

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

CITY COUNCIL WORK SESSION MINUTES
July 20, 2020
9:05 AM

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

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The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:23 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga. Late arrival: Sam Morgan at 9:45 a.m.
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AGENDA

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1. Presentation and discussion by the COVID-19 Response + Recovery Cross-Functional Team providing information on key activities, efforts and processes.

1. Overview (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager began the presentation by providing an overview and highlighted the increase in the daily testing average which rose from 300 during the month of March to 2,913 as of July 20.

- a) Update on Governor Abbott's Executive Orders (Karla Nieman)**
- b) Update on City Attorney's Office Support During COVID-19 Pandemic (Karla Nieman)**

Ms. Karla Nieman, City Attorney, Ms. Anna Schumacher, Assistant City Attorney, and Mr. Omar De La Rosa, continued with the presentation and provided information pertinent to Governor Abbot's Executive Order Number 28 related to social distancing requirements and the July 10, 2020 renewal of the Disaster Declaration.

2. Cross-Functional Team Operations (Mario D'Agostino)

Fire Chief Mario D'Agostino provided an overview of the Cross-Functional Team operations and testing sites.

3. **Team Report Outs:**
 1. **Health Focus (Hector Ocaranza, M.D.)**
 2. **Testing Recap and Update (Tracey Jerome)**
 3. **Data Analysis (David Coronado)**
 4. **Financial Focus (Cortinas)**
 5. **Community Vulnerabilities and Human Services (Nicole Ferrini)**
 6. **Economic Recovery (Jessica Herrera)**
 7. **Operations Focus (Cary Westin)**

The following City staff members presented a PowerPoint presentation and/or answered questions posed by City Council members:

1. Dr. Hector Ocaranza, Health Authority
2. Ms. Tracey Jerome, Deputy City Manager
3. Mr. David Coronado, International Bridges Director
4. Mr. Robert Cortinas, Chief Financial Officer
5. Ms. Nicole Ferrini, Community and Human Development Director
6. Ms. Jessica Herrera, Economic and International Development Director
7. Mr. Cary Westin, Senior Deputy City Manager
8. Ms. Angela Mora, Public Health Director
9. Ms. Ellen Smyth, Mass Transit Director
10. Fire Chief Mario D'Agostino
11. Ms. Claudia Lujan, Human Resources Interim Director
12. Mr. Tommy Gonzalez, City Manager

The presentation included information related to contact tracing, questionnaires for individuals who test positive, the distribution of masks to bus riders, purchase of personal protective equipment using CARES Act funds, the status of testing mega sites, new hires for epidemiology and testing and enforcement of businesses per Centers for Disease Control and Prevention (CDC) guidelines.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Rivera, and Lizarraga commented.

The following members of the public commented:

1. Ms. Linda Zavala
2. Mr. Ray Bonoan II

NO ACTION was taken on this item.

2. Update on Cite and Release implementation date - September 01, 2020.

Assistant Police Chief Victor Zarur presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Chief Zarur's presentation included a sample of the citation form and information on the academy training that police officers are undergoing in order to implement the Cite and Release program. Chief Zarur added that no further updates will be provided to Council prior to the September 1st implementation date however, he will return with a report 45

days after the first quarter.

Representatives Svarzbein, Annello, Hernandez, and Rivera commented.

The following City staff members commented and/or answered questions posed by City Council:

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

NO ACTION was taken on this item.

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:26 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 following:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

Motion made by Representative Hernandez, seconded by Representative Morgan, and unanimously carried to adjourn the Executive Session at 2:43 p.m. and **RECONVENE** the meeting of the City Council during which time motions were made

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

NAYS: None

EX1. Equal Employment Opportunity Commission No. 453-2020-00119, Lisa Riley; Matter: 19-1024-120 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and unanimously carried that the City Attorney be authorized to **DENY** the settlement demand of *Lisa K. Riley* in the employment claim pending with the Equal Employment Opportunity Commission in Charge No. 453-2020-00119, under Matter No. 19-1024-120.

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

NAYS: None

EX2. Maria Alicia Gaytan v. City of El Paso and Brian Michael Lujan, U.S. District Court; Case No. 3:18-CV-00240-DCG; Matter No. 18-1026-9931 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and carried that the City Attorney, through outside counsel, be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled *Maria Alicia Gaytan v. City of El Paso and Brian Michael Lujan*, pending in the U.S. District Court.

City Attorney is further authorized, through outside counsel, to continue to negotiate a settlement agreement, and to sign all settlement documents necessary regarding this lawsuit, as recommended by the City Attorney, under Matter No. 18- 1026-9931.

AYES: Representatives Morgan, Salcido, Rodriguez, and Lizarraga

NAYS: Representatives Svarzbein, Annelo, Hernandez, and Rivera

Mayor Margo broke the tie by voting "AYE".

EX3. ROP Artcraft, LLC v. The City of El Paso, Texas; 384th District Court of El Paso County, Texas; Cause No, 2017DCV1076; Matter No. 17-1007-1943 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and carried that the City Attorney be **AUTHORIZED** settlement authority to resolve this case, through outside counsel, in the lawsuit styled *ROP Artcraft, LLC v. The City of El Paso, Texas*, pending before the 384th District Court, under Cause No. 20 I 7DCV I 076.

To effectuate this authority, the City Attorney is further authorized, through outside counsel, to negotiate a settlement agreement, and sign all settlement documents necessary regarding this lawsuit, as recommended by the City Attorney, under Matter No. 17- 1007- 1943.

AYES: Representatives Svarzbein, Annelo, Morgan, Salcido, Rivera, and Lizarraga

NAYS: Representatives Hernandez and Rodriguez

EX4. Public Utility Commission of Texas Docket No. 50806 Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap, SOAH Docket No. 473-20-3633; Matter: 20-1008-146 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and unanimously carried that the City of El Paso **AUTHORIZES** the City Attorney on behalf of the City of El Paso to execute a Settlement Agreement in the *Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap*, which was filed with the Public Utility Commission of Texas under PUC Docket No. 50806 on the terms recommended by the City Attorney.

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

NAYS: None

EX5. Kimley- Horn and Associates Contract for El Paso International Airport Reconstruction of Runway 4-22 (16-1004-718) (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan,

and unanimously carried that the City Attorney, in consultation with the City Manager or his Designee, be **AUTHORIZED** settlement authority to negotiate a settlement and resolve the City of El Paso's claim against *Kimley-Horn and Associates* for a design defect related to the El Paso International Airport Reconstruction of Runway 4-22 project.

The City Attorney in consultation with the City Manager or his Designee is authorized to negotiate a settlement agreement and sign all necessary documents to effectuate this authority under Matter No. 16-1004-718, as recommended by the City Attorney.

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 Hernandez and unanimously carried to **ADJOURN** this meeting at 2:50 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