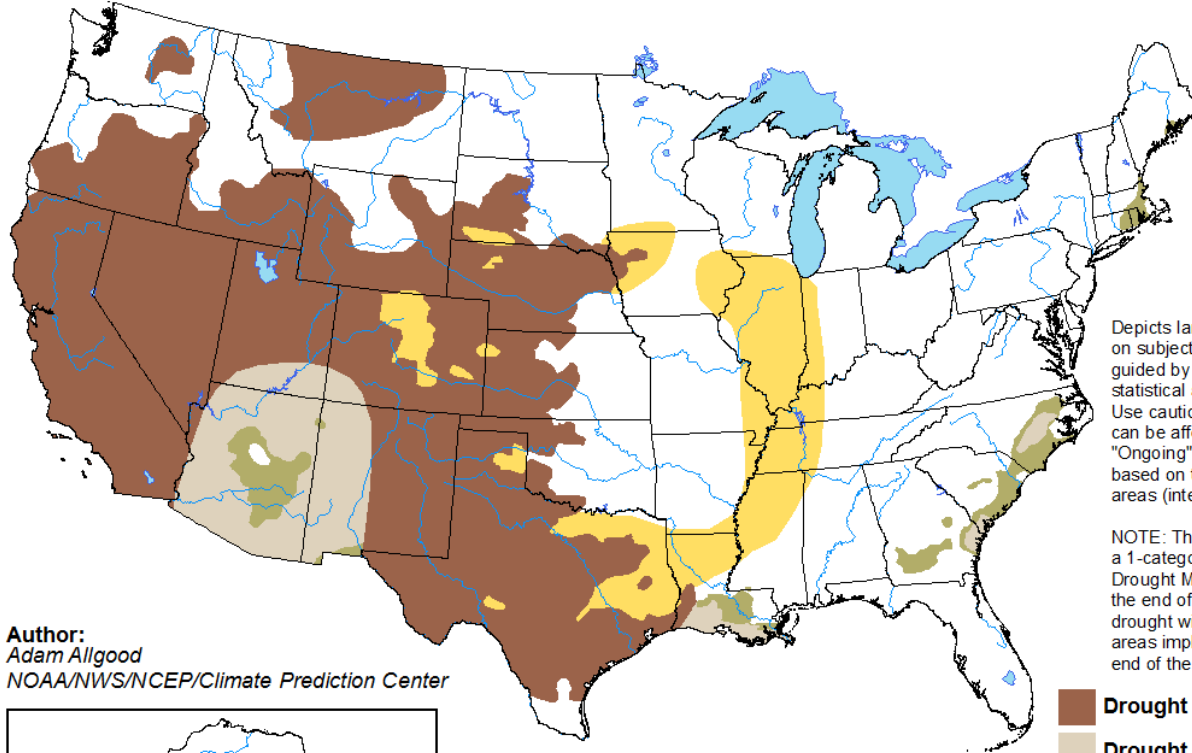
July through September 2022 (Primary Monsoon Season for Southwest US)



# Latest Drought Outlook (Monsoon)

## U.S. Seasonal Drought Outlook Drought Tendency During the Valid Period

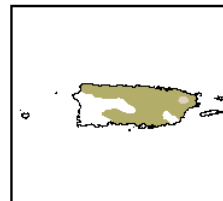
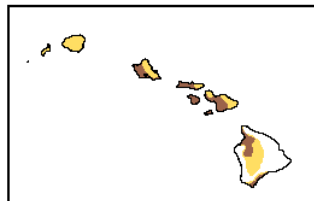
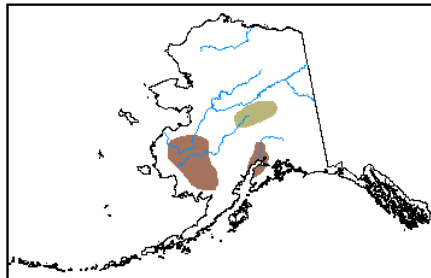
Valid for June 16 - September 30, 2022  
Released June 16



Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Use caution for applications that can be affected by short lived events. "Ongoing" drought areas are based on the U.S. Drought Monitor areas (intensities of D1 to D4).

NOTE: The tan areas imply at least a 1-category improvement in the Drought Monitor intensity levels by the end of the period, although drought will remain. The green areas imply drought removal by the end of the period (D0 or none).

Author:  
Adam Allgood  
NOAA/NWS/NCEP/Climate Prediction Center



- Drought persists
- Drought remains but improves
- Drought removal likely
- Drought development likely



<http://go.usa.gov/3eZ73>