

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
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

January 31, 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 9:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Joe Molinar, and Chris Canales. Late arrivals: Isabel Salcido at 9:03 a.m., Cassandra Hernandez at 9:04 a.m., and Henry Rivera and Art Fierro at 9:05 a.m.

INVOCATION BY POLICE CHAPLAIN AND SUN VALLEY BAPTIST PASTOR DENNIS COFFMAN

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Black History Month in the City of El Paso

El Paso Media Fest Weekend

2-1-1 Day in the City of El Paso

The Regular City Council meeting was **RECESSED** at 9:15 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 9:23 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, 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

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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 January 18, 2023 and the Agenda Review Meeting of January 17, 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 2: Set the Standard for a Safe and Secure City
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ITEMS 3 THROUGH 10 WERE TAKEN TOGETHER
.....

3. **RESOLUTION**

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 4715701 for the El Paso Police Department project identified as "SHSP Regular Project;" and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 4715701, for the City of El Paso Police Department project identified as "SHSP Regular Projects" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all matching funds for said grant, if applicable.
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant.
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.

5. BE IT FURTHER RESOLVED THAT, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections, or extensions of the grant agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required.

4.

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4750101 FY2024 for the El Paso Police Department project identified as "Project Safe Neighborhoods"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4750101, FY2024 for the City of El Paso Police Department project identified as "Project Safe Neighborhoods" to provide financial assistance to the City of El Paso.

2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.

3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant.

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

5.

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4718401 FY2024 for the El Paso Police Department project identified as "Violence Against Women Training Program"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4718401, FY2024 for the City of El Paso Police Department project identified as "Violence Against Women Training Program" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant, if applicable.
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter, and/or terminate said grant.
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

6.

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CID"); and **WHEREAS**, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4365502 for the El Paso Police Department project identified as "Body Worn Camera FY24"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4365502, for the City of El Paso Police Department project identified as "Body Worn Camera FY2024" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

7.

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 4718001 FY2024 for the El Paso Police Department project identified as "Criminal Justice Grant - JAG"; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 4718001, for the City of El Paso Police Department project identified as "Criminal Justice Grant - JAG" to provide financial assistance to the City of El Paso.

2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant if applicable;

3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and

4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.

5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

8.

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950609, for the El Paso Police Department project identified as "SHSP LETPA- Specialized Teams" and

WHEREAS, the El Paso City Council designated the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 2950609, for the City of El Paso Police Department project identified as "SHSP LETPA - Specialized Teams" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections, or extensions of the grant agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required.

9.

RESOLUTION

WHEREAS, the City of El Paso ("City") is eligible to apply for a 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 3221407 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 \$90,193.11 for the period from September 1, 2023 through August 31, 2024 for a Lead Planner; and

2. That the City 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 assures that it will return the funds to the Office of the Governor in full.

10.

RESOLUTION

WHEREAS, the City of El Paso (“City”) is eligible to apply for grants through the State Homeland Security Program (“SHSP”) grant program entitled “Sustainment of Fire Department Special Response Teams”; and

WHEREAS, the City’s Fire Department seeks assistance in the sustainment of its ability to prepare, respond, and recover from incidents as a result of terrorism; and

WHEREAS, there is a need to purchase and replace equipment that supports a Regional Hazardous Materials Team, Urban Search and Rescue Team, and Type III Incident Management Team; 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 2951009 for the project titled “Sustainment of Fire Department Special Response Teams” 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 \$243,117.00 for the period from September 1, 2023 through August 31, 2024, for the project that supports Regional Hazardous Materials Team, Urban Search and Rescue Team, Type III Incident Management Team; and

2. That the City 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 assures that it will return the funds to the Office of the Governor in full.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the items to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representative Anello

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Goal 3: Promote the Visual Image of El Paso

11.

***RESOLUTION**

WHEREAS, in accordance with Chapter 2.38 of the El Paso City Code, CHELLIS THOMAS Win accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, after due notice and hearing, the City Council of the City of El Paso ordered the owner of the hereinafter described property to vacate the building, and relocate the tenants on said property and clear the property of all rubbish and debris, and the owner having failed after due notice to comply with such ORDER, the Planning and Inspections Department, under the Building Official instructions, proceeded to vacate the Building, relocate the tenants, secure and maintain the Building until repaired or demolished, and clean the property of all rubbish and debris; and

WHEREAS, the Director of the Planning and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth.

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

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

4 SARAH ANNE PARK #2 LOT 19 (7651.11 SQ FT), more particularly described as **5225 BALLINGER DR** Lot 19, City of El Paso, El Paso County, Texas, PID #S 16299900403700

to be \$3,285.75, in accordance with the El Paso City Code Section 2.38.070 and 2.38.080 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 3RD day of AUGUST, 2022, and approves the costs described herein.

2. The City Council, in accordance with Chapter 2.38.070 and 2.38.080 of the El Paso City Code, declares the above total amount THREE THOUSAND TWO HUNDRED EIGHTY FIVE AND 75/100 DOLLARS (\$3,285.75) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

12.

***RESOLUTION**

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

THAT the Managing Director of Museums & Cultural Affairs be authorized to sign an El Paso Museum of Art outgoing loan agreement for the loan of six artworks by artist Gaspar Enriquez to the Las Cruces Museum of Art. The loan will be January 23, 2023-May 27, 2023.

13.

***RESOLUTION**

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

That the City Manager, or designee, be authorized to execute a Crossing Surface Installation Agreement with BNSF Railway Company for the installation of sidewalks and crossings at Borderline Drive, with a total estimated billable cost to the City of \$87,373.00. Further that the City Manager, or designee, be authorized to exercise all rights under the Agreement and sign any amendments to the Agreement.

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

WHEREAS, the El Paso Housing Finance Corporation (the "**Issuer**") was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 394, Texas Local Government Code, as amended, for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe, sanitary housing for persons of low and moderate income at prices they can afford; and

WHEREAS, the Issuer has determined to issue its Multifamily Housing Revenue Bonds (Columbia Apartments Project) Series 2023 (the "**Bonds**") for the purpose of providing additional funding to certain qualified low and moderate income residents of the City of El Paso, Texas (the "**City**") to afford the costs of decent, safe, and sanitary housing located within the City, and

WHEREAS, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on January 12, 2023 at 10:00 a.m., pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on January 12, 2023, copies of which are both attached hereto as Exhibits to this Resolution** and made a part hereof for all purposes; and

WHEREAS, the City Council of the City hereby authorizes the Mayor to execute both the said General Certificate of the City and the Mayor's Certificate, and deliver same to the Issuer.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of El Paso, Texas, that:

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City is hereby authorized to execute a General Certificate of the City and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to the El Paso Housing Finance Corporation to be used in connection with the issuance of its Bonds.

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

Mayor Leeser and Representatives Annello and Hernandez commented.

Mr. Norman Gordon, City's outside counsel, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

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

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

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Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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15. *RESOLUTION

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 ("City") and the University of Texas at El Paso ("UTEP"), for the period beginning January 31, 2023 through January 15, 2024 ("Term") whereby UTEP will provide traffic collision data analysis and mitigation measurements for use in the Intersection Safety Improvement Program being developed by the City's Streets and Maintenance Department; for which the City will pay UTEP 4 payments of \$21,068.00 every two months and final payment of \$21,071.98 upon delivery of final report, for a maximum compensation not to exceed \$105,343.98 over the term.

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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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16. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Mark-Thomas Bray to the Ethics Review Commission by Representative Joe Molinar, District 4.

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CONSENT AGENDA – BOARD APPOINTMENTS:
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Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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17. *Motion made, seconded, and unanimously carried to **APPOINT** Gabriel Ayub to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Henry Rivera, District 7.

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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18. *Motion made, seconded, and unanimously carried to **APPOINT** Arnulfo Hernandez to the Ethics Review Commission by Representative Art Fierro, District 6.

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ITEMS 19 THROUGH 22 WERE TAKEN TOGETHER
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19. Mayor Leeser and Representatives Hernandez and Rivera commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried to **APPOINT** Representative Alexandra Annello to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

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

20. 1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried to **APPOINT** Representative Brian P. Kennedy to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

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

21. 1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried to **APPOINT** Representative Art Fierro to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

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

22. 1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried to **APPOINT** Representative Joe Molinar to the Financial Oversight and Audit Committee by Mayor Oscar Leeser.

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

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23. *Motion made, seconded, and unanimously carried to **APPOINT Representative Art Fierro to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser.**

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Goal 8: Nurture and Promote a Healthy, Sustainable Community

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24. *Motion made, seconded, and unanimously carried to **APPOINT Michael Adjemian to the City Accessibility Advisory Committee by Representative Cassandra Hernandez, District 3.**

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25. *Motion made, seconded, and unanimously carried to **APPOINT** Melinda “Myndi” Luevanos to the Women’s Rights Commission by Representative Art Fierro, District 6.

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26. *Motion made, seconded, and unanimously carried to **APPOINT** Representative Chris Canales to the Animal Shelter Advisory Committee by Mayor Oscar Leeser.

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

1. Hassan Salloum, in the amount of \$4,559.08 made an overpayment on December 16, 2022 of 2022 taxes. (Geo. #C742-999-0040-4000)
2. Veronica Valdez, in the amount of \$2804.19 made an overpayment on January 08, 2023 of 2022 taxes. (Geo. #G760-000-0010-3300)
3. David Collins, in the amount of \$3,900.00 made an overpayment on December 31, 2022 of 2022 taxes. (Geo. #N425-999-0080-3700)
4. Ruben Ruiz, in the amount of \$4,782.80 made an overpayment on November 29, 2022 of 2022 taxes. (Geo. #P654-999-0580-5300)
5. Wannamaker Properties LLC, in the amount of \$8,140.42 made an overpayment on January 03, 2023 of 2022 taxes. (Geo. #S669-999-0020-3000)
6. Member First Mortgage, in the amount of \$6,754.31 made an overpayment on January 09, 2023 of 2022 taxes. (Geo. #X579-000-3180-4230)

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CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS
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28. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Isabel Salcido in the amount of \$5,000.00 from Woody L. Hunt.

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CONSENT AGENDA – REQUEST TO ISSUE PURCHASE ORDERS
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Goal 7: Enhance and Sustain El Paso’s Infrastructure Network
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DISCUSSION ON ITEMS 29 AND 41 WAS TAKEN TOGETHER

29. **ITEM:** The award of Solicitation 2023-0165 Police Motorcycle Parts, Service and Maintenance to Santa Teresa Motorsports, for a term of three (3) years for an estimated amount of \$270,000.00. This contract will allow for the maintenance of motorcycles for the Police Department.

Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing, presented a PowerPoint presentation, which included Items 29 and 41 of the agenda. (copy on file in the City Clerk’s Office).

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

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Juan Gonzalez, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney
- Mr. Rene Barraza, Streets and Maintenance Administrative Services Manager
- Ms. Ellen Smyth, Chief Transit and Field Operations Officer

Ms. Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE** the item to the **REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **AWARD** Solicitation 2023-0165 Police Motorcycle Parts, Service and Maintenance to Santa Teresa Motorsports, for a term of three (3) years for an estimated amount of \$270,000.00. This contract will allow for the maintenance of motorcycles for the Police Department.

Contract Variance:

There is no contract variance compared to the previous contract.

Department:	Streets and Maintenance
Award To:	Santa Teresa Motorsports Santa Teresa, NM
Initial Term:	3 Years
Annual Estimated Award:	\$90,000.00 (1 Year)
Total Estimated Award:	\$270,000.00 (3 Years)
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 Non-Competitive, service contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Santa Teresa Motorsports.

AYES: Representatives Kennedy, Anello, Hernandez, Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

CONSENT AGENDA – REQUEST FOR PROPOSAL

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

30.

***RESOLUTION**

WHEREAS, on July 20, 2004, the El Paso City Council adopted a resolution approving

the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2269 of the Texas Government Code) that provides the best value to the City; and

WHEREAS, on Sept. 18, 2012, the El Paso City Council approved the addition of the Construction Manager-at-Risk as an alternate project delivery method for construction projects and adopted the City of El Paso Construction Manager-at-Risk Procurement Policy; and

WHEREAS, the City's Construction Manager-at-Risk Procurement Policy states that the City Engineer will determine, before advertising, which alternative project delivery method for construction provides the best value to the City and that the El Paso City Council shall approve the issuance of a solicitation for any Construction Manager-at-Risk project prior to its issuance; and

WHEREAS, on April 17, 2018, the City Council amended the Construction Manager-at-Risk Procurement Policy to delete the requirement of City Council approval of a Solicitation for any Construction Manager-at-Risk prior to the issuance and delegated to the Director of Purchasing & Strategic Sourcing the authority to determine which alternative project delivery method for construction provides the best values to the City and to approve the issuance of a solicitation for any Construction Manager-at Risk project to the Director of Purchasing and Strategic Sourcing; and

WHEREAS, the Director of Purchasing & Strategic Sourcing determined that the Construction Manager-at-Risk alternative project delivery method will provide the best value to the City for the construction of the El Paso Fire Department Special Operations Division Station project and approved the issuance of a solicitation using Construction Manager-at-Risk delivery method for the construction of the El Paso Fire Department Special Operations Division Station project; and

WHEREAS, the City of El Paso ("City") issued a Request for Proposal as part of the construction manager-at risk project delivery method for the El Paso Fire Department Special Operations Division Station, Solicitation 2023-0055R; and

WHEREAS, Dantex General Contractors, Inc. ("Contractor"), a Texas Corporation, submitted the proposal offering the best value for the City on the basis of the published selection criteria and on the ranking evaluations; and

WHEREAS, the City negotiated a contract with Contractor and desires to award the El Paso Fire Department Special Operations Division Station project, Solicitation 2023-0055R for construction manager-at risk services to Contractor; and

WHEREAS, the initial contract award will commence the preconstruction services and the parties understand that an amendment to establish the Guaranteed Maximum Price for the project will be subject to City Council approval.

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

THAT the City Manager is authorized to execute the construction manager-at risk agreement ("Contract") between the City of El Paso and Dantex General Contractors, Inc. ("Contractor"), a Texas Corporation, for the project known as the El Paso Fire Department Special Operations Division Station project, 2023-0055R, in an initial amount of \$5,500.00 for preconstruction services; and that the City Engineer is authorized to approve additional preconstruction services in the amount of \$20,000.00 if the services are necessary for the proper execution of the project.

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

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

31. RESOLUTION

WHEREAS, the El Paso City Council honors the right of pregnant persons to bodily autonomy and control over their private medical decisions; and

WHEREAS, access to safe and legal abortion is a major factor in the long-term health, safety, and quality of life of pregnant people; and

WHEREAS, the Supreme Court of the United States has overturned the landmark ruling, *Roe v. Wade*, which previously prevented individual states from directly banning such care; and

WHEREAS, on June 16, 2021, Texas Governor Greg Abbott signed into law HB 1280, which took effect statewide 30 days after *Roe v. Wade* was overturned; and

WHEREAS, said Act criminalizes abortion at the level of a first-degree felony, carrying a sentence of up to 99 years in prison, with no exceptions for rape and incest; and

WHEREAS, people have a basic human right to medical treatment, up to and including abortion; and

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, while doing little to reduce the incidence of abortion; and

WHEREAS, the resources of the City must always be dedicated to the health and wellbeing of its residents; and

WHEREAS, in the 1973 *Roe v. Wade* majority opinion, Supreme Court Justice Harry Blackmun stated, “[The] right of privacy, whether it be founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment’s reservation of rights to the people, is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy”; and

WHEREAS, the right to privacy should protect doctors, patients, and all others involved in care from any criminal investigation, as long as those decisions occur without coercion, force, or negligence; and

WHEREAS, equitable access to abortion care requires financial and logistical support, most often provided by abortion funds and practical support organizations who have been targeted for providing these services; and

WHEREAS, the City has a responsibility to protect its residents from any violation of their human rights and any prosecution for the free exercise thereof.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF EL PASO HEREBY RESOLVES:

The El Paso City Council formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting people's right to make reproductive health decisions for themselves and their families, including abortion care.

BE IT FURTHER RESOLVED:

It is the policy of the City that, except to the extent otherwise required by state or federal law, City resources, including, for example, funds, personnel, or hardware, will not be used to:

- Create any record of any information related to an individual seeking abortion, miscarriage, or any other event that could be prosecuted as a violation of state law criminalizing or creating civil liability for pregnancy outcomes;
- Provide information to any other governmental body or agency about pregnancy outcomes, unless such information is provided to defend the patient's right to reproductive care, including abortion care, or the healthcare provider's right to provide such care; and
- Conduct surveillance or use any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personal identifying information or personal health information for purposes unrelated to criminal investigation, enforcement, or prosecution.

It is the intention of the City of El Paso that this policy does not apply in cases of conduct that is criminally negligent to the health of the pregnant person seeking care or where coercion or force is used against the pregnant person.

BE IT FURTHER RESOLVED:

It is the further policy of the City that investigation of or support for the prosecution of any allegation, charge, or information relating to a pregnancy outcome or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases of conduct that is criminally negligent to the health of the pregnant person seeking care, where coercion or force is used against the pregnant person, or where the pregnancy outcome is not the crime being investigated but evidence of another crime, such as sexual assault.

BE IT FURTHER RESOLVED:

That the City Manager is directed and permitted to take appropriate steps to implement this resolution and to provide an oral presentation and written report to Council on the implementation of this resolution, including changes to policies and procedures, by March 27, 2023, and to provide a written report to Council on the implementation of this resolution by May 23, 2023. The City Manager may return to the council for authorization of any needed policy clarifications or changes in the event of future changes to federal law, state law, or technology that affect this resolution.

Mayor Leeser and Representatives Kennedy, Annelo, Salcido, and Canales commented.

Ms. Karla Nieman, City Attorney, commented.

The following members of the public commented:

1. Mr. Wesley Laurence
2. Ms. Andi Tiscareno
3. Mr. Caleb Harrelson
4. Mr. Daniel Flores
5. Ms. Rebekah Vasquez
6. Ms. Martha Rico
7. Ms. Ashlyn Myers
8. Ms. Sofia Avant-Mier
9. Mr. Mark Cavaliere
10. Mr. Michael Apodaca
11. Ms. Jessica Sifuentes
12. Ms. Melissa Bailey
13. Ms. Blanca Savusa
14. Ms. JC Carpenter
15. Ms. Valerie Bowers
16. Ms. Carol Cassady
17. Ms. Veronica Esparza
18. Mr. Edward Garcia
19. Ms. Ivonne Diaz
20. Mr. Michael A. Gutierrez, statement read into the record by Rep. Annelo
21. Ms. Alison Rivera, statement read into the record by Rep. Hernandez
22. Ms. Veronica Carbajal, statement read into the record by Rep. Annelo
23. Mr. Joe Pojman
24. Mr. Joe Nava
25. Ms. Sylvia Herrera
26. Ms. Vanessa Medrano, statement read into the record by City Clerk, Laura Prine
27. Ms. Cammy Gonzalez
28. Ms. Dora Oaxaca
29. Mr. Josh Simmons
30. Ms. Lisa Turner
31. Ms. Susana Acosta
32. Ms. Nidia Correa
33. Mr. Carlos Montijo
34. Ms. Louise Ross
35. Mr. Joseph Gallegos
36. Ms. Elizabeth Crawford
37. Ms. Maralyn Ortiz
38. Ms. Terry Ramirez, statement read into the record
39. Ms. Sabrina Bustillos
40. Ms. Valerie Vasquez
41. Ms. Eden Klein
42. Ms. Atziri Reyes
43. Mr. Jose Miguel Reyes
44. Ms. Claudia Rodriguez, statement read into the record by City Clerk, Laura Prine

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the posting language as follows:

Discussion and action to approve a Resolution to create the appropriate City Policy which honors and protects the right of pregnant people, ~~to include the following:~~

- ~~1. Taxpayer Dollars shall not be used frivolously for programs or efforts to criminalize people who seek or aid abortion.~~
- ~~2. City funds shall not be used to solicit, catalog, report, or investigate reports of abortion.~~
- ~~3. Police shall make investigating abortion their lowest priority.~~

2ND AND FINAL MOTION

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

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

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

32. RESOLUTION

WHEREAS, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) and named its initial Board;

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) CRRMA Board positions expire on February 1 of each year;

WHEREAS, in an effort to insure the continuity of the CRRMA through the avoidance of any vacancies in City-appointed positions of the CRRMA Board, the City Council desires to make reappointments to Positions 2, 4 and 6, which shall become effective on January 31, 2023;

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

That the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on January 31, 2023:

1. Silvestre Reyes, Position 2, term expiring on February 1, 2025;
2. James L. Smith, Position 4, term expiring on February 1, 2025; and
3. Dorothy M. Byrd, Position 6, term expiring on February 1, 2025.

Motion made by Representative Fierro, seconded by Representative Annello, 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

.....
REGULAR AGENDA – OPERATIONAL FOCUS UPDATES
.....

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

.....
33. Budget Update – Workforce Focus.

Ms. Araceli Guerra, Managing Director of Human Resources and Information Technology, and Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello, Hernandez, Fierro, and Canales commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer

NO ACTION was taken on this item.

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

.....
34. Presentation and discussion on Title 7 semi-annual report.

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

Mayor Leeser and Representatives Annello, Hernandez, Molinar, Fierro, and Canales commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

.....
The Regular City Council Meeting was **RECESSED** at 1:27 p.m.

The Regular City Council Meeting was **RECONVENED** at 1:48 p.m.

.....
35. Presentation of newly created Community Health Assessment - a comprehensive document identifying key health needs and issues through systematic, comprehensive data collection and analysis.

Dr. Hector Ocaranza, Public Health Authority, introduced the item.

Mr. Brian Ackerman, Ascendant Healthcare Advisors Partner, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello and Hernandez commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

.....
CALL TO THE PUBLIC – PUBLIC COMMENT:

.....
The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Ron Comeau
3. Ms. Barbara Valencia
4. Ms. Nicole Jordan
5. Ms. Tracy Martinez
6. Mr. Colt DeMorris
7. Mr. Scott Krahling
8. Mr. Michael Castro
9. Ms. Paulina Medina
10. Mr. Austin Shindo

REGULAR AGENDA – FIRST READING OF ORDINANCES:

Goal 3: Promote the Visual Image of El Paso

36. An Ordinance approving a Special Permit to allow for infill development with reduced average lot width for a duplex on the property described as being all of Lot 4, Block 1, Sunrise Acres No. 2 Replat D, 7833 Mount Latona Drive, City of El Paso, El Paso County, Texas. Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty is as provided for 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.

Subject Property: 7833 Mount Latona Dr.
 Applicant: Pedro and Francisca Morales, PZST21-00014

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Molinar, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

PUBLIC HEARING WILL BE HELD ON FEBRUARY 28, 2023

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

37. An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments to Section 3.1 to allow District Representatives to appoint and remove District Office Staff; 3.18 to allow City Council to authorize leases for 40 years or less by Resolution or Ordinance; Section 3.5A to allow Council to reschedule meetings for holidays and allow the Mayor to cancel a Council meeting if required due to Declared Emergency; Section 3.9B, 3.10B, and 6.1-12 to align to State law and update obsolete references; Section 3.11 to remove the requirement for a second petition in initiatives, and provide a procedure for citizens to Initiate City Ordinances; Section 6.1-4 to authorize the City to create a policy regarding membership on the Civil Service Commission to reflect the community and City Workforce; Section 6.7-1 and 6.8-1 to allow the City to establish more flexible policies in hiring employees; Section 6.13-11D to establish the City contribution to the Police and Fire Pension Fund of no less than 18% of the wages of the participants, and remove the limit on the City's contribution; Section 3.20B to change the reporting structure for the Chief

Internal Auditor to report directly to City Council; such election to be held within the City, on May 6, 2023; making provisions for the conduct of the election; and authorizing a contract with El Paso County to furnish election services and equipment; providing for severability and setting an effective date.

Representatives Kennedy, Annelo, Hernandez, Rivera, and Canales commented.

The following City staff members commented:

- Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney

Ms. Veronica Carbajal, citizen, submitted a statement that was read into the record by Representative Annelo.

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

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

NAYS: None

-
- 38.** An Ordinance of the City Council of the City of El Paso, Texas, ordering a Special Election for the submission of Charter Amendments listed in the petition received pursuant to Texas Local Government Code Section 9.004 to create Article IX (Climate Policy) Sections 9.1 (Climate Policy); 9.2 (Definitions); 9.3 (Climate Director); 9.4 (Climate Department); 9.5 (Climate Impact of City Decisions); 9.6 (Tracking Climate Emissions); 9.7 (Climate Jobs); 9.8 (Solar Energy); 9.9 (Renewable Energy Goals); 9.10 (Municipalization of El Paso Electric); 9.11 (Climate Disaster Mitigation, Preparedness and Response); 9.12 (Water Conservation); 9.13 (Elimination of Impediments to Renewable Energy); 9.14 (Climate Commission); 9.16 (Severability).

Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Kennedy, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

.....
PUBLIC HEARING WILL BE HELD ON FEBRUARY 7, 2023 FOR ITEMS 37 AND 38

.....
REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

.....
39. RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and HNTB Corporation, a Missouri corporation authorized to do business in Texas, for a project known as "Design for Intelligent Transportation System (ITS) Infrastructure at Zaragoza and Bridge of the Americas (BOTA) International Ports Of Entry (POE)" for an amount not to exceed **\$1,934,517.00**; that the City Engineer is authorized to approve additional Basic Services and Reimbursables for an amount not to exceed \$50,000.00 and to approve Additional Services for an amount not to exceed \$50,000.00 if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of \$2,034,517.00; and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

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

40. Motion made by Representative Rivera, seconded by Representative Canales, and carried to **AWARD** Solicitation 2023-0026R Customer Service Call Center - Staffing & Management Service Operations to Datamark, Inc., for an initial three (3) year term for an estimated amount of \$5,997,809.40. The award also includes a three (3), one (1) year options for an estimated amount of \$5,997,809.40. The total value of the contract is, including the initial term plus the option, for a total of six (6) years, for an estimated amount of \$11,995,618.80. This contract will provide management and operation services which assist in managing the daily call volumes for multiple departments for the 311 phone line.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An annual increase of \$99,395.40, which represents a 5.23% increase due to increased hourly rates.

Department:	Fire
Vendor:	Datamark, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	Three (3), one (1) year
Annual Estimated Award:	\$1,999,269.80
Initial Term Estimated Award:	\$5,997,809.40 (3 Years)
Total Estimated Award:	\$11,995,618.80 (6 Years)
Account No.:	322-520010-1000-22080-P2218 321-522150-2305-21610 225-522150-2580-25100 225-522150-2580-25140
Funding Source:	General Funds, Environmental Fees and Animal Services
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Fire Departments recommend award as indicated to Datamark, Inc. the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

Representative Kennedy commented.

The following City staff members commented:

- Ms. Paula Salas, Purchasing Agent
- Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing
- Fire Chief Jonathan Killings

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

NAYS: Representative Kennedy

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

DISCUSSION ON ITEMS 29 AND 41 WAS TAKEN TOGETHER

41. Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2023-0239 Ford Proprietary Parts and Service to Casa Ford, Inc., for a term of three (3) years for an estimated amount of \$2,055,000.00. This contract will allow for the purchase of Ford Proprietary parts and service for the Fleet Division.

Contract Variance:

There is no contract variance compared to the previous contract.

Department:	Streets and Maintenance
Vendor:	Casa Ford, Inc. El Paso, TX
Initial Term:	3 years
Annual Estimated Award:	\$685,000.00 (1 year)
Total Estimated Award:	\$2,055,000.00 (3 years)
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 Non-Competitive, service contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Casa Ford, Inc.

Ms. Nicole Cote, Managing Director for the Office of Management and Budget and Purchasing and Strategic Sourcing, presented a PowerPoint presentation, which included Items 29 and 41 of the agenda. (copy on file in the City Clerk’s Office).

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

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager

- Mr. Robert Cortinas, Chief Financial Officer
- Mr. Juan Gonzalez, Senior Assistant City Attorney
- Ms. Karla Nieman, City Attorney
- Mr. Rene Barraza, Streets and Maintenance Administrative Services Manager
- Ms. Ellen Smyth, Chief Transit and Field Operations Officer

Ms. Lisa Turner, citizen, commented.

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

NAYS: None

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

Goal 3: Promote the Visual Image of El Paso

42. ORDINANCE 019432

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO THE COUNTY OF EL PASO FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, USE AND REPAIR OF 540 LINEAR FEET OF ALL NECESSARY, DESIRABLE, SUBSURFACE WIRES, CABLES, UNDERGROUND CONDUIT, MANHOLES OR OTHER STRUCTURES AND APPURTENANCES IN CONNECTION WITH TELECOMMUNICATION SYSTEMS AND FIBER OPTIC, CONDUIT AND CABLES WITHIN A PORTION OF CITY RIGHT-OF-WAY UNDERNEATH CAMPBELL STREET AND FIRST AVENUE; SETTING THE LICENSE TERM FOR A TERM OF FIVE (5) YEARS WITH TWO (2) RENEWABLE FIVE (5) YEAR TERMS.**

Motion duly made by Mayor Pro Tempore Annello, 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, Annello, 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**.

.....
43. The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 15, (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.160 (MOBILE BILLBOARDS) OF THE EL PASO CITY CODE TO EXTEND THE CURRENT PERMITTING PILOT PROGRAM BY ONE YEAR. THE PENALTY IS AS PROVIDED FOR IN SECTION 15.08.160 OF THE EL PASO CITY CODE.

Representative Canales commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Representative Canales, seconded by Representative Fierro, and carried to **POSTPONE** the public hearing for **ONE WEEK**.

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

NAYS: Representatives Molinar and Salcido

NOT PRESENT FOR THE VOTE: Representative Hernandez

44.

ORDINANCE 019433

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.150 (SHARED MOBILITY DEVICES), TO EXTEND THE CURRENT PERMITTING PILOT PROGRAM BY ONE YEAR. THE PENALTY IS AS PROVIDED IN SECTION 15.08.150 OF THE EL PASO CITY CODE.**

Representative Annello commented.

Mr. Kevin Smith, Planning and Inspections Assistant Director, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried to **AMEND** the Ordinance to change the expiration date from January 31, 2024, to 60 days from today and to **DIRECT** Staff to return in 45 days with another ordinance to make this program a permanent program.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

2ND AND FINAL MOTION

Motion duly made by Representative Canales, seconded by Representative Salcido, and carried that the Ordinance be **ADOPTED, AS AMENDED.**

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.150 (SHARED MOBILITY DEVICES), TO EXTEND THE PILOT PROGRAM SIXTY (60) DAYS. THE PENALTY IS AS PROVIDED IN SECTION 15.08.150 OF THE EL PASO CITY CODE.

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, Annello, 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, AS AMENDED.**

45.

ORDINANCE 019434

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF ALLEGHENY DRIVE RIGHTS-OF-WAY (54 FEET WIDE) ADJACENT TO LOTS 3 AND 4, BLOCK 1B AND LOT 4, BLOCK 1C, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT SIX REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Molinar, 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, Annello, 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
.....

46.

R E S O L U T I O N

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 **Better Business Bureau (“Better Business Bureau” or “BBB”) Foundation El Paso, a 501 (c)3 nonprofit organization**, whereby BBB will administer ARPA Act funds for the continuation of the Buy El Paso and EPBusinessStrong programs for two years, and implement the El Paso Small Business Rewards Program to address business growth slow-down resulting from the COVID-19 pandemic; 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 **Better Business Bureau**, providing \$1,435,522.24 to BBB to administer ARPA Act funds to continue the EPBusinessStrong and Buy El Paso Programs and to implement the El Paso Small Business Rewards Program.

Ms. Mary Beth Stevens, President of the Better Business Bureau Paso del Norte, commented.

Motion made by Mayor Pro Tempore Annello, 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

47.

RESOLUTION

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 Project Vida, Inc., a Texas Non-Profit Corporation (“Project Vida”), whereby Project Vida will administer ARPA Act funds to provide Microenterprise Technical Assistance to entities affected by the COVID-19 pandemic; 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 Project Vida, providing \$200,000 to Project Vida to administer ARPA Act funds to provide Microenterprise Technical Assistance to entities affected by the COVID-19 pandemic.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, 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

48.

RESOLUTION

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 **LIFTFUND INC. (“Liffund”)**, a Texas non-profit organization, whereby Liffund will administer ARPA Act funds to institute the City of El Paso Small Business Grant & Interest Buy-Down Program to entities affected by the COVID-19 pandemic; 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 Lift Fund, providing \$2,500,000 to Liffund to administer ARPA Act funds to institute the City of El Paso Small Business Grant & Interest Buy-Down Program to entities affected by the COVID-19 pandemic.

Mayor Leeser and Representatives Annelo and Canales commented.

Ms. Elizabeth Triggs, Economic and International Development Director, commented.

Ms. Lupe Mares, Vice President for LiftFund Southwest Region, commented.

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

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

NAYS: None

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

49. RESOLUTION

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

That the City of El Paso approves capital improvements (**Exhibit “A”** attached hereto), totaling approximately \$5,847,162.00, updating the document known as the “Five Year Capital Maintenance Improvement Plan for the Ballpark” for FY2023 through FY2027, and approving the use of 5-year Ballpark revenues as funding sources for the Plan and authorizing the City Manager to make all necessary budget transfers to complete the improvements.

Exhibit A

	FY 23 CIP YR. 7 Season 10	FY 24 CIP YR. 8 Season 11	FY 25 CIP YR. 9 Season 12	FY 26 CIP YR. 10 Season 13	FY 27 CIP YR. 11 Season 14	Total 5 yr Cost	Future FYs
Architectural/Interiors							
Flooring/Carpet Replacement				\$50,000		\$50,000	\$45,000
Field Wall Padding				\$0		\$0	\$150,000
Turf/Tarp Replacement	\$150,000	\$200,000	\$200,000		\$10,000	\$560,000	\$563,000
Trash Cans - Replacements			\$200,000			\$200,000	
Big Dog House/Weststar Club Interior Upgrades				\$250,000	\$150,000	\$400,000	\$400,000
Suite Upgrades	\$80,000			\$75,000	\$440,000	\$595,000	\$150,000
Locker Room Upgrades		\$11,000	\$5,000	\$50,000		\$66,000	
Turf Management and Other Small Equipment	\$40,000	\$25,000			\$130,000	\$195,000	\$60,000
Televisions - Replacements			\$100,000			\$100,000	
Security Cameras - Replacement	\$35,000					\$35,000	
Video Board Replacement	\$1,186,162	\$800,000	\$200,000			\$2,186,162	
Freight Elevator Overhaul	\$35,000					\$35,000	
Stadium Signage				\$10,000	\$10,000	\$20,000	\$30,000
Total Architectural/Interiors	\$1,526,162	\$1,036,000	\$705,000	\$435,000	\$740,000	\$4,442,162	\$1,398,000
Structure							
Pavement/Sidewalk Repair			\$85,000			\$85,000	\$280,000
Paint Steel Superstructure				\$300,000	\$300,000	\$600,000	\$200,000
Bird Mitigation				\$200,000		\$200,000	
Building Controls Exterior Lighting Replacement	\$15,000		\$50,000	\$50,000		\$115,000	\$50,000
Total Structure	\$35,000	\$0	\$135,000	\$550,000	\$600,000	\$1,000,000	\$530,000
Food Service/Retail							
Concession Equipment/Enhancements		\$100,000	\$155,000	\$30,000	\$120,000	\$405,000	\$155,173
Total Food Service & Retail	\$0	\$100,000	\$155,000	\$30,000	\$120,000	\$405,000	\$155,173
Grand Total	\$1,541,162	\$1,136,000	\$895,000	\$1,015,000	\$1,160,000	\$5,847,162	\$2,083,173

Mr. Sam Rodriguez, Chief Operations Officer, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representative Anello Commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **REVISE** the amount and language posted on the Resolution with the agenda.

2ND AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representative Canales

Goal 8: Nurture and Promote a Healthy, Sustainable Community

50.

RESOLUTION

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

That the Citizen Participation Plan for the City of El Paso be revised, as reflected in Attachment A, to: (1) include the HUD-mandated Assessment of Fair Housing (AFH); (2) Replace the Community Development Steering Committee with the Community Needs Advisory Committee for Citizen Participation (“CNAC”) as defined in Attachment A**; (3) provide certain additional revisions recommended by the staff of the Department of Community and Human Development; and (4) reflect current practices and procedures and to remove obsolete language.

**Attachment A of the Resolution available at the City Clerk's office.

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

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

NAYS: None

51.

RESOLUTION

WHEREAS, Paisano Housing Redevelopment Corp (D/B/A HOME) has proposed a development for 40 affordable rental housing units at 9500 Kenworthy Drive, El Paso, TX 79924, named Patriot Place II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment Corp (D/B/A HOME) has committed to a minimum 45-year affordability period for those additional 40 units at 9500 Kenworthy Drive, El Paso, TX 79924, named Patriot Place II, in the City of El Paso, Texas; and

WHEREAS, Paisano Housing Redevelopment Corp (D/B/A HOME) has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits for Patriot Place II.

WHEREAS, it is acknowledged that the census tract contains more than 20% Housing Tax Credit Units per total households within the census tract.

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 **supports** the proposed **Patriot Place II** development located at 9500 Kenworthy Drive, El Paso, TX 79924 (TDHCA Application number 23169) and that this formal action has been taken to put on record the opinion expressed by the City of El Paso, Texas on January 31, 2023.

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.

Motion made by Mayor Pro Tempore Annello, seconded by Representative Canales, and unanimously carried to **APPROVE** a Resolution of support.

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

NAYS: None

ADJOURN

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 5:03 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:



Laura D. Prine, City Clerk