

OSCAR LEESER
MAYOR



CARY WESTIN
INTERIM CITY MANAGER

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

MINUTES FOR REGULAR COUNCIL MEETING

JULY 05, 2023

COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY

9:00 AM

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ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:03 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Chris Canales. Art Fierro participated via videoconference.

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INVOCATION EL PASO POLICE CHAPLAIN AND SUN VALLEY BAPTIST PASTOR DENNIS COFFMAN

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PLEDGE OF ALLEGIANCE

.....
MAYOR'S PROCLAMATIONS

DWI Intervention and Treatment Program Day

International Drag Day

HAMILTON Appreciation Week

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The Regular City Council meeting was **RECESSED** at 9:45 a.m. in order to take photos with the honorees.

The Regular City Council meeting was **RECONVENED** at 10:01 a.m.

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NOTICE TO THE PUBLIC

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **APPROVE** 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, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

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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 June 20, 2023 and the Special Meeting of June 27, 2022.

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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 6: Set the Standard for Sound Governance and Fiscal Management
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3. ***RESOLUTION ADOPTING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE JULY 5, 2023**

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular, special, and work session meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. RULES OF ORDER

Robert's Rules of Order Revised shall govern the procedures of Council unless they are in conflict with these rules.

SECTION 3. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council that is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 4. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 5. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 6. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both

the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects. The Presiding Officer shall disable the microphone at the podium when he determines that the speaker has violated council rules of order.

SECTION 7. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his or her decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 8. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk:

- (a) upon the announcement of the City Clerk that the electronic voting system is not working properly;
- (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 9. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his or her statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 10. ORDER OF PRECEDENCE OF MOTIONS

The order of procedure of motions is set forth in Exhibit "A" attached hereto and fully incorporated by reference.

SECTION 11. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken. The motion can only be made by a member who voted with the prevailing side and can be seconded by any member.

SECTION 12. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the item under consideration. Members of Council shall refrain from side conversations during discussion of items under consideration.

For Regular City Council Meetings, in the debate, each member of Council has the right to speak twice on the same item on the same day, but cannot make a second speech on the same item as long as any member who has not spoken on that question desires the floor. No one can speak longer than ten minutes at a time without permission of a majority of Council. The City Clerk will keep time and will notify the Mayor if a Representative reaches the allotted time.

During Work Sessions, Special meetings, or Agenda Review meetings, there will not be a limit to the time allowed for each Representative to have the floor, and the Presiding officer has discretion to end discussion on an item, or to give the floor to another representative.

SECTION 13. RIGHT OF CITIZENS TO BE HEARD

Public Hearings/Agenda Items:

Any member of the public shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted three (3) minutes to present their position on issues. If a member of the public addresses City Council through a translator into English, he or she will be granted six (6) minutes to present. Time will be kept by the City Clerk. The presiding officer may grant a speaker additional time at his or her discretion.

Public Comment/Non Agenda Items:

A maximum of sixty (60) minutes will be allotted for a public comment portion of each regular City Council meeting. The City Council will designate time to allow members of the public to have a reasonable opportunity to provide comment on items not already posted on the agenda, except that no person shall engage in political advertising contrary to state law. Persons wishing to provide comment during the public comment portion of the City Council agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting either online or by using the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address, phone number, and a short description of the topic(s) of their comment. Members of the public are required to speak on the topic identified upon the sign-in sheet. If the speaker is a lobbyist, he or she must indicate that fact on the audience participation sheet and prior to commencing his/her comments in compliance with the City's Lobbying Ordinance. Members of the public may not grant their time to another nor may they purport to speak for another who is not present at the meeting. If someone would like a document or letter to become a part of the record, they may do so by providing the City Clerk with copies of the document or letter no later than 9:00 a.m. on the

morning of the meeting, which will be distributed to the Council. It shall not be necessary to read the letter into the record. Interpretation services are only to be provided by the certified interpreter provided by the City.

A document camera and projection system ("Overhead Projector") is available for use for public comment on posted items and call to the public. Members of the public shall submit any document they wish to present on the Overhead Projector to the City Clerk no later than close of business on the previous City business day before the meeting date. Any document that contains insulting, profane, threatening or abusive language, nudity, or campaign material will be rejected. City Staff will assist members of the public in using the Overhead Projector during the meeting.

In order to ensure cyber security, members of the public are prohibited from sending or utilizing presentations in any electronic format, including but not limited to email, and from using a Universal Serial Bus (USB) compact disk (CD) or digital versatile disk (DVD) for public comment and call to the public. A member of the public who wishes to make an electronic presentation may bring printed documents to the City Clerk's office no later than close of business on the previous City business day before the meeting date to be scanned for presentation during the meeting.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one-time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than three (3) minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action. The presiding officer at his or her discretion may grant a speaker one (1) additional minute to wrap up his or her comments regardless of whether the allotted sixty (60) minutes will otherwise be taken up by the others making comment.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak regarding an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place. If a member of the public wishes to speak regarding an item, but did not sign up by 9:00 am, he or she may notify the City Clerk up until such time that the public comment portion of the item has concluded.

Members of the public who do not desire to speak but want to register support or opposition to an item on the agenda may do so by indicating their position on the audience participation

form. The City Clerk will notify the Council of the number of position statements received and the tally when the agenda item is announced.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tempore may move the consent agenda item to the regular agenda for continued discussion and action by the City Council. Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input. Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 14. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Thereafter, the proceedings will take place as specified on the Attached **Exhibit "B"**.

Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore.

The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City's Committees, Boards and Commissions.

Notwithstanding the above provisions, the City Manager shall direct the placement of all matters relating to the City Council's adoption of the annual City budget and associated matters relating to the start of each new fiscal year and the adoption of the tax levy on one or more agendas so as to meet all required statutory and charter deadlines.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 15. PARLIAMENTARIAN

The City Clerk and the Assistant City Clerk are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 16. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Members of the City Council may only use electronic devices for the matters pertinent to the meeting taking place. No use of personal cellular devices, nor personal communication, should take place on the dais, nor while participating virtually, while the meeting is in session. The use of communication devices of any kind, including but not limited to: hand-held portable communication devices cellphones, computers, tablets, laptops, watches, etc. is expressly prohibited during City Council meetings and shall not be allowed in the room during closed sessions unless they are being used to aid in executive session presentations.

If the City Council member needs to take a telephone call, respond to a text message, etc. during a meeting, he or she must excuse themselves from the dais or room where the closed session is taking place to engage in that communication. The use of the desktop computers during City Council shall be limited to voting, viewing presentations, research to aid the council member and communication via email to staff.

During meetings, City Council members shall not text, tweet, blog, post on Facebook, Instagram or use any other social media platform.

SECTION 17. TIME AND LOCATION OF MEETINGS AND VIRTUAL ATTENDANCE

The Mayor and Council may by action of Council approved by a majority of Council, reschedule the time and place of any City Council meeting in accordance with the requirements of the Texas Open Meetings Act.

Members of Council may attend City Council meetings by video conference in accordance with the Texas Open Meetings Act 551.127, as may be amended. Such requires that a quorum of City Council be present at the physical meeting location posted on the agenda. Any member wishing to attend by video conference must notify the City Clerk no later than noon on the Wednesday prior to the relevant meeting, and the City Clerk shall post notice of which member(s) will appear by video conference on the City Council Agenda.

Each participant's face in the videoconference call, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. Any council member appearing by videoconference call will be considered absent during any portion of the meeting the audio or video is lost or disconnected in accordance with Texas Government Code Section 551.127. However, City Council members may not participate in executive sessions by videoconferencing.

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4.

***RESOLUTION**

WHEREAS, the Texas Open Meetings Act, *Texas Government Code 551.001 et. seq.* ("TOMA") allows members of the governing body to attend meetings by videoconference, and

the City's Rules of Order require that members notify the City Clerk no later than the Wednesday before each meeting at noon if attending by videoconference in order to post on the agenda; and

WHEREAS, the TOMA requires that a quorum of Council be present at the meeting location in order to constitute a meeting; and

WHEREAS, in order to maintain a quorum during each meeting, beginning on the meeting week of June 5, 2023, up to two members of Council may appear by videoconference at each meeting in accordance with this resolution.

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

That up to two members of City Council may attend the City Council Meetings by videoconference at each Council meeting on a first come, first served basis each meeting week beginning June 5, 2023.

Members who wish to attend by videoconference must notify the City Clerk no later than noon on the Wednesday before each meeting.

In order to ensure equity among the members of Council, members may request to attend by videoconference no more than three months in advance, and shall not request to attend by videoconference more than one regular meeting week in a row without prior approval of Council.

Up to two members may participate in any Special City Council meeting by videoconference on a first come first served basis by notifying the City Clerk prior to the agenda being posted.

City Council Members may not attend executive sessions by videoconferencing.

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CONSENT AGENDA –RE-APPOINTMENTS:
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Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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5. *Motion made, seconded, and unanimously carried to **RE-APPOINT** William Kell to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.
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6. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Justin Underwood to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.
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7. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Laura Enriquez to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.
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8. *Motion made, seconded, and unanimously carried to **RE-APPOINT** George E. Salom, Jr. to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.
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9. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Elliot Berg to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.
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10. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Jamie Gallagher to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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- 11. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Adjemian to the City Accessibility Advisory Committee by Representative Cassandra Hernandez, District 3.

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CONSENT AGENDA –APPOINTMENTS:
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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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- 12. *Motion made, seconded, and unanimously carried to **APPOINT** Lilia B. Limon as a Regular Member to the Fair Housing Task Force 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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- 13. *Motion made, seconded, and unanimously carried to **APPROVE** a tax refund for DBB Holdings Inc., in the amount of \$5,509.24 for an overpayment made on February 28, 2023 of 2022 taxes, (Geo. # W220-999-0030-1505).

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REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL
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Goal 3: Promote the Visual Image of El Paso
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ITEMS 14 AND 17 WERE TAKEN TOGETHER
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14. RESOLUTION

WHEREAS, on March 21, 2023, after over 50 years of advocacy from the community, U.S. Congresswoman Veronica Escobar (TX-16) proudly announced that Castner Range – the crown jewel of West Texas – was designated as a national monument by President Joe Biden, through his use of the Antiquities Act; and

WHEREAS, Castner Range consists of over 7,000 acres of land that was formerly used by Fort Bliss Army Base as an artillery and munitions range; and

WHEREAS, the Army ceased operations on Castner Range in 1966 and declared the land excess in 1971, at which point community support ignited for conserving the range as open space; and

WHEREAS, during her first term, Congresswoman Escobar introduced the Castner Range National Monument Act, a bill to conserve and protect Castner and during a Natural Resources Committee Hearing in May 2021, Congresswoman Escobar testified about the importance of supporting her legislation and its significance to El Pasoans; and

WHEREAS, in addition to zealously pursuing the designation through legislative means, Congresswoman Escobar invited several key Biden Administration officials to El Paso to amplify the awareness of protecting Castner Range, including hosting Secretary of the Interior Deb Haaland for a tour of Castner Range in March 2022; and

WHEREAS, in June 2022 Congresswoman Escobar coordinated a meeting with several El Paso stakeholders at the Pentagon with Undersecretary Camarillo and the White

House Council on Environmental Quality and in follow-up, she welcomed the Undersecretary of the Army and native El Pasoan Gabe Camarillo back home in August 2022 to continue discussions about the designation; and

WHEREAS, with continued enthusiasm to see the designation through, Congresswoman Escobar wrote to President Biden twice over the past year, urging him to designate Castner Range through the Antiquities Act.

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

That the City of El Paso honors and recognizes Congresswoman Veronica Escobar (TX-16) for her tireless efforts and advocacy to officially have Castner Range be designated as a national monument.

Representative Hernandez read the resolution into the record.

Congresswoman Veronica Escobar commented.

Mayor Leeser and Representatives Annelo and Molinar commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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- 15. ITEM:** Discussion and action to appoint Edmundo Calderon as Chief Internal Auditor in accordance with the El Paso City Charter Section 3.20(B)(5), who shall carry out the duties established in accordance with City Charter 3.20 (B) and directing the Interim City Manager and City Attorney to prepare the necessary documents to implement this appointment.

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

Ms. Karla Nieman, City Attorney, commented.

Motion made by Representative Kennedy, seconded by Representative Molinar, and carried to **APPOINT** Edmundo Calderon as Chief Internal Auditor in accordance with the El Paso City Charter Section 3.20(B)(5), who shall carry out the duties established in accordance with City Charter 3.20 (B) and **DIRECTING** the Interim City Manager and City Attorney to prepare the necessary documents to implement this appointment.

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

NAYS: Representative Hernandez

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16. ITEM: Discussion and action to direct the Interim City Manager and City Attorney to recommend amendments to the City's Ethics Ordinance complaint review process in City Code 2.92.170 to provide that a respondent's timeline to address and file a response to a complaint begins after the City Attorney refers a complaint to the Ethics Review Commission.

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

The following City staff members commented:

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

1ST MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and carried to **DIRECT** the Interim City Manager and City Attorney to recommend amendments to the City's Ethics Ordinance complaint review process in City Code 2.92.170 to provide that a respondent's timeline to address and file a response to a complaint begins after the City Attorney refers a complaint to the Ethics Review Commission.

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

NAYS: Representative Hernandez

2ND MOTION

Motion made, seconded, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Annello, seconded by Representative Salcido, and unanimously carried to **DIRECT** the Interim City Manager and City Attorney to recommend amendments to the City's Ethics Ordinance complaint review process in City Code 2.92.170 to provide that a respondent's timeline to address and file a response to a complaint begins after the City Attorney refers a complaint to the Ethics Review Commission and **ADD** the jurisdictional requirement that ethics complaints filed against the Chief Internal Auditor be forwarded to the Mayor and Mayor Pro Tempore.

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

NAYS: None

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:
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Goal 6: Set the Standard for Sound Governance
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TAKEN WITH ITEM 14
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17. Presentation of a Congressional Record celebrating the City of El Paso's 150th birthday by Congresswoman Veronica Escobar, representative of Texas' 16th Congressional District.

Congresswoman Veronica Escobar commented.

NO ACTION was taken on this item.

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Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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18. A report on the Streetcar service to include an economic impact, modified operating hours, and assessment of cost savings for event-only services as requested by City Council on April 11, 2023.

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

- Mr. David Torres, Economic and International Development Redevelopment Manager
- Ms. Karina Brasgalla, Economic and International Development Assistant Director
- Mr. Anthony Dekeyzer, Mass Transit Director

Mayor Leeser and Representatives Kennedy, Annelo, Hernandez, Molinar, Salcido, Fierro, and Canales commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manger
- Ms. Tracey Jerome, Senior Deputy City Manager

The following members of the public commented:

1. Mr. Joe Gudenrath
2. Mr. Jose Barriga
3. Mr. Luis Lozano, statement read into the record
4. Mr. Sam Legate, statement read into the record
5. Mr. Peter Svarzbein, statement read into the record

NO ACTION was taken on this item.

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

1. Ms. Elizabeth Crawford
2. Mr. Efrain Saucedo
3. Mr. Steven Strummer
4. Mr. Jose Gaston Barriga

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The Regular City Council meeting was **RECESSED** at 12:57 p.m. for lunch.

The Regular City council meeting was **RECONVENED** at 2:03 p.m.

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES
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Goal 2: Set the Standard for a Safe and Secure City

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19. ORDINANCE 019521
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The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE) OF THE EL PASO CITY CODE TO ADOPT THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE AND TO PROVIDE FOR LOCAL AMENDMENTS TO THE 2021 INTERNATIONAL FIRE CODE, THE PENALTY BEING AS PROVIDED IN SECTION 9.52.030.12 (VIOLATIONS PENALTIES) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Rivera, seconded by Representative Salcido, 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**.

Goal 3: Promote the Visual Image of El Paso

20. Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and carried to **POSTPONE until the Regular City Council Meeting of August 1, 2023**, the public hearing for an Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Administrative Code), Chapter 18.08 (Building Code), Chapter 18.10 (Residential Code), Chapter 18.12 (Mechanical Code), Chapter 18.16 (Electrical Code), Chapter 18.20 (Plumbing Code), Chapter 18.24 (Gas Code), Chapter 18.28 (Existing Building Code), Chapter 18.30 (Pool and Spa Code), Chapter 18.50 (Property Maintenance Code), Chapter 18.60 (Flood Damage Prevention Code), Chapter 18.70 (Energy Conservation Code), adopting the 2021 International Building Code, and adopting appropriate local amendments, the penalty being as provided in 18.02.115 of the El Paso City Code.

Representatives Annello and Fierro commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manager
- Mr. Tony De La Cruz, Building Permits and Inspections Assistant Director

Mr. Ron Lord, citizen, commented.

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

NAYS: Representative Hernandez

21. **ORDINANCE 019522**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY OVER FATHER RAHM AVENUE RIGHT-OF-WAY, SIXTH AVENUE RIGHT-OF-WAY, AND OCHOA STREET RIGHT-OF-WAY WITHIN BLOCK 81, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Canales, 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, 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**.

22.

ORDINANCE 019523

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE SOUTH 200 FEET OF LOT 33, MAP OF SUNRISE ACRES NO. 2, 4819 TITANIC AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. THE PROPOSED REZONING MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH *PLAN EL PASO*, THE CITY'S COMPREHENSIVE PLAN.**

Motion duly made by Representative Salcido, seconded by Representative Molinar, 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**.

REGULAR AGENDA – OTHER BUSINESS:

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

23.

R E S O L U T I O N

WHEREAS, Goal 1.1 of the adopted Strategic Plan of the City of El Paso seeks to stabilize and expand El Paso's tax base by activating targeted development and investment in Downtown historic structures by expanding Downtown revitalization and redevelopment focusing on priority corridor development plans, infill growth strategies, and parking strategies while including streetcar corridor vibrancy, parking management plans, and the uptown area; and

WHEREAS, the El Paso Downtown 2015 Plan was adopted in November 29, 2006; and

WHEREAS, the "Downtown, Uptown, and Surrounding Neighborhoods Master Plan" (the "Plan") is a vision for 2040 with the objective of improving livability, equity, economic prosperity and housing for all ages and incomes; expanding public amenities; and improving pedestrian connectivity to existing neighborhoods for a more sustainable city center; and

WHEREAS, the Plan's mission is to unlock the potential for positive change, including enhanced livability, economic opportunity, equity, and resilience while preventing displacement across the study area, the City of El Paso, and the region; and

WHEREAS, a public engagement and outreach campaign was conducted consisting of both in person and virtual activities with neighborhood associations in the planning area,

residents, core stakeholders, and City staff, including public open houses, online interactive public comment mapping tools, a dedicated project website, and online story maps; and

WHEREAS, the goals of the “Downtown, Uptown, and Surrounding Neighborhoods Master Plan” as defined by the community are: to 1) Promote affordability with expanded housing options; 2) Create and improve public areas that focus on health and safety infrastructure; 3) Increase economic activity and talent retention with a vibrant downtown; 4) Establish a virtuous cycle between public transit and existing neighborhoods, new development, and active public transportation; and 5) Celebrate El Paso’s unique living culture, design heritage, and diverse community; and

WHEREAS, the City Council for the City of El Paso, at a regular meeting on March 13, 2023, was briefed on the Engagement, Planning Process, and Adoption Strategy of the Plan; and

WHEREAS, the City Council for the City of El Paso, at a regular meeting on April 10, 2023, was briefed on the major findings of the Plan and provided input in anticipation of the final draft of the Plan; and

WHEREAS, the City Plan Commission for the City of El Paso, at its regular public meeting on June 14, 2023, unanimously recommended the adoption of the “Downtown, Uptown, and Surrounding Neighborhoods Master Plan.”

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

That the “Downtown, Uptown, and Surrounding Neighborhoods Master Plan” as attached hereto be adopted as the master plan for the Downtown, Uptown, and Surrounding Neighborhoods planning area;

That the City Manager be authorized to begin implementation of the Plan in a manner generally consistent with the recommended strategies and policies contained within the Plan and generally consistent with the recommended implementation matrix;

That adoption of the Plan shall not commit the City of El Paso to specific funding levels or implementation strategies, but shall provide guidance for the City’s vision for the future growth of the “Downtown, Uptown, and Surrounding Neighborhoods Master Plan” planning areas.

Mr. Joaquin Rodriguez, Capital Improvement Grant Funded Programs Director, and Mr. Alex Hoffman, Capital Improvement Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representatives Annello, Hernandez, and Canales commented.

The following City staff members commented:

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

The following members of the public commented:

1. Joe Gudenrath
2. Rich Wright

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

3. Jerry Kurtyka
4. Sito Negrón
5. Veronica Carrillo
6. Kathleen Staudt
7. Marcus Conde
8. Lizabeth J. Berkeley
9. Obdulia Anchondo
10. Cynthia Renteria
11. Carmen Rodriguez
12. Danny Villanueva
13. Dora Villanueva
14. Fabiola Campos Lopez
15. Elena Lightbourn
16. Oscar Martinez

1ST MOTION

Motion made by Representative Canales, seconded by Representative Salcido, and carried to **AMEND** the name of the plan to the **Downtown, Uptown, and Surrounding Neighborhoods Master Plan**, and to make all adjustments as necessary throughout the text of the Plan to reflect the change in verbiage.

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

2ND AND FINAL MOTION

Motion made by Representative Canales, seconded by Representative Rivera, and carried to **APPROVE** the Resolution, **AS AMENDED**.

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

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Goal 2: Set the Standard for a Safe and Secure City
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24. ITEM: Discussion and action on a presentation of the Public Safety Bond Program.

Ms. Yvette Hernandez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello, Hernandez, Molinar, Rivera, and Canales commented.

Interim Police Chief Peter Pacillas commented.

Mr. Cary Westin, Interim City Manager commented.

NO ACTION was taken on this item.

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

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

REGULAR CITY COUNCIL MEETING MINUTES JULY 5, 2023

That the City Manager be authorized to sign an Agreement for Professional Services by and between the CITY OF EL PASO and MORENO CARDENAS, INC, a Texas Corporation, for a project known as "Engineering And Design Services Vista Del Sol Dr., Pebble Hills Blvd. Reconstruction-Resurfacing" for an amount not to exceed \$585,000.00; 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 \$685,000.00; 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 Hernandez, seconded by Representative Rivera, and unanimously carried to **APPROVE** the Resolution.

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

26.

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 DEC-EL PASO, LLC, a Domestic Limited Liability Company (LLC), for a project known as "Engineering and Design Services Vista Del Sol Dr., Pebble Hills Blvd. Reconstruction-Resurfacing" for an amount not to exceed \$473,436.82; 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 \$573,436.82; 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 Hernandez, 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 Annello

EXECUTIVE SESSION

Motion made, seconded, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:43 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Representative Fierro did not join the executive session as he was participating via videoconference.

Representative Hernandez not present for Items EX5 and EX6.

Motion made, seconded, and unanimously carried to **ADJOURN** the Executive Session at 4:57 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez, Fierro, and Canales

.....
EX1. Claim of Willie Fuller; Matter 22-1026-11999. (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Attorney’s Office be authorized to **DENY** the claim of Willie Fuller, in Matter Number 22-1026-11999, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Hernandez, Fierro, and Canales

.....
EX2. Claim of Aida Rodriguez, Matter 23-1036-3689. (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Attorney’s Office be authorized to **DENY** the claim of Aida Rodriguez, in Matter Number 23-1036-3689, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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EX3. Villegas, Daniel vs. City of El Paso and Police Officers, et al. Cause No. 3:15-CV-00386; Matter No. 15-1026-6957 (551.071)

NO ACTION was taken on this item.

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EX4. ZTEX Construction Inc. v. City of El Paso; 243rd District Court; Cause2023DCV1942. (551.071)

NO ACTION was taken on this item.

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EX5. ZTEX Construction Inc. v. City of El Paso; 448th District Court; Cause 2023DCV1939. (551.071)

NO ACTION was taken on this item.

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EX6. Purchase, exchange, lease, or value of real property located in Central El Paso, Texas. HQ # 23-895. (551.072)

NO ACTION was taken on this item.

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ADJOURN
.....

Motion made, seconded, and unanimously carried to **ADJOURN** this meeting at 5:00 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

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APPROVED AS TO CONTENT:



Laura D. Prine, City Clerk