

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

**CITY COUNCIL WORK SESSION MINUTES
MAY 8, 2023
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 A.M.**

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The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:21 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Annello, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Late arrival: Cassandra Hernandez at 9:33 a.m. Early departure: Cassandra Hernandez at 12:01 p.m.

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AGENDA
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1. Presentation and discussion spotlighting a frontline Workforce Learning & Development Focus for various areas, including:

Ms. Juliana Baldwin-Munoz, Chief Transformation Officer, introduced the item and began the PowerPoint presentation (copy on file in the City Clerk's Office).

**1. Streets & Maintenance & Environmental Services
Assistant Director, Jesus Yamaguchi**

Mr. Jesus J. Yamaguchi, Environmental Services Assistant Director, continued with the presentation, providing information on the in-house drivers training program.

The following members of the first Specialized Commercial Driver's graduating class for Environmental Services were introduced:

- Mr. Rene Ortega
- Mr. Luis Baeza
- Mr. Israel Polino
- Mr. Frank Castaneda
- Mr Carlos Bujanda
- Mr. Ray Barajas
- Mr. Jorge Perez

**2. Sun Metro
Transit Safety Manager, Steve Perea**

Mr. Steve Perea, Transit Safety Manager, continued the presentation, providing information on the Sun Metro Training Program aimed at getting drivers ready for the driver's test with the Department of Public Safety.

The following staff members were recognized:

- Mr. Jaime Ortega, Instructor
- Mr. Maria Mondok, Transit Operator
- Mr. Joseph Padilla, Transit Operator
- Mr. Ramon Armendariz, Transit Trainer
- Ms. Elizabeth Garay, Transit Supervisor
- Ms. Angelica Lozoya, Transit Safety and Security Officer

3. El Paso International Airport
Human Resources Business Partner, Julie Farmer
Terminal Services Manager, Brenda Garcia-Olivas

Ms. Julie A. Farmer, Human Resources Business Partner, continued the presentation providing information on the Airport's Employee Career Enhancement Programs while highlighting English as a second language and computer classes.

Ms. Brenda Garcia Olivas, Terminal Services Manager, was introduced.

The following program graduates were introduced:

- Ms. Delta Garza
- Ms. Yvonne Hernandez

NO ACTION was taken on this item.

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

1. Vision Block: High Performing Government:
Goal 5 (Transparent & Consistent Communication)
Deputy Chief Technology Officer, Ivan Gris

Ms. Juliana Baldwin-Munoz, Chief Transformation Officer, introduced the item.

Mr. Ivan Gris, Deputy Chief Technology Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Goal 6 (Sound Governance & Fiscal Management)
Managing Director, Araceli Guerra
Comptroller, Margarita Marin

The following City staff members continued the presentation highlighting key accomplishments for the departments included in Goal 6 (City Attorney's Office, City Clerk, Human Resources, Internal Audit, Office of the Comptroller, Purchasing and Strategic Sourcing, and the Office of Management and Budget).

- Ms. Araceli Guerra, Managing Director for Information Technology and Human Resources
- Ms. Margarita Marin, Comptroller

Mayor Leeser and Representatives Hernandez and Molinar commented.

The following City staff members commented:

- Ms. Laura Cruz-Acosta, Strategic Communications Director
- Ms. Laura Prine, City Clerk

NO ACTION was taken on this item.

3.

ORDINANCE 019485

**AN EMERGENCY ORDINANCE
EXTENDING A DISASTER DECLARATION DUE TO A
HUMANITARIAN, SECURITY, AND ECONOMIC CRISIS
RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, on May 8, 2023 the Mayor of the City of El Paso issued a Declaration of Disaster due to a new wave of migration through the City of El Paso (the "City"); and

WHEREAS, for federal fiscal year 2023, Southwest encounters were at 1,055,320 of which 419,147 were Title 42; and

WHEREAS, the El Paso sector of CBP had 39,512 land border encounters in the month of March, 2023; and

WHEREAS, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border awaiting processing after Title 42, which is a COVID-19 era mechanism, ends along with the expiration of the Public Health Emergency for COVID-19 as proposed in May, 2023; and

WHEREAS, Secretary Mayorkas of the Department of Homeland Security (DHS) has commented that he expects a surge in migration after Title 42 ends; and

WHEREAS, DHS has created an immigration benefit through which migrants from certain nations can request asylum and be paroled into the country; and

WHEREAS, upon the migrants' arrival into the United States, they are held by CBP who processes, sets for hearing and then releases migrants onto El Paso streets with little to no resources; and

WHEREAS, the number of migrants in need of shelter exceeds the shelter space available through local, state, and federal partnerships; and

WHEREAS, the City lacks an extensive transportation infrastructure to facilitate the movement of migrants out of the region further increasing demand on shelters; and

WHEREAS, state and federal infrastructure and support is critical to support local efforts to effectively and safely care for mass groups of migrants entering the City; and

WHEREAS, Customs and Border Protection (CBP) has surged its personnel and resources along the southern border to increase processing capacity to ensure a humane environment for those being processed; and

WHEREAS, the primary challenge for the non-governmental organizations (NGO's) assisting in the effort is that the NGO's do not have the volunteer base to sustain or increase current capacity at their current hospitality sites; and

WHEREAS, the Office of Emergency Management has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with migrant operations; and

WHEREAS, in the Fall of 2022, the City expended significant resources to create and staff a Welcome Center to assist with transportation assistance, providing long-distance charter services and over 39,000 meals to over 19,300 migrants through October 20, 2022; and

WHEREAS, the number of migrants released into the community continues to grow; and has been as high as 1,700 in a single day; and

WHEREAS, the Mexican government estimates that approximately 15,000 are now camped in Ciudad Juarez awaiting an opportunity to cross the border; and

WHEREAS, the volume of migrants at the border and released into the United States has gained the attention of international and national media; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach extremely high or freezing low temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, donations to the migrants from the public are best received at the assisting NGO's and shelters in lieu of delivery to spaces where migrants gather; and

WHEREAS, additional shelter space is being prepared for the thousands of migrants released into the community; and

WHEREAS, camping in public spaces is prohibited under Section 48.05 of the Texas Penal Code; and

WHEREAS, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region; and

WHEREAS, there is potential for loss of property for both residents and migrants due to those who would take advantage of this wave of migrants; and

WHEREAS, in recent months, the El Paso International Airport became saturated with migrants awaiting air travel and shelter, and the City of El Paso may need to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure, clean and comply with all related legal requirements regarding its facilities as the demand for air travel can increase exponentially; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past including protests and closures of the international bridges, the City has experienced several significant delays at the international ports-of-entry to include trade delays, which is concerning, as 161,439 cargo trucks pass across the Bridge of the Americas alone annually; and

WHEREAS, the City of El Paso has determined that extraordinary measures must be taken to protect all people in and coming through the City; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, the condition necessitating the declaration of a state of disaster continues to exist.

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

1. That an emergency exists as described in clear and specific terms in the recitals above, which are incorporated herein.
2. That the state of disaster proclaimed for the City of El Paso by the Mayor on May 8, 2023 shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of the City Council, whichever is sooner.
3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10 and is effective upon adoption.

Ms. Karla Nieman, City Attorney, introduced the item.

Assistant Fire Chief Jorge Rodriguez presented a PowerPoint presentation (copy on file in the City Clerk's Office)

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

The following members of City staff commented:

- Ms. Laura Cruz-Acosta, Strategic Communications Director
- Chief Mario D'Agostino, Deputy City Manager for Public Safety
- Mr. Tommy Gonzalez, City Manager

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Annello, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinances

4. **City Attorney's Office Performance Report**

Ms. Karla Nieman, City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Hernandez commented.

NO ACTION was taken on this item.

5. **City Attorney's Office 2023 Electric & Gas Utility Report**

Mr. Donald Davie, Assistant City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Karla Nieman, City Attorney, commented.

Mayor Leeser and Representative Canales commented.

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 12:01 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.074 PERSONNEL MATTERS

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 2:40 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

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EX1. Emma Bowar vs. City of El Paso, Police Department Chief Officer Greg Allen; Cause No. 3:21-CV-00257. Matter No. 21-1026-118149 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be **AUTHORIZED** to pay the court ordered settlement amount in the matter of *Emma Bowar v. City of El Paso*, Cause No. 3:21-CV-00257-KC, in Matter Number 21-1026-11849, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

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

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and carried that the City Attorney's be **AUTHORIZED** to reject the proposed Rule 11 agreement in the matter of *Max Grossman v. City of El Paso*, in Matter Number 17-1001-171.001.

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

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

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EX3. Briefing from Bond Counsel on Possible Disposition of Property HQ#495. (551.071) (551.072)

NO ACTION was taken on this item.

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EX4. Application of El Paso Electric Company to Amend Its Certificate of Convenience and Necessity for a 150 MW Solar Facility. HQ# UTILITY-7 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to retain outside counsel and any other necessary consultants, and to file an intervention in the *Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for A 150 MW Solar Generating Facility* filed on April 24, 2023, under the Texas Public Utility Commission, Docket No. 54929, in Matter Number UTILITY-7, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

EX5. Application of El Paso Electric Company to Revise its Energy Efficiency Cost Recovery Factor and Establish Revised Cost Caps. HQ# UTILITY-6 (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to retain outside counsel and any other necessary consultants, and to file an intervention in the *Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor* filed on May 1, 2023, under the Texas Public Utility Commission, Docket No. 54950, in Matter Number UTILITY-6, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Annello, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

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EX6. Proposed Facility Lease in Central El Paso and Anticipated El Paso Electric regulatory compliance filing. HQ #23-397 (551.071)

NO ACTION was taken on this item.

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EX7. Purchase, exchange, lease, or value of real property located on Airport Property. HQ#23-706 (551.071) (551.072)

NO ACTION was taken on this item.

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EX8. Purchase, exchange, lease, or value of real property located in Central El Paso. HQ# 23-707 (551.071) (551.072)

NO ACTION was taken on this item.

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EX9. Economic Development Incentives for a Redevelopment Project located in Central El Paso (HQ#23-736) (551.087)

NO ACTION was taken on this item.

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EX10. City Attorney and City Manager annual performance evaluations. (HQ#761, HQ#762) (551.071) (551.074)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 2:44 p.m.

AYES: Representatives Annello, Molinar, Salcido, Fierro, Rivera, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Kennedy and Hernandez

APPROVED AS TO CONTENT:

Laura D. Prine

Laura D. Prine, City Clerk