

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
ART FIERRO, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CHRIS CANALES, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

AUGUST 29, 2023
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 9:04 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Aleksandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, and Henry Rivera. Late arrival: Chris Canales at 10:24 a.m. Early departures: Cassandra Hernandez at 4:12 p.m. and Aleksandra Annello at 4:33 p.m.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

National Preparedness Month

Suicide Prevention Awareness Month

Chico's Tacos Day

Library Card Sign-up Month in El Paso

El Paso International Airport's 95th Anniversary

The Regular City Council meeting was **RECESSED** at 9:49 a.m. in order to take photos with the honorees and convene the Mass Transit Department Board meeting.

The Regular City Council meeting was **RECONVENED** at 10:24 a.m.

NOTICE TO THE PUBLIC

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

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Canales

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CONSENT AGENDA – APPROVAL OF MINUTES:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of August 15, 2023, the Agenda Review of August 14, 2023, and the Special Meeting of July 11, 2023.

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CONSENT AGENDA – REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS**

*NO ACTION was taken on this item.

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CONSENT AGENDA – RESOLUTIONS:
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Goal 3: Promote the Visual Image of El Paso
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3. ***RESOLUTION**

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

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

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

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4. ***RESOLUTION**

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

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

**Exhibits available at the City Clerk's Office

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

WHEREAS, The Mike G's Downtown Birthday Block Party (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 **Mike G's Downtown Birthday Block Party from 12:00 p.m. on Sunday, September 3, 2023, to 1:00 a.m. on Monday, September 4, 2023** (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 **Texas Street** 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 right-of-way within the City of El Paso for the **Mike G's Downtown Birthday Block Party from 5:00 p.m. on Saturday, September 2, 2023, to 6:00 a.m. on Monday, September 4, 2023**, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for a portion of **Texas Avenue between Campbell Street and Ochoa Street** 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.

6.

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

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

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

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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7. *RESOLUTION

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on April 27, 2017, Ranchos Real Land Holdings, LLC., owner of real property located within El Paso Public Improvement District No. 2 (Eastside Sports Complex) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 2 (Eastside Sports Complex) (the "District"); and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on May 30, 2017, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on June 27, 2017, the City Council passed a Resolution authorizing and approving the creation of the El Paso Public Improvement District No. 2 Eastside Sports Complex; and

WHEREAS, the authorization of the District took effect on June 30, 2017 when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

WHEREAS, after statutory notice was provided, on October 17, 2017, the El Paso City Council approved Ordinance No. 018734 which approved the Service and Assessment Plan and the levying of assessments for the District; and

WHEREAS, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

WHEREAS, the City staff has reviewed the October 17, 2017 Service and Assessment Plan and has recommended that no changes or revisions are needed to the October 17, 2017 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 2 (Eastside Sports Complex) approved on October 17, 2017, as described in Ordinance No. 018734, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 018734.

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CONSENT AGENDA – SPECIAL APPOINTMENTS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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8. *Motion made, seconded, and unanimously carried to **RATIFY** the re-appointment of William Veliz to the Fire and Police Pension Fund Board of Trustees by Interim City Manager Cary Westin.

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CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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9. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below:

1. Dollar General c/o Dolgencorp of Texas Inc, in the amount of \$8,115.36 made an overpayment on December 16, 2021 of 2021 taxes. (Geo. #17PP-999-6897-3042)
2. Jesse Ballesteros, in the amount of \$6,577.52 made an overpayment on July 31, 2023 of 2022 taxes. (Geo. #C811-999-0220-0700)
3. Mark Grissom, in the amount of \$3,000.01 made an overpayment on June 29, 2023 of 2022 taxes. (Geo. #E940-999-0010-1300)
4. EP Sharp Investments LLC, in the amount of \$3,172.93 made an overpayment on January 23, 2023 of 2022 taxes. Geo. #M794-999-0520-6100)

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REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL
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Goal 2: Set the Standard for a Safe and Secure City
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10. **ITEM:** Update and discussion on item from June 20, 2023 City Council Meeting Agenda to direct the City Manager and City Attorney to develop a plan to uplift the LGBTQIA+ voices and community by creating a plan to include 4 recommendations to ensure a safe community for everyone, and with particular emphasis on recommendations 3 and 4 in relation to state legislation going into effect on September 1, 2023.

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

The following City staff members commented:

- Ms. Karla Nieman, City Attorney
- Mr. Cary Westin, Interim City Manager

The following members of the public commented:

1. Ms. Nydia Reveles
2. Mr. Wesley Lawrence
3. Ms., Lorena Edwards
4. Ms. Andi Rose Tiscareno
5. Mr. Andrew Nunez-Rupert
6. Ms. Lisa Turner
7. Ms. Amber Perez

NO ACTION was taken on this item.

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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ITEMS 11, 12 AND ADD1. WERE TAKEN TOGETHER

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

Mayor Leeser and Representatives Kennedy, Annello, Hernandez, Rivera, and Canales commented.

The following City staff members commented:

- 1. Mr. Cary Westin, Interim City Manager
- 2. Ms. Mary Wiggins, Chief Human Resources Officer
- 3. Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director
- 4. Mr. Robert Cortinas, Chief Financial Officer
- 5. Ms. Karla Nieman, City Attorney

Ms. Lisa Turner, citizen, commented.

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Fierro, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 3:03 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 to discuss the items.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the Executive Session at 3:35 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NO FURTHER ACTION was taken on Items 11 and 12.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community

13. RESOLUTION

WHEREAS, Grandparents Day is celebrated nationally since 1978 on the second weekend of September; today we honor our grandparents and recognize them as our families' community treasures; and,

WHEREAS, just as we celebrate Mother's Day and Father's Day each year: today we celebrate Grandparents Day and we acknowledge our grandparents for their unselfish

contributions to society, for passing on our cultural traditions, our family stories, and for teaching and modeling values to future generations; and,

WHEREAS, grandparents are considered the cornerstone of the family, and are deserving of our respect and admiration given that they are our link to the past, and guides to our future; and,

WHEREAS, the greatest generation kept our country strong during the depression era, and now we also recognize the baby boomer generation for their contributions; and,

WHEREAS, the El Paso Community College Senior Adult Program and Humana are sponsoring this year’s Grandparents Day Celebration on Saturday, September 9th with many other aging network organizations serving the elderly and community volunteers to provide information, entertainment, and fun for grandparents and their families.

NOW, THEREFORE, BE IT RESOLVED, that the City of El Paso recognizes Saturday, September 9, 2023 as a day to celebrate and pay tribute to all grandparents in the City of El Paso.

Representative Rivera read the resolution into the record.

Mayor Leeser and Representative Kennedy commented.

Ms. Mary Yanez, El Paso Community College Senior Adult Program Director, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular agenda.

2ND AND FINAL MOTION

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

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Canales

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

*Motion made, seconded, and unanimously carried to **POSTPONE** the item for **TWO WEEKS**.

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES
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Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

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- 15. Presentation and discussion on the Neighborhood Traffic Management Program (NTMP) FY2020-2023 update.

Ms. Olivia Montalvo- Patrick, Streets and Maintenance Lead Planner, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

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

NO ACTION was taken on this item.

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

1. Mr. Benjamin Alva
2. Mr. Rene Corral
3. Mr. Gerardo Molinar
4. Mr. Christopher Corral
5. Mr. Ron Comeau
6. Ms. Rosemary Dolan – Statement read into the record by the City Clerk
7. Ms. Elena Lemmon
8. Ms. Josie Guzman
9. Mr. Mark Fierro
10. Ms. Barbara Valencia
11. Ms. Isabel Arata
12. Ms. Nadia Hernandez
13. Mr. Andre Schonenstein
14. Ms. Karen Washington
15. Ms. Dianna Valenzuela
16. Ms. Bonnie Galvan - Statement read into the record by the City Clerk
17. Ms. Krystal Rocha
18. Mr. Raul Escobedo – Statement read into the record by the City Clerk
19. Mr. Eddie Chavez

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The Regular City Council meeting was **RECESSED** at 1:13 p.m. for lunch.

The Regular City council meeting was **RECONVENED** at 2:06 p.m.

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REGULAR AGENDA – FIRST READING OF ORDINANCES:
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Motion made by Representative Rivera, seconded by Representative Fierro, 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 Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None

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Goal 3: Promote the Visual Image of El Paso
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16. An Ordinance vacating a Ten-Foot and a Five-Foot Public Utility Easement (0.0238 Acres of Land) located within Lot 9, Block 38, West Hills Unit 12, City of El Paso, El Paso County, Texas.

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

17. An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to delete the construction and demolition manifest requirement in section 9.04.280 (Manifest Requirement) and to delete references to the said manifest in sections 9.04.020 (Definitions),

9.04.460 (Hauler Records) and 9.04.480 (Suspension, Revocation of a Hauler Permit; Appeals); the penalty being as provided in Section 9.04.630 of the El Paso City Code.

18. An Ordinance granting El Paso Bench Ads, LLC a non-exclusive franchise for waste containers on sidewalks and other City property.

19. An Ordinance vacating a portion of City right-of-way over a portion of Mobile Street, Map of Westlyn Heights Addition, City of El Paso, El Paso County, Texas.

Subject Property: Mobile Street

Applicant: El Paso Electric Company, SURW23-00004

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 12, 2023 FOR ITEMS 16 THROUGH 19

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

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

Contract Variance:

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

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

This is a Sole Source contract in accordance with Texas Local Government Code 252.022(a)(7)(a). The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Wagner Equipment Co dba Wagner Rents Inc, Wagner Power Systems, 2nd Steel Used Parts, SITECH Rocky Mountain, the sole and authorized distributor for these services.

Mayor Leaser and Representative Canales commented.

The following City staff members commented:

- Mr. Rene Barraza, Streets and Maintenance Administrative Services Manager
- Mr. Nicholas Ybarra, Environmental Services Director
- Mr. Derek Russell, Senior Procurement Analyst

Ms. Lisa Turner, citizen, commented.

AYES: Representatives Annelo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Kennedy

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:
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Goal 3: Promote the Visual Image of El Paso
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21. ORDINANCE 019535
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The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS) ADDING ARTICLE 8 (CONFLICT OF LAWS) CHAPTER 8.1 (CONFLICT OF LAWS) IN ORDER TO SPECIFY THAT IN THE EVENT OF A CONFLICT BETWEEN TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS) AND CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE THAT CHAPTER 212 CONTROLS.**

Motion duly made by Representative Fierro, seconded by Representative Rivera, 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 Kennedy, Annelo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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22. RESOLUTION
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WHEREAS, on March 11, 2021, the federal government enacted the American Rescue Plan Act ("ARPA"), which established the Coronavirus State Fiscal Relief Fund & Coronavirus Local Fiscal Relief Fund ("CSLFRF") and appropriated \$150 billion to the Fund to be used to address the economic fallout caused by the COVID-19 pandemic; and

WHEREAS, the City is a recipient of \$154,365,135 under the ARPA funding grant; and

WHEREAS, on May 9th, 2022 the City Council appropriated ARPA funds to be used by the City in accordance with the requirements stipulated by the CSLFRF, ARPA and federal guidelines; and

WHEREAS, the City desires to enter into a Subrecipient Agreement with WORKFORCE SOLUTIONS BORDERPLEX, INC, (“**Sub-Recipient**” or “**Contractor**”), a Texas non-profit organization, whereby WORKFORCE SOLUTIONS BORDERPLEX, INC, will administer ARPA Act funds to 1) provide training to infrastructure workers to strengthen the workforce with the opportunity to up-skill and advance into higher paying skilled jobs; 2) provide innovative workshops to small business leaders aimed at exploring and shaping unique leadership styles; and 3) conduct surveys targeting Gen Z to create a diverse and inclusive work environment through organizational policies and practices; and

WHEREAS, the City's expenditure under this Agreement is, in the reasonable judgement of the City Council, a necessary expenditure incurred due to the public health emergency with respect to COVID-19, and which was not accounted for in the budget most recently approved as of the date of enactment of this section for the City; and

WHEREAS, the City's expenditure under this Subrecipient Agreement is related to the provision of grants to reimburse small businesses for the costs of business interruptions caused by required COVID- 19 closures.

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

That the City Manager be authorized to execute a Subrecipient Agreement by and between the City of El Paso and WORKFORCE SOLUTIONS BORDERPLEX, INC., providing \$850,000.00 to WORKFORCE SOLUTIONS BORDERPLEX, INC, to administer ARPA Act funds to provide training to infrastructure workers to strengthen the workforce with the opportunity to up-skill and advance into higher paying skilled jobs; provide innovative workshops to small business leaders aimed at exploring and shaping unique leadership styles; and conduct surveys targeting Gen Z to create a diverse and inclusive work environment through organizational policies and practices.

Mayor Leeser commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Ms. Leila Melendez
3. Ms. Blanca Cervantes
4. Ms. Patty Delgado

Motion made by Representative Fierro, seconded by Representative Annelo, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

23.

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

Mr. Carlos Ortega, Medical Center of the Americas Chief Executive Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser commented.

The following City staff members commented:

- Ms. Elizabeth Triggs, Economic and International Development Director
- Ms. Karla Nieman, City Attorney

Ms. Arlene Carrol, WestStar Bank Senior Vice President, commented.

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

AYES: Representatives Kennedy, Annello, Hernandez, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Molinar

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24.

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

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

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

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

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25.

R E S O L U T I O N

WHEREAS, on December 3, 2002 the City Council of the City of El Paso ("City") consented to the creation of Paseo Del Este Municipal Utility Districts Nos. 1 through 9 ("Districts") in the City of El Paso's Extraterritorial Jurisdiction; and

WHEREAS, the City's consent to the creation of the Districts was subject to several conditions; and

WHEREAS, one of the City's conditions for the creation of the Districts was that the City is to review and approve the Districts' bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the District's bonds and notes issued to provide service to the land and conditions on the sale of the District's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the Districts unmarketable; and

WHEREAS, Paseo Del Este Municipal District No. Six ("M.U.D. No. 6") requested review and approval of the issuance of the Unlimited Tax Bonds, Series 2023 Bonds Utility by M.U.D. No. 6 (the "Series 2023 Bonds"); and

WHEREAS, the City reviewed the proposed issuance of Series 2023 Bonds by M.U.D. No. 6 and desires to approve the issuance of the bonds.

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

That the City reviewed and approves the issuance of the Unlimited Tax Bonds, Series 2023 Bonds in the estimated amount of \$3,100,000, by Paseo Del Este Municipal Utility District No. 6, with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso.

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

AYES: Representatives Kennedy, Annello, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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- 26.** Presentation, discussion, and action on Short-Term Rental public outreach meetings to include the Greater El Paso Realtor Association, El Paso Chamber, and The El Paso Short-term Rental Alliance.

The following individuals presented a PowerPoint presentation (copy on file in the City Clerk's Office):

- Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director
- Ms. Nichole Ruiz, El Paso Chamber of Commerce Director of Government Affairs and Public Policy,
- Mr. Scott Kesner, Greater El Paso Association of Realtors Governmental Affairs Chair
- Ms. Heidy Seoenz, Short-Term Rental Alliance President, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following Short-Term Rental Alliance members introduced themselves:

Ms. Samantha Maldonado

Mr. Raymundo Rocha

Ms. Erica Rocha
Mr. Juan Carlos Enriquez
Ms. Jasmin Rosales

Mayor Leeser and Representatives Hernandez, Salcido, Fiero, and Canales commented.

The following City staff members commented.:

- Mr. Cary Westin, Interim City Manager
- Ms. Carolyn Patrick, Deputy Chief Information Officer
- Mr. Kevin Smith, Planning and Inspections Assistant Director

The following members of the public commented:

1. Mr. Rick Snow
2. Ms. Tiffany Menefee
3. Mr. Juan Carlos Enriquez
4. Ms. Lisa Turner
5. Mr. Leopoldo Artalejo
6. Mr. Ralph Crouse
7. Mr. Ray Rocha
8. Ms. Jenny Solo

Motion made by Representative Fierro, seconded by Representative Salcido, and unanimously carried to **DIRECT** the City Manager to monitor the pilot program through 311 for complaints, concerns or any community issues and to **BRING AN UPDATE** to City Council in one year.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

27. ITEM: Discussion and action on Texas Gas Service GRIP Reimbursement – Show Cause Hearing; HQ#UTILITY-13.

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

Mr. Alejandro Limon, Texas Gas Service Vice President of Operations, introduced the following Texas Gas Services' representatives who were available to answer questions:

- Mr. Anthony Brown, Texas Gas Service Rates Manger
- Ms. Elizabeth O'Hara, Texas Gas Service Regional Manager of Community Relations
- Mr. Jeff Husen, Vice President of Rates and Regulatory for One Gas
- Judy Hitchye, Rates and Regulatory Managing Attorney

Ms. Kate Norman, Partner at Coffin Renner, LLP, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Kennedy and Canales commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

Motion made by Representative Salcido, seconded by Representative Annello, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 4:12 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 5:22 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Kennedy, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello, Hernandez, and Molinar

3RD AND FINAL MOTION

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Kennedy, and unanimously carried that:

Texas Gas Service Company, a division of One Gas, Inc, provides natural gas distribution service within the City of El Paso.

The City of El Paso has original jurisdiction over the rates and services of Texas Gas Service Company.

On March 11, 2022, Texas Gas Service Company filed a request with the City of El Paso for an interim rate increase pursuant to Texas. Utility Code Sec. 104.401 for gas service within the City of El Paso.

On June 22, 2022, the City Council denied the requested interim increase.

Texas Gas Service Company started charging its requested rates for bills rendered between July 1, 2022 and August 30, 2022, without authorization by law or from any regulatory authority.

Texas Gas Service Company appealed the decision of the City Council to the Railroad Commission of Texas which case was docketed as Case No 000010195.

By Order dated August 30, 2022, the Railroad Commission of Texas granted the Appeal and approved rates for bills rendered on or after August 30, 2022.

Texas Gas Service Company estimated the additional revenues it was charging were approximately \$91,730 per week, or an approximate total of \$770,532 for the period between July 1, 2022 and August 30, 2022.

On July 17, 2023, the City Council ordered Texas Gas Service to appear before them on August 29, 2023 to show cause why it should not immediately refund the revenues collected from the charges between July 1, 2022 and August 29, 2022.

On August 29, 2023 representatives of Texas Service appeared before City Council to show cause.

The City Council of the City of El Paso, after consideration of the testimony of Texas Gas Service, orders Texas Gas Service to refund City of El Paso Ratepayers the revenues collected from the unlawful charges between July 1, 2022 and August 29, 2022, with interest.

The refund should be completed, via customer bill credit, within sixty (60) days of this motion, starting with bills sent on or after October 1, 2023.

AYES: Representatives Kennedy, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

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ADDITION TO THE AGENDA

REGULAR AGENDA – OTHER BIDS, CONTRACTS PROCUREMENTS:

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

THIS ITEM WAS TAKEN WITH ITEMS 11 AND 12

ADD1. ITEM: Discussion and action on the award of Solicitation 2023-0468R Executive Recruitment Services - City Manager to Baker Tilly US, LLP for an estimated amount of \$37,200.00. This contract will assist the City with conducting a search to select a new City Manager.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$14,200.00, which represents a 61.74% increase due to additional scope of work added to the contract and price increases in the marketplace.

Department:	Human Resources
Award to:	Baker Tilly US, LLP Madison, WI
Term:	Upon Completion
Total Estimated Award:	\$37,200.00
Account No:	209-3500-14045-521160-P1414
Funding Source:	Self-Insured Fund
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and the Human Resource departments recommend award as indicated to Baker Tilly US, LLP the highest ranked offeror based on evaluation factors established for this procurement. Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Fierro, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 3:03 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 to discuss the item.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the Executive Session at 3:35 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None

3RD MOTION

Motion made by Representative Hernandez, seconded by Representative Canales to **APPROVE** the item.

AYES: Representatives Hernandez, Rivera, and Canales
NAYS: Representatives Kennedy, Annelo, Molinar, Salcido, and Fierro
THE MOTION FAILED.

4TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Fierro, and carried to **REJECT** all bids for Solicitation 2023-0468R Executive Recruitment Services - City Manager.

AYES: Representatives Kennedy, Annelo, Molinar, Salcido, and Fierro
NAYS: Representatives Hernandez, Rivera, and Canales

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EXECUTIVE SESSION

Motion made by Representative Salcido, seconded by Representative Annelo, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 4:12 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 5:22 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Kennedy, Salcido, Fierro, Rivera, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Annelo, Hernandez, and Molinar

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EX1. United States of America v. City of El Paso, Texas; United Road Towing Inc d/b/a Ur Vehicle Management Solutions and Rod Robertson Enterprise, Inc; 3:23-CV-00044; (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED** to hire and retain outside counsel in the lawsuit styled United States of America vs. City of El Paso, Texas; United Road Towing Inc. d/b/a UR Vehicle Management Solutions and Rod Robertson Enterprise, Inc, Cause No: 3:23-CV-00044 and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez

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

Mayor Leeser and Representative Canales commented.

Ms. Lisa Turner, citizen, commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to approve the filing and authorize intervention and hire outside counsel and experts as needed in the *El Paso Electric Company Petition for Approval of the Green Energy Plus Tariff*, under the Texas Public Utility Commission, in Matter Number UTILITY-18, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez

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

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to engage in Settlement Negotiations and/or Settlement with the Comptroller of Public Accounts of the State of Texas in the Sales & Use Tax Audit in Matter Number HighQ# 23-1283, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez

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

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and carried that the City Manager is **DIRECTED** to take all necessary and appropriate actions to locate the El Paso Police Department Headquarters at the 300-acre property east of Martin Luther King, Jr. Boulevard in Northeast El Paso, together with the City's Police and Fire Academies and the El Paso Fire Department Headquarters.

AYES: Representatives Kennedy, Salcido, Fierro, Rivera, and Canales

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez

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

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried that the City Manager is **DIRECTED** to take all necessary and appropriate actions to locate the El Paso Police Department Central Regional Command Center at the location identified as "Site A" in Executive Session, Item No. 23-1187, on August 29, 2023.

AYES: Representatives Kennedy, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annelo and Hernandez

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<u>ADJOURN</u>
.....

Motion made by Representative Rivera, seconded by Representative Canales, and unanimously carried to **ADJOURN** this meeting at 5:58 p.m.

AYES: Representatives Kennedy, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annelo, Hernandez

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk