Oscar Leeser Mayor

Cary Westin Interim City Manager



CITY COUNCIL
Brian Kennedy, District 1
Alexsandra Annello, 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

December 05, 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: 175-115-110#

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on December 5, 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: 175-115-110#

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/dfad29e838da41fd86052bb264abd397

To Speak on Agenda Items:

https://app.smartsheet.com/b/form/7086be5f4ed44a239290caa6185d0bdb

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

Sydney Candelaria

Nolan Candelaria

MAYOR'S PROCLAMATIONS

Gold Star and Military Survivor Children's Champions Day

The Greetings from El Paso Mural and Artists Dedication to the City's Vibrancy and Resilience

Paul Albright, Defense Community Champion Day

RECOGNITIONS BY MAYOR

Mayor's Distinguished Award

Steve and Nancy Fox

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 November 21, 2023, the Agenda Review Meeting of November 20, 2023, and the Work Session of November 20, 2023.

23-1575

All Districts

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

23-136

CONSENT AGENDA - RESOLUTIONS:

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

3. A Resolution 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"), Halloran Family Joint Venture, LLC ("Assignor"), and Hospice of El Paso, Inc. ("Assignee") for the following described property:

23-1559

A 70,939.069 square foot parcel of land, more or less, being the south half of the easterly 54.00 feet of Lot 4 and also the south half of Lots 5 and 6, Block 10, El Paso International Airport Tracts, Unit 7, City of El Paso, El Paso County, Texas, and municipally known and numbered as 8515 Lockheed Drive, El Paso, Texas.

District 3

Airport, Sam Rodriguez, (915) 212-7301

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

4. The linkage to the Strategic Plan is subsection 2.3 - Increase public safety operational efficiency.

23-1558

Request that the Managing Director of Purchasing & Strategic Sourcing is authorized to notify EMJ Construction, LLC, that the City is terminating Contract No. 2023-0403 Fire Station 38 pursuant to Section 14, Subsection 7. Liquidated Damages for Failure to Enter into Contract of the Solicitation Documents, that the termination shall be effective as of December 5, 2023, and that the City may take all necessary steps to seek forfeiture of Vendor's bid bond as liquidated damages.

District 5

Purchasing and Strategic Sourcing, K. Nicole Cote, (915) 212-1092 Capital Improvement Department, Yvette Hernandez, (915) 212-1860

Goal 3: Promote the Visual Image of El Paso

5. That the Solid Waste liens on the attachment posted with this agenda be approved (See Attachment A).

23-1554

Districts 1, 2, 3, 4, 6, 7, 8

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

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

6.	That the City Manager be authorized to sign the Second Amendment to an Agreement for Professional Services between the City of El Paso and AECOM Technical Services, Inc. for a project known as "Architect and Engineering Services for Traffic Management Center Upgrades" and to amend the Agreement to provide additional protection over confidential technological information. All Districts Capital Improvement Department, Joaquin Rodriguez, (915) 212-0065	<u>23-1564</u>	
Goal 8: Nurture and Promote a Healthy, Sustainable Community			
7.	A Resolution that the Mayor be authorized to sign the Interlocal Agreement between the City of El Paso, Texas and the Village of Vinton, Texas for a period of September 1, 2022 through August 31, 2023, for the provision of public health and environmental services by the City of El Paso.	23-1533	
	The Village of Vinton shall pay the City of El Paso an annual amount not to exceed Eighteen Thousand Seven Hundred Sixty-Five Dollars and 00/100 (\$18,765.00).		
	All Districts Public Health, Hector I. Ocaranza, (915) 212-6502		
8.	A Resolution that the Mayor be authorized to sign the Interlocal Agreement between the City of El Paso, Texas and the City of San Elizario, Texas for a period of September 1, 2022 through August 31, 2023, for the provision of public health and environmental services by the City of El Paso.	<u>23-1541</u>	
	The City of San Elizario shall pay the City of El Paso an annual amount not to exceed Ninety-Two Thousand Seventy-Four Dollars and 00/100 (\$92,074.00).		
	All Districts Public Health, Hector I. Ocaranza, (915) 212-6502		
9.	A Resolution that the Mayor be authorized to sign the Interlocal Agreement between the City of El Paso, Texas and the Town of Horizon City, Texas for a period of September 1, 2022 through August 31, 2023, for the provision of public health and environmental services by the City of El Paso.	<u>23-1555</u>	
	The Town of Horizon City shall pay the City of El Paso an annual amount not to exceed One Hundred Seventy-Four Thousand Four Hundred Sixty-Seven Dollars and 00/100 (\$174,467.00).		
	All Districts Public Health, Hector I. Ocaranza, (915) 212-6502		

23-1567

A Resolution that the Mayor be authorized to sign an Interlocal Agreement

10.

between the City of El Paso, Texas and the Town of Clint, Texas for a period of September 1, 2021 through August 31, 2022 for the provision of public health and environmental services by the City of El Paso, for which the Town of Clint shall pay the City of El Paso an annual amount of Nine Thousand Eight Hundred Twenty-Five Dollars and 00/100 (\$9,825.00).

All Districts

Public Health, Hector I. Ocaranza, (915) 212-6502

11. A Resolution that the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, Texas and the Town of Clint, Texas for a period of September 1, 2022 through August 31, 2023, for the provision of public health and environmental services by the City of El Paso.

23-1570

The Town of Clint shall pay the City of El Paso an annual amount not to exceed Nine Thousand Eight Hundred Seventy-Seven Dollars and 00/100 (\$9,877.00).

All Districts

Public Health, Hector I. Ocaranza, (915) 212-6502

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

12. John J. Bryan II to the Building and Standards Commission by Representative Cassandra Hernandez, District 3.

23-1610

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

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

13. Ricardo Bustamante to the Parks and Recreation Advisory Board by Representative Chris Canales, District 8.

23-1593

Members of the City Council, Representative Chris Canales, (915) 212-0008

Goal 8: Nurture and Promote a Healthy, Sustainable Community

14. Brian Kanof to the Veteran's Affairs Advisory Committee by Representative Brian Kennedy, District 1.

23-1595

Members of the City Council, Representative Brian Kennedy, (915) 212-1002

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

15. Isaac Rodriguez to the Capital Improvements Advisory Committee by **23-1609** Representative Cassandra Hernandez, District 3. Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003 Goal 8: Nurture and Promote a Healthy, Sustainable Community 16. lleene Mendoza to the Animal Shelter Advisory Committee by Representative 23-1594 Brian Kennedy, District 1. Members of the City Council, Representative Brian Kennedy, (915) 212-1002 REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL Goal 2: Set the Standard for a Safe and Secure City 17. Presentation and discussion by the El Paso Police Department on a strategic 23-1542 public safety plan to address incidents in and around the entertainment venues and house parties. [POSTPONED FROM 11-21-2023] All Districts Members of the City Council, Representative Henry Rivera, (915) 212-0007

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

18. Discussion and action that the City Council declares that the expenditure of District 2 discretionary funds, in an amount not to exceed \$2,700.00, for holiday meals and celebrations at Memorial Senior Center, Wellington Chew Senior Center, Grandview Senior Center, Hilos de Plata Senior Center, and San Juan Senior Center 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.

<u>23-1608</u>

District 2

Members of the City Council, Representative Alexsandra Annello, (915) 212-0002

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

19. Presentation and discussion on the Buy El Paso Rewards Program, providing an overview and update on the program, including the program's purpose, highlighting its benefits, and guiding the community on how to actively participate in the program to support our vibrant local small business community.

23-1568

All Districts

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

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

20. Presentation and discussion on the sale process for 19 City-owned properties located in the Union Plaza area of Downtown El Paso, bounded by W. Overland Ave. to the north, S. Santa Fe St. to the east, E. Paisano Dr. to the south, and Alley B to the west.

23-1597

District 8

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

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: 175-115-110#

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/dfad29e838da41fd86052bb264abd397

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

21. An Ordinance vacating a portion of City right-of-way located on the property described as Portion of Tract 18-A, Block 4, Upper Valley. City of El Paso, El Paso County, Texas.

23-1565

Subject Property: 5000 Country Club Place.
Applicant: El Paso Country Club, SURW23-00002

District 1

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

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2023

22. An Ordinance vacating a 0.948 acre portion of Randolph Street and Blacker Avenue Right-Of-Way, located within Alexander Addition, City of El Paso, El Paso County, Texas

23-1606

Subject Property: Randolph Street and Blacker Avenue Applicants: University of Texas at El Paso SURW23-00013

District 8

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

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2023

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

23. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), to amend the following: Section 2.92.020 (Definitions) Subsection (10) to update the definition of "Contribution"; Section 2.92.080 (Disclosure of Campaign Contributions) to require additional disclosures regarding contributions or donations from individuals or business entities receiving a benefit from a vote of City Council; Sections 2.92.120 (Jurisdiction), Subsection 2.92.130(A)(5) (Duties) and Subsection 2.92.160(B) (Filing a Complaint) to include Commission jurisdiction over and process for complaints regarding candidates, political committees and individuals or business entities obligated under Section 2.92.080; Section 2.92.160(C) (Filing a Complaint), to clarify process for complaints regarding the Chief Internal Auditor; Section 2.92.170(A) (Complaint Review) to amend the time period for response to an Ethics Complaint; and Section 2.92.200 (Disposition) to include a fine of up to \$500 as a possible sanction for violation of the Ethics Code.

23-1571

All Districts

City Attorney's Office, Kristen Hamilton-Karam, (915) 212-1131

PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2023

REGULAR AGENDA – EMERGENCY ORDINANCES:

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

24. 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.

23-1563

All Districts

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

25. 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.

23-1561

All Districts

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

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

26. An Ordinance changing the zoning for the property described as Tract 3, Section 3, and Tract 1, Section 4, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from M-2/C (Heavy Manufacturing/Conditions) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

<u>23-1457</u>

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7000 Stan Roberts Applicant: City of El Paso, PZRZ23-00038

District 4

Economic and International Development, Karina Brasgalla, (915) 212-1750 Economic and International Development, Elizabeth Triggs, (915) 212-0094

27. An Ordinance releasing all conditions placed on property by Ordinance No. 19274 which changed the zoning of Tract 3, Section 3 and Tract 1, Section 4, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

23-1458

The proposed condition release meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7000 Stan Roberts Applicant: City of El Paso, PZCR23-00005

District 4

Economic and International Development, Karina Brasgalla, (915) 212-1570 Economic and International Development, Elizabeth Triggs, (915) 212-0094

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

28. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.041 (Schedule IV A-Parking Prohibited during

23-1498

certain hours- school days only, subsection B: No Parking, 7:00am to 5:00pm, Monday through Friday, School Days Only), to add Items 4. 2600 Tierra Cadiz Ct. from John Hayes St. to Tierra Murcia St.

District 5

Streets and Maintenance, Jose N. Hernandez, (915) 212-0151 Streets and Maintenance, Jiann-Shing Yang, (915) 212-7002

29. An Ordinance to amend Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - restrictions on Parking in Residential Districts) of the City Code, TO ADD under Subsection N (No Parking, 7:00am to 5:00pm, school days only) TO ADD ITEM 17. Tierra Murcia Street between Tierra Bilbao Drive and Charles Foster Avenue, both sides; to ADD ITEM 18. Petralia Avenue between Tierra Murcia Street and Wilhoit Place, both sides: TO ADD ITEM 19. Tierra Oviedo Avenue between Tierra Murcia Street and Wilhoit Place, both sides; TO ADD ITEM 20. Wilhoit Place between Ciambriello Avenue and Petralia Avenue, west side only; TO ADD ITEM 21. Tierra Gijon Place between Tierra Bilbao Drive and Ciambriello Avenue, west side only; TO ADD ITEM 22. Tierra Malaga Place between Tierra Bilbao Drive and Ciambriello Avenue, both sides; TO ADD ITEM 23. Tierra Bilbao Drive between Tierra Murcia Street and Tierra Gijon Place, both sides; TO ADD ITEM 24. Ciambriello Avenue between Tierra Murcia Street and Tierra Gijon Place. both sides; TO ADD ITEM 25. Ciambriello Avenue between Wilhoit Place and Tierra Gijon Place, south side only; The penalty being provided in Chapter 12.88 of the El Paso City Code.

23-1516

District 5

Streets and Maintenance, Jose N. Hernandez, (915) 212-7002

REGULAR AGENDA - ADOPTION OF AN ORDINANCE AND OTHER BUSINESS:

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

30. An Ordinance authorizing the City Manager to sign a contract of sale with Wurldwide LLC, a Delaware limited liability company for the sale of approximately 1,039 acres of property situated in Section 3, Block 80, Township 1, Texas and Pacific Railroad Survey, Abstract No. 2381 and Section 4, Block 80, Township 1, Texas and Pacific Railroad Survey, Abstract No. 9862, City of El Paso, El Paso County, Texas further being portions of tracts of land described in deeds to City of El Paso recorded in Volume 1176, Page 504, and Volume 1186, Page 178, Deed Records, El Paso County, Texas; Known As Tax Parcels 78427 And 13470.

23-1611

District 4

Economic and International Development, Karina Brasgalla, (915) 212-1570 Economic and International Development, Elizabeth Triggs, (915) 212-0094

31. Discussion and action that the City Manager be authorized to sign a Tax Abatement Agreement ("Agreement") by and between the City of El Paso, Texas ("City") and Wurldwide, LLC, a Delaware limited liability company ("Company") in support of the construction, in one or more phases which may extend over a period of years, one or more data center(s) and certain accessory

23-1566

uses on approximately 1,039 acres of land on the northside of Stan Roberts Sr. Avenue, west of U.S. Highway 54 within the City of El Paso, Texas (the "Project"). Subject to the terms and conditions of the Agreement and provided that Company expends or causes to expend a minimum of \$800,000,000.00 in construction and personal equipment costs for the Project ("Initial Investment"), City agrees to provide Company with annual property tax abatements in an amount equal to 80 percent of the aggregate property tax revenue attributable to the Initial Investment over a 10-year period beginning the calendar year following the year in which the Company provides documentation to the City that it has met its Initial Investment requirements ("Abatements"). Company may develop additional phases, each representing a minimum \$800,000,000.00 expenditure in construction and personal equipment costs; and if so, subject to the terms and conditions of the Agreement, shall be eligible for separate Abatements for each phase for up to five phases during the term of the Agreement.

District 4

Economic and International Development, Karina Brasgalla, (915) 212-1570 Economic and International Development, Elizabeth Triggs, (915) 212-0094

32. Discussion and action that the City Council approves the allocation of funds from the Texas Economic Development Incentive Program to fund the intersection improvements at Stan Roberts and US-54 to support and facilitate development of the approximate 1,039 acres of land on the north side of Stan Roberts Sr. Avenue, west of U.S. Highway 54 within the City of El Paso, Texas in connection with the development contemplated in the Chapter 380 Economic Development Program Agreement entered into between the City of El Paso and Wurldwide LLC, a Delaware limited liability company, in the estimated amount of \$5,000,000.00; and that the City Manager, or designee, be authorized to effectuate any budget transfers and associated agreements in order to effectuate the intent of this Resolution.

District 4

Economic and International Development, Karina Brasgalla, (915) 212-1570 Economic and International Development, Elizabeth Triggs, (915) 212-0094

REGULAR AGENDA - OTHER BUSINESS:

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

33. Discussion and action that the City Manager, or designee, be authorized to effectuate the listed budget transfers, attached to the Resolution as Exhibit A, for the El Paso International Airport as necessary to execute the approved Capital Improvement Plan in FY 2024. [POSTPONED FROM 11-21-2023]

All Districts

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

EXECUTIVE SESSION

23-1569

23-1524

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

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/