

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

November 22, 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 9:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Joe Molinar, Isabel Salcido, and Henry Rivera. Late arrivals: Cassandra Hernandez and Claudia Rodriguez at 9:03 a.m. and Alexsandra Annello at 9:18 a.m. Cissy Lizarraga requested to be excused from this meeting. Early departure: Cassandra Hernandez at 12:35 p.m. The invocation was given by El Paso Police, Fire and Ministry Coordinator for the Sheriff's Office, Chaplain Sam Faraone followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY EL PASO POLICE, FIRE AND MINISTRY COORDINATOR FOR THE SHERIFF'S OFFICE, CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

7th Annual Veterans Food Drive Month

Buy El Paso Day

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **APPROVE, AS REVISED** all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez

ABSENT: Representative Lizarraga

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of November 8, 2022, the Agenda Review Meeting of November 7, 2022, the Work Session of November 7, 2022, and the Special Meeting of November 16, 2022.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Cissy Lizarraga from the Regular City Council Meeting of Tuesday, November 8, 2022.

CONSENT AGENDA - RESOLUTIONS:

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

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 be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Kalil Bottling Co. of El Paso ("Assignor"), and Admiral Beverage Corporation, a Wyoming corporation ("Assignee") for the following described property:

Lots 5 and 6, Block 7, El Paso International Airport Tracts, Unit 1, City of El Paso, El Paso County, Texas, containing 61,564 square feet of land more or less, commonly known and numbered as 7328 Boeing Drive, El Paso, Texas.

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

4. ***R E S O L U T I O N**

WHEREAS, on October 2, 2018 the City of El Paso ("City") awarded Contract No. 2018-1665R Physical Exams and Drug Testing to El Paso Healthcare System, LTD, dba Las Palmas Del Sol Healthcare ("Vendor");

WHEREAS, the City desires to terminate the Contract for Default, pursuant to the provisions of Section XIV.B. 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. 2018-1665R Physical Exams and Drug Testing for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of November 22, 2022.

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 be authorized to sign an agreement for physical exams, drug screening, and drug and alcohol testing services for the City's Police Department between the City of El Paso ("City") and Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers, contract 2023•0182 Physical Exams and Drug Testing Screening for a six (6) month term from the date this Agreement is approved by the City Council, for a total amount of \$68,797.

6.

***R E S O L U T I O N**

WHEREAS, on May 18, 2018 the City of El Paso ("City") awarded Contract No. 2018-555R Baseline Physical Exams for Firefighters to El Paso Healthcare System, LTD, dba Las Palmas Del Sol Healthcare ("Vendor"):

WHEREAS, the City desires to terminate the Contract for Default, pursuant to the provisions of Section XII.B. 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. 2018-555R Baseline Physical Exams for Firefighters for Default pursuant to the provisions and requirements of the Contract, and that the termination shall be effective as of November 22, 2022.

Goal 3: Promote the Visual Image of El Paso

7.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, CROWDER DARLINA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

407 Clayton Ave, more particularly described as Tr 15-E (1.00 Ac), Block 6, Upper Valley Subdivision, City of El Paso, El Paso County, Texas, PID #U819-999-006A-1005

to be \$336.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 21st day of January, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY SIX AND 50/100 DOLLARS (\$336.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, DEGUIRE OLGA (ET AL), referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

453 Chesak Cir, more particularly described as Lot 5 (10134 Sq FT), Block 1, Chesak Place Subdivision, City of El Paso, El Paso County, Texas, PID #C360-999-0010-2100

to be \$481.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 11th day of December, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED EIGHTY ONE AND 00/100 DOLLARS (\$481.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, REYES RAQUEL, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

632 Barcelona Dr, more particularly described as Lot 10, Block 8, Clardy Fox Subdivision, City of El Paso, El Paso County, Texas, PID #C622-999-0080-1900

to be \$405.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 16th day of February, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIVE AND 50/100 DOLLARS (\$405.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, STATE OF TEXAS C/O DISTRICT ATTY 34TH JUD DIST, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

6295 Alameda Ave, more particularly described as Lot 7 (924 Ft On N & S & 190.9 Ft On E & W), Corbin Subdivision, City of El Paso, El Paso County, Texas, PID #C771-999-0000-4100

to be \$481.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 11th day of December, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED EIGHTY ONE AND 00/100 DOLLARS (\$481.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GUZMAN PAUL M, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

370 S Glenwood St, more particularly described as S 55 Ft Of Lot 27 (Excw 10 Ft On St)(20185 Sq Ft), Block 6, Alameda Acres Subdivision, City of El Paso, El Paso County, Texas, PID #A438- 999-0060-5101

to be \$508.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 17th day of February, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED EIGHT AND 00/100 DOLLARS (\$508.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GALVAN EVANGELINA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

428 Jensen Ave, more particularly described as Lot 8, Block D, Thomas Manor Subdivision, City of El Paso, El Paso County, Texas, PID #T240-999-000D-2900

to be \$352.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of February, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$352.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JACKSON PAMELA W, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In

accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1828 Joan Francis St, more particularly described as Lot 18 (4725.00 Sq Ft), Block 26, Montwood Heights #6 Subdivision, City of El Paso, El Paso County, Texas, PID #M771-999-0260-1800

to be \$348.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of April, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FORTY EIGHT AND 50/100 DOLLARS (\$348.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, CAMPOS JESUS R, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines its reasonable expenses including administrative costs and the cost of removing the accumulated trash, vegetation and weeds or other rubbish located on the property known as:

1415 E Yandell Dr, more particularly described as Lot 25 & E 8.333 Ft Of 24 (3960 Sq Ft), Block 61, Franklin Heights Subdivision, City of El Paso, El Paso County, Texas, PID #F607-999-0610-7100

to be \$339.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 22nd day of February, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY NINE AND 00/100 DOLLARS (\$339.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

8.

***RESOLUTION**

WHEREAS, in December of 2018, the property owner submitted a signed and sealed tax exemption application under the requirements of the El Paso City Code section 3.04.035 for the rehabilitation of the property located at 4768 Caples Circle, in the City of El Paso, El Paso County, Texas, (the "Property") which is a contributing property within the Austin Terrace historic district, and such application was approved by staff;

WHEREAS, the Property owner submitted an application to the Historic Preservation Office for the work to be done on the Property in accordance with the requirements of the El Paso City Code Section 20.20.080(£);

WHEREAS, the Property owner completed the proposed improvements, and staff reviewed the application, the supporting documentation, and conducted a site visit to determine if the preservation work was compliant with the application;

WHEREAS, staff has determined that the work is substantially compliant with the original application and the Tax Exemption application, and the requirements of the section 3.04.035 of the El Paso City Code; and

WHEREAS, staff has determined that the Property is eligible for an exemption from any increase in the City's portion of the accessed ad valorem taxes for a maximum of ten (10) years in part because it is a contributing property in the Austin Terrace historic district.

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

1. Pursuant to section 3.04.035 of the El Paso City Code, the property owner of property described as 124 Government Hill N 1/2 Of 70 To 74 (8783 Sq Ft) 4 Mills in the City of El Paso, El Paso County, Texas, commonly known as 4768 Caples Circle, is hereby exempt from any increase in the City's portion of the ad valorem taxes on the value of the improvement for a period of ten (10) years.

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

9.

***RESOLUTION**

WHEREAS, The Sun Bowl Association (hereinafter referred to as "Grantee") has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso's (hereinafter referred to as "the City") for the Sun Bowl Thanksgiving Parade & Turkey Trot from 3:00 a.m. to 2:00 p.m. on Thursday, November 24, 2022 (hereinafter referred to as the "Event"); and

WHEREAS, The Event will utilize both City and State rights-of-way; and

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit, including Copia St. between La Luz Ave. and Tularosa Ave. within El Paso, Texas; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the Sun Bowl Thanksgiving Parade & Turkey Trot from 3:00 a.m. to 2:00 p.m. on Thursday, November 24, 2022, 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 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 portions of Copia St. between La Luz Ave. and Tularosa 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.

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

10.

***RESOLUTION**

WHEREAS, on November 25, 2005, the City of El Paso (the "**City**") adopted a Debt Management Policy that set forth the parameters for issuing new debt as well as managing the outstanding debt portfolio, identifies the types and amounts of permissible debt and

ensures that the City maintains a solid bond rating in order to minimize borrowing costs and preserving access to credit; and

WHEREAS, the City has reviewed its debt management policy at least bi-annually in accordance with the provisions of the Policy requiring Council review; and

WHEREAS, the City last reviewed and amended the City's Debt Management Policy on September 1, 2020; and

WHEREAS, the City now desires to further amend and restate the City's Debt Management Policy for Fiscal Years 2023-2024.

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

That the City hereby approves the amended and restated City of El Paso Debt Management Policy for FY2023-2024 which is attached hereto as **Exhibit A** and incorporated herein by reference.

**The City of El Paso
Debt Management Policy**

1.0 POLICY

It is the policy of the City of El Paso ("City") to develop and maintain a sound debt management program. This policy sets forth the parameters for issuing new debt as well as managing the outstanding debt portfolio, identifying the types and amounts of permissible debt, maintaining the current bond rating in order to minimize borrowing costs and preserving access to credit. It is the intent of the City to establish this policy to provide guidance to staff to:

- Ensure high quality debt management decisions;
- Ensure that debt management decisions are viewed positively by rating agencies, the investment community and the citizenry-at-large;
- Ensure support for debt issuances both internally and externally;
- Demonstrate a commitment to long-term financial planning.

2.0 SCOPE

The City of El Paso Debt Management Policy (this "Policy") applies to all debt instruments issued by the City regardless of the funding source. Funding sources can be derived from ad valorem taxes, general City revenues, enterprise fund revenues or any other identifiable source of revenue that may be identified for appropriate pledging for bonded indebtedness.

3.0 OBJECTIVES

The primary objective of this Policy is to ensure that the City establishes and maintains a solid position with respect to its debt service fund. It is intended to demonstrate that proceeds from long-term debt will not be used for current operations but rather for capital improvements and other long-term assets.

The City prepares Capital Improvement Plan (CIP) budgets which are presented to City Council for approval. Since the aggregate cost of desired capital projects generally exceeds available funds, the capital planning process prioritizes projects and identifies the funding needs. Debt is issued for CIP in accordance with this policy. Other objectives include: bonds will be paid back within a period not to exceed, and preferably sooner than, the expected useful

life of the capital project; decisions will be made based on a number of factors and will be evaluated against long-term goals rather than a short-term fix; and the debt service funds will be managed and invested in accordance with all federal, state and local laws.

4.0 STRUCTURE OF DEBT

Debt service will be structured, to the greatest extent possible, to match projected cash flows, minimize the impact of future property tax levies, and maintain a relatively rapid payment of principal. The term of the debt issuance should equal the lesser of the useful life of the asset being financed or the maximum maturity permitted by State law for the obligations issued to finance the acquisition and/or construction of the asset.

4.1 Fixed Interest versus Variable Interest

The City primarily issues fixed rate bonds to protect the City against interest rate risk. The City has the option to issue variable rate bonds and may, if market conditions warrant, consider such a structure. Commercial paper notes, due to their short-term maturities (365 days or less), are treated as variable rate obligations.

4.2 Other Considerations

Bonds are generally issued with an average life of 26 years or less for general obligation bonds, certificates of obligation and revenue bonds but may be greater for some projects such as landfills and major utility facilities whose lives are greater than 20 years. Typically, interest is paid in the first fiscal year after a bond sale, and generally principal is paid no later than two years after the debt is issued. Call provisions for bond issues shall be made as short as possible consistent with the lowest interest cost to the City. The targeted maximum length to call is 10 years. However, the City may opt for a call date longer than 10 years in order to achieve the necessary goals of the particular issue.

5.0 FINANCING ALTERNATIVES

It is the City's intent to develop a level of cash and debt funded capital improvement projects that provide the citizens with the desired amount of City services at the lowest cost. The City may use both, general obligation bonds or certificates of obligations, as deemed appropriate by City staff and approved by Council. Generally, proceeds from bonded indebtedness are to be used only for capital expenditures related to the acquisition, construction, improvement or renovation of a City facility or public access roads as well as any permanent public improvement or asset purchase or such other purposes permitted by the City Charter and applicable law.

5.1 General obligations bonds will be used if the following criteria are met:

- The size of the issuances is based on the capital funding needs of the City at a particular time and the recommendation of the Chief Financial Officer (CFO) in conjunction with the City's bond counsel and financial advisor
- Funds will be used for new and expanded facilities, major repair/ renovations to existing facilities, quality-of-life projects, public safety projects and debt refunding
- Useful lives of assets acquired will be fifteen (15) years or more; or will extend the useful life of an asset for more than fifteen (15) years
- Voter authorized debt except for bond refundings as per section 7.4

5.1.1 The total dollar amount of bond election propositions recommended to the voters shall not exceed the City's estimated ability to issue said bonds within a normal 10-year period.

5.1.2 The use of reimbursement resolutions may be used as a cash management tool for general obligation debt funded projects.

5.1.3 The City may choose to issue general obligation debt which will be issued for the following projects/acquisitions:

- Quality-of-Life (QOL) projects
- Construction of new facilities, park projects, zoo projects, and other projects as approved by the voters
- Capital asset acquisitions (heavy equipment, vehicles, IT equipment, etc.)
- Rehabilitation and/or extension of the useful life of existing facilities, including existing QOL facilities, by more than 15 years
- Street infrastructure projects
- Street resurfacing, street lights, ADA modifications, traffic calming devices, storm water/drainage work, and small equipment related to QOL projects
- Public safety projects
- Any other purpose permitted by City Charter and applicable laws

5.2 Quality of Life – General Obligation Bonds

QOL projects are defined as capital improvement and/or facility projects including, but not limited to, the City's parks, museums, zoo, libraries, capital asset acquisitions, non-public safety facilities, and entertainment, sports and amusement-type facilities which will improve the quality of life for City residents.

The criteria for use of the QOL bond proceeds will be effective from the date of the bond issue until the projects are complete or the QOL bond proceeds are exhausted.

Capital assets financed with QOL general obligation debt shall have a value of at least \$5,000 and a useful life of at least three years. This is an exception to the general obligation bonds as per section 5.1 in order to fully equip and furnish QOL facilities to be ready for the public use. The project value will sometimes include individual items or a group of items within the same asset category that are combined to form one unit (group asset), which is needed to bring a project to completion and available for public use.

Additional approved uses may include street resurfacing, street lights, ADA modifications, traffic calming devices, storm water/drainage, library books and materials, works of art, and small equipment related to the QOL projects.

5.3 Certificates of Obligation – For Issuances less than \$100 million

It is the City's priority to fund the majority of capital projects with voter-approved debt. However, on occasion, it becomes necessary to seek additional financing in order to make necessary infrastructure improvements, renovate existing facilities, and extend the useful life of an asset. Certificates of Obligation (CO) will be issued for the following projects/acquisitions:

- Capital asset acquisitions (heavy equipment, vehicles, IT equipment, etc.)
- Rehabilitation and/or extension of the useful life of existing facilities, including existing QOL facilities, by more than three years
- Street resurfacing
- Unpaved right-of-ways
- ADA retrofitting/rehabilitation projects

- Street lighting
- Infrastructure projects (street and draining work)
- Emergency city facilities rehabilitation
- Major core service facilities (police, fire, streets, etc.)
- Complete or enhance QOL projects previously approved by voters and subsequently approved additional funding by City Council

Notwithstanding the policy set forth herein and in section 5.1, CO's or other long-term debt may be considered if one or more of the following criteria are met:

- There is need to complete or enhance QOL projects previously approved by voters
- The need for the project is urgent and immediate
- The project(s) is necessary to prevent an economic loss to the City
- Source of revenue is specific and can be expected to cover the additional debt
- The expected debt is the most cost effective financing option available

In addition, the average maturity of non-voter approved debt shall not exceed the average life of the project financed. Capital items financed with long-term CO debt shall have a value of at least \$5,000 and a life of at least 3 years.

Reimbursement resolutions may be used for projects funded through CO's.

5.4 Certificates of Obligations – Enterprise Fund

CO's for an enterprise system will be limited to only those projects, which can demonstrate the capability to support the long-term debt either through its own revenues or another pledged source other than ad valorem taxes and meet the same criteria as outlined in 5.3 above.

5.5 Revenue Bonds

Revenue bonds will be issued for projects that generate revenues that are sufficient to repay the debt. Except where otherwise required by State Statutes, revenue bonds may be issued without voter approval and only in accordance with the laws of Texas.

5.6 Conduit Debt

The City may sponsor conduit financings for those activities that serve a public purpose, are in the best interest of the City, and adhere to Texas law. All conduit financings must insulate the City to the greatest extent possible from any credit risk or exposure and must be approved by the City Council.

5.7 Special Assessment Bonds

Special assessment bonds are a special type of municipal bond used to fund development projects that benefit a discrete group of tax payers within a special assessment district. Principal and interest owed on the bonds is paid from assessments on the property benefiting from the particular bond-funded project. The creation of an improvement district must be approved by the City Council and be created and managed pursuant to all applicable laws. The City traditionally has made limited use of special assessment debt.

5.8 Commercial Paper

Commercial paper can be used as a source of short-term financing for projects that have received voter authorization if City staff has determined that such financing is prudent. It is the

policy of the City that the net amount (total commercial paper less the investment portfolio) of commercial paper outstanding not exceed 25% of the amount of fixed rate debt outstanding. Commercial paper will be converted to refunding bonds when dictated by economic and business conditions.

5.9 Other Debt Obligations

The use of other debt obligations, permitted by law, including but not limited to public property finance act contractual obligations, pension obligation bonds, tax notes, and lease purchase obligations, will be reviewed on a case-by-case basis. The criteria in 5.3 above will be considered for the use of these obligations.

6.0 METHODS OF SALE

The City may use competitive sales, negotiated sales, or private placements. When considering the method of sale, the City will take the following conditions into consideration:

- Financial conditions;
- Market conditions;
- Transaction-specific conditions;
- City-related conditions; and
- Risks associated with each method.

6.1 Additionally, the City considers the following criteria when determining the appropriate method of sale for any debt issuance:

6.1.1 Complexity of the Issue – Municipal securities with complex security features require greater marketing and buyer education efforts on the part of the underwriter, to improve the investors' willingness to purchase.

6.1.2 Volatility of Bond Yields – If municipal markets are subject to abrupt changes in interest rates, there may be a need to have some flexibility in the timing of the sale to take advantage of positive market changes or to delay a sale in the face of negative market changes.

6.1.3 Familiarity of Underwriters with the City's Credit Quality – If underwriters are familiar with the City's credit quality, a lower True Interest Cost ("TIC") may be achieved. Awareness of the credit quality of the City has a direct impact on the TIC an underwriter will bid on an issue. Therefore, where additional information in the form of presale marketing benefits the interest rate, a negotiated sale may be recommended. The City strives to maintain an excellent bond rating. As a result, the Municipal Bond Market is generally familiar with the City's credit quality.

6.1.4 Size of the Issue - The City may choose to offer sizable issues as negotiated so that pre-marketing and buyer education efforts may be done to more effectively promote the bond sale.

6.2 Definitions of the Methods of Sale

A competitive sale is when bonds are awarded in a sealed bid sale to an underwriter or syndicate of underwriters that provides the lowest TIC bid. TIC is defined as the rate, which will discount the aggregate amount of debt service payable over the life of the bond issue to its present value on the date of delivery. In today's market, bids primarily are submitted electronically through a secure website.

A negotiated sale is when the City chooses an underwriter or underwriting syndicate, generally from the pool selected through its Request for Qualification (“RFQ”) process that is interested in reoffering a particular series of bonds to investors. The terms of the sale including the size of the underwriter’s discount, date of sale, and other factors are negotiated between the two parties. Although the method of sale is termed negotiated, individual components of the sale may be competitively bid. The components are subject to a market analysis and reviewed prior to recommendation by staff. Negotiated sales are more advantageous when there needs to be some flexibility in the sale date or when less conventional bond structures are being sold. Negotiated sales are also often used when the issue is particularly large or if the sale of the debt issuance would be perceived to be more successful with pre-marketing efforts.

A private placement is a sale of debt securities to a limited number of sophisticated investors. The City may engage a placement agent to identify likely investors. A private placement is beneficial when the issue size is small or when the security of the bonds is weak since the private placement permits issuers to sell riskier securities at a higher yield to investors that are familiar with the credit risk.

7.0 REFUNDING OF DEBT

7.1 Refunding bonds are issued to retire all or a portion of an outstanding debt issue. Most typically this is done to refinance at a lower interest rate to achieve debt service cost savings. From time to time, the City may also issue refunding debt for purposes of restructuring debt, changing covenants, and/or changing the repayment source of the bonds. Such purpose should be specifically recognized by City Council.

7.2 Advance refunding and forward delivery refunding transactions for savings should be considered when the net present value savings as a percentage of the par amount of refunded bonds is at least 3% (three percent).

7.3 Current refunding transactions issued for savings should be considered when the net present value savings as a percentage of the par amount of refunded bonds is at least 2% (two percent).

7.4 General obligation bonds will be issued for refunding debt upon City Council approval. This issuance does not require voter approval.

7.5 When an escrow account will be used, the City may seek to purchase State and Local Government Securities (SLGS) to fund its refunding escrow. However, at the discretion of the CFO, the City may choose to fund an escrow through the purchase of treasury or agency securities on the open market when market conditions make such an option financially preferred.

8.0 DEBT LIMITS

8.1 The total principal amount of general obligation bonds together with the principal amount of all other outstanding tax-supported indebtedness of the City shall not exceed 10% (ten percent) of the total taxable assessed valuation of the City’s tax rolls. (International City/County Management Association (ICMA) indicator 21)

Formula:

$$\frac{\text{Net direct bonded long-term debt}}{\text{Total taxable assessed valuation}}$$

Net direct bonded long-term debt is defined as direct debt minus self-supporting debt.

Direct debt is defined as bonded debt for which the local government has pledged its full faith and credit.

Self-supporting debt is bonded debt that the local government has pledged to repay from a source separate from its general tax revenues.

8.2 Net direct debt service as a percent of Net Operating Revenues should not exceed 20% (twenty percent). (ICMA indicator 21)

Formula:

Net direct debt service

Net operating revenues

Net direct debt service is the principal covered by ad valorem taxes.

Net operating revenues are the total revenues to the general, special revenue and debt service funds before any inter-fund transfer and less those revenues legally restricted to capital improvements or other special purposes. (Evaluating Financial Condition: A Handbook for Local Government, 2003, ICMA)

9.0 MATURITY LEVELS

9.1 The term of debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed 30 years. The average general obligation bond maturities shall be kept at or below 26 years.

10.0 MANAGEMENT OF DEBT SERVICE FUND

10.1 Interest earnings from unspent proceeds related to general obligation bonds and certificates of obligation shall be used solely to fund direct or related capital expenditures or to service current and future debt payments as determined by City Council in accordance to the bond ordinance. Interest earnings will be allocated in accordance with the City's Investment Policy, adopted annually by Council, and/or the bond ordinance which authorized the specified debt obligation.

10.2 Debt service reserves for tax-supported debt shall not exceed a three-month reserve of the current year total debt service expenditure budget (i.e. Total Annual Debt Service Budget/12-months x 3 months). If this reserve balance is exceeded after the last debt payment of the fiscal year, a plan should be adopted to reduce the size of the reserves as quickly as possible without causing large variances in the ad valorem property tax rate.

10.3 The minimum debt service fund balance should exceed the debt service portion of the largest taxpayer's tax levy for the ensuing fiscal year.

10.4 Debt service reserves for revenue bonds shall be maintained at levels required by controlling bond ordinances.

10.5 The City adopted GASB 89 in regard to Capitalized Interest Cost. In financial statements prepared using the economic resources measurement focus, interest cost incurred before the end of a construction period should be recognized as an expense in the period in which the cost is incurred. Such interest cost should not be capitalized as part of the historical cost of a capital asset. In financial statements prepared using the current financial resources measurement focus, interest cost incurred before the end of a construction period should be recognized as an expenditure on a basis consistent with governmental fund accounting principles. (Governmental Accounting Standards Board, Statement 89)

10.6 The City does not use derivatives in any debt or investment activities.

11.0 ARBITRAGE

In a municipal bond context, arbitrage refers to investment earnings which a local government makes on funds which are borrowed in the tax-exempt market and invested in the taxable market. Generally, federal tax law prohibits the investment of bond proceeds at a yield which is materially higher than the yield on the bonds (i.e., prohibits positive arbitrage). As a result of this general prohibition, the City's issuance of tax-exempt indebtedness is governed by federal yield restriction rules (rules which govern whether and the extent that bond proceeds may be invested at a yield higher than the yield on the bonds) and rebate rules (rules which govern when arbitrage earned must be "rebated" to the federal government).

The City finances certain capital projects and debt refinancing through the issuance of tax-advantaged debt and it is the City's policy to comply with all applicable laws, regulations and contracts applicable to the debt.

Tax-advantaged bonds (tax-exempt, tax credit and direct pay) are obligations that receive preferential tax treatment under the Internal Revenue Code (the "Code"). Tax-advantaged status remains throughout the life of the debt, but this status may be lost if certain federal laws do not remain satisfied. Failure by the City to comply with these laws at any time during the life of the debt may result in the retroactive and prospective loss of the tax-advantaged status of the debt or the imposition of additional taxes or assessments on the City. Therefore, the Financial and Audit Oversight Committee was created with the purpose of overseeing policies set forth.

The City shall comply with all arbitrage rebate requirements as established by the Internal Revenue Service and the CFO shall establish a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of the federal tax code. This effort shall include tracking project expenditures financed with bond proceeds, tracking investment earnings on bond proceeds, calculating rebate payments in compliance with tax law, and remitting any rebatable earnings to the federal government in a timely manner in order to preserve the tax-exempt status of the City's outstanding tax-exempt debt issues. The City enters into an agreement with an arbitrage service provider to assist the City with complying with arbitrage regulations.

12.0 CONTINUING DISCLOSURE

The City will comply when applicable with Rule 15(c)2-12 of the Securities and Exchange Commission by filing an annual report and annual financial information with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System (EMMA). The City will also coordinate filing reportable events in EMMA with the Municipal Financial Advisor within 10 days of event taken place.

13.0 FINANCIAL OVERSIGHT AND AUDIT COMMITTEE

The Financial Oversight and Audit Committee (FOAC), was created by the City Council by Resolution dated August 21, 2012 (the "Committee") and is responsible for reviewing and making recommendations to the entire City Council regarding the financial affairs and policies of the City, including City compliance with post-issuance federal tax requirements for the City's tax-advantaged debt. The CFO has the primary operating responsibility for establishing and maintaining the policy and guidelines to support compliance and for monitoring compliance on an ongoing basis with post-issuance federal tax requirements for the tax-advantaged debt. The policy and guidelines shall describe the processes used to ensure compliance with

applicable laws, regulations and contracts, and identify the positions and individuals responsible for these processes. The guidelines should be consistent with those items referenced in IRS Publication 5091 Voluntary Compliance for Tax-Exempt and Tax Credit Bonds. To aid in ensuring compliance, staff will utilize the Post-issuance Compliance Policy and checklist developed by the Office of the Comptroller with the assistance of the Arbitrage Consultant, Bond Council and Municipal Financial Advisor. The CFO shall also consider options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Tax Exempt Bonds Voluntary Closing Agreement Program (TEB VCAP)) and shall take corrective action when necessary as established by the City's Post-issuance Compliance Policy Section 10.

14.0 DEBT SERVICE TAX RATE

Council shall adopt the necessary debt service tax rate up to a maximum amount of forty cents (40 ¢) per \$100 valuation in order to meet debt service principal, interest and fee payments, net of transfers, for each particular fiscal/budget year, subject to any reserve availability as outlined in 10.2 above.

15.0 RATINGS

15.1 The City will strive to maintain good relationships with bond rating agencies as well as disclose financial reports and information to these agencies and to the public.

15.2 The City will obtain a rating from at least one nationally recognized bond-rating agency on all issues being sold on the public market.

15.3 Timely disclosure of annual financial information including other information will be provided to the rating agencies. The Annual Comprehensive Financial Report (ACFR) will be prepared by management and attested to by an outside nationally recognized audit firm.

15.4 Timely disclosure of any pertinent financial information that could potentially affect the City's credit rating will also be presented to the ratings agencies, required information repositories, bond insurance companies insuring City debt, and commercial banks providing liquidity support for commercial paper programs.

16.0 SELECTION OF FINANCIAL ADVISORS

16.1 In order to obtain the best price, achieve a high level of quality service, promote fairness and objectivity, and allow the City to compare Financial Advisors, the City will prepare a RFQ to select a Financial Advisor at least once every five years. City staff should review ongoing contracts periodically to ensure that the selected Financial Advisor is performing at a satisfactory level.

16.2 The Financial Advisor selected will provide financial advisory services related to the authorization and issuance of debt instruments or other securities as well as debt management planning services as requested by the City.

16.3 Any RFQ developed should provide, at a minimum, a clear and concise description of the scope of work, specify the length of the contract and indicate whether joint proposals with other firms are acceptable; include objective selection criteria and explain how proposals will be evaluated; and require all fee structures to be presented in a standard and clear format. In addition, the RFQ should include questions that distinguish firms' qualifications and experience, including relevant experience of the firm and the particular individuals assigned to the issuer.

17.0 SELECTION OF UNDERWRITERS

17.1 In order to obtain the best price, achieve a high level of quality service, promote fairness and objectivity, and allow the City to compare underwriters, the City will prepare a RFQ to select underwriters at least once every five years. Although the City anticipates using this RFQ as the basis for selecting Underwriters for all future debt issuances for general obligation, contractual obligations, revenue bonds and other such type debt, the City may solicit underwriters for certain future debt instruments that it determines require additional consideration or specialty such as pension obligation debt issuances.

17.2 A list of selected underwriters will be developed from responses to the RFQ process, which shall be provided to Council for its approval. This list will be used on a rotation basis from which to select underwriters for a particular transaction. City staff should review ongoing contracts periodically to ensure that the selected underwriter(s) are performing at a satisfactory level.

17.3 Any RFQ developed should provide, at a minimum, a clear and concise description of the scope of work, specify the length of the contract and indicate whether joint proposals with other firms are acceptable; include objective selection criteria and explain how proposals will be evaluated; and require all fee structures to be presented in a standard and clear format. In addition, the RFQ should include questions related distinguish firms' qualifications and experience, including relevant experience of the firm and the particular individuals assigned to the issuer.

18.0 SELECTION OF BOND COUNSEL

18.1 The CFO shall coordinate with the City Attorney on the recommendation of bond counsel for debt issues. The recommendation will be submitted to the City Manager and upon approval by the City Manager, will then be forwarded to the City Council for final authorization and approval. Bond counsel will have comprehensive municipal debt knowledge and experience. When the bond counsel has been selected, they are responsible for providing an opinion to investors in two specific areas. The bond counsel must opine to investors that the securities are valid and legally binding obligations of the issuer. Then, the bond counsel will opine on whether the interest on the bonds is exempt from federal taxation.

18.2 The bond counsel also prepares all bond documents necessary to execute the bond issuance. The bond counsel is responsible for coordinating with the City Attorney's office, City Clerk's office, and the Chief Financial Officer's Portfolio, as well as the City's financial advisor, to ensure that all tasks associated with the bond issuance are completed within prescribed timeframes. To the extent required by State law, bond counsel is responsible for coordinating with the Office of the Attorney General and the Office of the Comptroller of Public Accounts of the State of Texas matters relating to the approval of City obligations. The City values continuity in maintaining a relationship with bond counsel due to the complexity of issues and laws related in issuing municipal bonds. However, the City reserves the right to conduct a formal request for qualifications process.

19.0 SELECTION OF ARBITRAGE REBATE COMPLIANCE SERVICES

19.1 In order to obtain the best price, achieve a high level of quality service, promote fairness and objectivity, and allow the City to compare companies offering arbitrage rebate compliance services, the City will prepare a RFQ to select a company at least once every five years. City staff should review ongoing contracts periodically to ensure that the selected company is performing at a satisfactory level.

19.2 The company selected will provide arbitrage rebate compliance services related to the long-term tax exempt bonds and other tax exempt financing arrangements that are subject to the arbitrage rebate requirements in accordance with the applicable provisions of the Internal Revenue Code of 1986, as amended and the Treasury Regulations applicable to the long-term obligations.

19.3 Any RFQ developed should provide, at a minimum, a clear and concise description of the scope of work, specify the length of the contract and indicate whether joint proposals with other firms are acceptable; include objective selection criteria and explain how proposals will be evaluated; and require all fee structures to be presented in a standard and clear format. In addition, the RFQ should include questions that distinguish firms' qualifications and experience, including relevant experience of the firm and the particular individuals assigned to the issuer.

20.0 DEBT MANAGEMENT POLICY REVIEW

This Debt Management Policy shall be reviewed at least biennially by the City Council and any modifications must be adopted by Council.

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

11. *RESOLUTION

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

THAT the City Manager, or designee, is authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation ("Department"), for the design, construction, and installation of Intelligent Transportation Systems (ITS) at the Bridge of the Americas (BOTA) and Zaragoza International Ports of Entry ("Project"). The Project has an estimated total project cost of \$18,000,000.00. The Department will pay \$17,904,000.00 from the Texas Mobility Fund ("TMF") to the Local Government for a portion of the Project. The Department's direct cost is an estimated amount of \$96,000.00, which is the balance between the payment from the TMF and the total project cost. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS

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

12. * Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below:

1. Ana Suffle', in the amount of \$2,651.70 made an overpayment on October 16, 2022 of 2022 taxes. (Geo. # T109-999-0240-7600)

2. Shandy Maokhamphiou, in the amount of \$3,931.27 made an overpayment on October 21, 2022 of 2022 taxes. (Geo. #P481-999-0100-1700)

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

13. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions of five hundred dollars or greater by Representative Isabel Salcido in the amounts of \$1,000.00 by Edward Saab, \$1,038.73 by William Correa, \$5,000.00 by El Paso Association of Contractors and \$750.00 by El Paso Electric Employee Political Action Committee.
14. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of the following campaign contributions by City Representative Claudia L. Rodriguez, District 6: \$5,000.00 from Woody & Gale Hunt; \$2,000.00 from Bobby Bowling; \$750.00 from El Paso Electric Employee Political Action Committee; \$1,000.00 from Edward Saab; \$100.00 from Joe Quiñones.

CONSENT AGENDA – REQUESTS TO ISSUE PURCHASE ORDERS:

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

15. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing to issue a Purchase Order to Bazaar Uniforms and Men's Store, LLC, referencing Contract 2019-1053 Police Uniforms (RE-BID). This change order is to increase the contract by \$250,000.00 for a total amount not to exceed \$1,250,000.00. The change order will cover additional expenses for Police Uniforms for the duration of the contract term, August 31, 2024.

Contract Variance: No contract variance

Department:	Police
Award to:	Bazaar Uniforms and Men's Store, LLC
	El Paso, TX
Total Estimated Amount:	\$250,000.00
Account No.:	321-531200-21090-1000
Funding Source:	General Fund
District(s):	All

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

16. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2023-0158 Uninterrupted Power Supply Equipment Maintenance to Gruber Power Services, for a term of three (3) years for an estimated amount of \$112,560.00. This contract will allow for the maintenance of uninterrupted power supply equipment at various City locations.

Contract Variance: N/A

Department:	Streets and Maintenance
Award to:	Gruber Power Services
	Phoenix, AZ
Initial Term:	3 Years
Annual Estimated Award:	\$37,520.00
Total Estimated Award:	\$112,560.00 (3 Years)
Funding Source:	532 - 1000 - 522260 - 31040 - P3120
District(s):	All

This is a Non-Competitive, service contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Gruber Power Services

.....
REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:
.....

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

17.

R E S O L U T I O N

WHEREAS, the City of El Paso condemns any act of racism and discrimination such as the terrorist attack that occurred on August 3, 2019, at the El Paso Walmart where 23 people were killed and 23 people were injured; and

WHEREAS, the City of El Paso signed a statement by “Mayors United Against Antisemitism”, declaring that antisemitism is incompatible with the democratic values of our society; and

WHEREAS, the City of El Paso has developed policies and resources that expand the protections and rights of all people by advocating for the fair and humane treatment of immigrants, the LGBTQ+ community, and other minority communities; and

WHEREAS, in 2021, the Anti-Defamation League tabulated 2,717 antisemitic incidents in the U.S., which is a 34% increase from the 2,026 incidents tabulated in 2020 and is the highest number on record since 1979 when the ADL began tracking antisemitic incidents; and

WHEREAS, according to the latest report released by the Anti-Defamation League, the number of antisemitic incidents increased in the state of Texas in 2021, with Texas having one of the top five highest incidence rates in the U.S. by state; and

WHEREAS, there were 42 antisemitic incidents reported in the state of Texas in 2020 and 112 antisemitic incidents reported in 2021 – an increase of 167%; and

WHEREAS, contemporary manifestations of antisemitism may include: calling for, aiding, or justifying the harming of Jews; making dehumanizing, demonizing, or stereotypical allegations about Jews; denying the fact, scope, mechanisms, or intentionality of the genocide of the Jewish people during the Holocaust; accusing Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations; denying the Jewish people their right to self-determination; applying double standards by requiring of Israel a behavior not expected or demanded of any other democratic nation; using symbols and images associated with classic antisemitism; drawing comparisons of contemporary Israeli policy to that of the Nazis; accusing Jews of being responsible for wrongdoing committed by a single Jewish person or group; or holding Jews collectively responsible for actions of the state of Israel; and

WHEREAS, the City Council of El Paso affirms its commitment to the well-being and safety of its Jewish community members and to ensuring Jewish residents and organizations know they are not alone and that the City Council of El Paso is committed to ending the spread of all forms of hate and bigotry; and

WHEREAS, the International Holocaust Remembrance Alliance (IHRA), an international, intergovernmental organization, has established a non-legally binding definition of antisemitism that has been adopted by 37 United Nations member countries, including the U.S., and 320 non-federal government entities, including 22 states within the U.S. and several cities; and

WHEREAS, the IHRA definition of antisemitism serves as an important tool for law enforcement, public officials, and community members to help identify, measure, monitor, and, ultimately, combat antisemitism;

WHEREAS, cities such as Los Angeles, California; Austin, Texas; Durham, North Carolina; and New Orleans, Louisiana have adopted similar resolutions combating antisemitism.

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

That the El Paso City Council adopts the non-legally binding IHRA definition of antisemitism, which reads as follows: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

That the City Manager will familiarize City departments, City staff, elected and appointed officials, and entities contracting with the City, with the IHRA definition of antisemitism.

Representative Svarzbein commented and read the Resolution into the record.

The following members of the public commented:

1. Mr. Darrell Mond
2. Ms. Jamie Flores, Executive Director for El Paso Holocaust Museum

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

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

NAYS: None

ABSENT: Representative Lizarraga

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

18. RESOLUTION

WHEREAS, for many years, Rabbi Stephen Leon has been a leader to the entire community and served the needs of the descendants of the Spanish and Portuguese families expelled during the Inquisition and who are known as crypto-Jews of El Paso, and

WHEREAS, Rabbi Stephen Leon has served with distinction as the Rabbi and Rabbi Emeritus of Congregation B'nai Zion for 36 years, and has been on the faculty of UTEP for 20 years, and

WHEREAS, Rabbi Stephen Leon has been teaching classes and providing information to the citizens of El Paso for more than three decades about the descendants of the families expelled during the Spanish Inquisition who now live in our community, and

WHEREAS, for the past decade, Rabbi Stephen Leon has served as the founder and director of the Anusim Center of El Paso which provides musical, cultural, and educational programs for the people of El Paso, and

WHEREAS, Rabbi Stephen Leon has been the counselor, mentor, and advisor to hundreds of citizens of El Paso who are researching their historic connection to their crypto-Jewish ancestors from the Spanish Inquisition, and

WHEREAS, Rabbi Stephen Leon has brought to the attention of people in many countries the welcoming nature and support of the citizens of El Paso in regard to their hospitality toward the crypto-Jews in our community.

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

That the City of El Paso proudly honors and recognizes the significant contributions of Rabbi Stephen Leon throughout many decades of service to our community, and November 22, 2022 shall be known as, "RABBI STEPHEN LEON DAY".

Representative Svarzbein commented and read the Resolution into the record.

Mayor Leeser commented.

The following members of the public commented:

1. Ms. Alia Garcia-Ureste
2. Ms. Blanca Carrasco

Rabbi Stephen Leon, honoree, commented.

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

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

NAYS: None

ABSENT: Representative Lizarraga

19.

RESOLUTION

WHEREAS, Ysleta del Sur Pueblo's War Captain, Javier Loera, peacefully passed away on Monday, November 7, 2022; and

WHEREAS, his parents Tomas Loera Sr. and Belen Chavez will receive him with praise and honor; and

WHEREAS, he is survived by his brothers Arturo Loera, Tomas Loera, Jr., Sergio Loera Sr., and Richard Loera; and

WHEREAS, before becoming the War Captain, Javier Loera served in the Traditional Council as a Traditional Captain; and

WHEREAS, the War Captain position is said to be the second-highest spiritual leadership position in the Pueblo and is meant to ensure the spiritual well-being of the Pueblo, and as a lifetime position, it is also a position for a guardian of the Tribe, and War Captain Loera served the Ysleta del Sur Pueblo in this position for over 12 years; and

WHEREAS, War Captain Loera's Tigua ancestral line is Olguin, well known as Tigua land and tribal protectors, with his grandmother Rosa Holguin Loera, being a descendant of Bernardo Olguin, who served as a Chief from 1870 through 1880, and with Simon, Bernardo, and other Olguin family members having served in the U.S. Calvary as Tigua Scouts; and

WHEREAS, War Captain Loera was also affectionately known as "Heavy"; and

WHEREAS, War Captain Loera was a distinguished yet humble and inspiring leader, having helped shape the Ysleta del Sur Pueblo through his dedication to tradition, strength, and teachings and especially having encouraged the Tigua people to appreciate the Pueblo core values and way of life; and

WHEREAS, War Captain Loera also served as the Tribal Preservation Officer, through which he oversaw the preservation, protection, curation, and management of ancestral sacred objects, properties, cultural places, historical documents, the Pueblo's water rights, traditional tribal lands, and the reintroduction of traditional farming; and

WHEREAS, as a War Captain and a tribal leader, he aspired to improve the quality of life for all Tiguas, to create a positive and empowering tribal environment, and to protect and preserve tribal lands for the next generations, and he also led the struggle to safeguard the Pueblo's sovereignty; and

WHEREAS, War Captain Loera had a keen interest in preserving the language and oral traditions of the Tiguas, and through his extensive knowledge of the history of the Ysleta del Sur Pueblo, native peoples, and oral stories, in addition to his talents in art, beadwork, painting, and the crafting of pottery and poetry; and

WHEREAS, War Captain Loera represented the Tigua community's spirit and embodied the ancestors' love and respect; and

WHEREAS, the Ysleta del Sur Pueblo is forever grateful for his leadership and passion and will honor his memory for eternity.

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

1. That the City of El Paso honors and recognizes the late War Captain Javier Loera for his leadership and passion; and
2. That the City of El Paso sends its condolences to the Ysleta del Sur Pueblo for the loss of War Captain Javier Loera.

Representative Rivera commented and read the Resolution into the record.

Mayor Leeser commented.

1st Captain Rene Lopez, Tigua Tribe member, commented.

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

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

NAYS: None

ABSENT: Representative Lizarraga

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The Regular City Council meeting was **RECESSED** at 9:48 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 10:02 a.m.
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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

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

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20. Budget Update.

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

Mayor Leeser and Representatives Svarzbein, Annello, Rodriguez, and Rivera commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Karla Nieman, City Attorney

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

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

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21. *Motion made, seconded, and unanimously carried to **DELETE the Presentation and discussion on the Neighborhood Traffic Management Program (NTMP).**

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22. Discussion and action on coordination regarding Frontera Road congestion.

Mr. Joaquin Rodriguez, Capital Improvement Project Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Hernandez commented.

Mr. Tommy Gonzalez, City Manager, commented.

The following members of the public commented:

1. Mr. Danny Pivarnick

2. Ms. Deliris Montanez Berrios
3. Ms. Rita Paton
4. Ms. Barbara Duchouquette
5. Mr. Thomas Matthews
6. Ms. Debbie Torres
7. Ms. Susan Martinez

1ST MOTION

*Motion made, seconded, and unanimously carried to **TAKE** the item after item #19.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **DIRECT** the City Manager to identify funds that will cover costs related to the traffic study identified by staff, emergency access gates on streets identified by staff, as well the diagonal diverter on Frontera Rd.

In addition, to **DIRECT** the City Manager and relevant staff to continue outreach with an additional notarized letter in addition to meeting with the City of Sunland Park and the developer in terms of cost sharing as well as looking at design and development alternatives for the proposed Sun River Estates development at the terminus of Frontera Rd.

The letter and outreach should be sent to all relevant Sunland Park departments including Planning and Zoning, Economic Development, City Manager, City Council Members, and Mayor and any other relevant parties, public or private, identified by staff. And to **RETURN** to City Council with identified funds to execute street safety improvements and study by the December 13th City Council meeting.

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

NAYS: None

ABSENT: Representative Lizarraga

Goal 8: Nurture and Promote a Healthy, Sustainable Community

23. Presentation and discussion on El Paso Animal Services Best Practices.

Mr. Terry Kebschull, Animal Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

Chief Mario D'Agostino, Deputy City Manager, commented.

Mr. Ron Comeau, citizen, commented.

NO ACTION was taken on this item.

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Ms. Wally Cech
2. Ms. Sherry Medellin
3. Mr. Phillip Arnold

4. Mr. Steven Strumer
5. Ms. Lisa Turner

REGULAR AGENDA – FIRST READING OF ORDINANCES:

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

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

NAYS: Representative Hernandez

ABSENT: Representative Lizarraga

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

24. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.34 (Picketing), Section 13.34.020 (Notice of Intent to Picket) to add exceptions and spontaneous events; Chapter 13.34 (Picketing), Section 13.34.030 (Receipt of Notification) to delete and reserve; Chapter 13.34 (Picketing), Section 13.34.050 (Violation) to delete and reserve; Chapter 13.36 (Parades and Public Assemblies) to amend chapter title to 'Parades;' Chapter 13.36 (Parades and Public Assemblies), Section 13.36.010 (Definitions) to delete 'Demonstration' and 'Public Assembly' from definitions; Chapter 13.36 (Parades and Public Assemblies), Section 13.36.020 (Permit Required) to add spontaneous event exception; Chapter 13.36 (Parades and Public Assemblies), Section 13.36.100 (Violation - Penalty) to remove the term 'Public Assembly from violations; Chapter 13.38 (Special Events), Section 13.38.020 (Definitions) to remove Picketing, Demonstrating, Parades, and Public Assembly from the definition of "Special Events;" the penalty as provided in Section 13.36.100 and 13.38.110 of the City Code.

Goal 3: Promote the Visual Image of El Paso

25. An Ordinance terminating the Sign Design non-exclusive franchise for waste containers on sidewalks and other City property.
26. An Ordinance granting to Tyler Lyon El Paso Street Ads, LLC a non-exclusive franchise for waste containers on sidewalks and other City property.
27. An Ordinance granting to Ruben Torres d/b/a Elite Advertising a non-exclusive franchise for waste containers on sidewalks and other City property.

PUBLIC HEARING WILL BE HELD ON DECEMBER 6, 2022 FOR ITEMS 24 THROUGH 27

28. An Ordinance granting Special Permit No. PZST21-00013, to allow for parking spaces serving another property and reduction of lot size on the property described as a portion of Tract 1-B-3-A-2, and a portion of Tract 1-U-1, Block 5, Ascarate Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 7750 Gateway East Blvd.

Applicant: Banes General Contractors, PZST21-00013

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29. An Ordinance changing the zoning of Lot 2, Block 1, Jeff's Subdivision, 8835 Neptune Street, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-2 (Apartment). 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: 8835 Neptune Street

Applicant: George R. and Avaavau T. Buckingham - PZRZ22-00029

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30. An Ordinance changing the zoning of Tracts 1, 7A, 19A, and portions of Tracts 11,12,13,14,15,16, and 17, Block 53, Ysleta Grant and portions of Tracts 12A, 13A, 14B, and 15A, Socorro Grant Block 24, 10001 Southside Road, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-2 (Heavy Manufacturing). 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: 10001 Southside Road

Applicant: El Paso Water - PZRZ22-00031

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31. An Ordinance changing the zoning of the south 60 feet of tract 187 and the south 60 feet of the east 90 feet of tract 188, map of Sunrise Acres, City of El Paso, El Paso County, Texas from R-4 (Residential) and C-2 (Commercial) to C-3 (Commercial) 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: 8641 Gateway South Boulevard

Applicant: R-Avilo, LLC PZRZ22-00019

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32. An Ordinance changing the zoning for the property described as Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) and imposing a condition. 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: 4645 Vulcan Avenue

Applicant: Aguilar Pedro M. & Morales Francisca, PZRZ22-00023

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PUBLIC HEARING WILL BE HELD ON DECEMBER 13, 2022 FOR ITEMS 28 THROUGH 32

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

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33. RESOLUTION

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

THAT the City Manager be authorized to sign an agreement to provide baseline physical exams services for the City's Fire Department between the City of El Paso ("City") and Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers; contract 2023-0183 Baseline Physical Exams for Firefighters for a six (6) month term from the date this Agreement is approved by the City Council, for a total amount of \$645,862.50.

Mayor Leaser and Representative Rodriguez commented.

The following City staff members commented:

- Ms. Paula Salas, Purchasing Agent
- Mr. Robert Cortinas, Chief Financial Officer
- Interim Fire Chief Jonathan Killings

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

AYES: Representatives Svarzbein, Annello, Molinar, and Rivera

NAYS: Representatives Salcido and Rodriguez

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representative Lizarraga

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Goal 3: Promote the Visual Image of El Paso
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34.

R E S O L U T I O N

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and STANTEC CONSULTING SERVICES, INC, a New York corporation registered with the Secretary of State to transact business in Texas, for a project known as "DECK PLAZA FEASIBILITY STUDY URBAN PLANNING AND ENGINEERING SERVICES " for an amount not to exceed \$1,321,785.00; that the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed \$50,000.00 and to approve Additional Services for an amount not to exceed \$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 \$1,421,785; 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.

Mayor Leaser commented.

Mr. Jerry DeMuro, Capital Improvement Assistant Director, commented.

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

AYES: Representatives Svarzbein, Salcido, Rodriguez, and Rivera

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representative Annello and Hernandez

ABSENT: Representative Lizarraga

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

- 35.** Motion made by Representative Molinar, seconded by Representative Salcido, and unanimously carried to **AWARD** Solicitation 2022-0724 Automotive Fuel - Diesel to Rio Valley Biofuels, LLC for an initial three (3) year term for an estimated amount of \$9,600,000.00. The award also includes a two (2) year option for an estimated amount of \$6,400,000.00. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated amount of \$16,000,000.00. This contract will allow deliveries of diesel fuel for the Fleet Division.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$144,723.00 for the initial term, which represents a 1.53% increase due to increased fuel prices.

Department:	Streets and Maintenance
Award to:	Rio Valley Biofuels, LLC
El Paso, TX	
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$3,200,000.00
Initial Term Estimated Award:	\$9,600,000.00
Total Estimated Award:	\$16,000,000.00
Account No:	532 - 3600 - 531240 - 37020 - P3701
Funding Source:	Internal Service Fund
District(s):	All

This is a Best Value contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Rio Valley Biofuels, LLC, the bidder offering the best value bid.

In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

ABSENT: Representative Lizarraga

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- 36.** Motion made by Representative Rivera, seconded by Representative Rodriguez, and unanimously carried to **AWARD** Task Order 11 for Solicitation 2021-0811, Greater El Paso Landfill Truck Scale Replacement to Veliz Construction for a total estimated award of \$830,919.18.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

ABSENT: Representative Lizarraga

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

37.

ORDINANCE 019404

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1 THROUGH 16, BLOCK 36, EAST EL PASO, 3200 AND 3230 DURAZNO AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO G-MU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN. 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.

Motion duly made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried that the Ordinance be **ADOPTED**.

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

AYES: Representatives Svarzbein, Annello, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez, Salcido, and Rodriguez

ABSENT: Representative Lizarraga

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

REGULAR AGENDA – OTHER BUSINESS:

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

38.

RESOLUTION

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

That the City Manager be authorized to sign an Amendment to the Chapter 380 Economic Development Program Agreement ("Agreement") by and between the CITY OF EL PASO, TEXAS and 1 TEXAS TOWER, LLC and HOTEL DULCINEA, LLC to support and facilitate the development of a hotel, which includes the redevelopment, rehabilitation and improvement of the downtown building commonly known as the Texas Tower, located at 109 North Oregon Street, El Paso, Texas 79901. The Amendment will require the Applicant increase the minimum investment amount to \$20 million.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representative Lizarraga

39.

A RESOLUTION NOMINATING EL PASO HEALTHCARE SYSTEM, LTD.

AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), El Paso Healthcare System, Ltd. (Las Palmas Medical Center) has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider El Paso Healthcare System, Ltd. (Las Palmas Medical Center) as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that El Paso Healthcare System, Ltd., (Las Palmas Medical Center) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. El Paso Healthcare System, Ltd., (Las Palmas Medical Center) is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of El Paso Healthcare System, Ltd., (Las Palmas Medical Center) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that El Paso Healthcare System, Ltd., (Las Palmas Medical Center) meets the criteria for tax relief and other incentives adopted by the City and nominates El Paso Healthcare System, Ltd. (Las Palmas Medical Center) for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate El Paso Healthcare System, Ltd., (Las Palmas Medical Center) as an enterprise project pursuant to the Act.

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

1. That El Paso Healthcare System, Ltd., (Las Palmas Medical Center) is a "qualified business" as defined in Section 2303.402 of the Act, and El Paso Healthcare System, Ltd. (Las Palmas Medical Center) meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or his designee be authorized to sign any and all documents required by EDC to complete the nomination process.

Ms. Elizabeth Triggs, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Molinar commented.

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

AYES: Representatives Svarzbein, Annello, Molinar, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez, Salcido, and Rodriguez

ABSENT: Representative Lizarraga

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The Regular City Council Meeting was **RECESSED** at 12:44 a.m. for lunch.

The Regular City Council Meeting was **RECONVENED** at 1:04 p.m.

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- 40. ITEMS:** Discussion and action requesting City Council support for the staff recommended project selected to submit for the FY 2022 Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program.

Representative Annello commented.

Ms. Yvette Hernandez, City Engineer, commented.

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **SUPPORT** the staff recommended project selected to submit for the FY 2022 Federal Railroad Administration (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representative Lizarraga

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

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- 41. ITEM:** Discussion and action on the application of Texas Gas Service Company, A Division of ONE Gas Inc., to Increase Gas Utility Rates within the City of El Paso.

Donald Davie, Assistant City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leaser and Representatives Svarzbein, Hernandez, Molinar, Salcido, and Rodriguez commented.

Ms. Karla Nieman, City Attorney, commented.

Ms. Stacey McTaggart, Texas Gas Service Co. Rates and Regulatory Director, commented and answered questions posed by Council members.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **TAKE** the discussion and action on the application of Texas Gas Service Company, A Division of ONE Gas Inc., to Increase Gas Utility Rates within the City of El Paso after item #22.

2ND MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 Consultation with Attorney.

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

NAYS: None

ABSENT: Representative Lizarraga

3RD MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 11:38 a.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

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

NAYS: None

ABSENT: Representative Lizarraga

3RD MOTION

Motion made, seconded, and unanimously carried to **SUSPEND** the electronic voting stated the Rules of Order and allow for a verbal roll call.

4TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello and that the **CITY OF EL PASO**, after review of the Statement of Intent to Change Gas Utility Rates Within the City of El Paso, filed by Texas Gas Service Company, a Division of ONE Gas, Inc., on June 30, 2022, **FINDS**:

That the requested increased rates are excessively high and discriminate against the customers within the City of El Paso and in the West Texas Service Area generally and should be denied.

NOW Therefore,

1. That the Statement of Intent to Change Gas Utility Rates Within the City of El Paso filed by Texas Gas Service Company, a Division of ONE Gas, Inc., on June 30, 2022 is hereby **DENIED**.
2. This Motion is intended to grant broad authority to the City Attorney's Office to take all action necessary to address these matters, including but not limited to, the initiation and response to any, litigation, complaints, appeals, administrative or judicial proceedings or process regarding this matter.

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

NAYS: None

ABSENT: Representative Lizarraga

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ADJOURN
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Motion made by Representative Rivera, seconded by Representative Annello and unanimously carried to **ADJOURN** this meeting at 2:35 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representative Lizarraga

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