

Oscar Leeser
Mayor

Cary Westin
Interim City Manager



CITY COUNCIL
Brian Kennedy, District 1
Alexandra Anello, District 2
Cassandra Hernandez, District 3
Joe Molinar, District 4
Isabel Salcido, District 5
Art Fierro, District 6
Henry Rivera, District 7
Chris Canales, District 8

AGENDA FOR THE REGULAR COUNCIL MEETING

August 29, 2023
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM

Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 117-475-857#

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on August 29, 2023 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 Conference ID: 117-475-857#

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:

For Call to the Public:

<https://app.smartsheet.com/b/form/dc001f113c14440db558b9da4e973ce2>

To speak on Agenda Items:

<https://app.smartsheet.com/b/form/cc20aad8258146ab8f63761079bd1091>

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

Representative Isabel Salcido

A quorum of City Council must participate in the meeting.

ROLL CALL

INVOCATION BY EL PASO POLICE CHAPLAIN JOE MARATTA

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

National Preparedness Month

Suicide Prevention Awareness Month

Chico's Tacos Day

Library Card Sign-up Month in El Paso

El Paso International Airport's 95th Anniversary

RECOGNITIONS BY MAYOR

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 the Minutes of the Regular City Council Meeting of August 15, 2023, the Agenda Review of August 14, 2023, and the Special Meeting of July 11, 2023.

[23-1161](#)

All Districts

City Clerk's Office, Laura D. Prine, (915) 212-0049

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

[23-127](#)

CONSENT AGENDA - RESOLUTIONS:

Goal 3: Promote the Visual Image of El Paso

3. A Resolution that the City Manager be authorized to sign and accept on behalf of the City Public Right-of-Way Dedication Deed from EL PASO INTERNATIONAL AIRPORT, dedicating to the CITY OF EL PASO, TEXAS for the use as public right-of-way 0.0483 acres of land legally described as a portion of Lots 14 and 15, Block 5, El Paso International Airport Tracts Replat of Unit 3, City Of El Paso, El Paso County, Texas, and being more fully described by metes and bounds and surveys in Exhibits "A" and "B" of the Dedication Deed attached to the Resolution and made a part hereof for all purposes.

[23-1056](#)

Subject Property: 6631 Montana Ave.
Applicant: Brock & Bustillos Inc., SURW23-00008

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Juan Naranjo, (915) 212-1604

4. A Resolution that the City Manager be authorized to sign and accept on behalf of the City Public Right-of-Way Dedication Deed from RIVER OAKS PROPERTIES, LTD., dedicating to the CITY OF EL PASO, TEXAS for the use as public right-of-way 0.11 acres of land legally described as a portion of Tract 5C8, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds and surveys in Exhibits "A" and "B" of the Dedication Deed attached to the Resolution and made a part hereof for all purposes.

[23-1060](#)

Subject Property: Sioux Drive
Applicant: River Oaks Properties, LTD., SURW23-00007

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jorge Olmos, (915) 212-1607

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

5. A Resolution that the closure of right-of-way within the City of El Paso for the Mike G's Downtown Birthday Block Party from 12:00 p.m. to 1:00 a.m. on Sunday, September 3, 2023, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and

[23-1160](#)

through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street(s) in excess of four hours for a portion of Texas Ave. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV23-00068)

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Armida R. Martinez, (915) 212-1605

6. That the Mayor is hereby authorized to sign the Fourth Amendment to the Interlocal Agreement between the City of El Paso (the "City") and the Ysleta Independent School District (the "District"), signed August 28, 2012, which set out to enhance the quantity and quality of recreational and athletic facility uses available to the residents of the City, at no cost to the City through the shared use of public indoor and outdoor athletic and recreational facilities, owned by each entity. This fourth amendment would extend the Agreement by three (3) months to allow additional time to enter into a new agreement. In addition, the City Manager or designee is hereby authorized to execute any necessary documents to carry out the agreement. [23-1176](#)

All Districts

Parks and Recreation, Ben Fyffe, (915) 212-1766

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

7. Approve a Resolution to accept the annual review of the Service and Assessment Plan for the El Paso Public Improvement District No. 2 (Eastside Sports Complex), approved on October 17, 2017. [23-1148](#)

District 5

Office of the Comptroller, Margarita Marin, (915) 212-1174

CONSENT AGENDA - SPECIAL APPOINTMENTS:

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

8. Ratify the re-appointment of William Veliz to the Fire and Police Pension Fund Board of Trustees by Interim City Manager Cary Westin. [23-1171](#)
City Manager's Office, Cary Westin, (915) 212-0023

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

9. That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than [23-1152](#)

\$2,500.00. (See Attachment A).

All Districts

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

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

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

10. Update and discussion on item from June 20, 2023 City Council Meeting Agenda to direct the City Manager and City Attorney to develop a plan to uplift the LGBTQIA+ voices and community by creating a plan to include 4 recommendations to ensure a safe community for everyone, and with particular emphasis on recommendations 3 and 4 in relation to state legislation going into effect on September 1, 2023.

[23-1191](#)

All Districts

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

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

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

11. Update and discussion on the status of the final motion of Item 24 from the March 14, 2023 City Council Meeting Agenda to direct staff to schedule briefings with individual members of the City Council regarding the scope of solicitation for an executive search firm to conduct a national search for the hiring of a permanent City Manager.

[23-1193](#)

All Districts

Members of the City Council, Representative Cassandra Hernandez, (915) 212-003

12. Discussion and action to direct the City Manager to bring the recommendation of the firm to conduct the search for the permanent City Manager position to City Council for approval.

[23-1194](#)

All Districts

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

Goal 8: Nurture and Promote a Healthy, Sustainable Community

13. Discussion and action to approve a Resolution titled "Grandparents Day Resolution", that honors all grandparents for their contributions and selfless efforts they provide to their families and our society as a whole.

[23-1190](#)

All Districts

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

14. Discussion and action to recognize September as Hunger Action Month in order to bring attention to food insecurity in our communities.

[23-1192](#)

All Districts

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

15. Presentation and discussion on the Neighborhood Traffic Management Program (NTMP) FY2020-2023 update. [23-1142](#)

All Districts

Streets and Maintenance, Olivia Montalvo-Patrick, (915) 212-0118

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: 117-475-857#

A sign-up form is available on line for those who wish to sign up in advance of the meeting at: <https://app.smartsheet.com/b/form/dc001f113c14440db558b9da4e973ce2>

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

16. An Ordinance vacating a Ten-Foot and a Five-Foot Public Utility Easement (0.0238 Acres of Land) located within Lot 9, Block 38, West Hills Unit 12, City of El Paso, El Paso County, Texas. [23-1057](#)

Subject Property: 904 Fireside Ln.
Applicant: Rosario Olivera, SUET23-00001

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Alex Alejandre, (915) 212-1642

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 12, 2023

17. An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to delete the construction and demolition manifest requirement in section 9.04.280 (Manifest Requirement) and to delete references to the said manifest in sections 9.04.020 (Definitions), 9.04.460 (Hauler Records) and 9.04.480 (Suspension, Revocation of a Hauler Permit; Appeals); the penalty being as provided in Section 9.04.630 of the El Paso City Code. [23-1109](#)

All Districts

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 12, 2023

18. An Ordinance granting El Paso Bench Ads, LLC a non-exclusive franchise for waste containers on sidewalks and other City property. [23-1110](#)

All Districts

Environmental Services Department, Nicholas Ybarra, (915) 212-6000

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 12, 2023

19. An Ordinance vacating a portion of City right-of-way over a portion of Mobile Street, Map of Westlyn Heights Addition, City of El Paso, El Paso County, Texas. [23-1140](#)

Subject Property: Mobile Street
Applicant: El Paso Electric Company, SURW23-00004

District 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jorge Olmos, (915) 212-1607

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 12, 2023

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

20. The linkage to the strategic plan is subsection 7.2 - Improve Competitiveness Through Infrastructure Improvements Impacting the Quality of Life. [23-1147](#)

Award Summary:

Discussion and action on the request that the Managing Director of Purchasing

& Strategic Sourcing Department be authorized to issue Purchase Order(s) to Wagner Equipment Co dba Wagner Rents Inc, Wagner Power Systems, 2nd Steel Used Parts, SITECH Rocky Mountain, the sole and authorized distributor for the 2023-0411 Caterpillar Proprietary Parts and Service, for a term of three (3) years for an estimated amount of \$4,500,000.00, with a stipulation that Wagner Equipment Co. provides an updated sole source letter and affidavit each year. This contract will allow for the purchase of all parts and service that is necessary for the maintenance and/or repairs of Caterpillar equipment owned by the City. The equipment is primarily used at the landfill by Environmental Services and is serviced by the Streets and Maintenance Department through the Fleet Maintenance Division.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$3,450,000.00 for the three (3) year term, which represents a 328.57% increase due to increased parts and services prices and number of repairs needed.

Department:	Streets and Maintenance
Award To:	Wagner Equipment Co dba Wagner Rents Inc, Wagner Power Systems, 2nd Steel Used Parts, SITECH Rocky Mountain El Paso, TX
Initial Term:	3 Years
Annual Estimated Amount:	\$1,500,000.00
Total Estimated Amount:	\$4,500,000.00
Account No.:	532 - 3600 - 531210 - 37020 - P3701 (Parts) 532 - 3600 - 531250 - 37020 - P3701 (Service)
Funding Source:	Internal Service Fund
District(s):	All

This is a Sole Source contract in accordance with Texas Local Government Code 252.022(a)(7)(a).

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Wagner Equipment Co dba Wagner Rents Inc, Wagner Power Systems, 2nd Steel Used Parts, SITECH Rocky Mountain, the sole and authorized distributor for these services.

All Districts

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092
Streets and Maintenance, Richard J. Bristol, (915) 212-7000

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

21. An Ordinance amending Title 19 (Subdivision and Development Plats) adding Article 8 (Conflict of Laws) Chapter 8.1 (Conflict of Laws) in order to specify that

[23-1116](#)

in the event of a conflict between Title 19 (Subdivision and Development Plats) and Chapter 212 of the Texas Local Government Code that Chapter 212 controls.

All Districts

Planning and Inspections, Philip Etiwe, (915) 212-1553
Planning and Inspections, Kevin Smith, (915) 212-1566

REGULAR AGENDA - OTHER BUSINESS:

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

22. Discussion and action on a Resolution authorizing the City Manager to execute a Subrecipient Agreement by and between the City of El Paso and Workforce Solutions Borderplex, INC., a Texas non-profit organization, providing \$850,000.00 to Workforce Solutions Borderplex, INC., to administer ARPA Act funds to provide training to infrastructure workers to strengthen the workforce with the opportunity to up-skill and advance into higher paying skilled jobs; provide innovative workshops to small business leaders aimed at exploring and shaping unique leadership styles; and conduct surveys targeting Gen Z to create a diverse and inclusive work environment through organizational policies and practices. [23-1138](#)

All Districts

Economic and International Development, Mirella Craigo, (915) 212-0094
Economic and International Development, Elizabeth Triggs, (915) 212-0094

23. Discussion and action that the City Manager, on behalf of the City, be authorized to sign upon the recommendation of the Director of Economic and International Development and the approval of the City Attorney's Office: (1) Written Agreement between the City and Medical Center of the Americas Foundation necessary to finalize the consolidated loan; (2) any contract amendment documents to effectuate the consolidation of the previously awarded loans into one loan and to secure and protect the City's lien interest, and (3) releases, and related documents, for all obligations under the previously filed loans; and (4) lien(s) against the properties located at the Cardwell Collaborative Building located at 5130 Gateway Blvd., El Paso, Texas 79905, securing the City's interests pursuant to the terms of the consolidated loan. [23-1157](#)

District 2

Economic and International Development, Elizabeth K. Triggs, (915) 212-0094

24. Discussion and action that the City Manager be authorized to sign a Grant Agreement between the City of El Paso and Project ARRIBA Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. ("Grantee"), a 501(c)3 tax exempt, non-profit Texas corporation for the purpose of providing training and case management services to eligible clients who require occupational skills necessary to access jobs in hard-to-fill demand occupations that pay a living wage with benefits and career path. [23-1158](#)

All Districts

Economic and International Development, Mirella Craigo, (915) 212-0094

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

25. Discussion and action on the Resolution that the City reviewed and approves the issuance of the Unlimited Tax Bonds, Series 2023 by Paseo Del Este Municipal Utility District No. 6 with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso. [23-1108](#)

All Districts

City Manager's Office, Robert Cortinas, (915) 212-1067

26. Presentation, discussion, and action on Short-Term Rental public outreach meetings to include the Greater El Paso Realtor Association, El Paso Chamber, and The El Paso Short-term Rental Alliance. [23-1144](#)

All Districts

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

27. Discussion and action on Texas Gas Service GRIP Reimbursement - Show Cause Hearing; HQ#UTILITY-13. [23-1177](#)

All Districts

City Attorney's Office, Donald C. Davie, (915) 212-0033

EXECUTIVE SESSION

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

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

Discussion and action on the following:

- EX1. United States of America v. City of El Paso, Texas; United Road Towing Inc [23-1182](#)

d/b/a Ur Vehicle Management Solutions and Rod Robertson Enterprise, Inc;
3:23-CV-00044; (551.071)

City Attorney's Office, Evan Reed, (915) 212-0033

EX2. Application of El Paso Electric Company for Approval of the Green Energy Plus Tariff; HQ#UTILITY-18; (551.071) [23-1183](#)

City Attorney's Office, Donald C. Davie, (915) 212-0033

EX3. Texas Comptroller Sales & Use Tax Audit; HQ#23-1283; (551.071) [23-1185](#)

City Attorney's Office, Donald C. Davie, (915) 212-0033

EX4. Purchase exchange, lease, or value of real property for location of El Paso Police Dept. Headquarters; HQ #23-1100; (551.071) (551.072) [23-1186](#)

Capital Improvement Department, Yvette Hernandez, (915) 212-1845
City Attorney's Office, Roberta Brito, (915) 212-0033

EX5. Purchase, exchange, lease, or value of real property for location of El Paso Police Dept. Central Region Command Center; HQ #23-895; (551.071) (551.072) [23-1187](#)

Capital Improvement Department, Yvette Hernandez, (915) 212-1845
City Attorney's Office, Roberta Brito, (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 72 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/>