OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER

CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

March 29, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Cassandra Hernandez participated via videoconference. Late arrival: Claudia Rodriguez at 10:26 a.m. Early departure: Peter Svarzbein at 5:55 p.m.

INVOCATION BY POLICE FIRE AND MINISTRY COORDINATOR FOR THE SHERIFF'S OFFICE, CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

Greater El Paso Association of REALTORS Appreciation Day

Sexual Assault Awareness Month

RECOGNITION

Northeast Business Alliance to recognize Mayor Oscar Leeser, City Representative Joe Molinar and City Representative Alexsandra Annello

NOTICE TO THE PUBLIC

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

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rivera, and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Rodriguez

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 March 15, 2022, the Agenda Review Meeting of March 14, 2022, the Work Session of March 14, 2022, and the Work Session of February 28, 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:

*Motion made, seconded, and unanimously carried to **DELETE** the request to excuse Representative Cassandra Hernandez from the Regular City Council Meeting of Tuesday, March 29, 2022.

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

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

That the City Manager be authorized to sign the 1st Amendment between the City of El Paso and Bella Vista Place LP, to reduce the abatement grant period by one year at the end of the term of the Tax Abatement Agreement to modify the word “Term”, when used in reference to the term of the Agreement, shall mean a period not to exceed six (6) years from the Effective Date of the Agreement.

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

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4. R E S O L U T I O N

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

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 3007107 for the El Paso Police Department project identified as "El Paso 2021 OPSG"; and

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

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

1. **THAT,** the El Paso City Council authorizes the grant application submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 3007107, for the City of El Paso Police Department project identified as "El Paso 2021 OPSG" to provide financial assistance to the City of El Paso.

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

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

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

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

1ST MOTION
*Motion made, seconded, and unanimously carried to **MOVE** the item to the Regular Agenda.

2ND AND FINAL MOTION
Motion made by Representative Rivera, seconded by Representative Salcido, and carried to **APPROVE** the Resolution.

AYES: Representatives Hernandez, Molinar, Salcido, Rivera, Lizarraga
NAYS: Representative Annello
NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Rodriguez

……..

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

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

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

That the City of El Paso Museums and Cultural Affairs Department Cultural Funding Guidelines for Fiscal Year 2023 (attached as Exhibit "A")** be approved, as recommended by the Museums and Cultural Affairs Staff. The Cultural Funding Guidelines for Fiscal Year 2023 include the Artist Incubator Program (AIP), the Operating Support Program (OSP) and the new Arts Activate Program (AAP).

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

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

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

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, SABAL JAMES ("Taxpayer") requested a waiver of penalties and interest on February 12, 2022, before the 181st day after the delinquency date, in the amount of $466.33 for the 2021 delinquent taxes for the property with the following legal description:

20 CORONADO CTRY CLB FTHILLS #5 LOT 8 (10780 SQ FT)

WHEREAS, the Taxpayer paid the taxes owed on the property on February 9, 2022, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of the appraisal district.

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

THAT the Taxpayer, Sabal James has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2021 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of $466.33, for the property with the following legal description:

20 CORONADO CTRY CLB FTHILLS #5 LOT 8 (10780 SQ FT)

……

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

WHEREAS, pursuant to Section 33.011(a)(1) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, SABAL DAVID ("Taxpayer") requested a waiver of penalties and interest on February 12, 2022, before the 181st day after the delinquency date, in the amount of $195.79 for the 2021 delinquent taxes for the property with the following legal description:

66 HIGHLAND PARK 13 & 14 (6000 SQ FT)

WHEREAS, the Taxpayer paid the taxes owed on the property on February 9, 2022, which is not later than the 21st day after the date the taxpayer knew or should have known of the delinquency; and

WHEREAS, the Taxpayer's failure to pay the tax before the delinquency date was a result of an act or omission of the appraisal district.

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

THAT the Taxpayer, Sabal David has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2021 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of $195.79, for the property with the following legal description:

66 HIGHLAND PARK 13 & 14 (6000 SQ FT)

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Goal 8: Nurture and Promote a Healthy, Sustainable Community

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

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso County Hospital District d/b/a University Medical Center of El Paso ("UMC"), for a two-year term, whereby the parties agree to share information for purposes of contributing to each party meeting the immunization metrics required under the Delivery System Reform Incentive Program operated by the Centers for Medicare and Medicaid Services. This Interlocal Agreement does not require an exchange of money between the parties.

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CONSENT AGENDA – BOARD APPOINTMENTS:

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

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9. *Motion made, seconded, and unanimously carried to **APPOINT** Danny Padilla to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Henry Rivera, District 7.

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

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10. *Motion made, seconded, and unanimously carried to **APPOINT** Deborah G. Hamlyn to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser.

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11. *Motion made, seconded, and unanimously carried to **APPOINT** Alexandria Serra to the Ethics Review Commission by Representative Cissy Lizarraga, District 8.

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CONSENT AGENDA – APPLICATION FOR TAX REFUNDS:

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12. *Motion made, seconded, and carried to **APPROVE** the following tax refunds:

1. Laura P. Tercero, in the amount of $3,828.19 made an overpayment on February 10, 2022 of 2021 taxes. (Geo. # 18PP-999-6464-4042)

2. Nathan and Ana Bentley, in the amount of $4,382.41 made an overpayment on January 30, 2022 of 2021 taxes. (Geo. # H788-010-0460-0050)

3. Commercial Escrow, in the amount of $2,586.50 made an overpayment on January 20, 2022 of 2021 taxes. (Geo. # H793-024-0100-0240)

4. TexStar Escrow, in the amount of $3,503.78 made an overpayment on January 30, 2022 of 2021 taxes. (Geo. # T820-999-0080-0200

CONSENT AGENDA – REQUEST TO ISSUE PURCHASE ORDERS

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

13. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing to issue a purchase order to Justice Systems, Inc. referencing Contract 2013-211R Municipal Court Software Rebid. This change order is to increase the contract by $183,000.00 for a total amount not to exceed $3,649,593.00. The change order will cover the expenses for Texting Services, a feature set of the Platform Product that interfaces with the Full Court Enterprise (FCE) operating system for five (5) year term.

Contract Variance:
No contract variance

Department:	Municipal Court
Award to:	Justice Systems, Inc. Albuquerque, NM
Total Estimated Amount:	$183,000.00
Account No.:	111-522020-2535-11030-P1138 -PMC00010
Funding Source:	Municipal Court Restricted Technology Fund
District(s):	All

This is a Request for Proposal, services contract.

CONSENT AGENDA – BIDS

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

14. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2022-0414R Vehicle Washing Services to CWPS Corp. dba Mister Car Wash, Oil Change Express, Mister Express Lube, for a term of three (3) years for an estimated amount of $198,000.00. This contract will allow washing all Police vehicle units.

Contract Variance:
The difference based in comparison to the previous contract is as follows: An increase of $126,000.00 for the initial term, which represents a 175% increase due to the number of Police vehicle car washes per month.

Department:	Police
Vendor:	CWPS Corp. dba Mister Car Wash, Oil Change Express, Mister Express Lube Tucson, AZ
Item(s):	All
Annual Estimated Award:	$66,000.00
Total Estimated Award:	$198,000.00 (3 years)
Account No.:	321-522280-1000-21050
Funding Source:	Vehicle Heavy Equipment off Road Maintenance
District(s):	All

This is a Low Bid, monthly price contract.

The Purchasing and Strategic Sourcing and Police Departments recommend award as indicated to CWPS Corp. dba Mister Car Wash, Oil Change Express, Mister Express Lube, the sole lowest responsive, responsible bidder.

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REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

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

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15. **ITEM:** Discussion and action to authorize District 3 City Representative Cassandra Hernandez to attend Council meetings by video conference more than one regular meeting week in a row, for the meeting week of April 11, 2022 and the meeting week of April 25, 2022.

Representatives Hernandez and Rivera commented.

1ST MOTION
*Motion made, seconded, and unanimously carried to **REVISE** and **MOVE** the item to the **FOREFRONT** of the Regular Agenda

2ND AND FINAL MOTION
Motion made by Representative Annello, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** District 3 City Representative Cassandra Hernandez to attend Council meetings by video conference more than one regular meeting week in a row, for the meeting of March 29, 2022 and the meeting weeks of April 11, 2022 and April 25, 2022.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rivera, Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Svarzbein and Rodriguez

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16. **ITEM:** Discussion and action to direct the City Manager to admit one representative of the American Federation of State County and Municipal Employees (AFSCME) Local 59 as an additional member of the Ad Hoc Charter Advisory Committee to be a technical advisor and to have that modification come back to council in two weeks.

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Molinar, Rivera, and Lizarraga commented.

Ms. Karla Nieman, City Attorney, commented.

Mr. David Guzman, AFSCME Local 59 Labor Relations Manager, commented.

Motion made by Representative Annello, seconded by Representative Molinar, and carried to **APPROVE** the item.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Lizarraga
NAYS: Representative Salcido and Rivera
NOT PRESENT FOR THE VOTE: Representative Rodriguez

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

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

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17. Presentation and discussion from the Office of Congresswoman Veronica Escobar, representative of Texas' 16th Congressional District, on the Infrastructure Investment and Jobs Act, its competitive and noncompetitive grant funding opportunities, other funding and legislative accomplishments and opportunities, and the upcoming FY2023 appropriations process.

Ms. Karina Brasgalla, Economic and International Development Assistant Director for Partnerships, introduced the item.

The following staff members from the Office of Congresswoman Veronica Escobar presented a PowerPoint presentation (copy on file in the City Clerk's Office):

- Mr. Eduardo Lerma, Chief of Staff
- Ms. Emily Loya, District Director
- Mr. Benjamin Harrison, Senior Legislative Assistant

Mayor Leeser and Representatives Svarzbein, Molinar, and Lizarraga commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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18. Budget Update.

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

Representatives Svarzbein, Annello, and Molinar commented.

The following City staff members commented:

- Mr. Tommy Gonzalez City Manager
- Ms. Mary Michel, Human Resources Assistant Director

NO ACTION was taken on this item.

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19. Presentation and discussion providing a report from the following Goal Teams:

1. Vision Block: Safe and Beautiful Neighborhoods:

    a) Goal 2 (Safe and Secure City)

    b) Goal 7 (Infrastructure)

    c) Goal 8 (Healthy, Sustainable Community)

Ms. Julie Baldwin-Munoz, Performance Office Director, introduced the item.

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

- Assistant Police Chief, Zina Silva
- Assistant Fire Chief, Robert Arvizu
- Ms. Yvette Hernandez, Grant Funded Program Director
- Ms. Ellen Smyth, Environmental Services and Sun Metro Managing Director

Mayor Leeser and Representatives Svarzbein, and Annello commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Dionne Mack, Deputy City Manager of Public Safety

NO ACTION was taken on this item.

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The Regular City Council meeting was **RECESSED** at 11:28 a.m. until noon for Call to the Public.

The Regular City Council meeting was **RECONVENED** at 12:01 p.m.

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CALL TO THE PUBLIC – PUBLIC COMMENT:

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The following members of the public commented:

1. Emmy Jordan Castillo
2. Pierre Euzarraga
3. Ron Comeau
4. Benjamin Alva
5. Efrain Saucedo
6. Dora Oaxaca
7. Michael Apodaca
8. Brooke Underwood

Motion made by Representative Annello, seconded by Representative Rivera and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow for additional speakers after the sign-up period.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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REGULAR AGENDA – FIRST READING OF ORDINANCES:

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

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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

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20. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on certain streets) of the City Code, to add paragraph 387 to prohibit parking on certain portions of Schwarzkopf Drive; the penalty being provided in Chapter 12.84 of the El Paso City Code.

Representative Molinar commented.

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PUBLIC HEARING WILL BE HELD ON APRIL 12, 2022

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REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

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21. Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried to **AWARD** Solicitation 2022-0004 Security Services - Municipal Buildings to Night Eyes Protective Services, Inc. for an initial three (3) year term for an estimated amount of $2,063,664.00. The award also includes a two (2) year option for an estimated amount of $1,375,776.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of $3,439,440.00. This contract will allow security services at various municipal buildings.

Contract Variance:
The difference based in comparison to the previous contract is as follows: An increase of $1,128,945.60 for the initial term, which represents a 120.78% increase due to increase in labor costs and additional locations.

Department:	Streets and Maintenance
Vendor:	Night Eyes Protective Services, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	$687,888.00
Initial Term Estimated Award:	$2,063,664.00 (3 years)
Total Estimated Award:	$3,439,440.00 (5 years)
Account No.:	532 - 1000 - 522120 - 31040 - P3120
Funding Source:	General Fund
District(s):	All

This is a Best Value contract.

The Purchasing and Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Night Eyes Protective Services, Inc., the bidder offering

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

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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22. Motion made by Representative Molinar, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation 2022-0003 Janitorial Services - Fire Facilities and NW Corral to Mirador Enterprises, Inc. for an initial three (3) year term for an estimated amount of $353,370.99. The award also includes a two (2) year option for an estimated amount of $235,580.66. The total value of the contract is, including the initial term plus the option, for a total of five (5) years, for an estimated amount of $588,951.65. This contract will allow janitorial services at various fire facilities and NW corral.

Contract Variance:
The difference based in comparison to the previous contract is as follows: An increase of $86,720.78 for the initial term, which represents a 32.52% increase due to increase in labor costs.

Department:	Streets and Maintenance
Vendor:	Mirador Enterprises, Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	$117,790.33
Initial Term Estimated Award:	$353,370.99 (3 years)
Total Estimated Award:	$588,951.65 (5 years)
Account No.:	532 - 1000 - 522060 - 31040 - P3120
Funding Source:	General Fund
District(s):	All

This is a Best Value contract.

The Purchasing and Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to Mirador Enterprises, Inc., the bidder offering the best value bid. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

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REGULAR AGENDA – INTRODUCTION AND PUBLIC HEARINGS:

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

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23. **ITEMS 23 AND 24 WERE TAKEN TOGETHER**

ORDINANCE 019314

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2022" PLEDGING THE NET REVENUES OF THE MUNICIPAL DRAINAGE UTILITY SYSTEM TO THE PAYMENT OF SUCH BONDS; AND RESOLVING OTHER MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE.**

24. ORDINANCE 019315

The City Clerk read and Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 2022" FOR SYSTEM IMPROVEMENTS AND TO REFUND CERTAIN PREVIOUSLY ISSUED OBLIGATIONS OF THE CITY; AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECT SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS**.

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Molinar, Rivera, and Lizarraga commented.

The following City staff members and consultants commented:

- Ms. Marcela Navarrete, El Paso Water Vice President of Strategic, Financial and Management Services
- Ms. Karla Nieman, City Attorney
- Mr. Paul Braden, Bond Counsel
- Mr. Tommy Gonzalez, City Manager

Rick Bonart, citizen, commented.

1ST MOTION:
Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, to **POSTPONE** the items for **TWO-WEEKS.**

AYES: Representatives Svarzbein and Annello
NAYS: Representatives Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
THE MOTION FAILED

2ND MOTION FOR ITEM 24:
Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried to **AMEND** the Ordinance authorizing the issuance of "City of El Paso, Texas, Water and Sewer Revenue Improvement and Refunding Bonds, Series 2022" (item 24) by **DELETING** Covenant (K) regarding certain land transfers.

AYES: Representatives Svarzbein, Annello, Molinar, Salcido, Rodriguez, and Rivera
NAYS: Representatives Hernandez and Lizarraga

3RD AND FINAL MOTION:
Motion duly made by Representative Rivera, seconded by Representative Lizarraga, and carried that the Ordinances be **ADOPTED AS AMENDED.**

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rivera and Lizarraga
NAYS: Representative Rodriguez

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

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REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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Goal 3: Promote the Visual Image of El Paso

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25. ITEMS 25 AND 26 WERE TAKEN TOGETHER

ORDINANCE 019316

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN "PLAN EL PASO" FOR THE PROPERTIES LEGALLY DESCRIBED AS A PORTION OF SECTION 17, BLOCK 79, TOWNSHIP 3 OF THE T & P RR COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O6, POTENTIAL ANNEXATION TO G4, SUBURBAN (WALKABLE).**

26. ORDINANCE 019317

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS PARCEL 1: THE EAST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 2: THE EAST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ & THE WEST ½ OF THE NORTHWEST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 3: THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 4: THE WEST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 5: THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 6: THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 7: THE WEST ½ OF THE NORTHWEST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS,**

CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 8: THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 9: THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL); AND, PARCEL 10: THE EAST ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, SECTION 17, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL). 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 Rodriguez, seconded by Representative Molinar, and carried that the Ordinances 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 Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

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

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27. ORDINANCE 019318

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 12 AND 13, SAVE AND EXCEPT A PORTION THEREOF, R.L. ORBANDT SUBDIVISION, 170 POLO INN ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-MU (RESIDENTIAL MIXED USE) AND APPROVING A MASTER ZONING PLAN. 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.

Representatives Annello and Hernandez commented.

Mr. Raul Garcia, Planning and Inspections Project Manager, commented.

Motion duly made by Representative Rodriguez, 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 Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

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

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28. **ITEM:** An Ordinance granting Special Permit No. PZST21-00018, to allow for a crematorium on the property described as Lots 6 and 7, Block 2, Golden Gate Commercial Park, 1755 Zaragoza Road, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 1755 Zaragoza Road
Applicant: Golden Gate Family LTD, PZST21-00018

Mr. Raul Garcia, Planning and Inspections Project Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Molinar, Rodriguez, and Rivera commented.

Motion made by Representative Rodriguez, seconded by Representative Rivera, and unanimously carried to **POSTPONE** the item for **FOUR WEEKS.**

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

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REGULAR AGENDA – OTHER BUSINESS:

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

……...

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

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between **CITY OF EL PASO** ("City") and **SCENIC VIEW TOWNHOMES, LLC** ("Applicant") in support of an infill development project located at 1360 N. Cotton Street, El Paso, Texas 79930. The Agreement requires the Applicant to make a minimum investment of $950,000.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed $56,949.00 in the form of a Property Tax Rebate, a Construction Materials Sales Tax Rebate, and a Building Construction Fee Rebate.

Representative Annello commented.

The following City staff members commented:

- Ms. Melissa Chaidez, Economic Development Specialist

- Ms. Mirella Craigo, Economic and International Development Assistant Director
- Ms. Elizabeth Triggs, Economic and International Development Director

1ST MOTION:
Motion made by Representative Annello, seconded by Representative Salcido, and unanimously carried to **TABLE** the item until the end of the Regular Agenda.

2ND MOTION:
Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **TAKE** the item from the Table.

3RD AND FINAL MOTION:
Motion made by Representative Annello, seconded by Mayor Pro Tempore Svarzbein, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

……...

30. R E S O L U T I O N

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between CITY OF EL PASO ("City") and HELUE PROPERTIES, LLC ("Applicant") in support of an infill development project located at 1255 N. Cotton Street, El Paso, Texas 79902. The Agreement requires the Applicant to make a minimum investment of $900,000.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed $46,854.00 in the form of a Property Tax Rebate, a Construction Materials Sales Tax Rebate, and a Building Construction Fee Rebate.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

……...

31. R E S O L U T I O N

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") between the City of El Paso (the "City") and Pioneers 21 (the "Applicant"). The City will provide Applicant with grant payments for costs incurred in operating a business incubator in downtown El Paso that will support local entrepreneurship and innovation development and accelerate economic development efforts in the City. The total amount of grant payments paid to the Applicant shall not exceed $500,000.00 over the term of the Agreement. The Applicant's eligibility for the grant payments shall be limited to two years. The City shall review the Applicant's eligibility for Grant Payments on a monthly and annual basis.

Ms. Mirella Craigo, Economic and International Development Assistant Director, read a floor amendment into the record.

Representative Svarzbein commented.

Mr. Cary Westin, Senior Deputy City Manager, commented.

Laura Butler, citizen, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** the Resolution and **AMEND** the Performance Metrics in Exhibit C.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

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

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32. Motion made by Representative Rivera, seconded by Representative Molinar, and carried to **AUTHORIZE** the Director of the Purchasing and Strategic Sourcing Department to issue a Purchase Order (s) to Morpho USA, Inc., dba Idemia Identity & Security USA LLC the sole source provider for the 2022-0487 Maintenance and Support for Multi-Biometric Identification System for a term of seven (7) years for an estimated amount of $1,516,848.03, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Contract Variance:
No contract variance

Department:	El Paso Police Department
Award to:	Morpho USA Inc., dba Idemia Identity & Security USA LLC Anaheim, CA
Initial Term:	7 years
Year 1:	$186,299.00
Year 2:	$195,613.95
Year 3:	$205,394.65
Year 4:	$215,664.38
Year 5:	$226,447.60
Year 6:	$237,769.98
Year 7:	$249,658.48
Total Estimated Award:	$1,516,848.03 (7 years)
Account No.:	239-1000-15240-P1506-522020
Funding Source:	General Fund - IT - Citywide Contracts Division
Districts(s):	All
Sole Source No.:	2022-0487

This is a Sole source, service contract.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Annello

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33. Motion made by Representative Molinar, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** the Director of the Purchasing and Strategic Sourcing Department to issue a Purchase Order(s) to Crime Gun Intelligence Technologies, LLC, the sole distributor for the 2022-0505 Gunshot Detection for a term of one (1) year for an estimated amount of $57,608.40. The award of the contract for the gunshot detection system is an asset to the El Paso Police Department as it provides real time information, which will assist the department in better addressing crime.

Contract Variance:
The difference based in comparison to the previous contract is as follows: A decrease of $5,391.58 for the initial term, which represents an 8.56% decrease due to a reduction in cost for training which is no longer necessary.

Department:	Police Department
Award to:	Crime Gun Intelligence Technologies, LLC Tupelo, MS
Total Estimated Award:	$ 57,608.40
Account No.:	321-2680-21210-580090-P2104-GT2121SNP
Funding Source:	Grant Funded
District(s):	All
Sole Source No.:	2022-0505

This is a sole source contract.

The Purchasing and Strategic Sourcing and Police Departments recommend award as indicated to Crime Gun Intelligence Technologies, LLC, the sole distributor for Gunshot Detection Sensors.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

……

34. Motion made by Representative Molinar, seconded by Representative Rivera, and unanimously carried to **AUTHORIZE** the Director of the Purchasing and Strategic Sourcing Department to issue a Purchase Order(s) to Siddons-Martin Emergency Group, LLC., the sole distributor provider for Pierce Proprietary Parts Repair and Maintenance Training Service for a term of three (3) years for an estimated amount of $864,000.00, with the stipulation that the vendor provides an updated sole source letter and affidavit each year. The award of this contract will allow the purchase of Pierce Proprietary Parts Repair and Maintenance Training Service for fire apparatus.

Contract Variance:
The difference based in comparison to the previous contract is as follows: An increase of $144,000.00 for the three (3) year term, which represents a 20.00% increase due to an increase in Fire Department equipment requiring maintenance.

Department:	Fire
Vendor:	Siddons-Martin Emergency Group, LLC. Houston, TX
Item(s):	All
Initial Term:	3 years

Annual Estimated Award:	$288,000.00
Initial Term Estimated Award:	$864,000.00 (3 years)
Account No.:	531180 - 322 - 1000 - 22090 - P2216
Funding Source:	General Fund
District(s):	All

This is a Sole Source contract.

AYES: Representatives Svarzbein, Annello, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Hernandez

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

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35. R E S O L U T I O N

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, STATE OF TEXAS, APPROVING RULES FOR THE ELECTRONIC RECEIPT OF BIDS OR PROPOSALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, Section 252.0415(a) of the Texas Local Government Code provides authority for a municipality to receive bids or proposal through electronic transmission; and

WHEREAS, prior to receiving bids or proposals through electronic transmission, the Local Government Code requires the governing body of the municipality to adopt rules ensuring the identification, security, and confidentiality of electronic bids or proposal; and

WHEREAS, said rules must further ensure that the electronic bids or proposal remain effectively unopened until the proper time.

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

SECTION ONE: The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION TWO: The City Council of the City of El Paso, Texas, in accordance with the Texas Local Government Code 252.0415 hereby approves the rules attached hereto as Exhibit “A” for ensuring the identification, security, and confidentiality of electronic bids or proposals and further ensuring that the electronic bids or proposal remain effectively unopened until the proper time.

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

SECTION FOUR: The Mayor is hereby authorized to sign this Resolution and the City Clerk to attest. This Resolution shall become effective upon its adoption.

Representative Annello commented.

Ms. Claudia Garcia, Purchasing and Strategic Sourcing Department Interim Director, commented.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

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

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36. Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **APPROVE** a change order in the amount of $3,310,893.80 to ZTEX Construction, Inc. for Contract Number 2019-882 Street Resurfacing 2019. This secures 2019 prices.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga
NAYS: None

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

……...

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

That the City Manager be authorized to sign the Consent to Assignment of Contract No. 2006-015 between Friedman Recycling of El Paso, LP and the City of El Paso, therein consenting to the assignment of Friedman Recycling ("Assignor") to Waste Connections of El Paso, OLP dba BARCO El Paso ("Assignee").

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

Ms. Ellen Smyth, Managing Director of Environmental Services and Mass Transit, commented.

Mr. Scott Berry, District Manager for Waste Connections, commented.

1ST MOTION
*Motion made, seconded, and unanimously carried to **MOVE** the item to the **FOREFRONT** of the Regular Agenda

2ND AND FINAL MOTION
Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rivera, and Lizarraga
NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

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38. **ITEM:** Discussion and action on a Resolution to approve an amendment to the City's 46th Year Annual Action Plan for the Community Development Block Grant Entitlement (CDBG-EN) to:

a. Delete the Community Kitchen and Teaching Kitchen project ($1,557,540); and
b. Add $1,557,540 back to available 46th Year CDBG funds.

Ms. Nicole Ferrini, Community and Human Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga commented.

The following City staff members commented:

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

The following members of the public commented:

1. Brad Dubow
2. Tanny Berg
3. Richard Dayoub
4. Susan Goodell
5. Lena Wilson
6. April Rosales
7. Gregory Schober
8. Eva Moya
9. Mark Seitz

Ms. Laura Prine, City Clerk, read letters submitted by Judith Avitia and Jeff St. Clair into the record.

Motion made by Representative Rodriguez, seconded by Representative Lizarraga, to **APPROVE** the Resolution.

AYES: Representatives Annello, Hernandez, Rodriguez, and Lizarraga
NAYS: Representatives Svarzbein. Molinar, Salcido, and Rivera
Mayor Leeser broke the tie by voting **NAY** and the motion **FAILED**.

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EXECUTIVE SESSION

Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 5:11 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 **EX1** and **EX2**.

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Executive Session at 6:21 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Svarzbein

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EX1. **ITEM:** Celia Sanchez, et al v. City of El Paso, Texas et al. Matter No. 17-1026-8443 (551.071)

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera, and unanimously carried by the City Council to **ACCEPT** the settlement demand to resolve the lawsuit in the case styled *Celia Sanchez and Oscar Salas, Statutory Death Beneficiaries of Erik Emmanuel Salas-Sanchez v. Mando Kenneth Gomez and the City of El Paso, Texas*, pending in the U.S. District Court under Cause No. 3:17-CV-00133. The City Manager is authorized to make the necessary budget transactions and the City Attorney is authorized to sign all necessary documents to effectuate this Motion under Matter No. 17-1026-8443.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Svarzbein

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EX2. **ITEM:** Max Grossman Lawsuit v. City of El Paso; Texas Supreme Court, Case No. 21-1105 Matter No. 17-1001-171.001 (551.071)

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rodriguez, and carried that the City Manager and the City Attorney are **AUTHORIZED** to proceed with the proposed work plan as presented on March 28, 2022 by staff, for an estimated amount of $28,929.27, including to coordinate with the applicable permitting entities, and obtain the appropriate agreements in the pending litigation.

AYES: Representatives Annello, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: Representative Hernandez
NOT PRESENT FOR THE VOTE: Representative Svarzbein

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EX3. Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)

NO ACTION was taken on this item.

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EX4. Avoided Costs Exception | Petition of the PUC Staff for a Good Cause Exception to §25.181(D)(3)(A) and to set the Avoided Cost of Energy Under §25.181(D)(3)(A) for 2022 Electric Utility Energy Efficiency Programs; Public Utility Commission of Texas Docket No. 52871. Matter No. 21-1008-184 (551.071)

NO ACTION was taken on this item.

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EX5. Economic Incentives for a Transit-Oriented Development located in the City of El Paso. Matter No. 21-1007-2869 (551.087)

NO ACTION was taken on this item.

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EX6. Economic Incentives for a Transit-Oriented Development located in the City of El Paso. Matter No. 21-1007-2870 (551.087)

NO ACTION was taken on this item.

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EX7. Economic Development Incentives for a Convention Center Hotel to be located in the City of El Paso. Matter No. 22-1007-2853 (551.087)

NO ACTION was taken on this item.

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EX8. Economic Incentives for a Mixed-Use Development located in the City of El Paso. Matter No. 22-1007-2878 (551.087)

NO ACTION was taken on this item.

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EX9. City of El Paso v. Joseph C. Pickett; 8th Court of Appeals, Case No. 08-21-00147-CV. Matter No. 21-1007-268.001 (551.071)

NO ACTION was taken on this item.

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EX10. Comptroller Sales and Use Tax Audit. Matter No. 21-1063-175 (551.071)

NO ACTION was taken on this item.

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ADJOURN

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Motion made by Representative Annello, seconded by Representative Rodriguez, and unanimously carried to **ADJOURN** this meeting at 6:25 p.m.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Svarzbein

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk