

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

January 19, 2021
3:30 PM

Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference platforms.

ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 3:34 p.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, 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, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of January 5, 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.

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CONSENT AGENDA - RESOLUTIONS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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3. *RESOLUTION

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

That the City Manager is authorized to sign a Lessor's Approval of Assignment of Southern Industrial Site Lease, by and between the City of El Paso ("Lessor"), Lomeli Investments, LLC ("Assignor"), and Americas Compliance Training & Drug Testing, LLC ("Assignee") for the following described property:

Lot 8, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, commonly known as 7501 Lockheed, El Paso, Texas.

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4. *RESOLUTION

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

That the City Council hereby acknowledges and ratifies the Assignment and that the City Manager is authorized to sign a Lessor's Approval of Assignment of Industrial Water Plant Lease, by and between the City of El Paso ("Lessor"), EWM PI, LLC ("Assignor"), and UW CMC LLC ("Assignee") for the following described property:

A portion of Butterfield Trail Aviation Park, Unit Two, Replat "A", an addition to the City of El Paso, El Paso County, Texas, containing approximately 273,830.0 square feet of land or 6.2863 acres, more or less.

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5. *RESOLUTION

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

That the City Manager is authorized to sign a Lessor's Approval Assignment of Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor"), TV6-W, LLC ("Assignor"), and TV6 Holdings, LLC ("Assignee") for the following described property:

Lot I, Block 11, Butterfield Trail Industrial Park Unit Two, Foreign Trade Zone No. 68, City of El Paso, El Paso County, Texas, municipally known and numbered as 25 Butterfield Trail Blvd., El Paso, Texas.

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6. *RESOLUTION

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

That the City Manager be authorized to sign a First Amendment to September 1, 1972 Lease by and between the City of El Paso ("Lessor") and the El Paso Independent School District ("Lessee") regarding the following described property:

Lots 8 and 9, Block 2-C; Lots 1, 2, 13, the north 77 feet of Lot 12 and the South½ of Lot 14, all of Block 3, El Paso International Airport Tracts, El Paso International Airport, El Paso, Texas.

7.

***RESOLUTION**

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

That the City Manager be authorized to sign a First Amendment to May I, 1980 Lease by and between the City of El Paso ("Lessor") and the El Paso Independent School District ("Lessee") regarding the following described property:

A portion of Lot IO and all of 11, Block 2-C, El Paso International Airport Tracts, Unit 4, El Paso International Airport, El Paso, Texas.

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

8.

***RESOLUTION**

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

That the City Manager be authorized to execute a Contract with Maria Ramirez, Judge of the Municipal Court of Appeals, to provide reasonable compensation to the Judge to cover her own clerical support and other administrative requirements for the administration of the court. The contract is for \$ 2,000 per month (\$ 24,000 per year), totaling \$ 96,000 over the 4-year term of the contract.

Goal 3: Promote the Visual Image of El Paso

9.

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF TRACT 1, BLOCK 5 AND A PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT, 588 SOUTH YARBROUGH, 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, ESTANCIAS VALENCIA, LLC, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval. 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, pursuant to Ordinance No. 8707, approval of the detailed site development plan is required by the City Plan Commission and the City Council: 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, on the following described property which is located in a C-1/SC (COMMERCIAL/SPECIAL CONTRACT) District:

A PORTION OF TRACT 1, BLOCK 5, AND A PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT, 588 SOUTH YARBROUGH, 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 with the following condition:

Any changes to the approved detailed site development plan will require a new detailed site development plan be reviewed and approved by City Council.

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.

Mr. Raul Garcia, Project Manager, presented a PowerPoint Presentation (on file in the City Clerk's Office) and responded to questions from Members of the City Council.

Representatives Svarzbein and Rivera commented.

Mr. Philip Etiwe, Planning and Inspections Director, commented.

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representative Anello

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to **AMEND** the Resolution to add a condition that all changes done to the property must come back to City Council for approval.

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

NAYS: None

3RD AND FINAL MOTION

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

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

NAYS: None

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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10. *RESOLUTION

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

THAT the City Manager be authorized to sign Consent to Assignment of Contract No. 2016-1241 from Stericycle Environmental Solutions, Inc. (“Assignor”) to Clean Earth Environmental Solutions, Inc. (“Assignee”) for Household Hazardous Waste Disposal Services.

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11. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing to issue a Purchase Order to Wagner Equipment Company dba Wagner Power System, referencing contract 2020-1086 CAT Certified Rebuild on 836 Compactor Unit 08051. This will be a change order to increase the contract by \$65,372.56 for a total not to exceed \$654,929.96 for the initial term.

Department: Environmental Services
Award to Wagner Equipment Company dba Wagner Power System
Denver, CO
Items: All
Term: 1 year

Total Estimated Award: \$65,372.56
Account No.: 334-34130-3150-P3470-580290-PESD00200
Funding Source: ESD Capital Funds
Reference No.: 2020-1086

This is a Change Order for a Sole Source, service contract.

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CONSENT AGENDA – SPECIAL APPOINTMENTS:
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Goal 7: Enhance and Sustain El Paso’s Infrastructure Network
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12. *RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization’s Transportation Policy Board (TPB) provide that the City of El Paso’s representation on the TPB includes the mayor or appointee; and

WHEREAS, the TPB bylaws provide that representatives of local units of government shall be appointed by and serve at the pleasure of the City Councils for the entity they represent.

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

That the City confirms that Mayor Oscar Leeser is the designated appointee at the TPB as described in the TPB bylaws.

Unless otherwise provided by a formal action of City Council, the Mayor of El Paso is designated to serve on the TPB as a representative of the City of El Paso as provided in the TPB bylaws. Unless otherwise provided in a subsequent resolution by City Council, no further action is necessary to allow a serving Mayor of the City of El Paso to represent the City at the TPB.

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13. *RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization’s Transportation Policy Board (TPB) provide that the City of El Paso’s representation on the TPB shall be equal to the number of unincorporated Texas municipalities who have representation on the TPB; and

WHEREAS, the TPB bylaws provide that representatives of local units of government shall be appointed by and serve at the pleasure of the appointing local units of government they represent; and

WHEREAS, there has become a vacancy regarding a city representative on the TPB; and

WHEREAS, the City of El Paso now desires to appoint District 3, Cassandra Hernandez,

as a City representative to the TPB replacing former District 4 Representative, Sam Morgan.

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

That District 3 Representative, Cassandra Hernandez, be appointed as a City Representative to the Transportation Policy Board for the Metropolitan Planning Organization to replace former District 4 Representative, Sam Morgan, effective immediately.

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CONSENT AGENDA - BOARD RE-APPOINTMENTS:
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Goal 3: Promote the Visual Image of El Paso
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14. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Stephen Mercer to the Capital Improvements Advisory Committee by Representative Peter Svarzbein, District 1.
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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15. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Luis Antonio Sandoval to the Civil Service Commission by Representative Henry Rivera, District 7.
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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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16. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Manuela "Mannys" Rodriguez to the Community Development Steering Committee by Representative Cissy Lizarraga, District 8.
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CONSENT AGENDA - BOARD APPOINTMENTS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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17. *Motion made, seconded, and unanimously carried to **APPOINT** David Ortwein to the El Paso Bond Overview Advisory Committee by Representative Cissy Lizarraga, District 8.
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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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18. *Motion made, seconded, and unanimously carried to **APPOINT** Lee Chayes to the Foster Grandparent Program Advisory Council by Representative Peter Svarzbein, District 1.
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19. *Motion made, seconded, and unanimously carried to **APPOINT** Karen Polanco to the Animal Shelter Advisory Committee by Representative Isabel Salcido, District 5.
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CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management

20.

***RESOLUTION**

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Hilda Morales ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on February 29, 2016 in the amount of \$39.98 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

1. THAT THE City finds that Hilda Morales showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$39.98 is approved.

21.

*Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below and posted on the attachment with this agenda:

1. Accumatch, in the amount of \$5,685.26, made an overpayment on December 14, 2020 of 2020 taxes. (Geo. #V854-003-0180-1600)
2. Accumatch, in the amount of \$ 6,530.22, made an overpayment on December 14, 2020 of 2020 taxes. (Geo. # H762-000-0050-0700)
3. Accumatch, in the amount of \$ 4,339.21, made an overpayment on December 11, 2020 of 2020 taxes. (Geo. # T287-999-2740-3400)
4. Thomas and Esther Cunningham, in the amount of \$ 9,340.16, made an overpayment on December 18, 2020 of 2020 taxes. (Geo. # M344-999-0030-1300)
5. Lower Valley Housing Corp., in the amount of \$ 2,635.62, made an overpayment on May 27, 2020 of 2019 taxes. (Geo. # D457-000-0170-1800)
6. Corelogic, in the amount of \$ 8,205.83, made an overpayment on November 30, 2019 of 2019 taxes. (Geo. # T287-999-4010-5200)

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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22. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contribution by Representative Henry Rivera, District 7: \$500.00 from Frank Martinez.

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CONSENT AGENDA – REQUEST TO ISSUE PURCHASE ORDERS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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23. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing to issue a Purchase Order to Duncan Parking Technologies, Inc., referencing Contract 2019-794 Single Space Parking Meters. This will be a change order to increase the contract by \$154,500.00 for a total amount not to exceed \$772,500.00 for the initial term. The change order will cover current expenses and future projects until the end of the term January 19, 2021 to April 29, 2022.

Contract Variance: The unit cost for this change order remains the same. There is no variance.

Department: International Bridges
Award to: Duncan Parking Technologies, Inc.
Milwaukee, WI
Total Estimated Amount: \$154,500.00
Account No.: Parking Meter Fund
Funding Source 532290-564-3300-64850
District(s): 1, 3 & 8

This is a Change Order for a Sole Source, service contract.

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CONSENT AGENDA – BIDS:
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Goal 2: Set the Standard for a Safe and Secure City
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24. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2021-0006 Industrial Firearm Metal Shredder to BESA Equipment LLC, for an estimated total award of \$82,820.00. The award of this contract allows the Police Department to safely and effectively dispose of abandoned or seized property items.

Contract Variance:
N/A

Department: Police
Award to: BESA Equipment LLC
Souderton, PA
Items: All
Total Estimated Award: \$82,820.00

Account No.: 321-21270-2812-580070
Funding Source: Confiscated Funds
Districts: All

This is a Formal Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Police Departments recommend award to BESA Equipment LLC the lowest responsive and responsible bidder.

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

25. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2021-0376 Cleveland Clark Pocket Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC for an estimated total award of \$121,759.29. The projects consist of parkway, landscape and irrigation improvements. Some of the improvements will include new bike racks, new receptacles, benches, and installation of landscape rock, trees and vegetation, and placement of geotextile fabric and rock mulch.

Department: Capital Improvement
Award to: MARTINEZ BROS. CONTRACTORS, LLC
El Paso, TX
Item(s): All
Initial Term: 150 Consecutive Calendar Days
Base Bid: \$121,751.29
Total Estimated Award: \$121,751.29
Account No.: 471-71240-2400-580270- G7145CD68
Funding Source: Community Development Block Grant
District: 3

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC 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.

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

26. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts and processes.

1. Overview (Tommy Gonzalez)
2. CFT Operations (Chief Mario D'Agostino)
3. City Attorney Overview (Karla Nieman)
 - a) State Disaster Declarations
 - b) City Attorney's Office COVID-19 Support
4. Team Lead Reports:
 1. Health Focus (Hector Ocaranza, M.D.)
 - a) Community Task Force Recommendations Update
 2. Vaccination Update (Angela Mora)
 3. Testing Recap and Update (Tracey Jerome)
 4. Data Analysis (David Coronado)
 5. Planning + Infrastructure (Facilities) (Alex Hoffman)
 6. Education, Communication and Compliance (Laura Cruz-Acosta, Ellen Smyth, Dionne Mack)
 7. Financial Focus (Robert Cortinas)
 8. Community Vulnerabilities + Human Services (Nicole Ferrini)
 9. Economic Recovery (Jessica Herrera)
 10. Operations Focus (Cary Westin)

Mayor Leeser and Representatives Svarzbein, Anello, Hernandez, and Rivera posed questions and the following City staff presented information and responded to inquiries:

1. Mr. Tommy Gonzalez, City Manager
2. Fire Chief Mario D'Agostino
3. Ms. Karla Nieman, City Attorney
4. Dr. Hector Ocaranza, El Paso Health Authority
5. Ms. Dionne Mack, Deputy City Manager for Public Safety
6. Ms. Angela Mora, Public Health Director
7. Ms. Araceli Guerra, Managing Director of Internal Services
8. Ms. Laura Cruz Acosta, Strategic Communications Director
9. Ms. Tracey Jerome, Deputy City Manager of Quality of Life
10. Mr. David Coronado, International Bridges Director
11. Mr. Alex Hoffman, Assistant Director, Capital Improvement Department
12. Mr. Michael Vonasek, Assistant Director, Capital Improvement Department
13. Mr. Robert Cortinas, Chief Financial Officer
14. Ms. Nicole Ferrini, Community and Human Development Director
15. Ms. Miranda Diaz, Business Services Coordinator
16. Mr. Cary Westin, Senior Deputy City Manager

NO ACTION was taken on this item.

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27. Budget Update - 1st Quarter Financial Report.

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

Mayor Leeser and Representatives Svarzbein and Annello commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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

28. Update on the Cite and Release as requested by the City Manager to provide quarterly reports to City Council regarding the cite and release program for the purposes of transparency and to provide data regarding citations being issued and when discretionary arrests are used in lieu of citation. Said reports must be submitted within 45 days after the end of the quarter for 24 months after the implementation of the program. The report should not include any information that would jeopardize any ongoing criminal investigation or prosecution, or include any sensitive, witness, or crime tip information. The report should include the following data for each instance:

1. The documented reason for the stop or arrest;
2. The reason for the discretionary use of arrest (including but not limited to: outstanding warrants, intoxicated individual, uncooperative Individual, not a resident of the County of El Paso, habitual offender);
3. The race and ethnicity of the person; and
4. The general location, such as the region or zip code of the incident

Assistant Police Chief Zina Silva presented a PowerPoint Presentation (on file in the City Clerk's Office).

Representatives Svarzbein, Annello, Molinar, and Rivera commented.

Ms. Karla Nieman, City Attorney commented.

NO ACTION was taken on this item.

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

CALL TO THE PUBLIC – PUBLIC COMMENT

Mr. Richard Genera, Citizen, commented.

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

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

NAYS: None

Goal 8: Nurture and Promote a Healthy, Sustainable Community

29. An Ordinance amending Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code to amend in its entirety the Chapter to change the word handicap to disability and to include protections against discrimination for reasons of sexual orientation and gender identity.
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PUBLIC HEARING WILL BE HELD ON FEBRUARY 2, 2021

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

30. Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously to **AWARD** Solicitation 2021-0252 Metro 31 Flood Zone Mitigation to ZTEX CONSTRUCTION, INC. for an estimated total award of \$1,176,885.77. This award will support the improvements to the commercial development known as Northgate, located at the intersection of Diana and Dyer Street.

Department:	Capital Improvement
Award to:	ZTEX CONSTRUCTION, INC. El Paso, TX
Item(s):	All
Initial Term:	300 Consecutive Calendar Days
Base Bid I:	\$1,176,885.77
Total Estimated Award:	\$1,176,885.77
Account No.:	580010 - 480 - 4930 - 48000 - PEDFY18012 522360 - 480 - 2323 - 48040 - PEDFY18012 580170 - 480 - 4741 - 48040 - PEDFY18012 580160 - 480 - 4741 - 48040 - PEDFY18012 580270 - 480 - 4741 - 48040 - PEDFY18012
Funding Source:	2017 Certificates of Obligation and Economic Development Incentives
District(s):	4

This is a Low Bid procurement, unit price contract. The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ZTEX CONSTRUCTION, INC., 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 s 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 1: Create an Environment Conducive to Strong, Sustainable Economic Development

31. ORDINANCE 019132

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS) CHAPTER 14.24 (COMMERCIAL AIR CARRIERS RATES AND CHARGES) TO ADD SECTION 14.24.130 DAILY CARGO PARKING AND BUILDING USE FEE.**

Motion duly made by Representative Salcido, seconded by Representative Hernandez, 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

32. ORDINANCE 019133

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4/C (COMMERCIAL/CONDITIONS) TO R-3A/C (RESIDENTIAL/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 ADJACENT FUTURE LAND USE DESIGNATION SOUTH OF THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN.

SUBJECT PROPERTY: EAST OF RESLER DR. AND SOUTH OF WOODROW BEAN TRANSMOUNTAIN RD. APPLICANT: CSA DESIGN GROUP, INC. C/O ADRIAN HOLGUIN-ONTIVEROS PZRZ20-00023

Motion duly made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Hernandez, 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**.

33.

ORDINANCE 019134

The City Clerk read an Ordinance entitled: **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.**

Mr. Kevin Smith, Planning and Inspections Deputy Director, read a floor amendment into the record.

Mr. Jonathan Lopez, citizen, commented.

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **AMEND** the Ordinance to incorporate the floor amendments read into the record.

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

NAYS: None

2ND AND FINAL MOTION

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

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

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

NAYS: None

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

REGULAR AGENDA – OTHER BUSINESS

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

34.

**RESOLUTION AMENDING SCHEDULE C FOR
THE CITY OF EL PASO FY2021 FEE SCHEDULE**

WHEREAS, the City Council adopted the Budget Resolution for FY 2021 on August 18, 2020; and

WHEREAS, paragraph 48 of the Budget Resolution provides that any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council; and

WHEREAS, the City Council desires that the Airport can charge a daily cargo parking and building use fee as allowed under City Code Section 14.24.130; and

WHEREAS, this Amendment to Schedule C ensures cost recovery and sound fiscal management.

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

That Schedule C, attached to the FY 2021 Budget Resolution and effective September 1, 2020, shall be amended as set forth in Attachment A, to establish the daily cargo parking and building use fee under Section 14.24.130 of the City Code effective January 19, 2021.

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

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

NAYS: None

35.

Presentation and discussion by El Paso Electric to introduce Chief Executive Officer, Kelly Tomblin, and present an overview of El Paso Electric planned activities and goals moving into 2021.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, introduced Ms. Kelly Tomblin.

The following representatives from El Paso Electric presented a PowerPoint Presentation (copy on file in the City Clerk's Office).

1. Ms. Kelly Tomblin, Chief Executive Officer
2. Ms. Jessica Christianson, Director of Sustainability
3. Mr. James Schichtl, Vice President of Regulatory Affairs
4. Mr. Steven Buraczyk, Senior Vice President of Operations
5. Mr. Eddie Gutierrez, Vice President of Strategic Communications

Mayor Leeser and Representatives Svarzbein and Annelo commented.

The following members of the business community commented:

1. Mr. Jon Barela, Borderplex Alliance Chief Executive Officer
2. Mr. David Jerome, El Paso Chamber of Commerce President and Chief Executive Officer

NO ACTION was taken on this item.

-
- 36.** Discussion of a Business Assistance and Recovery program implemented by the Economic and International Development Department. The program provides continued assistance to the local business community.

Ms. Mirella Craigo, Economic and International Development Special District Program Manager and Ms. Aimee Olivas, Purchasing and Strategic Sourcing Socioeconomic Compliance Officer, presented a PowerPoint Presentation (on file in the City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

37. RESOLUTION

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

That the City of El Paso Incentives Policy – Guidelines & Criteria 2021 attached hereto as Exhibit "A" be adopted as the City of El Paso Incentives Policy.

Mr. Rafael Arellano, Business Services Coordinator, presented a PowerPoint Presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Hernandez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Jessica Herrera, Economic and International Development Director
3. Mr. Cary Westin, Senior Deputy City Manager

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **AMEND** the Downtown Plan Area to expand the boundaries to North to Schuster, West to El Paso St. and East to Virginia St.

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

NAYS: None

2ND AND FINAL MOTION

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

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

NAYS: None

38.

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 Texas Economic Development Incentive Program – Policy and Guidelines attached hereto as Exhibit A be adopted as the Economic Development Fund contemplated in the January 28, 2020 order issued by the Public Utility Commission of Texas Docket No. 29849.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, presented a PowerPoint Presentation (on file in the City Clerk’s Office) and read a floor amendment into the record.

Mayor Leeser and Representatives Svarzbein, Annello, and Hernandez commented.

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Senior Deputy City Manager
3. Ms. Jessica Herrera, Economic and International Development Director

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** on January 20, 2021 at 12:07 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 to discuss the item.

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried to adjourn the Executive Session on January 20, 2021 at 1:25 p.m. and **RECONVENE** the meeting of the City Council during which time the following motion was made.

3RD AND FINAL MOTION

Motion made by Representative Lizarraga, seconded by Representative Rivera, and carried to **APPROVE, AS REVISED**, the Resolution.

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

NAYS: Representative Annello

.....
The City Council Meeting was **RECESSED** at 1:26 a.m. on Wednesday, January 20, 2021.

The City Council Meeting was **RECONVENED** at 10:02 a.m. on Wednesday, January 20, 2021.
.....

39.

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 is authorized to sign an Infill 380 Economic Development Program Agreement in a form substantially similar to the attached document by and between **CITY OF EL PASO, TEXAS** and **GREAT RIVER COMMERCIAL, LLC.** and **EPPX PROPERTY MANAGEMENT, LLC.** in support of the redevelopment of the property located at **1101-1125 TEXAS AVENUE, EL PASO, TEXAS 79901.**

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

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

NAYS: None

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40.

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 an Agreement for Professional Services by and between the **CITY OF EL PASO** and **GARVER, LLC**, an Arkansas Limited Liability Company, for a project known as “**EL PASO INTERNATIONAL AIRPORT TAXIWAY K, K1, K2 AND J RECONFIGURATION**”, for an amount not to exceed \$786,583.50; and

That the City Manager or Designee be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$836,583.50; 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 execution of the Agreement.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, introduced the item.

The following representatives from Texas Gas Service presented a PowerPoint Presentation (copy on file in the City Clerk’s Office).

1. Ms. Elizabeth O’Hara, Community Relations Manager
2. Ms. Jasmine King-Bush, Energy Efficiency Program Supervisor

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

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Nicole Ferrini, Chief Resilience Officer commented.

1ST MOTION

Motion made by Representative Annelo, seconded by Representative Salcido, to **POSTPONE** the item indefinitely and have staff return to City Council with recommendations for the use of future funds to subsidize the program.

AYES: Representatives Svarzbein, Annelo, and Salcido

NAYS: Representatives Hernandez, Molinar, Rodriguez, Rivera, and Lizarraga

THE MOTION FAILED.

2ND AND FINAL MOTION

Motion made by Representative Annelo, seconded by Representative Salcido, and unanimously carried to **POSTPONE** the item for **FOUR WEEKS** and have staff return to City Council with recommendations for the use of future funds to subsidize the program.

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

NAYS: None

.....
41.

RESOLUTION

WHEREAS, on October 15, 2020, the Texas Gas Service Company ("TGS") filed an Application to Implement Initial Rates for a Conservation Adjustment tariff ("Energy Efficiency Program") which would take effect on November 25, 2020; and

WHEREAS, during the November 23, 2020 Council Meeting for the City of El Paso ("City"), Texas, the City suspended the proposed Energy Efficiency Program for 90 days after the effective day specified in the filing; and

WHEREAS, the City and TGS desire to enter into a revised Energy Efficiency Program.

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

That the City Council of the City of El Paso approves of the implementation of the Texas Gas Service Company ("TGS") Application to Implement Initial Rates for a Conservation Adjustment tariff; that the implementation occur on February 23, 2021; the tariff will be filed once every 3 years on October 15th; and that two full time employees based in El Paso be hired by TGS to administer the program.

That the City Manager or Designee be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$836,583.50; 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 execution of the Agreement.

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

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

NAYS: None

Goal 3: Promote the Visual Image of El Paso

42. Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a public or private school requested from Kinective Fitness Club, LLC for the property located at 1020 Belvidere Street, and legally described as a portion of Lot 1, Block 67-A, Chaparral Park #22, City of El Paso, El Paso County, Texas.

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Representatives Svarzbein and Rodriguez commented.

Mr. Blake Downey, citizen, commented.

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

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

NAYS: Representatives Annelo and Molinar

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

43.

R E S O L U T I O N

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

WHEREAS, under the provisions of the City Code Chapter 2.40 (Department of Museums and Cultural Affairs) Section 2.40.70 (Art in Municipal Places) and Section

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

WHEREAS, the 2021 Public Art Plan (the “Plan”) attached hereto as Exhibit “A” has been approved by the Public Art Committee (“PAC”) and the Museums and Cultural Affairs Advisory Board (“MCAAB”), and is being recommended to Council; and

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

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

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

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

Mr. Ben Fyffe, Managing Director of Museums and Cultural Affairs and Ms. Miriam Garcia, Public Arts Supervisor, presented a PowerPoint Presentation (on file in the City Clerk’s Office).

Mayor Pro Tempore Svarzbein and Representative Rodriguez commented

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

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

NAYS: None

Goal 8: Nurture and Promote a Healthy, Sustainable Community

44. RESOLUTION

WHEREAS, in late 2020, funding for the Texas Emergency Rental Assistance Program (TERAP), a program administered by the Texas Department of Housing and Community Affairs (TDHCA), was made available to provide rental assistance for households experiencing financial hardship due to the ongoing COVID-19 pandemic; and

WHEREAS, TDHCA appropriated Community Development Block Grant – Coronavirus (CDBG-CV) funds in the amount of \$1,977,081.66 to award to the City of El Paso under a contract, the period of which is to run through January 14, 2022; and

WHEREAS, through this Resolution, the City of El Paso has authorization to enter into a Contract for TERAP funds; and that the City Manager and the Director of the Department of Community and Human Development (DCHD) also have authority to execute contracts, contract amendments and related documents.

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 sign all contracts, contract amendments and related documents between the City of El Paso and the State of Texas for TERAP funds; and
2. That the City Manager, or designee, is authorized to sign all contracts, amendments and related documents between the City of El Paso and agencies receiving sub-awards from the City (Sub-Grantee Agencies) for TERAP funds, as well as all certifications, performance reports, and related documents for TDHCA and Sub-Grantee Agencies. Further, that the City Manager or designee, is authorized to exercise all rights under the signed agreements including termination and reallocation of funds.

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **AUTHORIZE** the Resolution.

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

NAYS: None

MEMBERS OF THE CITY COUNCIL

- 45.** Update and discussion from staff on the El Paso Electric Newman 6 Project and the recent ruling from all interveners to include the New Mexico Public Regulation Commission and the impact it will have on the City of El Paso and residents.

Mayor Leeser and Representatives Svarzbein, Annelo, and Molinar commented.

Ms. Karla Nieman, City Attorney, commented.

The following representatives from El Paso Electric commented.

1. Ms. Kelly Tomblin, Chief Executive Officer
2. Mr. James Schichtl, Vice President of Regulatory Affairs

The following members of the public commented:

1. Mr. Miguel Escoto
2. Mr. Angel Ulloa
3. Ms. Cindy Ramos Davidson
4. Ms. Rachel Ortega
5. Ms. Ana Reza
6. Ms. Graciela Blandon
7. Ms. Alyssa Garza
8. Ms. Ana Fuentes
9. Ms. Desiree Miller
10. Ms. Samantha Cooney
11. Ms. Adriana Montoya
12. Mr. Jean Carlo Tirado
13. Ms. Joseline Avila
14. Ms. Catherine Sotelo
15. Mr. Mario Holguin
16. Mr. Josh Simmons
17. Mr. Juan Pablo Flores Vasquez

NO ACTION was taken on this item.

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:07 p.m. on Wednesday, January 20, 2021 pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried to adjourn the Executive Session at 1:25 p.m. on Wednesday, January 20, 2021 and **RECONVENE** the meeting of the City Council during which time the following motions were made.

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

NAYS: None

.....
EX1. Tovar, Daniel vs. City of El Paso; Matter: 19-1005-1751;(551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney be **AUTHORIZED** to reject Plaintiffs' settlement demand in the case entitled, Tovar, Daniel vs. City of El Paso pending in 327th District Court under Cause No. 2019DCV1249 in Matter No. 19-1005-1751.

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

.....
EX2. Birds N Beasts Inc. c/o Krathwohl, President; Matter No. 19-1045-096; (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be **AUTHORIZED** to any and all actions necessary to pursue a lawsuit against Defendant, Birds N Beasts Inc. c/o Krathwohl, President, in order to recover the property pending in Matter No. 19-1045-096. This includes the signing of correspondence, execution of agreements, filing of legal papers, and any other actions reasonably necessary to recover the City's property.

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

.....
EX3. Economic Incentives for a Telecommunications Company located in the City of El Paso. (21-1007-2674) (551.071) (551.087)

NO ACTION was taken on this item.

.....
EX4. Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso. (20-1007-2670)

*Motion made, seconded, and unanimously carried to **DELETE** this item.

.....
ADJOURN

.....
Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** this meeting at 1:48 p.m. on Wednesday, January 20, 2021.

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

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk