

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
JOSH ACEVEDO, 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

JANUARY 30, 2024
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 9:07 a.m. Mayor Oscar Lesser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Josh Acevedo, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, and Chris Canales. Late arrival: Henry Rivera at 9:10 a.m. Early departure: Cassandra Hernandez at 4:49 p.m.

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

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Joaquim de Almeida Week

RECOGNITIONS BY MAYOR

Mayor's Distinguished Award

Alexsandra Annello
City Representative, District 2

The Regular City Council meeting was **RECESSED** at 9:24 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 9:56 a.m.

REGULAR AGENDA – OTHER BUSINESS:

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

1. **ITEM:** Discussion and action on the election of Mayor Pro Tempore.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **ELECT** Representative Brian Kennedy as the Mayor Pro Tempore.

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

NAYS: None

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, 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, Rivera, and Canales

NAYS: None

CONSENT AGENDA – APPROVAL OF MINUTES:

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

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2. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of January 17, 2024, the Agenda Review Meeting of January 16, 2024, and the Work Session of January 16, 2024.

CONSENT AGENDA – REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

CONSENT AGENDA – RESOLUTIONS:

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

4. *RESOLUTION

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

That the City Manager or his designee be authorized to sign a Memorandum of Understanding by and between the City of El Paso, Texas through the El Paso Police Department and the Office of the Under Secretary of Defense for Personnel and Readiness, U.S. Department of Defense to allow the participation of the El Paso Police Department in the Department of Defense SkillBridge Program, allowing qualified servicemembers to participate in the El Paso Police Academy during their last 180 days of military service; and That the City Manager or his designee be authorized to sign any additional Memoranda of Understanding or Memoranda of Agreement with each Military Department participating in the Skillbridge Program as needed for the participation of the El Paso Police Department in the SkillBridge Program.

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5. *Motion made, seconded, and unanimously carried to **DELETE** the Resolution authorizing the City Manager or designee to submit to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4365503, for the City of El Paso Police

Department project identified as "Body Worn Camera Grant Program FY2025" to provide financial assistance to the City of El Paso. Requesting \$609,580.78, which requires a cash match by the City of \$203,193.59 for a total project amount of \$812,774.37. Grant period will be September 1, 2024 through August 31, 2025.

6.

***RESOLUTION**

WHEREAS, The City of El Paso (the "City") is eligible to apply for grant through the State Homeland Security Program (SHSP) grant program entitled "El Paso-Urban Planner": and

WHEREAS, the City of El Paso Fire Department will maintain a Lead Planner Position to assist in the coordination of disaster response or crisis management activities, provide disaster preparedness training, prepare emergency plans and procedures for natural wartime, or technological disasters or hostage situations; and

WHEREAS, the position will increase local and regional community preparedness, and will enhance regional emergency planning activities; and

WHEREAS, the Grant requires no matching funds by the City; and

WHEREAS, the City Council finds that SHSP will assist local efforts to prevent terrorism and other catastrophic events and prepare for the threats and hazards that pose the greatest risk to the security of the community and the Rio Grande Council of Governments Region.

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

1. That the City Manager or designee is authorized to submit the State Homeland Security grant application number 3221408 for the project titled "El Paso- Urban Planner" through the Texas Office of the Governor including all related paperwork, included but not limited to, authorization of budget transfers, and/or revision to the operation plan, and to accept, reject, amend, correct, and/or terminate the grant in the amount of \$93,749.10 for the period from September 1, 2024 through August 31, 2025 for a Lead Planner; and
2. That the City of El Paso shall provide all applicable matching funds for said grant if applicable; and
3. That in the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full.

7.

***RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the State Homeland Security Program (SHSP) grant program entitled "Combating Domestic Violent Extremism - Functional Exercise"; and

WHEREAS, the City's Office of Emergency Management seeks assistance to enhance its ability to prepare, respond, and recover from incidents as a result of terrorism; and

WHEREAS, there is a need to develop and implement regional functional exercises to prepare, respond and recover from terrorism incidents; and

WHEREAS, the Grant requires no matching funds by the City;

WHEREAS, the City Council find that SHSP will assist local efforts to prevent terrorism and other catastrophic events and prepares for the threats and hazards that pose the greatest risk to the security of the community and the Rio Grande Council of Government region.

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

1. That the City Manager or designee is authorized to submit the State Homeland Security Program grant application number 4999701 for the project titled "Combating Domestic Violent Extremism – Functional Exercise" through the Texas Office of the Governor including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, correct, and/or terminate the grant in the amount of \$175,000.00 for the period from September 1, 2024 through August 31, 2025, for the project that supports the El Paso Office of Emergency Management; and
2. That the City of El Paso shall provide all applicable matching funds for said grant if applicable; and
3. That in the event of loss of misuse of the grant funds, the City of El Paso assures that it will return the funds to the office of the Governor in full.

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Goal 3: Promote the Visual Image of El Paso
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8. ***A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR 229.7950 ACRE (10,009,868 SQUARE FOOT) TRACT OF LAND SITUATED IN THE YSLETA TOWN TRACT SURVEY, ABSTRACT NO. 214, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

WHEREAS, Ivey Investments, LTD., (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval as per Section 20.04.150. The detailed site development plan is subject to the development standards in the C-4/SC/C (COMMERCIAL/SPECIAL CONTRACT/ CONDITIONS) District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "B"***** and is incorporated herein by reference for all purposes; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code:

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development

plan submitted by the Applicant, to **permit industrials/warehouses** as required under the **C-4/sc/c (Commercial/special contract/conditions)** District as per Section **20.04.150**, on the following described property which is located in a **C-4/sc/c (Commercial/special contract/conditions)** District:

229.7950-acre (10,009,868 square foot) tract of land situated in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso County, Texas, more particularly described by the metes and bounds attached as Exhibit "A"**.

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as **Exhibit "B"**** and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-4/sc/c (Commercial/special contract/conditions)** District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-4/sc/c (Commercial/special contract/conditions)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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9.

***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 be authorized to sign an Interlocal Agreement between the City of El Paso, Texas and the City of Anthony, Texas, for the period of September 1, 2022 through August 31, 2023, for the provision of public health and environmental services by the City of El Paso to the City of Anthony, for which the City of Anthony shall pay to the City of El Paso an annual amount of FIFTY-FOUR THOUSAND TWO HUNDRED SEVENTEEN DOLLARS AND NO/100 (\$54,217.00).

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CONSENT AGENDA – BOARD RE-APPOINTMENTS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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10. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Representative Art Fierro to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

11. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Representative Joe Molinar to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

12. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Representative Brian P. Kennedy to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

CONSENT AGENDA – BOARD APPOINTMENTS:

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

13. *Motion made, seconded, and unanimously carried to **APPOINT** Woodrow A. Bare to the Civil Service Commission by Representative Joe Molinar, District 4.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

14. *Motion made, seconded, and unanimously carried to **APPOINT** Scott Winton to the Regional Renewable Energy Advisory Council by Representative Art Fierro, District 6.

CONSENT AGENDA – APPLICATIONS FOR TAX REFUNDS:

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

15. *Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below:
1. Raymundo Baca, in the amount of \$2,678.66 made an overpayment on January 1, 2024 of 2023 taxes. (Geo. #E222-999-0910-0100
 2. Marcia Barraza, in the amount of \$3,891.46 made an overpayment on December 28, 2023 of 2023 taxes. (Geo. #M973-000-0110-0050)

CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

16. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez: \$6,660 loan to campaign.

REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL:

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

17. **ITEM:** Presentation and discussion by El Paso County Juvenile Probation Department on transforming juvenile justice.

Motion made by Representative Rivera, seconded by Representative Hernandez, and carried to **POSTPONE** the item for **TWO WEEKS**.

AYES: Representatives Kennedy, Acevedo, Hernandez, Salcido, Rivera and Canales

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representative Fierro

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

18. **ITEM:** Discussion and action on a Resolution to appoint a member to the El Paso Water Utilities Public Service Board of Trustees in the area of expertise of Communications, Public

Administration or Education, as recommended by the El Paso Water Utilities Public Service Board Selection Committee:

Ranked 1st: Anna Gitter
Ranked 2nd: Keri Moe
Ranked 3rd: Abigail Tarango

Mayor Leeser and Representatives Hernandez, Fierro, Rivera, and Canales commented.

Mr. Rene Leon, El Paso Water Legislative Liaison, commented.

Ms. Anna Gitter, candidate, introduced herself.

Letters supporting the nomination of Ms. Anna Gitter from Ms. Larisa Pitchkolan and Mr. Bill Pitchkolan were entered into the record.

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 Salcido, and carried to **POSTPONE** the item for **TWO WEEKS**.

AYES: Mayor Leeser, Representatives Kennedy, Acevedo, Salcido, and Rivera

NAYS: Representatives Hernandez, Molinar, Fierro, and Canales

Mayor Leeser broke the tie by voting "AYE".

THE MOTION PASSED.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

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- 19. ITEM:** Discussion and action that the Mayor, as representative of the City in intra/inter-governmental relationships, send a letter to the U.S. General Services Administration (GSA) to express the City of El Paso's preference that the Bridge of the Americas Land Port of Entry (BOTA LPOE) project move forward with a project scope that removes commercial truck traffic from the LPOE.

Mayor Leeser and Representatives Kennedy, Acevedo, Hernandez, Molinar, Fierro, Rivera, and Canales commented.

Mr. Cary Westin, Interim City Manager, commented.

Representative Canales read statements supporting the item submitted by the following members of the public:

1. Ms. Carmen Rodriguez
2. Mr. Jesus Reyes
3. Mr. David Stout
4. Mr. Javier Miranda

The following members of the public submitted statements of support that were entered into the record:

1. Ms. Kim Schulte

2. Mr. Kenneth Bell
3. Mr. Sito Negron

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 Hernandez, seconded by Representative Fierro, and carried to **DELETE** the item.

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

NAYS: Representatives Acevedo and Canales

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

- 20.** Presentation and update from the Medical Center of the Americas describing progress toward the development of biomedical industry cluster specific programs and infrastructure projects within the Medical Center of Americas area, in accordance with the Chapter 380 Economic Development Program Grant Agreement between the City of El Paso and the Medical Center of the Americas Foundation, as approved on February 7, 2012 and subsequently amended.

Ms. Alejandra Fuentes, Economic and international Development Contract Compliance Coordinator, introduced the item.

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

- Mr. Carlos Ortega, President and Chief Executive Officer
- Mr. Xavier Cardenas, Senior Director of Engineering, Property Management and Developments
- Ms. Nancy Lowery, Senior Director of Innovation
- Ms. Michael Linden-Johnson, Senior Director of Trials and Business Development

Mayor Leeser and Representative Molinar commented.

NO ACTION was taken on this item.

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

- 21. ITEM:** Discussion on City Council-requested action to develop additional Police Department policies with respect to gender-diverse individuals and bias-free policing.

Executive Assistant Police Chief Zina Silva presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

The following members of the public commented:

1. Mr. Patrick Hernandez Cigarruista

2. Ms. Patricia Osmond
3. Ms. Lisa Turner
4. Ms. Amber Perez

NO ACTION was taken on this item.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community

- 22.** Presentation and update on behalf of the Diversity, Equity, Inclusion, and Accessibility Cross Functional Team.

Mr. Edward McDonald, Risk and Safety Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following members of the public commented:

1. Mr. Patrick Hernandez Cigarruista
2. Ms. Patricia Osmond
3. Ms. Lisa Turner
4. Ms. Amber Perez

NO ACTION was taken on this item.

..... <u>CALL TO THE PUBLIC – PUBLIC COMMENT:</u>
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The following members of the public commented:

1. Ms. Elizabeth Crawford
2. Mr. Douglas Winter
3. Mr. Alexander Candelaria
4. Mr. Ron Comeau
5. Mr. Steve Strumer
6. Ms. Patricia Osmond
7. Ms. Barbara Valencia
8. Mr. Mark Fierro
9. Ms. Lisa Turner

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REGULAR AGENDA – FIRST READING OF ORDINANCES:

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

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, Acevedo, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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23. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.44 (Courts), Section 2.44.030 (Judges) to update and clarify the process of filling vacancies in the positions of Municipal Court Judge or Substitute Associate Municipal Court Judge.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 13, 2024

Goal 3: Promote the Visual Image of El Paso

24. An Ordinance changing the zoning of a portion of Tracts 2 and 3, Block D, Christy Tract, 7814 Craddock Avenue, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) and R-3A (Residential) to R-1 (Residential). 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: 7814 Craddock Ave.

Applicant: Romo Property Investments, LLC, PZRZ23-00031

25. An Ordinance changing the zoning of Tracts 10A, 10B, 10B2C, 10D, 11B, 12A, 12B, 15A, 15J, 15J1, and 15J1A, Block 2, Ysleta Grant, Americas Avenue and Southwest of North Loop Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm), C-3/sc (Commercial/special contract), and C-3/c (Commercial/conditions) to S-D (Special Development) 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: Americas Ave. and Southwest of North Loop Dr.

Applicant: Americas 375 LLC, PZRZ23-00035

26. An Ordinance releasing all conditions placed on property by Ordinance No. 16396 and 18811 which changed the zoning of Tracts 10A, 10B, 10B2C, 10D, 11B, 12A, 12B, 15A, 15J, 15J1, and 15J1A, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: Americas Ave. and Southwest of North Loop Dr.

Applicant: Americas 375 LLC, PZCR23-00004

PUBLIC HEARING WILL BE HELD ON FEBRUARY 27, 2024 FOR ITEMS 24 THROUGH 26

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

27. An Ordinance authorizing the City Manager to sign a purchase and sale agreement, a deed, and any other documents necessary to convey approximately 0.18 acres of land described as Tracts 16E and 16B3, Block 1, Upper Valley Surveys, in the City of El Paso, El Paso County, Texas.

28. An Ordinance authorizing the City Manager to sign a purchase and sale agreement, a deed, and any other documents necessary to convey approximately 0.73 acres of land described as Tracts 4A1A, 4B1, and 5A1, Block 1, Upper Valley Surveys, in the City of El Paso, El Paso County, Texas.

29. An Ordinance amending the Civil Service Rules and Regulations, Ordinance 8065, Rule 1, Section 2 (C) Secretary to name the Human Resources Director or designee as Secretary; and Rule 1, Section 9 Commission Recorder to enable the person carrying out the duties of the Recorder to be a City Employee hired in alignment with the City Charter.

Mayor Leeser and Representative Acevedo commented.

Ms. Karla Nieman, City Attorney, commented.

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PUBLIC HEARING WILL BE HELD ON FEBRUARY 13, 2024 FOR ITEMS 27 THROUGH 29
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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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30. Motion made by Representative Fierro, seconded by Representative Canales, and unanimously carried to **AWARD** Solicitation 2024-0182 Security Guard Services - Landfill (Re-Bid) to Signal 88, LLC dba Signal 88 Security for an initial three (3) year term for an estimated amount of \$407,460.00. 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 \$679,100.00. The security guard services contract will provide daily security within the landfill for the Environmental Services Department.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$61,980.00 for the initial term, which represents a 17.94% increase due to current wage market.

Department:	Environmental Services
Award to:	Signal 88, LLC dba Signal 88 Security
City & State:	Omaha, NE
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$135,820.00
Initial Term Estimated Award:	\$407,460.00
Option Term Estimated Award:	\$271,640.00
Total Estimated Award	\$679,100.00
Account(s)	522120 - 34130 - 334 - 3100 - P3470
Funding Source(s):	Environmental Services - Security Contracts
District(s):	All

This was a Best Value Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing Department and Environmental Services Department recommend award as indicated to Signal 88, LLC dba Signal 88 Security the highest ranked bidder based on the evaluation factors established in the evaluation criteria for this procurement and to deem IDrive-Huffman LLC dba To The Hilt Security nonresponsive due to failure of submitting the required surety letter and Texas Crime Prevention & Investigation deem nonresponsive due to failure to submit bid form.

It is requested 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 execution of this award.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Salcido

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

- 31.** Motion made by Representative Acevedo, seconded by Representative Fierro, and unanimously carried to **POSTPONE FOUR WEEKS** the award of Solicitation 2024-0080R Executive Recruitment Services for City Manager to Baker Tilly US, LLP for an estimated amount of \$42,585.00. 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 \$19,585.00, which represents a 85.15% 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
City & State:	Madison, WI
Item(s):	All
Initial Term:	Upon Completion
Option Term:	N/A
Total Contract Time:	Upon Completion
Annual Estimated Award:	N/A
Initial Term Estimated Award:	N/A
Option Term Estimated Award:	N/A
Total Estimated Award:	\$42,585.00
Account(s):	999-1000-99999-544110
Funding Source(s):	Non-Departmental
District(s):	All

This was a Request for Proposals Procurement - service contract.

The Purchasing & Strategic Sourcing and Human Resources Departments recommend award as indicated to Baker Tilly US, LLP the highest ranked offeror based on the evaluation factors established in the evaluation criteria for this procurement.

It is requested 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 execution of this award.

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

Mayor Leeser and Representatives Acevedo and Canales commented.

The following City staff members commented:

- Mr. Derek Russell, Senior Procurement Analyst
- Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

Goal 8: Nurture and Promote a Healthy, Sustainable Community

32. Motion made by Representative Salcido, seconded by Representative Fierro, and carried to **POSTPONE TWO WEEKS** the award of Solicitation 2024-0193 Collection Services - Various City Facilities to Waste Connections Management Services, Inc., dba El Paso Disposal, LP for an initial term of three (3) year(s) for an estimated amount of \$930,795.00. The award also includes a two (2) year option for an estimated amount of \$620,530.00. The total contract time is for five (5) years for a total estimated amount of \$1,551,325.00. This contract will provide daily transportation of waste and recycle materials for the Environmental Services Department at various locations around the city.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$86,070.00 for the initial term, which represents a 10.19% increase due to the current wage market and fuel prices.

Department:	Environmental Services
Award to:	Waste Connections Management Services, Inc dba El Paso Disposal, LP
City & State:	The Woodlands, Texas
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$310,265.00
Initial Term Estimated Award:	\$930,795.00
Option Term Estimated Award:	\$620,530.00
Total Estimated Award	\$1,551,325.00
Funding Source(s):	Environmental Fee
District(s):	All

This was a Best Value Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing Department and Environmental Services Department recommend award as indicated to Waste Connections Management Services, Inc. dba El Paso Disposal, LP the highest ranked bidder based on the evaluation factors established in the evaluation criteria for this procurement.

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

Mayor Leaser and Representatives Salcido, Fierro, and Rivera commented.

The following City staff members commented:

- Ms. Nicole Cote, Office of Management and Budget and Purchasing and Strategic Sourcing Managing Director
- Mr. Juan Gonzalez, Senior Assistant City Attorney
- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Paula Salas, Purchasing Agent
- Mr. Nicholas Ybarra, Environmental Services Director
- Ms. Tracey Jerome, Senior Deputy City Manager

Ms. Bea Heist, citizen, commented.

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

NAYS: Representative Canales

NOT PRESENT FOR THE VOTE: Representative Hernandez

REGULAR AGENDA – EMERGENCY ORDINANCES:

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

33.

ITEMS 33 AND 34 WERE TAKEN TOGETHER

ORDINANCE 019587

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS
MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, on the eve of the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,000 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, the Southwest had 191,113 land border encounters in the month of November, 2023; and

WHEREAS, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 22,403 land border encounters in the month of November, 2023 and a total of 44,512 encounters for federal fiscal year 2024; and

WHEREAS, when the CBP Central Processing Center is over capacity and the non-governmental organizations (NGOs) space is unavailable, that is when the potential for street releases arises; and

WHEREAS, CBP has released many migrants onto downtown streets leaving many migrants without shelter; and

WHEREAS, in the month of January 2024, approximately 858 migrants have been released into the community weekly; and

WHEREAS, in response to the street releases, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City’s Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services and meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, in September, 2023, the City purchased the former Morehead Middle School campus to serve as its Community Readiness Center to assist migrants on a short-term basis; and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, in response to the number of migrants arriving at the border, on January 5, 2023, the Department of Homeland Security created a humanitarian parole program for migrants from Cuba, Haiti, and Nicaragua similar to the program already available to Venezuelans; and

WHEREAS, on January 8, 2023, President Biden visited the border to assess the situation in part because the number of migrants has gained the attention of the media and national leadership; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, on March 12, 2023, border officials barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge due to rumors about the relaxation of immigration restrictions circulated on social media sites; and

WHEREAS, CBP has increased the number of family units released into the community causing wait times for transportation to final destinations to increase and other logistical challenges; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

WHEREAS, the Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operation of the El Paso International Airport ("EPIA") and to ensure that those operations are conducted in compliance with the rules and regulations regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

WHEREAS, EPIA in recent past, became saturated with migrants awaiting air travel and could need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

WHEREAS, the City of El Paso is home to 4 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property has led to street closure and cessation of the streetcar service; and

WHEREAS, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources

and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City have and will continue to prepare and evaluate the need for mass emergency sheltering thanks to the expiration of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31st day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

34.

ORDINANCE 019588

AN EMERGENCY ORDINANCE EXTENDING EMERGENCY ORDINANCE NO. 019485 DUE TO A HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS RESULTING FROM A MASS MIGRATION THROUGH EL PASO

WHEREAS, on May 8, 2023, the El Paso City Council passed Emergency Ordinance No. 019485 "Due to a Humanitarian, Security, and Economic Crisis Resulting from a Mass Migration through the City of El Paso (the "City")"; and

WHEREAS, for federal fiscal year 2024, Southwest encounters were at 379,893; and

WHEREAS, the El Paso sector of CBP had 22,403 land border encounters in the month of November 2023; and

WHEREAS, thousands of migrants from Latin America gathered at or near the U.S.-Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ended along with the expiration of the Public Health Emergency for COVID-19; and

WHEREAS, prior to the expiration of Title 42, there were an estimated 152,000 migrants in northern Mexico with approximately 60,900 in the State of Chihuahua, and 35,000 in Ciudad Juarez according to U.S. federal statistical records; and

WHEREAS, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

WHEREAS, upon the migrants' arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

WHEREAS, the number of migrants in need of shelter has exceeded the shelter space available through local, state, and federal partnerships; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, U.S. Customs and Border Protection (CBP) surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

WHEREAS, the primary challenge for the non-governmental organizations (NGOs) assisting in the effort is that the NGOs do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

WHEREAS, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, in September, 2023, the City purchased the former Morehead Middle School campus to serve as its Community Readiness Center to assist migrants on a short-term basis; and

WHEREAS, the number of migrants released into the community has been as high as 1,700 in a single day; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in

El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, donations to the migrants from the public are best received at the assisting NGOs and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

WHEREAS, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, the condition necessitating the declaration of a state of disaster continues to exist.

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 and extended by unanimous vote of City Council shall continue for thirty (30)

days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.

3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

Mayor Leeser commented.

Ms. Karla Nieman, City Attorney, commented.

Ms. Patricia Osmond, citizen, commented.

Motion duly made by Representative Rivera, seconded by Representative Canales, and carried that the Ordinances be **ADOPTED**.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

Mayor Leeser consented to the adoption of the Emergency Ordinances.

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

35. An Ordinance amending Ordinance No. 016528 to modify requirements for membership on the Board of Directors of the Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas.

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

36. An Ordinance of the City Council of the City of El Paso, Texas, approving amendment number twenty-three to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas, amending the plan to update the projected tax increment reinvestment zone revenue and establishing project cost categories.

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

Goal 3: Promote the Visual Image of El Paso

37. **ORDINANCE 019589**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST23-00013, TO ALLOW FOR AN ADULT DAY CARE CENTER ON THE PROPERTY DESCRIBED AS A PORTION OF BLOCK 52, GOVERNMENT HILL ADDITION, 4115 TROWBRIDGE DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 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 DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY’S COMPREHENSIVE PLAN.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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 of El Paso authorizes the submission of applications to the U.S. Department of Transportation (USDOT) Fiscal-Year 2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program for the following projects: El Paso Central Business District (CBD) Phase IV Project, the Montana Brio Extension Feasibility Study, and the Equity Mobility Plan; and

THAT the City Manager, or designee, is authorized to sign any documents necessary for the proper submission of said applications.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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

39. ITEM: Discussion and action to approve budget transfer to increase FY2024 Confiscated Funds and Appropriations a total of \$645,070 in State and Federal Confiscated Funds.

Assistant Chief of Police Julia Inciriaga presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Hernandez, Rivera, and Canales commented.

Police Chief Peter Pacillas commented.

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

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

NAYS: None

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

40.

R E S O L U T I O N

WHEREAS, on August 15, 2023, pursuant to Section 7.3D of the City of El Paso municipal code, the City Council approved the FY2024 City budget by resolution ("Budget Resolution"); and

WHEREAS, Section 6 of the FY2024 Budget Resolution authorizes the City Manager or designee to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department, not to exceed \$100,000, to the extent permitted by law and budget transfers between departments and/or non-enterprise department funds exceeding \$100,000 requiring City Council approval; and

WHEREAS, the Capital Improvement Department requires budget transfers in excess of \$100,000, which in accordance with Section 6 of the FY2024 Budget Resolution, require Council approval, and

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

THAT, the City Manager, or designee, be authorized to effectuate the listed budget transfers, attached to this Resolution as Exhibit A, for the Tax Office, and International Airport as necessary to execute the approved Capital Improvement Plan in FY 2024.

EXHIBIT A

**CAPITAL IMPROVEMENT PROGRAM (CIP)
BUDGET TRANSFER REQUEST
FY 2024**

BT Number	Justification	Fund	Project	Amount	Funding Source
2024-0213	To cover the increased expense of construction for improvements to the tax office lobby. The quote from the new vendor is more than double the amount from the original vendor. Please see BT#2023-0257 and JERTAX3700-17.	From 3700 To 4930	PCP23TAXOFFICE	273,000.00	Tax Office Enterprise Fund Capital Projects-Internal
2024-0248	Increase budget for Consolidated Rental Agency Complex (CONRAC) Improvements project PAP00993; increase allocated from Airport Funds	3010	PAP00993	1,500,000.00	Airport Capital Fund

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 Hernandez, seconded by Representative Fierro, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

Goal 8: Nurture and Promote a Healthy, Sustainable Community

41.

R E S O L U T I O N

WHEREAS, Paisano Housing Redevelopment (instrumentality of HACEP dba HOME) has proposed a development for 40 affordable rental housing units at 406 Wallenberg Dr., El Paso, TX 79912, named Chai Manor II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment (instrumentality of HACEP dba HOME) has committed to a minimum 45-year affordability period for those additional 40 units at 406 Wallenberg Dr., El Paso, TX 79912, named Chai Manor II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment (instrumentality of HACEP dba HOME) has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2024 Competitive 9% Housing Tax Credits for Chai Manor II.

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

1. That the City of El Paso, Texas, acting through its governing body, hereby confirms that it has **no objection** to the proposed **Chai Manor II** development located at 406 Wallenberg Dr., El Paso, TX 79912 (TDHCA Application number 24158) and that this formal action has been taken to put on record the opinion expressed by the City of El Paso, Texas on January 30, 2024.
2. That for and on behalf of the Governing Body, Laura Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

R E S O L U T I O N

WHEREAS, Paisano Housing Redevelopment (instrumentality of HACEP dba HOME) has proposed a development for 40 affordable rental housing units at Parcel 1, Lot 3, Block One, Coronado del Sol, Mesa Hills Dr., named Mesa Hills II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment (instrumentality of HACEP dba HOME) has committed to a minimum 45-year affordability period for those additional 40 units at Parcel 1, Lot 3, Block One, Coronado del Sol, Mesa Hills Dr., named Mesa Hills II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment (instrumentality of HACEP dba HOME) has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2024 Competitive 9% Housing Tax Credits for Mesa Hills II.

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

1. That the City of El Paso, Texas, acting through its governing body, hereby confirms that it has **no objection** to the proposed **Mesa Hills II** development located at Parcel 1, Lot 3, Block One, Coronado del Sol, Mesa Hills Dr. (TDHCA Application number

24157) and that this formal action has been taken to put on record the opinion expressed by the City of El Paso, Texas on January 30, 2024.

2. That for and on behalf of the Governing Body, Laura Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

R E S O L U T I O N

WHEREAS, Investment Builders, Inc. has proposed a development for 60 affordable rental housing units at NWC Charles Foster Ave, and John Hayes St, El Paso, TX 79938, named Pebble Hills Seniors, in the City of El Paso, Texas; and

WHEREAS, Investment Builders, Inc has committed to a minimum 45-year affordability period for those additional 60 units at NWC Charles Foster Ave and John Hayes St, El Paso, TX 79938, named Pebble Hills Seniors, in the City of El Paso, Texas; and

WHEREAS, Investment Builders, Inc. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2024 Competitive 9% Housing Tax Credits for Pebble Hills Seniors.

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

1. That the City of El Paso, Texas, acting through its governing body, hereby confirms that it has **no objection** to the proposed **Pebble Hills Seniors** development located at Foster Ave and John Hayes St, El Paso, TX 79938. (TDHCA Application number 24078) and that this formal action has been taken to put on record the opinion expressed by the City of El Paso, Texas on January 30, 2024.
2. That for and on behalf of the Governing Body, Laura Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

R E S O L U T I O N

WHEREAS, Investment Builders, Inc. has proposed a development for 60 affordable rental housing units at SWC of Augusta Dr. and Zaragoza Rd. El Paso, TX 79938, named Villas at Augusta, in the City of El Paso, Texas; and

WHEREAS, Investment Builders, Inc. has committed to a minimum 45-year affordability period for those additional 60 units at SWC of Augusta Dr. and Zaragoza Rd. El Paso, TX 79938, named Villas at Augusta, in the City of El Paso, Texas; and

WHEREAS, Investment Builders, Inc. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2024 Competitive 9% Housing Tax Credits for Villas at Augusta.

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

1. That the City of El Paso, Texas, acting through its governing body, hereby confirms that it has **no objection** to the proposed Villas at Augusta development located at SWC of Augusta Dr. and Zaragoza Rd. El Paso, TX 79938 (TDHCA Application

number 24077) and that this formal action has been taken to put on record the opinion expressed by the City of El Paso, Texas on January 30, 2024.

2. That for and on behalf of the Governing Body, Laura Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

Mr. Abraham Gutierrez, Community and Human Development Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Acevedo, Hernandez, Molinar, and Canales commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manager
- Ms. Nicole Ferrini, Climate and Sustainability Officer

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Ray Lopez, Investment Builders Representative

1ST MOTION

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

2ND MOTION

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, to **APPROVE** the Resolutions of **Support**.

AYES: Representatives Molinar, Salcido, and Fierro

NAYS: Representatives Kennedy, Acevedo, Hernandez, Rivera and Canales

THE MOTION FAILED.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Hernandez, and carried to **APPROVE** the Resolutions of **No Objection**.

AYES: Representatives Kennedy, Acevedo, Hernandez, Salcido, Fierro, and Rivera

NAYS: Representatives Molinar and Canales

.....
The Regular City Council meeting was **RECESSED** at 1:28 p.m.

The Regular City Council meeting was **RECONVENED** at 2:00 p.m. in Executive Session.

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Canales, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:00 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 following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Molinar and Salcido

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 4:16 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

NAYS: None

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

.....
EX1. Application of El Paso Electric to Update Schedule No. COVID-19 in Compliance with Docket No. 52195 - PUC#54812; HQ#UTILITY-5 (551.071)

Representative Hernandez commented.

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, that the City Attorney in consultation with the City Manager be **AUTHORIZED** to approve the settlement offer in the *Application of El Paso Electric Company to Update Schedule No. COVID-19 in Compliance with Docket No. 52195*, under the Texas Public Utility Commission, Docket No. 54812, in Matter Number HighQ Utility-5, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Molinar, Fierro, and Rivera

NAYS: Mayor Leeser and Representatives Acevedo, Hernandez, Salcido, and Canales

Mayor Leeser broke the tie by voting "NAY."

THE MOTION FAILED.

.....
EX2. Reyes, Eduardo Daniel v. Anthony Paul Greer, et. al. (incl. The City of El Paso, Texas; in the Western District of Texas, El Paso Division) Cause 3:22-CV-00367 (551.071)

NO ACTION was taken on this item

.....
EX3. Discussion regarding the value, purchase, or sale of real property located in Downtown El Paso HQ#23-495 (551.071) (551.072)

NO ACTION was taken on this item.

.....
EX4. Edmundo Calderon v. City of El Paso, Tommy Gonzalez, Cassandra Hernandez, Karla Nieman, Juan Gonzalez, Deborah Paz, and Jeremy Jordan; Cause No. 2023DCV4372; (551.071)

Mayor Leeser commented.

Ms. Karla Nieman, City Attorney, commented.

Ms. Patricia Osmond, citizen, commented.

NO ACTION was taken on this item.
.....

<p style="text-align: center;"><u>ADJOURN</u></p> <p>.....</p>

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried to **ADJOURN** this meeting at 5:21 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk