

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

MINUTES FOR REGULAR COUNCIL MEETING

November 10, 2020
3:30 PM

Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference platforms.

ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 4:38 p.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

NOTICE TO THE PUBLIC

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

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

- 1.1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of October 27, 2020 and the Agenda Review Meeting of October 26, 2020, and the Work Session of April 1, 2019.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

CONSENT AGENDA - RESOLUTIONS:

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3. Goal 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
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3.1. *R E S O L U T I O N
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Memorandum of Understanding between the City of El Paso (the "City") and El Paso Water Utilities – Public Service Board ("EPWU") for the transfer of 25,200 square feet located between N. Clark Drive and Cleveland Avenue in El Paso, Texas (the "Property"), at no cost to the City, from EPWU's land inventory to the City's land inventory. EPWU has determined that the Property is inexpedient to the City's water and wastewater system and the City has requested the transfer of the Property for use as a City park.

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3.2. *R E S O L U T I O N
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BE IT RESOLVED BY THE CITY OF EL PASO:

WHEREAS, the City of El Paso ("City") and Ysleta Independent School District ("YISD") desire to enter into a Memorandum of Understanding ("MOU") in order to provide access to the City's OverDrive Digital Resource Collection through YISD's single sign-on platform; and

WHEREAS, through the OverDrive Digital Resource Collection YISD will be able to access Public Library Connect a program that extends the City's Public Library digital collection to K-12 students in the community and helps children gain greater access to reading; and

WHEREAS, no financial exchanges will occur as part of the MOU with YISD or the agreement with Public Library Connect ("Agreement"). Further, the City Manager is authorized to sign any documents and exercise any rights of the City under the agreement.

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4. Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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4.1. *R E S O L U T I O N
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Third Amendment to an Agreement for Professional Services by and between the **CITY OF EL PASO** and **Perkins & Will, Inc.** a Delaware Corporation, for a project known as "**Eastside Regional Park, Phase 1**" to amend the scope of work to align their additional work and professional fees with the increased project scope, for an additional amount not to exceed \$49,828.00, thereby increasing the contract amount from \$3,484,720.00 to \$3,534,548.00 including Basic and Additional Services; and that the City Manager be

authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement

4.2.

***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 two year On-Call Agreement for Professional Services to perform environmental engineering consulting services on a task by task basis by and between the City of El Paso and each of the following consultants:

1. ARCADIS U.S. Inc.
2. Wood Environment & Infrastructure Solutions, Inc.
3. Terracon Consultants, Inc.

Each On Call Agreement will be for an amount not to exceed Three Hundred Thousand and No/00 Dollars (\$300,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

4.3.

***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 an Master Interlocal Cooperation Agreement for transportation studies, research, evaluations, and other services by and between the City of El Paso ("City"), a home rule municipal corporation and the Texas A&M Transportation Institute (TTI"), an agency of the State of Texas and a part of the Texas A&M University System, for TTI to provide various transportation studies, research, evaluations, and services related to transportation to the City on an as-needed basis in an amount not to exceed \$450,000.00.

5.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

5.1.

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

A RESOLUTION ESTABLISHING A VETERANS AFFAIRS ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE CITY OF EL PASO ON MATTERS RELATED TO PROVIDING ASSISTANCE TO VETERANS

WHEREAS, the City of El Paso is home to the Ft. Bliss military installation and has a large military veteran population; and

WHEREAS, the City of El Paso seeks to create a network that provides military veterans with assistance in the area of transportation.

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

That the Veterans Affairs Advisory Committee is hereby established to advise the City Council on matters related to veterans as follows:

1. Committee Established – Membership
 - A. The Veterans Affairs Advisory Committee (VAAC) shall consist of nine members appointed by the Mayor and each City Council Representative. The persons appointed to this Committee should have an interest in improving the everyday life of our military veterans.
 - B. The city manager shall designate a city department to provide an employee to serve as the recording secretary and shall provide administrative and technical staff support to the Committee.
2. Terms
 - A. Each member of the City Council shall nominate one member to the Veterans Affairs Advisory Committee. The terms of office shall be for four years. Appointments to vacancies that occur other than by expiration of a member's term of office shall be filled by appointment by the Mayor and City Council for the remainder of the unexpired term. Members shall not serve more than two consecutive terms.
 - B. The Veterans Affairs Advisory Committee shall annually select from among its appointed members a chair and a vice-chair. The Committee shall adopt such rules and regulations for the government of its proceedings as may be deemed proper, not inconsistent with the ordinances and the Charter of the City and the laws of the State of Texas.
 - C. A quorum of the Veterans Affairs Advisory Committee shall be a majority of the total number of the members who have been appointed by City Council at the time of the meeting; provided however that a quorum shall not be less than five. The chair shall have a vote in all matters. No final action shall be taken on any matter except pursuant to a simple majority vote of members present.
3. Duties - The Veterans Affairs Advisory Committee shall perform the following:
 - A. Serve as a source of information related to the status, resources and services available within the El Paso community to the City's large veteran population.

- B. Identify and review the entire range of services currently available to veterans and recommend ways to strengthen such services, to include the promotion of collaboration among service providers.
 - C. Evaluate and recommend programs, policies and practices designed to alleviate veterans' difficulties in meeting basic needs related to transportation, housing, employment and other areas affecting veterans in the city.
 - D. Stimulate awareness among the public and private sector of veterans' full potential and of the importance of veterans' contributions to the sustainability and development of our community.
 - E. Report status of activities to City Council on a semi-annual basis.
4. Sunset Provision – The Veterans Affairs Advisory Committee shall sunset on December 31, 2028, except that such date may be extended by resolution of the City Council. The terms of all VAAC members shall automatically expire on the sunset date.

5.2.

***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, or designee, is authorized to sign a letter of support for the County of El Paso's application to the Texas Water Development Board TWDB Application HAC7 to obtain funding for the construction of flood control barriers to be built in the near proximity of the City of El Paso municipal landfill.

Further, the City Manager is authorized to work with the County of El Paso to carry out the objectives of the grant

CONSENT AGENDA - BOARD APPOINTMENTS:

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

- 6.1. *Motion made, seconded, and unanimously carried to **APPOINT** Angie Rosales to the Public Service Board Selection Committee by Representative Cissy Lizarraga, District 8.

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

- 7.1. *Motion made, seconded, and unanimously carried to **APPOINT** Yajaira Lopez to the Building and Standards Commission by Representative Isabel Salcido, District 5.

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

8.1. *Motion made, seconded, and unanimously carried to **APPROVE** the following tax refund listed on the attachment posted with this agenda.

1. Rahail M. Sohail, in the amount of \$4,000.00, made an overpayment on October 19, 2020 of 2020 taxes. (Geo. #F60999902301300)

8.2.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-l) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, 3413 Lee L.L.C. ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on May 08, 2017 in the amount of \$15.61 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that 3413 Lee L.L.C. showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$15.61 is approved.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Casas Privadas, LP ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on June 30, 2017 in the amount of \$192.06 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Casas Privadas, LP showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$192.06 is approved.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Casas Privadas, LP ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on June 30, 2017 in the amount of \$487.90 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Casas Privadas, LP showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$487.90 is approved.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Ithaca Development, LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 31, 2017 in the amount of \$1,503.74 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Ithaca Development, LLC showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$1,503.74 is approved.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, EPT Casas at Las Palmas, LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on June 30, 2017 in the amount of \$3,948.31 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that EPT Casas at Las Palmas, LLC showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$3,948.31 is approved.

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

WHEREAS, pursuant to Section 31.11 (c) of the Texas Code an application for a refund must be made within three (3) years after the date of the payment or the taxpayer waives the right to the refund; and

WHEREAS, pursuant to Section 31.11 (c-1) the governing body of the taxing unit may extend the deadline for a single period not to exceed two years on a showing of good cause by the taxpayer; and

WHEREAS, taxpayer, Ithaca Development, LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 31, 2017 in the amount of \$3,753.44 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Ithaca Development, LLC showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$3,753.44 is approved.

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CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:
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9. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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9.1. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contributions by Mayor Margo: \$2,000.00 from Bill Terrell, \$2,000.00 from Brad Kuykendall, \$2,000.00 from Randy Kuykendall, \$1,000.00 from David F. Jimenez, \$250.00 from Benjamin Gonzalez, \$50.00 from Gerald Wingett, \$500.00 from James Chestnut, \$500.00 from Ann Morgan Lilly, \$250.00 from Ryan McCrory, \$500.00 from Albert Lucio, \$200.00 from Will C. Brown, \$250.00 from William Kell, \$2,500.00 from Richard Castro, \$2,500.00 from El Paso Association of Contractors, \$500.00 from Michael Myers, \$500.00 from John Moye, \$20.00 from Sylvia Provenicio, \$50.00 from Monica Downing & Timothy Stocker, \$100.00 from Robert Navarro, \$500.00 from El Paso Association of Builders Build PAC of El Paso, \$250.00 from Cynthia Krier, \$25.00 from Aaron De Leon, \$250.00 from Jamie McWright, \$250.00 from Kate Tankersley, \$500.00 from Ned Holmes, \$300.00 from H. Keith Myers, \$5,000.00 from L. Frederick Francis, \$150.00 from Susan Melendez, \$5,000.00 from El Paso Municipal Police Officers Association PAC fund, \$250.00 from Roxann Neumann, \$1,500.00 from Robert C. Heasley, \$5,000.00 from Donald Margo.

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9.2. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez: \$1,000 from El Paso Apartment Association PAC; \$100 from Alyssa & Ramon Benavides; \$500 from Deborah Kastrin; \$500 from Union Pacific PAC; \$300 from Dr. Catalina E. Garcia; \$500 from Joseph Moody Campaign; \$75 from Dr. Isabel Baca; \$50 from Omar Yanar; \$100 from Josh Herrera; \$1,500 from DEC PAC; \$1,000 from Josh Hunt; \$500 from Raul Hernandez; \$250 from Talina and John Fields; \$100 from Monica Moreno; \$100 from Sid Searcy; \$200 from Tripper Goodman; \$300 from Texas Latina List; \$1,000 from Joey Rosales; \$4,000 (In-Kind) from Esperanto Developments.

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9.3. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Aleksandra Annello: El Paso Municipal Police Officers Association PAC \$1,000.00, Peter Kapenga \$50.00, El Paso Apartment Association PAC \$500.00, Emil Heller \$200.00, Hi Vivid Ventures LLC \$200.00, Marcia Heller \$200.00, Vona Van Cleef \$10.70, Janelle Carden \$24.00, Lynn Sachs \$200.00.

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CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

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- 10.1.** *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2020-1093 Airway Aesthetics Maintenance (Re-Bid) to Tri-State Electric, Ltd. for a three (3) year term estimated award of \$337,068.00. The approval of this contract would allow for the continual maintenance and emergency repairs of the sculptures, decorative lighting features, and landscape improvements located at Airway Blvd. and I-10.

Contract Variance:

The difference in cost, based on comparison to the previous contract is as follows: A decrease of \$200,000.00 over the term of the contract, or a 37% decrease due to reductions of quantities.

Department:	Streets and Maintenance
Award to:	Tri-State Electric, Ltd. Vinton, Texas
Items:	All
Initial Term:	3 years
Annual Estimated Award:	\$112,356.00
Total Estimated Award:	\$337,068.00 (3 years)
Account No.:	532 – 32120 – 522210 – 2305 – P3215
Funding Source:	Environmental Fee Fund – Grounds keeping Contracts
Districts:	All

This is a Best Value, services contract.

The Purchasing and Strategic Sourcing Department and Streets and Maintenance Department recommend award as indicated to Tri-State Electric, Ltd, the bidder offering the best value bid.

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REGULAR AGENDA - OPERATIONAL FOCUS UPDATES:

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

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- 11.1.** Budget Update- Youth Focus.

Ms. Nicole Cote, Office of Management and Budget Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, and Lizarraga commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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12. Goal 7: Enhance and Sustain El Paso's Infrastructure Network
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12.1. TXDOT Construction Project Update.

Ms. Jennifer Wright, TXDOT Public Affairs Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representatives Svarzbein and Annello commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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

1. Mr. Jud Burgess
2. Mr. Jesus Mendoza

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REGULAR AGENDA - FIRST READING OF ORDINANCES
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Motion made by Representative Morgan, seconded by Representative Rivera, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing.

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

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13. Goal 3: Promote the Visual Image of El Paso:
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- 13.1.** An Ordinance changing the zoning of the following parcels: Parcel 1: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-3/sp/c (Commercial/special permit/conditions); and, Parcel 2: a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to A-O/sp/c (Apartment/Office/special permit/conditions); and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. THIS IS AN APPEAL AND A 211 CASE. Subject Property: 4625 Delta Drive. Applicant: The Upright Group, LLC PZRZ20-00013

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.

PUBLIC HEARING WILL BE HELD ON DECEMBER 8, 2020
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**REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF
ORDINANCES**

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14. Goal 2: Set the Standard for a Safe and Secure City
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14.1. ORDINANCE 019116

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE RECOMMENDATIONS OF THE UPTOWN PARKING BENEFIT DISTRICT ADVISORY COMMITTEE AND AMENDING ORDINANCE NO. 018762 TO ALLOW THE USE OF REVENUE FROM THE DISTRICT TO FUND THE ALLEY ACTIVATION PROJECT.**

Ms. Hanna Williams, Assistant Secretary for the Uptown Parking Benefit District, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Jeff Howell, Capital Improvement Project Manager, commented.

Motion duly made by Mayor Pro Tempore Svarzbein, 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, Anello, Hernandez, Morgan, 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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REGULAR AGENDA - OTHER BUSINESS
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15. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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**15.1. RESOLUTION CANVASSING RETURNS
OF THE 2020 GENERAL ELECTION FOR THE
MAYOR AND DISTRICTS 2, 3, 4 AND 7,
FIVE MUNICIPAL COURT JUDGES, AND
THE JUDGE OF THE MUNICIPAL COURT OF APPEALS**

WHEREAS, the City Council of the City of El Paso called for the 2020 General Election to be held in said City on November 3, 2020, to fill the expired terms of the Mayor, and district representatives City Districts 2, 3, 4 and 7 for the terms as established by and in accordance with the Charter of the City of El Paso; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the resolution and amendments thereto calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election for the following officers by the resident, qualified electors of said City, who voted at the election:

MAYOR

Calvin Zielsdorf	<u>3,449</u>
Oscar Leaser	<u>92,700</u>
Carlos Gallinar	<u>16,197</u>
Dean Dino Martinez	<u>4,233</u>
Veronica "Vero" Carbajal	<u>47,299</u>
Dee Margo	<u>53,606</u>

DISTRICT 2

Miriam "Judy" Gutierrez	<u>8,416</u>
Alexsandra Anello	<u>6,618</u>
James Arthur Campos	<u>2,844</u>

DISTRICT 3

Jose Rodriguez	<u>7,483</u>
Cassandra Hernandez	<u>13,192</u>
Will Veliz	<u>3,741</u>

DISTRICT 4

Dorothy "Sissy" M. Byrd	<u>6,108</u>
Sam Morgan	<u>8,365</u>
Joe Molinar	<u>7,345</u>
Shawn Nixon	<u>1,401</u>
Wesley Lawrence	<u>2,727</u>

DISTRICT 7

Aaron Montes	<u>10,076</u>
Henry Rivera	<u>13,325</u>

JUDGE, MUNICIPAL COURT NO. 1

Michelle P. Morales 177,444

JUDGE, MUNICIPAL COURT NO. 2

Kristin R. Romero 123,745
Maximino Daniel Munoz 63,529

JUDGE, MUNICIPAL COURT NO. 3

David A. Bonilla 173,853

JUDGE, MUNICIPAL COURT NO. 4

Lillian Elena Blancas 75,132
Enrique Alonso Holguin 64,203
Lauren K. Ferris 48,235

JUDGE, MUNICIPAL COURT NO. 5

Daniel 'Danny' Robledo 171,522

JUDGE, MUNICIPAL COURT OF APPEALS

Maria Ramirez 75,193
Rebecca Tarango 71,208
Odell S. Holmes 41,666

3. That in the case of the offices of **Mayor, Representative District No. 2, Representative District No. 4, Judge Municipal Court No. 4, Judge Court of Appeals**, no person received more than a 50% majority of all votes cast for the candidates for such offices, and accordingly no one for these offices is declared elected and a runoff election is to be called by the City Council in accordance with the Texas Election Code; and that the number of votes cast for each person who was a candidate for such offices, according to the returns, is shown in paragraph 2 hereof.

4. That in the case of the following offices, the following persons who received more than a 50% majority of the votes cast for candidates for such offices are hereby declared elected to such offices for the ensuing terms, or until the election and qualification of their successors, subject to the proper issuance of certificates of election by the presiding officer, and that the number of votes cast for each person who was a candidate for such offices, according to the returns, is shown in paragraph 2 hereof:

DISTRICT REPRESENTATIVE NO. 3

Cassandra Hernandez

DISTRICT REPRESENTATIVE NO. 7

Henry Rivera

JUDGE, MUNICIPAL COURT NO. 1

Michelle P. Morales

JUDGE, MUNICIPAL COURT NO. 2

Kristin R. Romero

JUDGE, MUNICIPAL COURT NO. 3

David A. Bonilla

JUDGE, MUNICIPAL COURT NO. 5

Daniel 'Danny' Robledo

5. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2020 City General Election showing the number of votes cast in each precinct for each candidate.

6. That this Resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

7. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

8. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the amendments so adopted in the separate book kept in her office for such purpose.

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

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

NAYS: None

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- 15.2. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS CALLING FOR A RUNOFF ELECTION TO BE HELD ON DECEMBER 12, 2020 FROM THE 2020 GENERAL ELECTION CITY; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.**

WHEREAS, following its General City Election held on November 3, 2020, the City of El Paso ("City") has found it necessary under the City of El Paso Charter and the laws of the State of Texas to hold a runoff election to fill the positions of Mayor, two District Representatives from Single-Member District Nos. 2 and 4, and the Judges of the Municipal Court No. 4 and the Municipal Court of Appeals; and

WHEREAS, the City will hold a runoff election on December 12, 2020 to fill the aforementioned positions, to be elected by a majority of the votes cast.

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

SECTION 1 – OFFICIAL POSITIONS TO BE FILLED WITH RUNOFF ELECTION

A runoff election of the City of El Paso is hereby called to take place on December 12, 2020, for the purpose of electing the following named officers of the City of El Paso:

Mayor
District Representative No. 2
District Representative No. 4
Judge, Municipal Court No. 4
Judge, Municipal Court of Appeals

Such runoff election shall be held in the manner and form prescribed by the laws of the State of Texas. At such runoff election, all qualified voters of the City shall be permitted to vote, and shall vote at the polling place designated for the election precinct in which they reside, or as allowed by applicable State Law, to elect the Mayor and Judge, Municipal Court No. 4 and Judge, Municipal Court of Appeals. The qualified voters who reside in the Representative District Nos. 2 and 4 shall vote for the Representative in their respective district. The candidate receiving a majority of the votes cast for each position shall be declared elected to such office.

Such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the El Paso County Elections Administrator or City Clerk, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

SECTION 2 – ELECTION SERVICES CONTRACT WITH COUNTY

The City Manager is hereby authorized to execute a contract, joint or otherwise, with the El Paso County Elections Administrator for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the runoff election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws.

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification

and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election.

SECTION 3 – EARLY VOTING CLERK FOR THE RUNOFF ELECTION

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk.

SECTION 4 – EARLY VOTING

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit "A."

In addition, mobile voting stations may be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

SECTION 5 – VOTING MACHINES AND ELECTION RESULTS

Voting machines used for the conduct of the runoff election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the runoff election shall be certified, canvassed, and returned in the form and manner prescribed by law.

SECTION 6 – NOTICE OF ELECTION

The notice of the runoff election hereby ordered and called shall be promulgated, published and posted in keeping with the state and local laws. A substantial copy of this resolution shall serve as proper notice of said election.

The City Clerk shall give notice of such runoff election by posting a notice of such election in English and Spanish in the Office of the City/Municipal Clerk as provided by

law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

The City Clerk shall deliver notice of this runoff election to the county clerk and voter registrar of El Paso County, as required by law.

SECTION 7 – COMPLIANCE WITH APPLICABLE LAWS

The City Manager and the City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the runoff election, whether or not expressly authorized herein.

Mr. Bobby Pena, citizen, commented.

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

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

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

16.1. RESOLUTION

WHEREAS, the City of El Paso is proud to partner with Combined Arms and the Texas Veterans Network to help make Texas the first interconnected state for military, veterans, and their families in the United States;

WHEREAS, the City of El Paso collaborated with the County of El Paso, Chamber of El Paso, Endeavors, Combined Arms, the University of Texas Institute for Military Veteran Family Wellness and over 150 veteran-serving organizations in the region to deploy the El Paso Needs Assessment to over 1,500 respondents in order to better understand the needs of the region's veteran population, which has been hailed as one the most successful and statistically significant assessments of its kind;

WHEREAS, Combined Arms, a Texas-based collaborative impact organization using an innovative approach of technology and service delivery to disrupt the veteran transition experience, along with the Texas Workforce Commission, Texas Veterans Commission, and El Paso leaders are joining efforts to connect veterans and their families with the resources and programming needed to thrive and forming the Texas Veterans Network; and

WHEREAS, by accelerating the transition from military to civilian life and growing the transition model to meet the needs of fragmented communities and the veteran families who live in them, this consortium is partnering to make Texas the first interconnected state for veterans services.

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

That the City of El Paso recognizes the contributions and commitment of Combined Arms and the Texas Veteran Network in appreciation and recognition of their unwavering commitment and support to our El Paso Veteran community.

Mayor Margo commented.

Mr. Paul Albright, Chief Military Officer, commented.

The following members of the public commented:

1. Mr. Benjamin Miranda
2. Ms. Mia Garcia

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

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

NAYS: None

17. MAYOR AND COUNCIL

17.1. RESOLUTION

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

That the City Council declares that the expenditure of District 8 discretionary funds in an amount not to exceed \$2,000.00 to assist the Downtown Management District with costs related to supplementary holiday lighting for the City's downtown area serves a municipal purpose by promoting the visual image of El Paso and enhancing El Paso's quality of life.

Further, the City Council authorizes the expenditure of the funds as described above.

Further, that the City Manager is authorized to effectuate any budget transfers necessary to ensure that the funds are properly expended for such purpose and is authorized to execute any related agreements, amendments to such agreements, and documents necessary to carry out the purpose of this Resolution.

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

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

NAYS: None

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ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and unanimously carried to **ADJOURN** the Regular City Council meeting at 6:29 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk