

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

May 10, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:08 a.m. Mayor Oscar Leeson present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alessandra Anello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Late arrival: Cassandra Hernandez at 12:24 p.m.

INVOCATION BY EL PASO POLICE CHAPLAIN ROBERT HEMPHILL, JR. PH.D.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

El Paso Police Officers Memorial Day - Police Week

Mental Health Awareness Month

International Internal Audit Awareness Month

NOTICE TO THE PUBLIC

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

CONSENT AGENDA - APPROVAL OF MINUTES:

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

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1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of April 26, 2022, the Agenda Review Minutes of April 25, 2022, the Work Session of April 25, 2022, the Work Session of December 6, 2021, and the Work Session of December 13, 2021.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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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. ***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 a Lease Agreement by and between the City of El Paso ("Lessor") and B.H. Zane Grey Butterfield, LLC, ("Lessee") regarding the following described property:

A 5.0234 acres parcel portion of all of Lot 2 and a portion of Lot 2B, Block 1, Butterfield Trail Industrial Park Unit One Replat "A," El Paso County Plat Records, consisting of approximately 218,818.9 square feet, City of El Paso, El Paso County, Texas, municipally known and numbered as 4 and 6 Butterfield Trail Blvd., El Paso, Texas.

with a 40 year initial term and one option to extend for ten years; and

that City Manager is authorized to sign any and all documents related and/or necessary to effectuate the leasing and related closing of the property.

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4. ***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 a Lease Agreement by and between the City of El Paso ("Lessor") and B.H. Zane Grey Butterfield, LLC, ("Lessee") regarding the following described property:

A 5.0681 acres parcel portion of Lots 28 and 2C, Block 1, Butterfield Trail Industrial Park Unit One Replat "A," El Paso County Plat Records, consisting of approximately 220,768.6 square feet, City of El Paso, El Paso County, Texas, municipally known and numbered as 9 Zane Grey Street, El Paso, Texas.

with a 40 year initial term and one option to extend for ten years; and

that City Manager is authorized to sign any and all documents related and/or necessary to effectuate the leasing and related closing of the property.

5.

***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 a Lease Agreement by and between the City of El Paso ("Lessor") and B.H. 7619 Lockheed Drive, LLC, ("Lessee") regarding the following described property:

Lot 15, Block 8, El Paso International Airport Tract Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 7619 Lockheed, El Paso, Texas

with a 40 year initial term and one option to extend for ten years; and

that City Manager is authorized to sign any and all documents related and/or necessary to effectuate the leasing and related closing of the property.

6.

***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 a Lease Agreement by and between the City of El Paso ("Lessor") and B.H. 7108 Airport Road, LLC, ("Lessee") regarding the following described property:

A portion of Lots 1 and 2, Block 6, Butterfield Trail Industrial Park Unit One Replat A, consisting of approximately 44,262.9 square feet, City of El Paso, El Paso County, Texas, municipally known and numbered as 7108 Airport Rd., El Paso, Texas

with a 40 year initial term and one option to extend for ten years; and

that City Manager is authorized to sign any and all documents related and/or necessary to effectuate the leasing and related closing of the property.

Goal 3: Promote the Visual Image of El Paso

7.

***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 Mayor is authorized to sign a letter in support of the proposed National Register of Historic Places nomination of the Kress Building (211 N. Mesa Street).

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

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

THAT City Council accepts the recommendation from the Parks and Recreation Advisory Board and hereby approves the renaming of the Happiness Senior Center, located at 563 N. Carolina Drive within the City of El Paso, El Paso County, Texas, as “Jessie Moreno Happiness Center”; and

THAT John Moreno, (“Applicant”) shall incur the customary costs associated with the renaming of the park, such as installing or replacing signs with the park name or any other signs posted or affixed to a facility. Any proposed signs shall be reviewed and agreed upon by both the Parks and Recreation Department and Applicant, (District 7).

Representative Rivera commented.

Mr. Ben Fyffe, Cultural Affairs and Recreation Managing Director, commented.

The following members of the public commented:

1. Juan Moreno
2. Melissa Baeza

1ST MOTION:

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

2ND AND FINAL MOTION:

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

CONSENT AGENDA – BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

9. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Charles Mais to the Historic Landmark Commission by Representative Isabel Salcido, District 5.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

10. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Bray to the El Paso Housing Finance Corporation by Mayor Oscar Leeser.

CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:

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

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

1. Habitat International, in the amount of \$2,999.80 made an overpayment on January 29, 2021 of 2020 taxes. (Geo. # L203-999-0030-0200)
2. Jorge O. Aguirre, in the amount of \$2,527.31 made an overpayment on March 31, 2022 of 2021 taxes. (Geo. # M282-999-001A-0100)
3. Southwestern Bell Telephone, in the amount of \$32,235.39 made an overpayment on January 30, 2022 of 2021 taxes. (Geo. # V893-999-127A-3000)

The Regular City Council meeting was **RECESSED** at 10:03 a.m. in order to convene the Mass Transit Board Meeting.

The Regular City Council meeting was **RECONVENED** at 10:14 a.m.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

Goal 3: Promote the Visual Image of El Paso

12. **ITEM:** Discuss the 2022 Texas Society of Architects (TxA) Annual Conference and Design Expo in El Paso event that will attract over 3000 Architects, Design Professionals and Vendors to El Paso this year and will contribute to over 1200 room nights and an estimated \$2,700,000 in economic impact to the City. Texas Society of Architects begun the process by reaching out to City of El Paso staff in CID, MCAD and Sun Metro to request access and assistance in coordinating tours that will highlight the great work the City has accomplished to Architects from across the entire State of Texas and beyond.

Mr. William Helm, President-Elect, El Paso Chapter of Texas Society of Architects, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Svarzbein and Rodriguez commented.

NO ACTION was taken on this item.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

13. **ITEM:** Discussion and action protecting Women's Rights and to direct the City Manager to work with the City Council to establish a City of El Paso Women's Commission and/or Board focused on Women's equality and protecting their rights.

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

Ms. Karla Nieman, City Attorney, commented.

The following members of the public commented:

1. Dora Oaxaca
2. Veronica Esparza
3. Mark Cavaliere
4. Ray Baca
5. Marcos Lares
6. Susana Acosta
7. Madeliene Harris
8. Cristina Z. Gonzalez
9. Carol Cassady
10. Barbara Carrasco
11. Samuel W. Thomas
12. Sylvia Acosta
13. Sonia Castaneda
14. Mikayla Oliver
15. Irene Armendariz-Jackson
16. Michelle Garcia
17. Maria Martinez
18. Allison Glass
19. Deb Gray
20. Daniel Flores
21. Joseph Grant Williams
22. Brianda Garcia
23. Valeria Bowers
24. Xochitl Rodriguez
25. Rebekah Vasquez
26. Kenneth Bell
27. Yvonne Hinojosa
28. Emma Acosta
29. Isela Castanon Williams
30. Julie Mendoza
31. Gwenyth Conrad
32. Edward Garcia
33. El Paso Young Democrats submitted a letter that was read into the record
34. Alexis C. Zubia
35. Ophra Leyser-Whalen
36. Paul Haupt
37. Harriet Schneider
38. Lisa Turner
39. Debbie Torres
40. Teresa Chavira
41. Andi Tiscareno

Statements from Melissa Bailey and Chris Yost were read into the record by Representative Rodriguez.

The Regular City Council meeting was **RECESSED** at 10:59 a.m. for a short break.

The Regular City Council meeting was **RECONVENED** at 11:06 a.m.

1ST MOTION:

Motion made by Representative Rodriguez and seconded by Representative Molinar to **DELETE** the item.

AYES: Representatives Molinar, Rodriguez, and Lizarraga.

NAYS: Representatives Svarzbein, Annello, Hernandez, Salcido, and Rivera.

THE MOTION FAILED

2nd AND FINAL MOTION:

Motion made by Representative Rivera, seconded by Representative Annello, and carried to **APPROVE** that the City of El Paso **DIRECTS** the City Manager and City Attorney to work with the City Council to create a Women's Rights Commission and present to Council on the City Council Meeting scheduled June 7, 2022 and that the board be comprised of women across the community, everyone, not a selective group, but everyone included.

AYES: Representatives Svarzbein, Annello, Hernandez, Salcido, and Rivera.

NAYS: Representatives Molinar, Rodriguez, and Lizarraga.

14.

RESOLUTION

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

That the City Council declares that the expenditure of District 8 discretionary funds in an amount not to exceed \$50,000 to support the Opportunity Center for the Homeless' renovation, rehabilitation, expansion and construction of bathroom facilities serves a municipal purpose of enhancing El Paso's quality of life while nurturing and promoting a healthy and sustainable community; and

That the City Manager be authorized to effectuate any budget transfer necessary to ensure that the funds are properly expended for such purpose and to execute any related agreements and amendments to such agreements.

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

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

NAYS: None

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

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

15. *Motion made, seconded, and unanimously carried to **DELETE** the Ad Hoc Charter Advisory Committee Update.

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

16. Presentation and discussion on a report by Moss Adams, LLP on the financial and grants audits of the City of El Paso ("City"). The report to the City Council will include the audit opinion

regarding the City financial statements and a brief overview of the financial results for the City for the fiscal year ended August 31, 2021.

Ms. Margarita Munoz, City Comptroller, and Mr. Aaron Hamilton, Assurance Senior Manager at Moss Adams, LLP, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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17. The Department of Aviation will provide a management update regarding the ELP 5MW (Megawatts) Solar Farm Project.

Ms. Shane Brooks, El Paso International Airport Program Administrator, 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. Sam Rodriguez, Chief Operations and Transportation Officer
2. Mr. Tommy Gonzalez, City Manager

NO ACTION was taken on this item.

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CALL TO THE PUBLIC – PUBLIC COMMENT:
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The following members of the public commented:

1. Marcy Chavez
2. Ron Comeau
3. Michael Castro
4. Sabrina Soto
5. Efrain Saucedo
6. Lisa Turner

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The Regular City Council meeting was **RECESSED** at 1:30 p.m. for lunch.

The Regular City Council meeting was **RECONVENED** at 2:07 p.m.

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REGULAR AGENDA – FIRST READING OF ORDINANCES:
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1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** items 19, 20, and 21.

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried that the Ordinances on items 18 and 19, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED**, for public hearing.

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

NAYS: None

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

18. An Ordinance granting a Franchise for Elite Medical Air Transport, LLC d/b/a Emergent Air, to operate a non-emergency ambulance transfer service.

Goal 3: Promote the Visual Image of El Paso

19. An Ordinance to amend Title 5 (Business License and Permit Regulations) Chapter 5.02 (Alcoholic Beverages), Section 5.02.090 (City Protest of Permit/License), Section 5.02.100 (City Liquor License/Permit - Fee) and Section 5.02.140 (Liquor License/Permit - Term); The penalty as provided in 5.02.170 (Violations and Penalties) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MAY 24, 2022 FOR ITEMS 18 AND 19

3RD AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Rodriguez, and unanimously carried to **POSTPONE** the first reading of the Ordinances on items 20 through 23 for **TWO WEEKS**.

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

NAYS: None

20. An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-7, Industrial and/or Railyards.

Subject Property: 9879 North Loop Drive

Applicant: Hunt Eastlake Industrial, PLCP21-00004

21. An Ordinance changing the zoning of Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-4/c (Commercial/condition) and imposing 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 Future Land Use designation for the property and is in accordance with "Plan El Paso", the City's Comprehensive Plan.

Subject Property: 9879 North Loop Drive

Applicant: Hunt Eastlake Industrial, PZRZ21-00017

22. An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-4, Suburban (Walkable).

Subject Property: North of Inglewood Drive and West of North Loop Drive
Applicant: BRE Development, LLC. PLCP21-00005

23. An Ordinance changing the zoning of Tracts 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to A-O/c (Apartment/Office/condition), and imposing 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 Future Land Use designation for the property and is in accordance with "Plan El Paso", the City's Comprehensive Plan.

Subject Property: North of Inglewood Drive and West of North Loop Drive
Applicant: BRE Development, LLC. PZRZ21-00035

PUBLIC HEARING WILL BE HELD ON JUNE 22, 2022 FOR ITEMS 20 THROUGH 23

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

24. Motion made by Representative Molinar, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** the Director of the Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) to LexisNexis Coplogic Solutions Inc dba LexisNexis Risk Solutions, the sole distributor for the Desk Officer Reporting System for a term of two (2) years for an estimated amount of \$135,000.00 with the stipulation that the vendor provides an updated sole source letter and affidavit each year. The award of the contract for the Desk Officer Reporting System will allow citizens to submit police incident reports to be posted into the existing automated Records Management System (RMS).

Contract Variance:
New contract, no contract variance.

Department:	Police
Award to:	LexisNexis Coplogic Solutions Inc dba LexisNexis Risk Solutions Alpharetta, GA
Term:	2 years
Annual Estimated Amount:	\$67,500.00
Total Estimated Award:	\$135,000.00
Account No.:	321-2710-21230-522020-P2104-GT2121EJAG 321-2814-21270-522150
Funding Source:	EJAG Grant & Confiscated Funds
Districts(s):	All
Sole Source No.:	2022-0400

This is a Sole Source, service contract.

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

25. **ITEMS 25 AND 26 WERE TAKEN TOGETHER**

R E S O L U T I O N

WHEREAS, there is a substantial need for the legal services to be provided pursuant to the Agreement for Delinquent Court Fines and Fees Services;

WHEREAS, these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of El Paso at a reasonable cost;

WHEREAS, these legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of delinquent court fines and fees penalties provided by Texas Code of Criminal Procedure 103.0031 and because the City of El Paso does not desire to allocate the additional funds to pay the estimated amounts required under a contract only for the payment of hourly fees;

WHEREAS, Delgado Acosta Spencer Linebarger & Perez, LLP, is well qualified and competent to perform the legal services required to comply with the terms of the contract;

WHEREAS, Delgado Acosta Spencer Linebarger & Perez, LLP has provided these specialized legal services to the City of El Paso in the past and has been well satisfied with the quality and outcome of the legal services provided, and;

WHEREAS, the contract with Delgado Acosta Spencer Linebarger & Perez, LLP is the result of a procurement issued by the City of El Paso and to which Delgado Acosta Spencer Linebarger & Perez, LLP submitted a proposal to provide the requested services; and

WHEREAS, the parties agree that the contract for delinquent court fines and fees penalties is fair and reasonable.

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

That after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Court Fines and Fees Services, pursuant to Solicitation 2022-0007R Collection Services for Delinquent Fines and Fees - Municipal Court, is awarded to Delgado Acosta Spencer Linebarger & Perez, LLP and that the City Manager, or his designee, is authorized to execute the Agreement and any related documents with Delgado Acosta Spencer Linebarger & Perez, LLP required to effectuate this award.

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

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

NAYS: None

26. Motion made by Representative Molinar, seconded by Representative Salcido, and unanimously carried to **AWARD** Solicitation 2022-0007R Collection Services for Delinquent Fines and Fees - Municipal Court to Delgado Acosta Spencer Linebarger & Perez, LLP for an initial four (4) year term for an estimated amount of \$3,796,035.80. The award also includes, three (3), one (1) year options for an estimated amount of \$2,847,026.85. The total value of the contract is, including the initial term plus the options, for a total of seven (7) years, for an estimated amount of \$6,643,062.65. This contract will allow collection services for the Municipal Court.

Contract Variance:
No contract variance

Department:	Municipal Court
Award to:	Delgado Acosta Spencer Linebarger & Perez, LLP El Paso, TX
Item(s):	All
Annual Estimated Award:	\$949,008.95
Initial Term:	\$3,796,035.80 (4 years)
Option to Extend:	\$2,847,026.85 (3 years)
Total Estimated Award:	\$6,643,062.65 (7 years)
Account No.:	111-1000-11030-203400
Funding Source:	Collection Agency Payable
Districts(s):	All

This is a Request for Proposal (RFP), service contract.

The Purchasing & Strategic Sourcing and Municipal Court Departments recommend award as indicated to Delgado Acosta Spencer Linebarger & Perez, LLP, the sole highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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

NAYS: None

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

27.

RESOLUTION

WHEREAS, on December 7, 2021 the City of El Paso ("City") awarded Contract No. 2021-1037 Rojas Dr. Widening to J.A.R CONCRETE, INC. DBA J.A.R CONSTRUCTION, INC. for \$8,312,690.32 ("Vendor"); and

WHEREAS, the City desires to terminate the Contract without cause and for convenience, pursuant to the provisions and requirements of section 3L of the Contract.

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

That the Purchasing Director is authorized to notify Vendor that City is terminating awarded Contract No. 2021-1037 Rojas Dr. Widening for convenience, pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of May 10, 2022.

1ST MOTION

Motion made by Representative Rodriguez, seconded by Representative Molinar, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Annello

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Hernandez and carried to **RECONSIDER** item 27.

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

NAYS: Representative Svarzbein

3RD AND FINAL MOTION

Motion made by Representative Rodriguez, seconded by Representative Annello, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Molinar

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:
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Goal 2: Set the Standard for a Safe and Secure City
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28. *Motion made, seconded, and unanimously carried to **POSTPONE FOUR WEEKS** an Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.020 (Applicability) to clarify the Reasonable Sensibilities Standard; Section 9.40.030 (Sound Level Violations) to clarify the maximum sound level, that sound levels apply to properties producing the noise, and the locations of sound readings; Section 9.40.040 (Vibration) to clarify that Vibration Violations can occur on any affected property; Section 9.40.070 (Penalties) to clarify that the city may seek civil action and penalties of up to \$1,000 per day; Section 9.40.080 (Enforcement) to clarify which departments have authority to enforce; the penalty as provided in Section 9.40.070 of the City Code.

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Goal 3: Promote the Visual Image of El Paso
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29. *Motion made, seconded and unanimously carried to **POSTPONE FOUR WEEKS** an Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Article I (General Provisions), Section 5.03.020 (A) and Section 5.03.020 (E) (Definitions), Article II (Permit Application Process) Section 5.03.040 (B) (3) (Permit Application Processing), Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.080 (B) (5) and Section 5.03.090 (A) (2), Article IV (Permit Standards), Section 5.03.110 (A) (Permit Standards), Article VI (Violation; Penalty) Section 5.03.130 (C) Violation and adding Section 5.03.130 (E); The penalty as provided in 5.03.130 of the El Paso City Code.

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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30. **ITEM:** Discussion and action requesting City Council support for the staff recommended project that has been selected to submit for an Infrastructure for Rebuilding America (INFRA) Grant under the Multimodal Projects Discretionary Grant Program (MPDG) for the Department of Transportation (DOT) to invest in road, rail, transit and port projects that promise to achieve national objectives.

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office).

- Ms. Anne Guayante, Grants and Strategic Initiatives Manager, Economic Development
- Mr. David Coronado, Managing Director, International Bridges and Economic Development

Mayor Leeser and Representative Svarzbein commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Representative Rodriguez, seconded by Representative Molinar, and unanimously carried to **SUPPORT** the submission of an Infrastructure for Rebuilding America (INFRA) grant application for the El Paso International Bridge System Needs Assessment project.

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

NAYS: None

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Goal 2: Set the Standard for a Safe and Secure City
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31. **ITEM:** Discussion and action on the appointment of 4 candidates to fill 5 Part Time On-Call Associate Judge vacancies. Six candidates applied; 1 did not meet qualifications; 1 non-responsive. Four candidates' names were submitted by a city representative to the City Manager's office. These positions serve as substitutes for the elected municipal court trial judges at trial and other court hearings; they preside over arraignments; they serve as magistrates on graveyard shifts.

Motion made by Representative Annello, seconded by Representative Lizarraga, and carried to **APPOINT** the following 4 candidates to fill the Part Time On-Call Associate Judge vacancies.

1. Elia Garcia
2. Jose Gonzalez
3. Leonel Nunez
4. Manuel Parra

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

NAYS: Representative Hernandez

Goal 3: Promote the Visual Image of El Paso

- 32. ITEM:** Discussion and action on the results of the Public Engagement related to the Community Progress Bond.

Mr. Alex Hoffman, Capital Improvement Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, and Molinar commented.

Mr. Cary Westin, Senior Deputy City Manager, commented.

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ACCEPT** the program recommendations related to the Community Progress Bond Program as presented by staff.

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

NAYS: None

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

33. RESOLUTION

WHEREAS, the purpose of this Post-Issuance Compliance Policy and Procedure manual is to adopt policies and procedures to guide the City of El Paso (the City) in meeting the requirements of the Internal Revenue Code of 1986, as amended, and applicable Treasury Regulations (collectively, the "Tax Code") concerning tax-exempt and tax-advantaged debt ("TE Debt Issuances"), as well as continuing disclosure requirements described in the United States Securities and Exchange Commission Rule 15(c) 2-12, as amended (the "Rule"), and other covenants and related obligations of the City concerning all outstanding issuances of debt; and

WHEREAS, Non-compliance with the Tax Code may result in fines and/or loss of the preferential status of the debt issuances; and

WHEREAS, the City will review this policy at regular intervals to assure each debt issuance of the City is compliant with the Tax Code; and

WHEREAS, the Post-Issuance Compliance Policy applies to tax exempt bonds and will serve to establish guidelines to develop and maintain compliance with the Internal Revenue Code of 1986 as amended, meet the requirements of the Securities and Exchange Commission Rule 15(c) 2-12 and meet bond covenants obligation.

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

That the City hereby adopts the Post-Issuance Compliance Policy for the City of El Paso which is attached hereto as **Exhibit A**** and incorporated herein by reference.

**Exhibit available at the City Clerk's Office.

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

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

NAYS: None

34.

RESOLUTION

WHEREAS, on March 3, 2020, the City Council approved the revised Budget Policy; and

WHEREAS, the City desires to amend the Budget Policy to allow for the establishment of a Pension Stabilization Fund and amend the language of the Stabilization Fund created on March 3, 2020.

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

That the City hereby approves the adoption the revised City of El Paso Budget Policy attached to this resolution as **Exhibit A****, which allows for the establishment of a Pension Stabilization Fund and amends the language of the Stabilization Fund created on March 3, 2020.

**Exhibit available at the City Clerk's Office.

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

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

Mr. Tommy Gonzalez, City Manager, commented.

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

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

NAYS: None

WHEREAS, the Housing Opportunity Management Enterprises PFC, a public facility corporation of the Housing Authority of the City of El Paso, Texas, is in the process of issuing one or more issues or series following Multi-Family Housing Revenue Bonds:

\$20,000,000 for the “Cielo Tower Apartments Project” (the “Project”), for the Project covering a total of 123 units.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the highest elected official of the local governmental unit having jurisdiction over the area in which such facility is located after a public hearing following reasonable notice to the public;

WHEREAS, Housing Opportunity Management Enterprises PFC published a Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on March 11, 2022, and held a public hearing on Tuesday, March 18, 2022;

WHEREAS, Housing Opportunity Management Enterprises PFC now requests that the Mayor sign a Certificate of Approval of the Highest Elected Official;

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

That the Mayor be authorized to sign the Certificate of Approval of the Highest Elected Official attached to this Resolution for the sole purpose of compliance with Section 147(f) of the Internal Revenue Code of 1986.

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the district on the item.

2ND AND FINAL MOTION

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

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

NAYS: None

36.

RESOLUTION

WHEREAS, the Alamito Public Facilities Corporation (“Alamito”), a public facility corporation of the Housing Authority of the City of El Paso, Texas, is in the process of issuing one or more issues or series following Multi-Family Housing Revenue Bonds:

\$76,125,000 for the following residential rental projects Salazar Apartments; Cien Palmas Apartments; Mesa Place Townhomes; and Franklin Place Townhomes.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986 requires that before the bonds are issued, the issuance of such tax exempt bonds must be approved by the highest elected official of the local governmental unit having jurisdiction over the area in which such facility is located after a public hearing following reasonable notice to the public;

WHEREAS, Alamito Public Facilities Corporation, published a Notice of Public Hearing in the El Paso Times as required by Section 147(f) of the Internal Revenue Code on March 11, 2022, and held a public hearing on Tuesday, March 18, 2022;

WHEREAS, Alamito now requests that the Mayor sign a Certificate of Approval of the Highest Elected Official;

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

That the Mayor be authorized to sign the Certificate of Approval of the Highest Elected Official attached to this Resolution for the sole purpose of compliance with Section 147(f) of the Internal Revenue Code of 1986.

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the district on the item.

2ND AND FINAL MOTION

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

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

NAYS: None

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

37.

RESOLUTION

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 AECOM TECHNICAL SERVICES, INC., a California USA Foreign for-Profit Corporation, for a project known as “Architect And Engineering Services for Traffic Management Center Upgrades” for an amount not to exceed \$3,518,769.71; that the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and to approve Additional Services for an amount not to exceed Fifty

Thousand and No/100 Dollars (\$50,000.00) if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of \$3,618,769.71; 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 the execution of the Agreement.

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

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

NAYS: None

.....
ADJOURN
.....

Motion made by Representative Annello seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 4:13 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:
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Laura D. Prine, City Clerk