

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
JOSH ACEVEDO, 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
July 1, 2024
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 9:38 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Josh Acevedo, Cassandra Hernandez, Joe Molinar, Isabel Salcido, and Chris Canales. Brian Kennedy joined via videoconference. Art Fierro and Henry Rivera requested to be excused.

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AGENDA
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1. ORDINANCE 019647

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS
MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in response to potential street releases and partly pursuant to Emergency Ordinance No. 019333, the El Paso City-County Office of Emergency Management (“OEM”) reallocated COVID-19 Operations staff to assist as migrant shelter surge staff and created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity; and

WHEREAS, in the Fall of 2022, at least partly pursuant to the authority contained in Emergency Ordinance No. 019333, 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 Director of Aviation has the authority, as granted by the El Paso City Council, to manage the day-to-day operations of the El Paso International Airport (“EPIA”) and to ensure that those operations are conducted in compliance with the rules and regulations

regarding airports under Title 14 of the Code of Federal Regulations, Chapter 22 of the Texas Transportation Code, and Title 14 of the El Paso City Code, as well as federal, state, and local health and safety regulations to ensure the health, safety, and welfare of all occupants and travelers making use of EPIA facilities; and

WHEREAS, from time to time during the migration waves, EPIA in recent past, has become saturated with migrants awaiting air travel and has needed to take measures to preserve the health and safety of its customers, employees and the public, as well as measures to secure its facilities as the demand for air travel increases exponentially; and

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

WHEREAS, at times during the pendency of Emergency Ordinance No. 019333, border officials have barricaded and closed down the Paso del Norte bridge due to a breach of public safety involving hundreds of migrants present on the bridge attributed to rumors about the relaxation of immigration restrictions circulated on social media sites, which has caused significant delays at the international ports-of-entry involving trade; and

WHEREAS, the encampment of large groups of migrants on City rights of way, parks and other City property at one point led to street closures and cessation of the streetcar service and reassignment of City staff required to ensure safety and sanitary conditions in that area; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local non-governmental organizations (“NGOs”) with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, the Biden administration ended the COVID-19 public health emergency on May 11, 2023 ending all use of Title 42 as a mechanism to control the border; and

WHEREAS, at that time and subsequent to that time, tens of thousands of migrants from Latin America and around the world gathered at or near the U.S.- Mexico border in hopes that President Biden would ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, the El Paso sector of U.S. Customs and Border Patrol (“CBP”) had 482,095 land border encounters and over 174,000 community releases in the federal fiscal year 2023; and

WHEREAS, for federal fiscal year 2024, the Southwest had 1,520,502 migrant encounters and

WHEREAS, when the CBP Central Processing Center is over capacity and the NGO space is unavailable, that is when the potential for street releases arises; and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, there are significant public safety and security concerns related to the waves of migration, including but not limited to the risk of injury or loss of life with migrants in

El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, for these reasons, 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 the potential for loss of property for both residents and migrants due to those who would take financial advantage of these waves of migrants; and

WHEREAS, the White House issued a proclamation, effective June 5, 2024, limiting asylum eligibility, and increasing the consequences for crossing the southern border without authorization; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, state or federal law, or repealed automatically as of the 31st day following the date on which it was adopted unless re-enacted pursuant to City Charter Section 3.10; and

WHEREAS, this document reflects the authority of the City of El Paso's Office of Emergency Management in the handling of the local mass migration and is separate and apart from any authority possessed by any other jurisdiction on migrant issues.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. 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.

Mayor Leeser commented.

Assistant Fire Chief Jorge Rodriguez commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried that the Ordinance be **ADOPTED**.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, and Canales

NAYS: None

ABSENT: Representatives Fierro and Rivera

Mayor Leeser consented to the adoption of the Emergency Ordinance.

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2. Presentation and discussion on the Neighborhood Traffic Management Program (NTMP) FY2024 update.

Ms. Olivia Montalvo, Streets and Maintenance Lead Planner, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Acevedo, Hernandez, Molinar, Salcido, and Canales commented.

The following City staff members commented:

- Mr. Richard Bristol, Streets and Maintenance Director
- Mr. Cary Westin, Interim City Manager
- Mr. Randy Garcia, Streets and Maintenance Assistant Director

NO ACTION was taken on this item.

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3. Presentation on 2022 Community Progress Bond: Proposition B Parks & Recreation facilities, the regional, community, All-Abilities Playground.

The All-Abilities Playground planning initiative was launched to create an inclusive and accessible play space for children of all abilities. Over the past seven months, this initiative has focused on key areas:

- Programming
- Theme
- Site Selection
- Community Engagement

El Paso's All-Abilities Playground Planning Report "Beyond Boundaries" provides a comprehensive overview of the 7-month process and final recommendations.

Ms. Daniela Quesada, City Architect, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Acevedo commented.

Ms. Sylvia Carreon, citizen, commented.

NO ACTION was taken on this item.

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4. Presentation on the Safe Routes to School Action Plan Draft.

Mr. Joaquin Rodriguez, Capital Improvement Grant Funded Programs Director, and Ms. Anna Zendt, Bicycle and Pedestrian Program Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Acevedo and Canales commented.

NO ACTION was taken on this item.

5.

RESOLUTION

WHEREAS, The City of El Paso (“City”) is part of The El Paso Metropolitan Planning Organization (EPMPO); the metropolitan planning organization for El Paso County, Texas, southern Doña Ana County, New Mexico, and a portion of Otero County, New Mexico; and

WHEREAS, on January 20, 2023, the EPMPO Transportation Policy Board (the “TPB”) unanimously approved amending the RMS 2050 MTP and RMS 2023-2026 TIP which included various projects throughout the City of El Paso (“City MTP & TIP Projects”); and

WHEREAS, the City had previously not identified funds to meet the local funding contribution and match obligations (“City MPO Match”) associated with the RMS 2050 MTP and RMS 2023-2026 TIP required to implement the projects in the City; and

WHEREAS, the current shortfalls for FY24 and FY25 are estimated at (\$6,890,000.00) and \$11,181,092.60 respectively; and

WHEREAS, City anticipates having funds available from capital asset sales to pay for completion of the MPO match projects;

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

That the City Council hereby approves the allocation of funds from capital asset sales to fund the City MPO Match for the purpose of funding the completion of projects benefitting the City as identified in the RMS 2050 MTP and RMS 2023-2026 TIP; and

That said allocation from capital asset sales will be encumbered only in amounts realized by the City upon the closing of the various capital asset sales; and

That the City Manager be authorized to execute any and all documents required to effectuate the above-described City MTP & TIP Projects; and

That the City Manager or designee is authorized to establish the funding sources, once available through capital asset sales, and make any budget transfers necessary to provide City MPO Match required to pursue the City MTP & TIP Projects.

Mr. Joaquin Rodriguez, Capital Improvement Grant Funded Programs Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representatives Hernandez and Molinar commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manager
- Mr. Robert Cortinas, Chief Financial Officer

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

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

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EXECUTIVE SESSION

Motion made by Representative Salcido, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:09 a.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 items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

Representative Kennedy was not present to discuss Executive Session items as he participated virtually.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the Executive Session at 1:02 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

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EX1. Guadalupe Ramirez, et al v. City of El Paso and the State of Texas; 41st District Court; Cause No. 2007-2568; (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to enter into a settlement agreement in the case of *Guadalupe Ramirez, et al v. the City of El Paso*, Cause No. 2007-2568, in Matter No. 07-1005-001, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Molinar, Salcido, and Canales
NAYS: Representative Acevedo
NOT PRESENT FOR THE VOTE: Representative Hernandez
ABSENT: Representatives Fierro and Rivera

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EX2. Robert Bartley v. City of El Paso; 171st District Court; Cause No. 2020DCV1553; (551.071)

Ms. Kristen Hamilton-Karam, Deputy City Attorney, corrected spelling of *Bartley* into the record.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido and carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to enter into a settlement agreement in the case of *Robert Bartley v. City of El Paso*, Cause No. 2020DCV1553, in Matter No. 20-1006-1291, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

EX3. Edmundo Calderon v. City of El Paso, 2023DCV4372 (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried, that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to reimburse the City Attorney for legal expenses incurred by the City Attorney in the amount of \$405.00 in connection with *Edmundo Calderon v. City of El Paso*, Case No. 2023DCV4372, that Council consents to the selection of her counsel, and approves reimbursement in connection with the City's obligations under the City Attorney's employment agreement.

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

EX4. Petition for Review of Municipal Rate Action of City of El Paso's Show Cause Order Regarding Texas Gas Service Company, a Division of One Gas, Inc.'s Collection of Revenues for an Interim Rate Adjustment for Calendar Year 2021- OS-23-00014883; HQ #Utility-13 (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED** to file a motion for rehearing in the *Petition for Review of Municipal Rate Action of the City of El Paso's Show Cause Order Regarding Texas Gas Service Company's Collection of Revenues for an Interim Rate Adjustment for Calendar Year 2021*, with the Railroad Commission of Texas, docket number OS-23-00014883, and matter number UTILITY-13, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

EX5. Application of El Paso Electric Company for Approval of a Distribution Cost Recovery Factor; HQ #Utility-37 (551.071)

Representative Acevedo verbally disclosed a \$750 contribution received from El Paso Electric Political Action Committee.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried that the City Attorney, in consultation with the City Manager, be **AUTHORIZED** to file a motion for rehearing in the *Application of El Paso Electric Company for Approval of a Distribution Cost Recovery Factor*, with the Public Utility Commission of Texas,

under Docket No. 56425, in Matter Number UTILITY-37, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

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EX6. Discussion on economic development opportunities in Northeast El Paso, Texas. HQ #24-2438 (551.072) (551.087)

NO ACTION was taken on this item.

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EX7. Discussion on purchase, exchange, lease, or value of real property located in Northwest El Paso, Texas. HQ# 24-2106 (551.072)

NO ACTION was taken on this item.

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Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the meeting at 1:10 p.m.

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

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk