

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

September 12, 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: 804-513-312#

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on September 12, 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 the corresponding Conference ID: 804-513-312#

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:

Isabel Salcido

A quorum of City Council must participate in the meeting.

ROLL CALL

**INVOCATION BY THE MINISTRY COORDINATOR FOR THE EL PASO COUNTY
SHERIFF'S OFFICE, AND CHAPLAIN EMERITUS FOR THE EL PASO POLICE
DEPARTMENT SAM FARAONE**

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

National Recovery Month

Gold Out Child Cancer Awareness Month

National Surgical Technologists Week

El Paso Children's Hospital Childhood Cancer Awareness Month

2023 National Dance Alliance Spirit Rally D1A National Title Winners UTEP Dance Team Day

NOTICE TO THE PUBLIC

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. Approval of the Minutes of the Regular City Council Meeting of August 29, 2023 and the Work Session of August 14, 2023. [23-1212](#)

All Districts

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

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

CONSENT AGENDA - RESOLUTIONS:

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

- 3. That the City Manager, or designee, be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Nutcracker Brands LLC, a Delaware limited liability company ("Assignor"), and Almond Opportunity, LLC, a Nebraska limited liability company ("Assignee") for the following described property:

[23-1200](#)

A portion of Lots 4 and 5, Block 8, Butterfield Trail Industrial Park Unit One, Replat "A", in the City of El Paso, El Paso County, Texas, commonly known as 8 Zane Grey, El Paso, Texas.

District 3

Airport, Sam Rodriguez, (915) 212-7301

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

- 4. That the City Council authorizes the Mayor to sign a resolution that recognizes the donation to El Paso Police Department by Homeland Security Investigation, and sign any necessary documentation required for this donation, including the Departmental Acceptance of Donated Property form, as long as such documentation does not affect the approved budget of the City of El Paso.

[23-1201](#)

All Districts

Police, Assistant Chief Juan F. Briones, (915) 212-4309

- 5. That the City Council approve an Interlocal Agreement entered into by and between the City of El Paso, Texas and the Socorro Independent School District (SISD). The parties wish to provide authority to commissioned law enforcement officers hired by SISD, to issue parking citations for parking violations under the El Paso City Code in the vicinity of schools that are in the SISD district and within the El Paso City limits to ensure safety and efficiency for parking and traffic at and surrounding such schools.

[23-1202](#)

All Districts

Police, Assistant Chief Victor Zarur, (915) 212-4307

Municipal Court, Lilia Worrell, (915) 212-5822

- 6. A Resolution authorizing the Mayor to sign an updated Interlocal Agreement between the City and the Texas Department of Motor Vehicles for access to registered owner information by the El Paso Municipal Courts, Police Department, and Environmental Services Department.

[23-1204](#)

All Districts

Police, Steve Alvarado, (915) 212-6026

Municipal Court, Lilia Worrell, (915) 212-5822

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

- 7. That the City Manager is authorized to sign a Landscape Maintenance Agreement between the City of El Paso (“City”) and the State of Texas, acting by and through the Texas Department of Transportation (“State”), whereby City agrees to maintain landscape improvements on the BRIO/RTS Bus Stop Irrigation/Landscaping project, limited to the portions along US 62/180 (Montana Avenue) from Geronimo to Tierra Este, and State agrees to allow City to utilize State right-of-way.

[23-1198](#)

Districts 3, 5, 6

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

CONSENT AGENDA - SPECIAL APPOINTMENT:

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

- 8. That the City Council approve the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be named directors of the District for the terms indicated:

[23-1205](#)

| <u>Nominee</u> | <u>Term#</u> | <u>Expiration Date</u> |
|-------------------|--------------|------------------------|
| Maxey Scherr | 1 | August 2026 |
| Manuel Burke | 1 | August 2026 |
| Joanne Richardson | 1* | August 2026 |
| Yolanda Giner | 1 | August 2026 |
| Kristi Daugherty | 1 | August 2026 |
| Guillermo Garcia | 1 | August 2026 |
| Patrick Merrick | 1 | August 2026 |

** Indicates candidate was appointed to a partial term and is being nominated for his/her first full term.*

District 8

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

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

- 9. Lauren Hanson to the City Plan Commission by Representative Cassandra Hernandez, District 3.

[23-1226](#)

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

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

10. Phillip Thomas Laign, Jr. to the Bond Overview Advisory Committee by City Representative Aleksandra Annello, District 2. [23-1231](#)
Members of the City Council, Representative Aleksandra Annello, (915) 212-0002

Goal 8: Nurture and Promote a Healthy, Sustainable Community

11. Donna Juarez to the Veterans Affairs Advisory Committee by Representative Cassandra Hernandez, District 3. [23-1234](#)
Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

12. Approve a tax refund for Lee Sukjin, in the amount of \$14,571.41 for an overpayment made on August 11, 2023 of 2022 taxes. (Geo. # C539-999-0180-0500). This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. [23-1207](#)

All Districts

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

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

13. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions of five hundred dollars or greater by Representative Joe Molinar in the amount of \$500.00 from Martha Gonzalez. [23-1218](#)
Members of the City Council, Representative Joe Molinar, (915) 212-0004

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

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

14. Discussion and action to approve a Resolution that the City of El Paso honors Oscar Venegas, Maria Elena Flood, and Modesto A. Gomez for their contributions to our community, prior to the 2023 Latino Legacy Awards hosted by Community en Accion. [23-1230](#)

District 7

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

15. Discussion and action to direct the City Manager to designate the second Monday in October of each year as Indigenous People’s Day as part of continued efforts to address systemic racism towards Indigenous People and promote the closing of the equity gap for Indigenous People in our community. [23-1236](#)

All Districts

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

16. Discussion and action to recognize September as Hunger Action Month in order to bring attention to food insecurity in our communities. [POSTPONED FROM 08-29-2023] [23-1192](#)

All Districts

Members of the City Council, Representative Art Fierro, (915) 212-0006

17. Discussion and action to approve a Resolution that recognizes the week of September 10 to September 16, 2023, as “Welcome Week” and directs the City Manager to work with the El Paso Police Department to make any appropriate and necessary policy to ensure all El Paso residents feel safe and protected regardless of their race, nationality, or immigration status. [23-1227](#)

All Districts

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

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

18. Discussion and action to approve a Resolution to direct the City Manager to work with the Police Department, the Department’s designated LGBTQ liaison, and a community stakeholder task force to evaluate new policies and training to improve how transgender and gender-diverse individuals are identified by the El Paso Police Department, to implement a list of bias-free policies, and to implement a Safe Place Program in the City of El Paso. [23-1233](#)

All Districts

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

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

19. Discussion and action to approve a Resolution to direct the City Manager to create a policy that ensures access for transgender individuals to freely use City facilities consistent with their gender identity and/or expression in City-owned buildings, and to direct the City Attorney to create an ordinance amending Title 5 of the City Code of Ordinances relating to single-user restrooms to require single-user restrooms to have gender-neutral signage. [23-1228](#)

All Districts

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

20. Discussion and action to authorize the expenditure of District 2 discretionary funds, in an amount not to exceed \$5,500.00, for Fall Festivals at Memorial Park Reserve, Sunrise Park, Grandview Park, and Seville Recreation Center, which serves the municipal purpose of enhancing the quality of life of the citizens of El Paso through entertainment to citizens in El Paso, and by fostering community pride and encouraging civic engagement. [23-1232](#)

District 2

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

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

21. Discussion regarding the effect of resign-to-run by members of City Council. [23-1241](#)

All Districts

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

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

22. Discussion and action to direct the City Manager to evaluate existing ordinances, policies, and procedures related to school zone safety in collaboration with the Vision Zero task force and the Mobility Advisory Committee to draft any necessary updates to ensure safe crossings, intersection treatments, and appropriate signage at all schools within the City. [23-1235](#)

All Districts

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

23. Discussion and action to approve a Resolution recognizing "Constitution Day". [23-1237](#)

All Districts

Members of the City Council, Representative Brian Kennedy, (915) 212-0001

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

24. TxDOT operational update on projects currently in design and estimated completion dates for construction projects to include reporting on aesthetic/landscaping elements. [23-1197](#)

All Districts

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

25. Management update on the Environmental Protection Agency's Solar for All Grant Program opportunity.

[23-1216](#)

All Districts

Climate and Sustainability, Nicole Ferrini, (915) 212-1659

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: 804-513-312#

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

26. An Ordinance vacating a 940 square-foot public utility easement, located within Lot 27, Block 21, Vista Real Unit Two, an addition to the City of El Paso, El Paso County, Texas.

[23-1196](#)

Subject Property: 12077 Banner Crest Dr.
Applicant: Elia A. Quiroga, SUET23-00002

District 6

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

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 26, 2023

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

- 27. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to Texas Tech University Health Sciences Center, to the following and described parcel:

[23-1206](#)

Lot 6, the East part of Lot 5, and part of Lot 7, Block 3, Hadlock's Suburban Gardens, an addition to the City of El Paso, El Paso County, as described in volume 3778 page 352, Official Public Records of Real Property of El Paso County, Texas.

in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale.

District 2

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

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 26, 2023

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

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

[23-1209](#)

Award Summary:

Discussion and action to request that the Managing Director of Purchasing & Strategic Sourcing be authorized to issue a Purchase Order to Leedsman Construction DBA Traffic Control Specialists Sales & Rentals, referencing Contract 2021-1127 Barricade Rental Services. This will be a change order to increase the award by \$241,795.13 for a total amount not to exceed \$1,246,475.63. This change order will add capacity due to increased usage that resulted from unexpected events such as the migrant crisis and to continue supporting events such as WinterFest activities.

| | |
|------------------------|--|
| Department: | Streets and Maintenance |
| Award to: | Leedsman Construction DBA Traffic Control Specialists Sales & Rentals El Paso, TX |
| Total Estimated Award: | \$241,795.13 |
| Account No: | 532 - 1000 - 524110 - 32120 - P3210 |
| Funding Source: | General Fund |

District(s): All

This is a Low Bid, unit price contract.

All Districts

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

REGULAR AGENDA – EMERGENCY ORDINANCES:

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

29. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso. [23-1211](#)

All Districts

City Manager's Office, Mario D'Agostino, (915) 212-1069

30. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019485 due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso. [23-1210](#)

All Districts

City Manager's Office, Mario D'Agostino, (915) 212-1069

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

31. 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

32. 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

33. 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

34. 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

REGULAR AGENDA - OTHER BUSINESS:

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

35. Discussion and action that the City Manager be authorized to execute a Subrecipient Agreement by and between the City of El Paso and the PIONEERS 21 INC., a Texas 501(c)(3) tax-exempt, non-profit corporation, to provide digital solutions for El Paso businesses and startups, website development, and digital marketing series for entrepreneurs, UTEP internships and Mija Pioneers, for an amount not to exceed \$650,000. [23-1203](#)

All Districts

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

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

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

36. Discussion and action requesting City Council support for the submission of the staff recommended grant application to the FY23 Strengthening Mobility and Revolutionizing Transportation (SMART) program for the ELP Airport City Lab Innovation Zone Project. [23-1199](#)

All Districts

Capital Improvement Department, Yvette Hernandez, (915) 212-0065

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

37. Discussion and action regarding a solicitation for an executive search firm to conduct a national search for the hiring of a permanent City Manager, including but not limited to consideration of the scope of work for a national search. [23-1215](#)

All Districts

Human Resources, Mary Wiggins, (915) 212-1267

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

- 38. Discussion and action on Trails and Trailheads, to include deprogramming two proposed trails “Ellis Lateral Connection Trail” and “Carolina to Emerson Trail”; transferring funds from deprogrammed trails to “Rio Grande Trail North”; and to place on hold the feasibility study of "Avispa Canyon" until council recommends an alignment. Will bring forward recommendation from Open Space Advisory Board (OSAB). [23-1208](#)

District 1

Capital Improvement Department, Yvette Hernandez, (915) 212-0065

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

- EX1. The City of Houston v. The State of Texas, Intervenors City of San Antonio and City of El Paso, Cause No. D-1-GN-23-003474 & No. 03-23-00531-CV (551.071). [23-1219](#)

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

- EX2. Discussion on potential economic development opportunities in Northwest El Paso. HQ#23-1055; (551.087). [23-1221](#)

Economic and International Development, Elizabeth Triggs, (915) 212-0095

- EX3. Economic Incentives for Company Expansion and Headquarters to be located in the City of El Paso. HQ#23-939; (551.087). [23-1222](#)

Economic and International Development, Elizabeth Triggs, (915) 212-0095

- EX4.** Economic Incentives for the expansion of a Manufacturing Company located in the City of El Paso. HQ#23-476; (551.087).

[23-1223](#)

Economic and International Development, Elizabeth Triggs, (915) 212-0095

- EX5.** Workplace Complaint submitted to the City by Chief Internal Auditor (551.071)

[23-1239](#)

City Attorney's Office, Kristen Hamilton-Karam, (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/>