

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

DECEMBER 12, 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 9:01 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Joe Molinar, Isabel Salcido, and Rivera. Late arrivals: Cassandra Hernandez, Art Fierro, and Chris Canales at 9:08 a.m.

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

PLEDGE OF ALLEGIANCE

The Regular City Council meeting was **RECESSED** at 9:09 a.m. for pictures with performing choir.
The Regular City Council meeting was **RECONVENED** at 9:14 a.m.

MAYOR'S PROCLAMATIONS

Beacons of Hope Day

Wayne Thornton Community Center at Grandview Day

Armando Rodriguez Day

Tony the Tiger Sun Bowl Week

RECOGNITIONS BY MAYOR

Veterans Patriotic Commemorative Plaque

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 10:04 a.m.

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Annello, seconded by Representative Salcido, 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 Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Kennedy

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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 Special City Council Meeting of December 4, 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 1: Create an Environment Conducive to Strong, Sustainable Economic Development
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3. ***RESOLUTION**

WHEREAS, the City of El Paso, as recipient of a grant of authority from the U.S. Foreign Trade Zones Board, is authorized to establish, operate, and maintain Foreign Trade Zone No. 68; and

WHEREAS, the City of El Paso, by and through its Department of Aviation, established, owns, operates, and maintains Foreign Trade Zone No. 68 in order to expedite and encourage foreign commerce in the El Paso region; and

WHEREAS, the City of El Paso desires to submit a minor boundary modification application to the U.S. Foreign Trade Zone Board to modify the boundaries of Foreign Trade Zone No. 68 to include a new site which will be used primarily for distribution operations and to delete an identified site which is no longer suitable for use in Foreign-Trade Zone No. 68; and

WHEREAS, the City of El Paso desires the minor boundary application be subject to the activation limit under the traditional site framework,

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

That the Director of Aviation or designee be authorized to submit a minor boundary modification application, including all supporting documents and coordination with taxing entities for letters of support, to the U.S. Foreign Trade Zone Board, which will modify the boundaries of Foreign Trade Zone No. 68 to include the following parcel:

490 A Bill Burnett, City of El Paso, El Paso County, Texas 79925 which is Building 1 of the new Constellation Development Industrial Park (approximately 25 acres).

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

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***RESOLUTION**
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WHEREAS, Ordinance No. 18059, approved by the City Council of the City of El Paso on August 6, 2013, authorizes City Council to declare limited periods of "amnesty" to allow borrowers of items from the El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for lost items; and

WHEREAS, the Library has participated in the annual MLK Canned Food Drive since 2001 and has helped collect more than 300 tons of food to help feed the hungry in El Paso; and

WHEREAS, the Library desires to encourage donations of canned and non-perishable food donations to the MLK Canned Food Drive, an initiative of the City of El Paso.

WHEREAS, the Library plans on partnering with Animal Services to help collect food for pets to help feed hungry animals and encourage the donation of food for pets to Animal Services.

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

That the period of January 2, 2024, through January 20, 2024, be declared Library Amnesty period for the El Paso Public Library ("the Library") to waive \$1.00 worth of fines for every canned or non-perishable food donation, \$1.00 worth of fines for every can of pet food, and \$2.00 worth of fines for every pound of dry pet food made to the MLK Canned Food Drive and Animal Services at Library locations, provided that all materials are returned to the Library in good condition.

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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5.

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***RESOLUTION**
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WHEREAS, the City Council of the City of El Paso ("City") established Transportation Reinvestment Zone Number Two ("TRZ 2" or "Zone") pursuant to the provision of Texas Transportation Code Section 222 ("Act") to promote transportation and transit-related projects, via adoption of Ordinance 017332, on May 25, 2010; and

WHEREAS, on or about August 2010; the City pledged the proceeds of TRZ 2 to repay loan number S2010-001-02; K-10-Americas from the State Infrastructure Bank ("SIB") in the approximate amount of \$30,000,000; and

WHEREAS, on or about February 2012; the City pledged the proceeds of TRZ 2 to repay a loan number S2011-001-03; K-12-Zaragoza from the SIB in the approximate amount of \$20,000,000; and

WHEREAS, on or about June 2021; the City pledged the proceeds of TRZ 2 to repay a loan number S2020-006-05; K-21-I-10 Widening from the SIB in the approximate amount of \$30,000,000; and

WHEREAS, on or about July 31, 2023 the City approved the payment, in full, of the aforementioned SIB loans in advance of their respective amortization schedules in order to allow the City to save approximately \$20.6 million in interest and financing charges; and

WHEREAS, on or about October 4, 2023 the City received confirmation from the SIB of payment in full of loan S2010-001-02; K-10-Americas; and

WHEREAS, on or about August 7, 2023 the City received confirmation from the SIB of payment in full of loan(s) S2020-006-05; K-21-I-10 Widening and S2011-001-03; K-12-Zaragoza; and

WHEREAS, Ordinance 017332 allows for the termination of the Zone in accordance with the termination provisions of the Act; and

WHEREAS, subsection 222.106(j) terminates the Zone on December 31st of the year in which a municipality completes all contractual requirements that included the pledge or assignment of all or a portion of money deposited to a tax increment account; or the repayment of money owed under an agreement for development, redevelopment, or improvement of the project or projects for which the zone was designated; and

WHEREAS, subsection 222.106(l) of the act allows for any surplus remaining in a tax increment account on termination of a zone may be used for other purposes as determined by the municipality.

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

THAT, the recitals and findings included in this Resolution are found to be true and correct; and

THAT, having met the requirements of subsection 222.106(j) of the Act the Zone will terminate on December 31, 2023; and

THAT, upon termination of the Zone; the City Manager, or designee, be authorized to transfer any funds remaining in the Zone's tax increment account to the General Fund.

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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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6. *Motion made, seconded, and unanimously carried to **APPROVE** a refund to CoreLogic Refunds Dept., in the amount of \$4,347.00 for an overpayment made on December 29, 2021 of 2021 taxes, Geo. # S380-999-0110-2600. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00.

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CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:
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Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community
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7. *Motion made, seconded, and unanimously carried to **NOTE** pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by City Representative Alexandra Annello: Robert & Rosario Halpern \$2,000.

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CONSENT AGENDA – BIDS:
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Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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ITEMS 8 AND 9 WERE TAKEN TOGETHER
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8. **ITEM:** The award of Solicitation 2024-0019 Bel Air High School HAWK Signal Improvements to EL PASO A.R.C. ELECTRIC, INC. for a total estimated amount of \$198,332.21. This contract will allow for the installation of a HAWK - Pedestrian Hybrid Beacon Signal at the intersection of Yarbrough Drive and Esther Road to serve Bel Air High School.

Department:	Streets and Maintenance
Award to:	EL PASO A.R.C. ELECTRIC, INC.
City & State:	El Paso, TX
Item(s):	Base Bid I
Contract Term:	90 Consecutive Calendar Days
Base Bid I:	\$198,332.21
Total Estimated Award:	\$198,332.21
Account(s):	532 - 4970 - 580270 - 32020 - PCP23ST001
Funding Source(s):	Other Outside Sources Fund - Bel Air HAWK System Flashers Project
District(s):	7

This was a Low Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to EL PASO A.R.C. ELECTRIC, INC. the lowest responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

9. **ITEM:** The award of Solicitation 2024-0018 Eastwood High School HAWK Signal Improvements to EL PASO A.R.C. ELECTRIC, INC. for a total estimated amount of \$172,764.89. This contract will allow for the installation of a HAWK - Pedestrian Hybrid Beacon Signal at the intersection of McRae Boulevard and Daugherty Drive to serve Eastwood High School.

Department:	Streets and Maintenance
Award to:	EL PASO A.R.C. ELECTRIC, INC.
City & State:	El Paso, TX
Item(s):	Base Bid I
Contract Term:	90 Consecutive Calendar Days
Base Bid I:	\$172,764.89
Total Estimated Award:	\$172,764.89
Account(s):	532 - 4970 - 580270 - 32020 - PCP23ST001
Funding Source(s):	Other Outside Sources Fund - Eastwood HAWK System Flashers Project
District(s):	7

This was a Low Bid Procurement - unit price contract.

The Purchasing & Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to EL PASO A.R.C. ELECTRIC, INC. the lowest responsive and responsible bidder.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

Mr. Jose Gutierrez, Streets and Maintenance Project Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

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 Annello, and unanimously carried to **AWARD** the Solicitations.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Salcido

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

10. Presentation on the FY 2023 4th Quarter Financial Report.

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

Mayor Leeser and Representative Hernandez commented.

Mr. Cary Westin, Interim City Manager, commented.

NO ACTION was taken on this item.

11. Presentation and discussion providing a preview of the upcoming Strategic Planning Session, including the integration of the Comprehensive Plan Update, and an operations update focused on the Parks System and City Facilities:

1. Parks System Update (Ben Fyffe and Emigdio Gonzalez)

2. Facilities Update (Victor Morales)

3. Strategic Planning Session preview and integration of the Comprehensive Plan Update (Juliana Baldwin-Munoz and Alex Hoffman)

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

- Mr. Ben Fyffe, Cultural Affairs and Recreation Managing Director
- Mr. Emigdio Gonzalez, Parks Operations Superintendent
- Mr. Victor Morales, Facilities Engineer
- Ms. Juliana Baldwin-Munoz, Chief Transformation Officer
- Mr. Alex Hoffman, Capital Improvement Department Assistant Director
- Mr. Nahum Apodaca, Comprehensive Plan Project Manager

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

Mr. Cary Westin, Interim City Manager, commented.

NO ACTION was taken on this item.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

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

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried to **POSTPONE** the presentation for **FIVE WEEKS**.

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

NAYS: None

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

13. *Motion made, seconded, and unanimously carried to **POSTPONE FIVE WEEKS** the discussion on City Council-requested action to develop additional Police Department policies with respect to gender-diverse individuals and bias-free policing.

CALL TO THE PUBLIC – PUBLIC COMMENT:

The following members of the public commented:

1. Mr. Arnulfo Hernandez
2. Ms. Elizabeth Crawford
3. Mr. Ron Comeau
4. Ms. Patricia Osmond
5. Ms. Carmen E. Rodriguez
6. Vero Ann Carrillo – statement read into the record by the City Clerk

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

14. Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to issue a Purchase Order for Solicitation 2024-0196 Youth Football Referees to David Baray for an initial term of three (3) years for an estimated amount of \$724,050.00. This contract will allow the procurement of certified football referees to officiate Youth Football tournaments and leagues for the Parks and Recreation Department.

Contract Variance The difference based in comparison to the previous contract is as follows: An annual increase of \$51,950.00, which represents a 26.89% due to the "not to exceed cost per game" was increased by Parks and Recreation Department for Youth Football Referees due to the current wage market for this new contract.

Department:	Parks and Recreation
Award to:	David Baray
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	NA
Total Contract Time:	3 Years
Annual Estimated Award:	\$241,350.00
Initial Term Estimated Award:	\$724,050.00
Option Term Estimated Award:	NA
Total Estimated Award:	\$724,050.00
Account(s):	451 - 1000 - 51270 - 522110 - P5113
Funding Source(s):	General Fund
District(s):	All

Non-competitive unit price contract under Procurement Sourcing Policy Section 9.1.8.1 (2): If a contract cannot be awarded after two competitive procurements/selection process. The requirement can be fulfilled by a non-competitive award.

The Purchasing & Strategic Sourcing Department and Parks and Recreation Department recommend award as indicated to David Baray under the exemption listed above.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

NAYS: None

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

15. Motion made by Representative Fierro, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** the Director of Purchasing & Strategic Sourcing Department to issue a Purchase Order(s) for Solicitation 2024-0152 Digital Learning Computers for Kids to AWE Acquisition, Inc. dba AWE Learning the (sole source/sole and/or authorized distributor) for a one-time purchase for an estimated amount of \$77,755.00. This contract will allow the Libraries Department to purchase Bilingual computer stations for kids.

Contract Variance:

No contract variance, new purchase of equipment of this sort.

Department:	Libraries
Award to:	AWE Acquisition, Inc. dba AWE Learning
City & State:	Chester, PA
Item(s):	All
Total Contract Time:	One-time
Total Estimated Award:	\$77,755.00
Account(s):	533020-453-4930-53000-P22ROLLIBCOMPLAB
Funding Source(s):	Libraries - Capital Projects - Internal
District(s):	All

Non-Competitive Procurement under Local Government General Exemption: Section 252.022 -(7) a procurement of items that are available from only one source - (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; (E) books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials.

The Purchasing & Strategic Sourcing Department and Libraries recommend award as indicated to AWE Acquisition, Inc. dba AWE Learning under the exemption listed above.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

NAYS: None

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

16. Motion made by Representative Fierro, seconded by Representative Salcido, and carried to **AWARD** Solicitation No. 2024-0113R Executive Recruiting Services (Re-Bid) for on-call executive recruitment services. Services will be requested on a task order basis by and between the following two (2) firms:

1. Baker Tilly US, LLP; and
2. Octagon Staffing, LLC

Each consultant will perform the work on a task order basis pursuant to the rates established in Solicitation No. 2024-0113R. Each on-call executive recruitment award for an initial term of three (3) years for an estimated amount of \$540,000.00. The award also includes a two (2) year option for an estimated amount of \$360,000.00. The total amount of the contract, including the initial term plus the option for a total of five (5) years, is for an estimated amount of \$900,000.00.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$90,000.00 for the initial term, which represents a 20.00% increase due to additional executive positions included under this contract.

This was a Request for Proposals Procurement - service contract.

The Purchasing & Strategic Sourcing Department and Human Resources Department recommend award as indicated to Baker Tilly US, LLP and Octagon Staffing, LLC the highest ranked offerors based on the evaluation factors established in the evaluation criteria for this procurement and to deem Brightpath Associates, LLC non responsive due not providing a fixed cost but a percentage amount.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

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

Goal 8: Set the Standard for Sound Governance and Fiscal Management

17. Motion made by Representative Fierro, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation 2023-0624 Animal Services Janitorial Service to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$458,211.60. The award also includes a two (2) year option for an estimated amount of \$305,474.40. The total contract time is for five (5) years for a total estimated amount of \$763,686.00. This contract will provide daily cleaning for the lobby, restrooms and high traffic areas for three locations around the city.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$357,152.40 for the initial term, which represents a 353.41% increase due to the addition of a third location as well as an increase in hourly rate.

Department: Animal Services

Award to:	Ace Government Services, LLC
City & State:	El Paso, TX
Item(s):	All
Initial Term:	3 Years
Option Term:	2 Years
Total Contract Time:	5 Years
Annual Estimated Award:	\$152,737.20
Initial Term Estimated Award:	\$458,211.60
Option Term Estimated Award:	\$305,474.40
Total Estimated Award:	\$763,686.00
Account(s):	225 - 2580 - 25110 - 522060
Funding Source(s):	Animal Services Fund
District(s):	All

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

The Purchasing & Strategic Sourcing Department and Animal Services Department recommend award as indicated to Ace Government Services, LLC the highest ranked bidder based on the evaluation factors established in the evaluation criteria for this procurement and to deem Amanda Pauline Nyser dba Axiom Enterprise Solutions, LLC and Vicente Monreal dba Life Landscaping on responsive due to submitting the incorrect bid form.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

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

NAYS: None

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

18. ORDINANCE 019578

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES), AND APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS) TO ADOPT THE UNION PLAZA ARCHITECTURAL AND DESIGN GUIDELINES AND UPDATE REFERENCES. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Leeser commented.

Motion duly made by Mayor Pro Tempore Annello, seconded by Representative Fierro, 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

19.

ORDINANCE 019579

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY LOCATED ON THE PROPERTY DESCRIBED AS PORTION OF TRACT 18-A, BLOCK 4, UPPER VALLEY. CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Kennedy, seconded by Representative Fierro, 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**.

20.

ORDINANCE 019580

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A 0.948 ACRE PORTION OF RANDOLPH STREET AND BLACKER AVENUE RIGHT-OF-WAY, LOCATED WITHIN ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS**

Motion duly made by Representative Canales, seconded by Representative Fierro, 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 6: Set the Standard for Sound Governance and Fiscal Management

21.

ORDINANCE 019581

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS), TO AMEND THE FOLLOWING: SECTION 2.92.020 (DEFINITIONS) SUBSECTION (10) TO UPDATE THE DEFINITION OF "CONTRIBUTION"; SECTION 2.92.080 (DISCLOSURE OF CAMPAIGN CONTRIBUTIONS) TO REQUIRE ADDITIONAL DISCLOSURES REGARDING CONTRIBUTIONS OR DONATIONS FROM INDIVIDUALS OR BUSINESS ENTITIES RECEIVING A BENEFIT FROM A VOTE OF CITY COUNCIL; SECTIONS 2.92.120 (JURISDICTION), SUBSECTION 2.92.130(A)(5) (DUTIES) AND SUBSECTION 2.92.160(B) (FILING A COMPLAINT) TO INCLUDE COMMISSION JURISDICTION OVER AND PROCESS FOR COMPLAINTS REGARDING CANDIDATES, POLITICAL COMMITTEES AND INDIVIDUALS OR BUSINESS ENTITIES OBLIGATED UNDER SECTION 2.92.080; SECTION 2.92.160(C) (FILING A COMPLAINT), TO CLARIFY PROCESS FOR COMPLAINTS REGARDING THE CHIEF INTERNAL AUDITOR; SECTION 2.92.170(A) (COMPLAINT REVIEW) TO AMEND THE TIME PERIOD FOR RESPONSE TO AN ETHICS COMPLAINT; AND SECTION 2.92.200 (DISPOSITION) TO INCLUDE A FINE OF UP TO \$500 AS A POSSIBLE SANCTION FOR VIOLATION OF THE ETHICS CODE.**

Ms. Kristen Hamilton-Karam, Deputy City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Fierro and Canales commented.

Mr. Robert Cortinas, Chief Financial Officer, commented.

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, Salcido, Fierro, Rivera and Canales

NAYS: Representatives Hernandez and Molinar

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

22.

RESOLUTION

WHEREAS, on February 1, 2022, the El Paso City Council approved the Air Service Development Incentive Program revision to encourage new non-stop commercial passenger service, new airlines and new unserved markets, whether those markets be domestic or international; and

WHEREAS, on May 24, 2022, City Council approved the revised Air Service Development Incentive Program providing temporary financial relief to an airline beginning new non-stop commercial passenger service to a destination; and

WHEREAS, the City staff recommends that the Air Service Development Incentive Program be revised to include a temporary fee waiver for Federal Inspection Station use for new international nonstops.

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

THAT the El Paso International Airport Air Service Development Incentive Program for passenger airlines, attached hereto as Exhibit "A"**, be approved and made effective on December 12, 2023; and

THAT the prior El Paso International Airport Air Service Development Incentive Program effective May 24, 2022 will no longer be in effect on December 12, 2023.

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

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

Mayor Leaser and Representatives Salcido and Canales commented.

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

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

NAYS: None

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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23.

**RESOLUTION ADOPTING THE
RULES OF ORDER FOR THE EL PASO CITY COUNCIL
REVISED, AS EFFECTIVE DECEMBER 12, 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. The Rules of Debate shall apply in Executive Session.

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. The Rules of Debate shall also apply in Executive Session.

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.

Call to the 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.

Members of Council may request virtual attendance no earlier than three months in advance. 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. In the case of personal emergency, a member of Council may request to appear virtually after the Wednesday deadline by notifying the City Clerk no later than 5 p.m. on the business day prior to the meeting, and in this instance the videoconference attendance will be included on the list of revisions to the agenda. Videoconference attendance is granted on a first-come first-serve basis. At no time shall more than two members of Council appear by videoconference. Members of Council shall not request to attend by videoconference more than one regular meeting week in a row without prior approval of Council.

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.

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

R E S O L U T I O N

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, the Emergency Videoconference Resolution dated May 23, 2023 requires 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, the City Council desires to amend the Meetings by Videoconference Resolution to adjust the notification deadline to appear by videoconference in cases of personal emergency; and

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 the case of personal emergency, a member of Council may request to appear virtually after the Wednesday deadline by notifying the City Clerk no later than 5 p.m. on the business day prior to the meeting, and in this instance the videoconference attendance will be included on the list of revisions to the agenda. At no time shall more than two members of Council appear by videoconference.

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.

Representative Rivera commented.

Ms. Laura Prine, City Clerk, commented.

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

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

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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24.

R E S O L U T I O N

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

That the Policies and Procedures for implementing the Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program, Housing Opportunities for Persons with AIDS (HOPWA) Program, and HOME Investment Partnerships Program (HOME) are approved and adopted, and that the Director of Community and Human Development be authorized to make amendments to the policies and grant exceptions to the policies and procedures provided such exceptions do not violate any federal regulations.

Ms. Patricia Osmond, citizen, commented.

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

.....
EXECUTIVE SESSION
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Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:55 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Executive Session at 1:55 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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EX1. Jacob Barreras v. El Paso Fire Department; Cause No. 123-00047-CV (551.071)

NO ACTION was taken on this item.

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EX2. Compliance Filing of El Paso Electric Company to Revise Certain Meter-Related Charges Pursuant to Docket No. 52040 - PUC No. 55425. HQ#UTILITY-28 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Kennedy, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to hire and retain outside counsel and any other necessary consultants, and to intervene in the *El Paso Electric Annual Compliance Filing to Revise Certain Meter-Related Charges: Advanced Metering System*, under the Texas Public Utility Commission, Docket No. 55425, in Matter Number HighQ Utility-28, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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EX3. Application of El Paso Electric Company to Amend Its Certificate of Convenience and Necessity for a 150 MW Solar Generating Facility Pursuant to - PUC Docket No. 54929. HQ#UTILITY-7 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Fierro, and unanimously carried that the City Attorney in consultation with the City Manager be authorized to **APPROVE** the settlement in the *El Paso Electric Application for a Certificate of Convenience and Necessity ("CCN") for 150 MW Solar Generating Facility*, under the Texas Public Utility Commission, Docket No. 54929, in Matter Number HighQ Utility-7, 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
ABSTAINED: Representative Hernandez

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EX4. Workplace Complaint submitted to the City by Chief Internal Auditor. HQ# 23-1372 (551.071)

NO ACTION was taken on this item.

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ADJOURN
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Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried to **ADJOURN** this meeting at 1:58 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